

STAFF REPORT
CITY OF COTTAGE GROVE; DCTA 1-24
VARIOUS AMENDMENTS TO TITLE 14 OF THE CGMC
DEVELOPMENT CODE TEXT AMENDMENT
March 20, 2024

PROPOSAL DESCRIPTION

Date application filed: February 14, 2024

Applicant: City of Cottage Grove
400 E. Main Street
Cottage Grove, OR 97424

Location: City-wide.

Comprehensive Plan Designation: N/A

Zoning: N/A

Proposal: The City of Cottage Grove has made this application for Development Code Text Amendment in an effort to address observed inconsistencies in the code, errors, and other amendments related to recent completed studies such as the Affordable Housing Implementation Plan. The following Chapters and Sections of Title 14 of the Cottage Grove Municipal Code are proposed to be amended by this application: Section 14.22.120, Section 14.23.110, Section 14.24.110, Chapter 14.32-Sections 200 and 400, and Chapter 14.41.

COMMENTS RECEIVED

None.

APPROVAL CRITERIA AND FINDINGS; DTCA 1-24

14.4.1.500.H Decision-Making Criteria. *The recommendation by the Planning Commission and the decision by the City Council shall be based on the following factors:*

- 1. Approval of the request is consistent with the Statewide Planning Goals;*

Staff response and findings of fact:

This request is consistent with the Statewide Planning Goals. As this application does not modify or change the substance or meaning of the adopted Development Code, the only Statewide Planning Goals that are directly impacted by this request is Goal 1, Citizen Involvement, and Goal 2, Land Use Planning.

This amendment is consistent with Goal 1. Adequate public notice of the proposed changes has been provided through the Type IV public notice process as specified in Section 14.41.500 of the Development Code. The Department of Land Conservation and Development was notified of the intended modification and did not express any concerns in writing about the changes. Public hearings have been held at the Planning Commission and City Council levels. The City process involves various forms of notification of the public in the immediate area, notification in local media, and notification of impacted governmental agencies and recognized neighborhood groups.

This request is consistent with Goal 2, as Goal 2 requires that local comprehensive plans and regulations be consistent with the Goals, be internally consistent, and that implementing ordinances be consistent with acknowledged comprehensive plans.

This request is intended to perform housekeeping on the text of Title 14 of the Cottage Grove Municipal Code. There are no substantive changes to the Code itself and new Code sections are references to Oregon Revised Statutes that have been adopted and already apply to land use within the City of Cottage Grove.

The other goals, 3-19 are not applicable.

This criterion is met.

2. *Approval of the request is consistent with the Comprehensive Plan; and*

Staff response and findings of fact:

This request is consistent with the Comprehensive Plan, as modifications to the Comp Plan and its adopted implementing documents are expected overtime as Code Amendments are adopted and unforeseen conflicts are created within the Code.

This criterion is met.

3. *The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.*

Staff response and findings of fact:

No modifications to public facilities, services or transportation networks are proposed or required at this time to facilitate this code amendment. Individual developments will have to address public facility provision and transportation network capacity as part of each application.

This criterion is met.

CONCLUSION

Ordinance amendment **approval** pursuant to Sections 14.4.1.500.H Decision-Making Criteria is supported by the findings of fact that establish compliance with the applicable state and local standards.

STAFF RECOMMENDATION

CONDITIONS OF APPROVAL

None.

MATERIALS TO BE PART OF THE RECORD

File DCTA 1-24

EXHIBITS

- A. DRAFT CODE AMENDMENTS

EXHIBIT A DRAFT

14.22.110 Residential Districts – Allowed Land Uses

Table 14.22.110 identifies the land uses that are allowed in the Residential Districts. The specific land use categories are described and uses are defined in Chapter 14.13 and 14.14.

Table 14.22.110 – Land Uses Allowed in Residential Districts (R, R-1, R-2, R-3, RC)

Key:

P = Permitted, subject to land use/site review

S = Permitted with standards (Section 14.22.200)

CU = Conditional Use permit required (Chapter 14.44)

MP = Master Plan required (Chapter 14.45)

N = Not permitted

USE Categories (Examples of uses are in Chapter 14.14; definitions are in Chapter 14.13)	Residential Restricted (R)	Low Density Residential (R- 1)	Medium Density Residential (R- 2)	Mobile Home Park (MHP)	High Density Residential (R- 3)	Residential Commercial (RC)
Residential Categories						
Household Living						
Single Family (not attached)	P	P	P	N	N	P
Accessory Dwelling, per Section 14.22.200	S	S	S	N	N	S
Duplex (2 dwellings sharing a common wall on one lot)	P	P	P	N	N	P
Townhouse (dwelling on individual lot sharing at least one wall)	P	P	P	N	P	P
Cottage Cluster (4 or more detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard) per Section 14.22.200(C), Special Use Standards	S	S	S	N	CU	S
Manufactured Home, per Section 14.22.200	S	S	S	S	N	S
Zero Lot Line Housing (not common wall), per Section 14.22.200	P	P	P	N	N	P
Multifamily (3 or more dwellings on lot, including triplex and quadplex), except as provided for Cottage Clusters, per Section 14.22.200(J), Special Use Standards	N	N	S	S	S	S
Group Living						
Group Home, per Section 14.22.200	S	S	S	N	S	S

USE Categories (Examples of uses are in Chapter 14.14; definitions are in Chapter 14.13)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
Group Facility, per Section 14.22.200	N	N	S	N	S	S
Congregate Care Facility	N	N	N	N	CU	CU
Assisted Living Facility, Nursing Home (licensed by state)	CU	CU	CU	N	CU	CU
Commercial Categories						
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATMs, similar uses/facilities), per Section 14.23.180	N	N	N	N	N	N
Bed and Breakfast Inn	S	S	S	N	S	S
Educational Services, not a school (e.g., tutoring or similar services), gross floor area limited to 2,000 square feet per use	CU	CU	CU	N	CU	P
Entertainment, Major Event	N	N	N	N	N	N
Home Occupation	S	S	S	S	S	S
Cottage Industry, per Section 14.22.200 and 14.49.200	CU+S	CU+S	CU+S	CU+S	CU+S	CU+S
Office, floor area limited to 2,000 square feet per use	CU	CU	CU	CU	P	P
Office, floor area over 2,000 sq. ft. per use	N	N	N	N	N	CU
Outdoor Recreation, Commercial	N	N	N	N	N	N
Quick Vehicle Servicing or Vehicle Repair	N	N	N	N	N	N
General Commercial Retail Sales and Service, gross floor area limited to 2,000 square feet per use	CU	CU	CU	CU	P	P
Downtown Retail Sales and Service	N	N	CU	N	P	P
Tourist Commercial Retail Sales and Service	N	N	N	N	N	N
Industrial Categories						
Light or Medium/Heavy Industrial Service, enclosed in primary building	N	N	N	N	N	CU
Light or Medium/Heavy Industrial Service, not enclosed	N	N	N	N	N	N
Manufacturing and production, enclosed in primary building	N	N	N	N	N	CU
Self-Service Storage	N	N	N	N	N	N

USE Categories (Examples of uses are in Chapter 14.14; definitions are in Chapter 14.13)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
Warehouse and Freight Movement	N	N	N	N	N	N
Waste-Related	N	N	N	N	N	N
Wholesale Sales	N	N	N	N	N	N
Institutional Categories						
Basic Utilities	P	P	P	P	P	P
Colleges	CU	CU	CU	N	CU	CU
Community Service, no drive-up uses	CU	CU	CU	N	CU	P
Family Child Care (12 or fewer children) under ORS 657A.250	P	P	P	P	P	P
Child Care	CU+S	CU+S	CU+S	CU+S	S	S
Parks and Open Space	CU	CU	CU	CU	CU	CU
Parks and Open Space, when designated on an adopted Specific Area Plan, or when part of a subdivision application (Chapter 14.43) or Master Planned Development application (Chapter 14.45)	P	P	P	P	P	P
Religious Institutions and Houses of Worship	CU	CU	CU	CU	CU	CU
Schools	CU	CU	CU	CU	CU	CU
Other Categories						
Accessory Structures (with a permitted use) -- No taller than 10 ft. and no larger than 400 square feet of building footprint	P	P	P	P	P	P
-- Taller than 10 ft. or between 400 – 800 square feet of building footprint, per Section 14.22.190, Architectural Design Standards, and Section 14.22.200(B), Special Use Standards, Accessory Dwelling Units	P	P	P	P	P	P
-- Taller than 16 ft. or larger than 800 square feet of building footprint, per Section 14.22.190,	CU	CU	CU	CU	CU	CU

USE Categories (Examples of uses are in Chapter 14.14; definitions are in Chapter 14.13)	Residential Restricted (R)	Low Density Residential (R-1)	Medium Density Residential (R-2)	Mobile Home Park (MHP)	High Density Residential (R-3)	Residential Commercial (RC)
Architectural Design Standards (excluding Accessory Dwelling Units)						
Household Animals, such as cats, dogs, pot-bellied pigs, limited to 3 per species, no more than 6 in total (Exempt: aquarium, terrarium or similar animals)	P	P	P	P	P	P
Urban Livestock Animals, per Special Use Standards (Section 14.22.200(L))	S	S	S	N	S	S
Medical Center	N	N	N	N	N	CU
Nurseries and similar commercial horticulture (indoor or outdoor)	N	N	N	N	N	CU
Wireless Telecommunication Facilities	N	N	N	N	N	N
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	CU	CU	CU	CU	CU	CU
Temporary Uses						
-- Temporary Residential Trailers	S	S	S	S	S	S
-- Temporary Fireworks Sales	N	N	N	N	N	CU
-- Christmas Tree Lots	N	N	N	N	N	CU
-- Similar uses	N	N	N	N	N	CU
-- Temporary Food Vendors (not enclosed in building)	N	N	N	N	P	P
Transportation Facilities (operation, maintenance, preservation and construction)	P	P	P	P	P	P
Community Garden	CU	CU	CU	CU	CU	CU

(Ord. 3143 §5, 2021; Ord. 3120 §5, 2020; Ord. 3087 §4(B), 2017; Ord. 2959 §5(Exh. A (part)), 2007. Formerly 2.2.110)

14.22.120 Residential Districts – Development Standards

The development standards in Table 14.22.120 apply to all uses, structures, buildings, and development, and major remodels, in the Residential Districts. Note: MHP standards are specified in Section 14.22.200.I.

Table 14.22.120 – Development Standards for Residential Districts (R, R-1, R-2, R-3, RC)
 (except as modified by 14.22.140 – Residential Infill Standards)

Standard	R	R-1	R-2	R-3	RC
Density (DU/acre) – Minimum	3.0 min	4.0 min	8.0 min	14.0 min	8.0 min
<i>Minimum Lot Area* (square feet)</i>					
Single Family, not attached, or Duplex, Multifamily, Cottage Cluster, Nonresidential Uses	8,000 sf	4,500 sf	4,000 sf	4,000 sf	4,000 sf
Townhouse	4,000 sf	2,250 sf	2,000 sf	1,400 sf	2,000 sf
*Lot size may be reduced through lot size averaging. See related land division procedures in Section 14.43.115. Minimum lot sizes do not apply to open space tracts.	(not including panhandle and fire department turnaround, if required)	(not including panhandle and fire department turnaround, if required)	(not including panhandle and fire department turnaround, if required)	(not including panhandle and fire department turnaround, if required)	(not including panhandle and fire department turnaround, if required)
<i>Minimum Lot Width</i>					
Single Family, not attached	60 ft	45 ft	40 ft	N/A	40 ft
Townhouse	30 ft	20 ft	20 ft	18 ft	18 ft
Multiple-Family, Middle Housing or Cottage Cluster	60 ft	45 ft	40 ft	40 ft	40 ft
Nonresidential Uses	60 ft	40 ft	40 ft	40 ft	40 ft
<i>For flag lots, width is measured at the front building line.</i>					
<i>Minimum Lot Depth</i>					
*Lot area must conform to the standards above. Lot dimensions may be reduced for Flag Lots, Section 14.43.115.	80 ft	70 ft	70 ft	N/A	70 ft
<i>Maximum Building/Structure Height</i>					
(See also Sections 14.22.130, setback yards; 14.22.140, infill standards; 14.22.170, R/R-1 height step-down; 14.31.200, clear vision; and 14.32.500, Fences and Walls.)					
Building Height Transition					
Required Adjacent to R and R-1 District, per Section 14.22.170	No	No	Yes	Yes	Yes
Fences, Retaining/Garden Walls					
Max. Height. – Front Yard	4-ft 5 ft	4-ft 5 ft	4-ft 5 ft	4-ft 5 ft	4-ft 5 ft
Max. Height. – Interior Side (beginning adjacent to front façade)	7 ft	7 ft	7 ft	7 ft	7 ft
Max. Height – Rear Yard	7 ft	7 ft	7 ft	7 ft	7 ft
Max. Height – Street Side (corner) or Reverse (dual) Frontage Lot (rear)	4-ft, 5 ft or 7 ft with 5 ft setback	4-ft, 5 ft or 7 ft with 5 ft setback	4-ft, 5 ft or 7 ft with 5 ft setback	4-ft, 5 ft or 7 ft with 5 ft setback	4-ft, 5 ft or 7 ft with 5 ft setback
<i>Height Bonus</i>	N/A	N/A	Add'l 10 ft if recreation increased to 15% of site	Add'l 10 ft if recreation increased to 15% of site	Add'l 10 ft if recreation increased to 15% of site
<i>Max. Building Coverage</i>	50%	50%	60%	N/A	60%

Standard	R	R-1	R-2	R-3	RC
<i>Min. Landscape Area (% site area), except does not apply to Single Family Dwellings. Landscape area may include plant areas and some non-plant areas as allowed under Section 14.32.300(D).</i>	10%	10%	10%	10%	10%
<p>Minimum Setbacks (feet): (See also Sections 14.22.130, setback yards; 14.22.140, infill standards; 14.22.170, R/R-1 height step-down; 14.31.200, clear vision, and 14.32.500, Fences and Walls.)</p> <p>Front/Street Setback</p> <p>Structure except garage/carport entries</p> <p>Garage/Carport Entry (measured from property line or rear of sidewalk, whichever is closer)</p> <p>Open Structures (e.g., porch, balcony, portico, patio, wall) where structure is less than 50% enclosed on side elevations</p> <p><i>Note:</i> Always avoid utility easements when building near property lines.</p>	10 ft	10 ft	5 ft	5 ft	5 ft
	20 ft	20 ft	20 ft	N/A	20 ft
	5 ft	5 ft	5 ft	5 ft	5 ft
<p>Side Setback, except alleys (total of 2 sides)</p> <p>Structure >28' height</p> <p>Structure 16' – 28' height</p> <p>Structure </=16' height</p> <p>Garage/Carport Entry, except alley</p>	15 ft total	10 ft total	10 ft total	10 ft total	10 ft total
	15 ft total	10 ft total	10 ft total	10 ft total	10 ft total
	15 ft total	10 ft total	10 ft total	10 ft total	10 ft total
	(3' min on each side)	(3' min on each side)	(3' min on each side)	(3' min on each side)	(3' min on each side)
	20 ft (rear of sidewalk)	20 ft (rear of sidewalk)	20 ft (rear of sidewalk)	20 ft (rear of sidewalk)	20 ft (rear of sidewalk)
<p><i>Exceptions:</i></p> <p>Alley</p> <p>Common Walls/Zero Lot Line</p> <p><i>Note:</i> Building/Fire Codes require additional protection for structures less than 5 ft from property line.</p> <p>Rear Setbacks, except alley</p> <p>Structure / Accessory Dwelling Unit >28' height</p> <p>Structure / Accessory Dwelling Unit 16' – 28' height</p> <p>Structure / Accessory Dwelling Unit </=16' height</p> <p>Accessory Structure </=16' height</p> <p>Garage or Carport Entry</p> <p>Common Walls/Zero Lot Line</p>	5 ft min	5 ft min	5 ft min	5 ft min	5 ft min
	0 ft	0 ft	0 ft	0 ft	0 ft
	15 ft	10 ft	10 ft	10 ft	10 ft
	10 ft	10 ft	10 ft	10 ft	10 ft
	10 ft	5 ft	5 ft	5 ft	5 ft
	5 ft	5 ft	5 ft	5 ft	5 ft
	20 ft	20 ft	20 ft	20 ft	20 ft
	0 ft	0 ft	0 ft	0 ft	0 ft
Alley Setbacks					

Standard	R	R-1	R-2	R-3	RC
All Structures	2 ft	2 ft	2 ft	2 ft	2 ft
Garage or Carport Entry (no conversion allowed)	5 ft	5 ft	5 ft	5 ft	5 ft
<i>Note:</i> Always avoid utility easements when building near property lines.					
<i>Vision Clearance (per Section 14.31.200(N))</i>					
Corner Lots (intersection of two streets)	20 ft	20 ft	20 ft	20 ft	20 ft
Alley-Street intersection	15 ft	15 ft	15 ft	15 ft	15 ft
Alley-Sidewalk intersection	10 ft	10 ft	10 ft	10 ft	10 ft
<i>Build-To Line (feet):</i> <i>New Buildings Only:</i> At least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a planned street improvement, then the build-to line increases proportionately. The build-to line may also be increased through site design review when pedestrian amenities are provided between a primary building entrance and the street right-of-way. (See also Section 14.22.180.)	N/A	N/A	N/A	10 ft, may be increased when pedestrian amenities are provided between a primary building entrance and street	10 ft, may be increased when pedestrian amenities are provided between a primary building entrance and street

(Ord. 3120 §6, 2020; Ord. 2959 §5(Exh. A (part)), 2007. Formerly 2.2.120)

14.23.110 Commercial Districts – Allowed Land Uses

Table 14.23.110 identifies the land uses that are allowed in the Commercial Districts. The specific land use categories are described and uses are defined in Chapter 14.13 and 14.14.

TABLE 14.23.110 -- Commercial District Land Uses

Key:

P = Permitted, subject to land use/site review

S = Permitted with standards (Section 14.23.180)

CU = Conditional Use permit required (Chapter 14.44)

MP = Master Plan required (Chapter 14.45)

N = Not permitted

USE Categories (Examples of uses are in Chapter 14.14; definitions are in Chapter 14.13)	Central Business (C-2)	Community Commercial (C-2P)	Commercial Tourist (CT)	Commercial Tourist Limited (CT/L)
Residential Categories				
Household Living				
All Residential Uses (Household Living and Group Living) allowed, if: -- Lawfully existing as of January 1, 2008, or	P	P	P	N

USE Categories (Examples of uses are in Chapter 14.14; definitions are in Chapter 14.13)	Central Business (C-2)	Community Commercial (C-2P)	Commercial Tourist (CT)	Commercial Tourist Limited (CT/L)
-- New dwelling(s) built in conjunction with a permitted commercial use (residential use is allowed above ground floor commercial or behind front 25' of commercial facade) in the Cottage Grove Downtown National Register Historic District overlay district	P	P	P	N
-- Multiple-family residential (outside of Cottage Grove National Register Historic District overlay district)	P	N	N	N
-- Through approved Master Plan	MP	MP	MP	MP
Group Living Uses shall conform to the provisions in Section 14.22.200.				
Commercial Categories				
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities), per 14.23.180	N	CU+S	CU+S	N
Bed and Breakfast Inn	CU+S	S	N	N
Educational Services, not a school (e.g., tutoring or similar services)	P	P	P	N
Entertainment, Major Event	CU	CU	CU	N
Office	P	P	P	N
Outdoor Recreation, Commercial	N	CU	P	P
Parking Lot (when not an accessory use)	N	CU	CU	N
Quick Vehicle Servicing or Vehicle Repair. (See Drive-Up/Drive-In/Drive-Through Uses, Section 14.23.180.)	N	CU+S	CU+S	N
Downtown Retail Sales and Service				
-- Fully enclosed, limited to 20,000 square feet	P	N	N	N
-- Fully enclosed, equal to or greater than 20,000 square feet	CU	N	N	N
-- Not enclosed	N	N	N	N
General Commercial Retail Sales and Service (See also Drive-Up Uses)				
-- Fully enclosed, limited to 20,000 square feet	N	P	N	N
-- Fully enclosed, limited to 110,000 square feet	N	CU	N	N
-- Not enclosed	N	CU	N	N
Tourist Commercial Retail Sales and Service (See also Drive-Up Uses)				
-- Fully enclosed, limited to 20,000 square feet	N	N	P	N
-- Fully enclosed, limited to 110,000 square feet	N	N	P	N
-- Not enclosed	N	N	CU	N

USE Categories (Examples of uses are in Chapter 14.14; definitions are in Chapter 14.13)	Central Business (C-2)	Community Commercial (C-2P)	Commercial Tourist (CT)	Commercial Tourist Limited (CT/L)
Industrial Categories				
Light Industrial Service				
-- Fully enclosed (e.g., office)	CU	P	CU	N
-- Not enclosed	N	CU	N	N
Medium/Heavy Industrial Service	N	N	N	N
Light Manufacturing and Production				
-- Fully enclosed (e.g. office)	N	CU	N	N
-- Not enclosed	N	N	N	N
Medium/Heavy Manufacturing and Production	N	N	N	N
Self-Service Storage	N	CU+S	N	N
Warehouse and Freight Movement	N	N	N	N
Waste-Related	N	N	N	N
Wholesale Sales				
-- Fully enclosed, less than 20,000 square feet of floor area	N	P	P	N
-- Fully enclosed, limited to 110,000 square feet of floor area	N	CU	CU	N
-- Not enclosed	N	CU	CU	N
Institutional Categories				
Basic Utilities	P	P	P	P
Colleges	CU	CU	CU	N
Community Service				
-- No drive-up uses	P	P	P	N
-- With drive-up uses	N	P	P	N
Family Daycare (12 or fewer children) under ORS 657A.250	P	P	CU	P
Daycare, adult or child (exceeding 12)	N	P	N	P
Pedestrian Amenities	P	P	P	P
Parks and Open Space	CU	CU	CU	CU
Parks and Open Space, when designated on an adopted Specific Area Plan, or when part of a Master Plan	P	P	P	P
Religious Institutions and Houses of Worship	CU	CU	CU	CU
Schools	CU	CU	N	N
Other Categories				

USE Categories (Examples of uses are in Chapter 14.14; definitions are in Chapter 14.13)	Central Business (C-2)	Community Commercial (C-2P)	Commercial Tourist (CT)	Commercial Tourist Limited (CT/L)
Accessory Structures (with a permitted use)	P	P	P	P
Small Animals, limited to 3 cats and/or dogs, pot-bellied pigs, rabbits, chickens or similar size animal (excluding roosters and swine)	P	P	P	P
Nurseries and similar commercial horticulture (indoor or outdoor)	N	P	CU	N
Buildings and Structures exceeding the Height Limits in Table 14.23.120	CU	CU	CU	CU
Wireless Telecommunication Facilities	N	CU+S	N	N
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code	N	CU	CU	CU
Temporary Uses, per standards in Section 14.49.100				
-- Temporary Residential Trailers	N	CU	CU	CU
-- Temporary Fireworks Sales/Christmas Tree Lots or similar uses	N	P	P	P
-- Temporary Food Carts (not enclosed in building)	P	P	P	P
-- Temporary Sales Office or Model Home	N	P	P	P
-- Special Events	P	P	P	P
Intensification or Change of Use in Willamette River Greenway	CU	CU	CU	CU
Community Garden	CU	CU	CU	N

(Ord. 3143 §6, 2021; Ord. 3120 §11, 2020; Ord. 2959 §5(Exh. A (part)), 2007. Formerly 2.3.110)

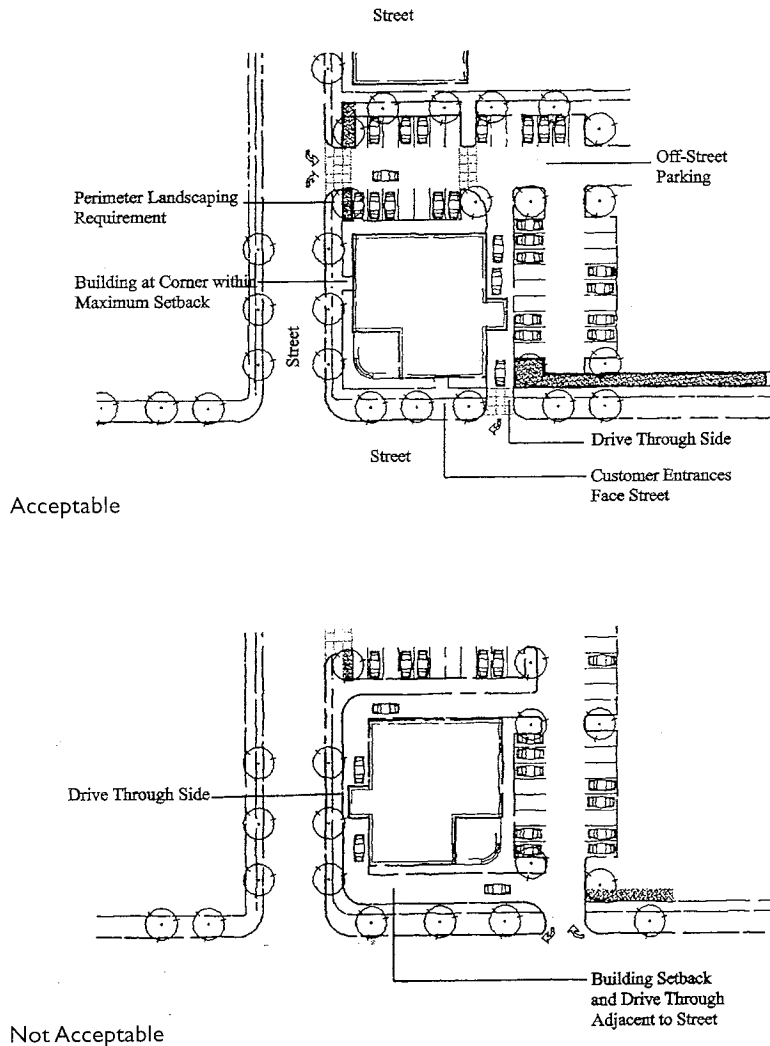
14.23.180 Commercial Districts – Special Use Standards

This section supplements the standards contained in Sections 14.23.110 through 14.23.170. It provides standards for the following land uses to control the scale and compatibility of those uses:

- Drive-Up and Drive-Through Uses and Facilities
- Vehicle Repair
- Wireless Telecommunication Uses and Facilities
- Self-Service Storage

A. Drive-Up/Drive-In/Drive-Through Uses and Facilities. When drive-up or drive-through uses and facilities are allowed, no driveways or queuing areas shall be located between the building and a street. See Figure 14.23.180.A(1). Walk-up only teller machines and kiosks may be oriented to a street or placed adjacent to a street corner.

Figure 14.23.180.A(1) – Drive-Up and Drive-Through Facilities



B. Vehicle Repair. When vehicle repair uses and facilities are allowed, they shall conform to all of the following standards, which are intended to mitigate the appearance of the use from the street:

1. Drive-up/in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way;
2. Exterior storage of vehicles shall be located behind the facility or shall be screened from view so as to not be visible from the public right-of-way;
3. Exterior storage of parts and materials shall be screened from view or located so as to not be visible from any public right-of-way; and
4. Storage of combustibles shall meet fire code requirements.

C. Wireless Telecommunication Uses and Facilities. When wireless telecommunication uses and facilities are allowed, they shall conform to all of the following standards, which are intended to encourage the collocation of wireless telecommunication facilities; encourage the use of existing buildings, light or utility poles or water towers as opposed to construction of new telecommunication towers; and ensure that all wireless telecommunication

facilities, including towers, antennas, and ancillary facilities, are located and designed to minimize the visual impact on the immediate surroundings and throughout the community, and minimize public inconvenience and disruption.

1. FCC Approval. Any telecommunication facility shall first receive FCC approval, as specified in FCC Rules 1.1301 through 1.1319, as a condition of city approval prior to construction.
2. Separation Between Transmission Towers. No transmission tower may be constructed within 2,000 feet of any preexisting transmission tower. Tower separation shall be measured by following a straight line from the portion of the base of the proposed tower that is closest to the base of any preexisting tower. For purposes of this subsection, a tower shall include any transmission tower for which the city has issued a development permit, or for which an application has been filed and not denied.
3. Height Limitation. The maximum height of a transmission tower, including antennas, in the C2-P, M-1, or M-2 M zone is 100 feet. For freestanding structures, height shall be measured from the average grade adjacent to the structure to the highest point of the support structure or any attachment thereto. Average grade shall exclude fill and/or grading for the structure itself.
4. Collocation. New transmission towers shall be designed to accommodate collocation of additional providers.
 - a. New transmission towers of a height of 80 feet or more shall be designed to accommodate collocation of a minimum of two additional providers either outright or through future modification to the tower.
 - b. New transmission towers of a height of at least 60 feet and no more than 80 feet shall be designed to accommodate collocation of a minimum of one additional provider either outright or through future modification of the tower.
5. Setback. The following setbacks from adjacent property lines and adjacent streets:
 - a. The transmission tower shall be set back from adjacent property lines a minimum number of 20 feet.
 - b. The transmission tower shall be set back from adjacent public rights-of-way with a minor arterial designation a minimum number of feet that is equal to a ratio of 2:1 (the height of the tower to setback).
 - c. Ancillary facilities, including the buildings, cabinets, vaults, closures and equipment required for operation of WTF, shall be setback as determined by the underlying zone.
6. Buffering. In all zones, existing vegetation shall be preserved to the maximum extent possible. Landscaping shall be placed completely around the transmission tower and ancillary facilities located at ground level except as required to access the facility. Such landscaping shall consist of evergreen vegetation with a minimum planted height of six feet placed densely so as to form a screen outside of any protective fencing and any related equipment. Landscaping shall be compatible with other nearby landscaping and shall be kept healthy and well maintained.
7. Noise Reduction. In C2-P and in all other zones when the adjacent property is zoned for residential use or occupied by a dwelling, hospital, school, library, assisted living facility or nursing home, noise generating equipment shall be sound-buffered by means of baffling, barriers, or other suitable means to reduce sound level measured at the property line to 45 dBA.
8. Lighting. No lighting shall be permitted on transmission towers except that required by the Federal Aviation Administration. Support facilities and equipment may be illuminated so long as the light pattern remains within the site boundaries and the light is shielded from view from adjacent public rights-of-way, residential uses and residential zoning districts.
9. Visual Impacts. A WTF shall be located and installed in such a manner as to minimize the visual impact on the skyline and surrounding area. Site location and development shall preserve the existing character of the surrounding buildings, land use and the zoning district to the greatest extent possible, while maintaining the

function of the communication equipment. To the greatest extent practicable, the application shall demonstrate that the following items have been incorporated in the proposal:

- a. On-site vegetation preserved and disturbance to the existing topography is minimized;
- b. The WTF is sited in a location which has the least impact on residential uses and districts and public rights-of-way;
- c. The WTF is incorporated as a building element or architectural feature as part of an existing building;
- d. Equipment facilities are located within a building or placed underground; and
- e. The telecommunication facility incorporates stealth technology or is a neutral color such as white, gray, blue, black or green or similar to adjacent building color.

10. Display. No signs, striping, graphics or other attention getting devices are permitted on the transmission tower or ancillary facilities except for warning and safety signage with a surface area of no more than three square feet. Such signage shall be affixed to a fence or ancillary facility and the number of signs is limited to no more than two.

11. Removal of Facilities. Not less than 30 days prior to the date that a WTF operator plans to abandon or discontinue operation of a facility, the provider must notify the city by certified U.S. mail of the proposed date of abandonment or discontinuation of operation. In the event that a licensed carrier fails to give notice, the facility shall be considered abandoned upon the city's discovery of discontinuance of operation. Upon such abandonment, the provider shall have 60 days or additional period of time determined in the reasonable discretion of the director within which to:

- a. Reactivate the use of the facility or transfer the facility to another provider who makes actual use of the facility.
- b. In the event that abandonment as defined in this chapter occurs due to the relocation of an antenna at a lower point on the support structure, reduction in the effective radiated power of the antenna or reduction in the number of transmissions from the antennas, the operator of the support structure shall have six months from the date of effective abandonment to co-locate another service on the support structure. If another service provider is not added to the support structure, then the operator shall promptly dismantle and remove that portion of the support structure that exceeds the minimum height required to function satisfactorily. Notwithstanding the foregoing, changes which are made to WTFs that do not diminish their essential role in providing a total system shall not constitute abandonment.
- c. Dismantle and remove facility. If the support structure, antenna array, foundation and facility are not removed within the 60-day period or additional period of time allowed by the city, then the city may remove such support structure, antenna, foundation and related facility at the operator's expense. If there are two or more operators collocating on a facility, except as provided for in subsection (C)(11)(b) of this section, this provision shall not become effective until all operators cease using the facility.
- d. At the earlier of 60 days from the date of abandonment without reactivating, or upon completion of dismantling and removal, city approval for the facility shall automatically expire.
- e. To insure removal of the WTF, the applicant shall, as a condition of approval of the conditional use permit, provide a performance bond payable to the city of Cottage Grove and acceptable to the community development director to cover the cost of removal of the WTF and restoration of the site at the time the facility is removed.
- f. The property owner shall bear the ultimate responsibility for removal of the WTF and shall sign a document that is recorded in the deed history of the subject property with Lane County deeds and records recognizing such responsibility.

D. Self-Service Storage. When self-service storage uses and facilities are allowed in commercial districts, they shall conform to all of the following standards, which are intended to minimize the footprint of the use and mitigate the appearance of the use from the street:

1. Self-service storage facilities shall comply with commercial architectural design standards in Section 14.23.170;
2. Self-service storage facilities should be located within buildings that existed as of the date of adoption of the ordinance codified in this section;
3. New buildings shall include multi-story components;
4. Parking areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way; and
5. Vehicles, boats, RVs, and other stored items shall be located inside or behind the facility and shall be screened from view so as to not be visible from any public right-of-way. (Ord. 3143 §7, 2021; Ord. 2959 §5(Exh. A (part)), 2007. Formerly 2.3.180)

14.24.110 Land Uses Allowed in the Industrial Districts

Table 14.24.110 identifies the land uses that are allowed in the Industrial Districts. The specific land use categories are described and uses are defined in Chapter 14.13 and 14.14.

TABLE 14.24.110 Land Use in Industrial Districts (M, BP)

Key:

P = Permitted, subject to land use/site review

CU = Conditional Use permit required (Chapter 14.44)

MP = Master Plan required (Chapter 14.45)

N = Not permitted

USE Categories (Examples of uses are in Chapter 14.14; definitions are in Chapter 14.13)	Industrial (M)	Business Park (BP)
Residential Categories		
Household Living		
All Residential Uses	N	N
Commercial Categories		
Drive-up/Drive-in/Drive-through (drive-up windows, kiosks, ATM's, similar uses/facilities), per Section 14.23.190	N	N
Bed and Breakfast Inn	N	N
Educational Services, not a school (e.g., tutoring or similar services)	N	MP
Entertainment, Major Event	N	N
Office - Primary use	N	MP

USE Categories (Examples of uses are in Chapter 14.14; definitions are in Chapter 14.13)	Industrial (M)	Business Park (BP)
- Accessory Use	P	P
Outdoor recreation, Commercial	N	N
Parking Lot (when not an accessory use)	CU	N
Quick Vehicle Servicing. (See also Drive-Up/Drive-In/Drive-Through Uses, per Section 14.23.190)	N	N
Vehicle Repair	CU	N
Retail Sales and Service		
- Accessory to primary use	CU	N
Industrial Categories		
Light Industrial Service	P	MP
Medium/Heavy Industrial Service	N	N
Light Manufacturing and Production		
- Fully enclosed (e.g., office)	P	MP
- Not enclosed	CU	N
Medium/Heavy Manufacturing and Production	CU	N
Warehouse and Freight Movement	CU	N
Self-Service Storage	P	N
Waste-Related	CU	N
Wholesale Sales	P	MP
Business Park Retail Commercial	N	MP
Business Park Service Commercial	N	MP
Institutional Categories		
Basic Utilities	P	MP
Colleges	N	N
Community Service	CU	MP
Family Daycare (12 or fewer children) under ORS 657A.250	P	N
Daycare, adult or child (exceeding 12)	N	MP
Pedestrian Amenities	P	P
Parks and Open Space	N	N
Parks and Open Space, when designated on an adopted Specific Area Plan, or when part of a Master Plan	P	P
Religious Institutions and Houses of Worship	N	N
Schools	N	N

USE Categories (Examples of uses are in Chapter 14.14; definitions are in Chapter 14.13)	Industrial (M)	Business Park (BP)
Kennels	CU	N
Other Categories		
Accessory Structures (with a permitted use)	P	MP
Small Animals, limited to 3 cats and/or dogs, pot-bellied pigs, rabbits, chickens or similar size animal (excluding roosters and swine)	P	N
Nurseries and similar commercial horticulture (indoor or outdoor)	CU	N
Buildings and Structures exceeding Height Limits in Table 14.23.120	CU	MP
Wireless Telecommunication Facilities, per standards in Section 14.23.180	CU + S	MP
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	CU	MP
Temporary Uses, per standards in Section 14.49.100		
- Temporary Job Trailers	P	P
- Temporary Food Carts	P	P
Transportation Facilities (operation, maintenance, preservation and construction)	P	P

(Ord. 3143 §8, 2021; Ord. 2959 §5(Exh. A (part)), 2007. Formerly 2.4.110)

14.32.400 Street Trees

Street trees shall be planted for all developments that are subject to Subdivision, Master Plan or Site Design Review. Requirements for street tree planting strips are provided in Section 14.34.100, Transportation Standards. Planting of street trees shall generally follow construction of curbs and sidewalks; however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines and any applicable road authority requirements:

A. Growth Characteristics. Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection by developers and approval by the City:

1. Provide a broad canopy where shade is desired and over pedestrian walkways or parking areas, except where limited by available space or except in section 4.
2. Use low-growing trees for spaces under low utility wires.
3. Select trees that can be “limbed-up” to comply with vision clearance requirements.
4. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
5. Use species with similar growth characteristics on the same block for design continuity.
6. Avoid using trees that are susceptible to insect damage and trees that produce excessive seeds or fruit.

7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, temperature tolerance, and exhaust. Drought-resistant trees should be chosen where they suit the specific soil type.
8. Select trees for their seasonal color if desired.
9. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.
10. The diameter of the tree trunk at maturity shall not exceed the width and size of the planter strip or tree well.

B. Caliper Size. The minimum diameter or caliper size at planting, as measured 4 feet above grade, shall be 2 inches.

C. Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Selected street tree species should be low maintenance and not interfere with public safety. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements. If preexisting utility easements prohibit street trees within the sidewalk, required trees may be located in the front yard setback or within other required landscape areas as approved by the approval body.

D. Soil Preparation, Planting and Care. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for three years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three years after planting, after which the adjacent property owners shall maintain the trees.

E. Street Tree List. See the following list for appropriate street trees. The developer may plant a tree species not included on this list when approved by the Community Development Director.

Table 14.32.400(F) TREES APPROVED FOR STREET TREE PLANTING

****THE SPACING OF STREET TREES WILL BE ON AVERAGE 30 FEET ON CENTER, EXCEPT IN SPECIAL PLANTING DESIGNATED OR APPROVED BY A LANDSCAPE ARCHITECT.**

Class I Ultimate height to thirty feet; for use where planter strip is less than four feet, or where there are overhead wires.

List of Acceptable Trees for Class I

Flowering Ash	Glorybower	Shadbush
Bitter Cherry	Goldenrain tree	Shantung Maple
Chitalpa	Lavelle Hawthorne	Silver Bell
Flowering Dogwood	Japanese Lilac	Tartarian Maple
Eastern Redbud	Amur Maple	Trident Maple
Franklin	Paperbark Maple	

Class II Ultimate height thirty-one to fifty feet, for use where planter strip is four to eight feet.

List of Acceptable trees for Class II

Claret Ash	Chinese Scholar Crimson	Hedge Maple
European Ash	Chinese Elm	Red Maple
Green Ash	American Hornbeam	Schwedleri Norway Maple
Modesto Ash	King Norway Maple	Forest Green Hungarian Oak
Oregon Ash	Columnar Norway Maple	Westminister Globe Oak
Tupelo		

Class III Ultimate height fifty-one feet and above, for use where planter strip is greater than six feet.

List of Acceptable Trees for Class III

White Alder	Douglas Fir	Northern Red Oak
Blue Ash	Gingko (Male Only)	Pin Oak
White Ash	Western Hemlock	Red Oak
White Birch	Japanese Zelkova	Scarlet Oak
American Birch	Katsura	Shumard Oak
Columnar European Beech	Kentucky Coffee Tree	Swamp White Oak
European Beech	London Plane	White Oak
Bald Cypress	Norway Maple	Willow Oak
Atlas Cedar	Sugar Maple	Oregon Myrtle
Deodar Cedar	Sycamore Maple	Pecan
Western Red Cedar	Burr Oak	
Common Hackberry	English Oak	

Trees Recommended for Riparian Soils**

Red Alder	American Elm	Oregon Oak Red Oak
Green Ash	Little Leaf Linden	White Oak
Oregon Ash	Big Leaf Maple	Sweetgum
White Ash	Red Maple	Tupelo
Western Catalpa	Silver Maple	Gingko (Male Only)
Bald Cypress	Sugar Maple	Hawthorne
Box Elder	Sycamore Maple	Western Hemlock

*Riparian soils are soils that are considered "flooded" or "wet land" sites.

**Above trees are tolerant of riparian soils, but can be used in other soil conditions as well.

Trees Recommended for right-of-way use

**RIGHT-OF-WAY TREES ARE MAXIMUM 35 FEET IN CANOPY SPREAD DUE TO POSSIBLE UNDERGROUND UTILITIES, RIGHT-OF-WAY TREES ARE SUBJECT TO REVIEW BY COMMUNITY DEVELOPMENT DEPARTMENT; SEE RECOMMENDATIONS FOR PLANTING*

Class I	Class II	Class III
Flowering Ash	Claret Ash	White Alder
Bitter Cherry	European Ash	White 'paper' Birch
Chitalpa	Oregon Ash	Common Hackberry
Flowering Dogwood	Columnar Norway Maple	Male Gingko
Eastern Redbud	Hedge Maple	Sugar Maple
Franklin	Tupelo	
Glorybower	Forest Green Hungarian Oak	
Goldenrain tree		
Lavelle Hawthorne		
Amur Maple		
Paperbark Maple		
Shantung Maple		
Tartarian Maple		
Trident Maple		
Shadbush		
Silver Bell		
Japanese Lilac		

(Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.2.400)

14.32.500 Fences and Walls

Construction of fences and walls shall conform to all of the following requirements:

A. General Requirements. All fences and walls shall comply with the height limitations of the respective zoning district (Division 2) and the standards of this section. The city may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a conditional use permit, or site design review approval. If a fence is approved for greater than seven feet in height, a building permit is also required. Any wall over four-feet in height (measured from the bottom of the footing to the top of the wall) shall require a building permit and appropriate design from a licensed engineer. Fences must be located on private property. Fences and walls proposed on public right-of-way or public easements shall be subject to land use review approval.

B. Dimensions.

1. Except as provided under subsections (B)(2) and (3) of this section, the height of fences and walls within a front yard setback shall not exceed ~~four~~ **five** feet as measured from the grade closest to the street right-of-way.
2. A retaining wall exceeding four feet in height within a front yard setback, which is necessary for site grading and development, may be approved through a land division or site development review.
3. No fence or wall may exceed seven feet in height. Exceptions to this standard may be approved through a variance, master planned development or site design review.

4. One arbor, gate, or similar garden structure not exceeding 10 feet in height and 25 square feet in ground coverage, and having an entrance with a minimum clearance of 36 inches in width and 80 inches in height, is allowed within each yard abutting a street; provided, that it is not within a clear vision triangle.
5. Walls and fences to be built for required buffers shall comply with Section 14.32.300.
6. Fences, walls and hedges shall comply with the vision clearance standards of Section 14.31.200.

C. Maintenance. For safety and for compliance with the purpose of this chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the property owner.

D. Materials.

1. Permitted fence and wall materials: wood; metal; bricks, stone; concrete block; stucco, or similar masonry; and nonprohibited evergreen plants.
2. Prohibited fence and wall materials: straw bales; barbed or razor wire; scrap lumber, scrap metal, or other scrap materials; hedges higher than eight feet. Barbed wire on top of chain link or other fencing may only be approved on industrial, commercial or institutional use categories through a Class B variance (Section 14.51.400).
3. Retaining walls constructed of brick or masonry exceeding four feet in height (as measured from bottom of footing to top coping) shall be subject to building permit review and approval by the city building official. Design of such walls shall be certified by a licensed architect or engineer. (Ord. 3084 §3, 2017; Ord. 2959 §5(Exh. A (part)), 2007. Formerly 3.2.500)

Chapter 14.43

– Land Divisions and Property Line Adjustments

Sections:

- 14.43.100 Purpose
- 14.43.110 General Requirements
- 14.43.115 Flexible Lot Size; Flag Lots; Lots Accessed by Mid-Block Lanes
- 14.43.120 Approval Process
- 14.43.130 Preliminary Plat Submission Requirements
- 14.43.140 Approval Criteria: Preliminary Plat
- 14.43.150 Variances Authorized
- 14.43.160 Final Plat Submission Requirements and Approval Criteria
- 14.43.170 Public Improvements
- 14.43.180 Performance Guarantee
- 14.43.190 Filing and Recording
- 14.43.200 Re-platting and Vacation of Plats
- 14.43.210 Property Line Adjustments

14.43.100 Purpose

The purpose of this chapter is to:

A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments, as defined below and in Chapter 14.13:

1. Subdivisions are the creation of four or more lots from one parent lot, parcel or tract, within one calendar year.

2. Partitions are the creation of three or fewer lots within one calendar year.
 3. Lot line adjustments are modifications to lot lines or parcel boundaries that do not result in the creation of new lots (includes consolidation of lots).
- B. Carry out the City's development pattern, as envisioned by the Comprehensive Plan.
- C. Encourage efficient use of land resources, full utilization of urban services, and transportation options;
- D. Promote the public health, safety and general welfare through orderly and efficient urbanization;
- E. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, protection against natural hazards and other public services and facilities; and
- F. Encourage the conservation of energy resources. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.3.100)

14.43.110 General Requirements

A. Subdivision and Partition Approval through Two-step Process. Applications for subdivision or partition approval shall be processed by means of a preliminary plat evaluation and a final plat evaluation, according to the following two steps:

1. The preliminary plat must be approved before the final plat can be submitted for approval consideration; and
2. The final plat must include all conditions of approval of the preliminary plat.

B. Compliance with ORS Chapter 92. All subdivision and partition proposals shall conform to state regulations in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions, and Chapter 209, County Surveyors.

C. Future Re-division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted for large lots identifying:

1. Potential future lot division(s), consistent with the density and lot size standards of Chapter 2;
2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way;
3. A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation.

D. Lot Size Averaging. Single-family residential lot size may be averaged to allow lots less than the minimum lot size in Residential districts, as provided by Section 14.43.115 Flexible Lot Size, 14.22.120 Development Standards, and 14.22.150 Residential Density Standard, or through approval of a Master Planned Development under Chapter 14.45.

E. Temporary Sales Office. A temporary sales office in conjunction with a subdivision may be approved as set forth in Section 14.49.100, Temporary Uses.

F. Minimize Flood Damage. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway (i.e. minimum lot size under base zoning must be provided outside of the floodway) and, where possible, allow building outside of the 100-year flood plain. Development in a 100-year flood plain shall comply with the National Flood Insurance Program and state building

code requirements, including elevating structures above the base flood elevation. The applicant shall be responsible for obtaining floodplain development permit from the City of Cottage Grove.

G. Determination of Base Flood Elevation. Where a development site is located in or near areas prone to inundation for which the base flood elevation has not been mapped, the applicant shall have the base flood elevation it shall be determined by a qualified professional as part of the land division application.

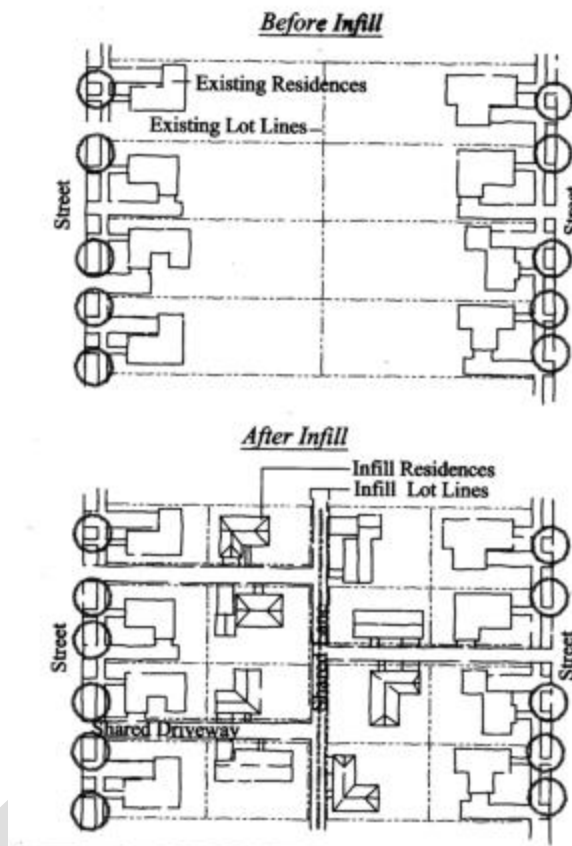
H. Need for Adequate Utilities. All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems. These systems shall be located and constructed to prevent or minimize flood damage, and to avoid impairment of the system and contamination from them during flooding.

I. Need for Adequate Drainage. All subdivision and partition proposals shall have adequate surface water drainage facilities that reduce exposure to flood damage and improve water quality. Water quality or quantity control improvements may be required. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.3.110)

14.43.115 Flexible Lot Size / Middle Housing Land Division; Flag Lots; Lots Accessed by Mid-Block Lanes

A. Flexible Lot Size / Middle Housing Land Division. To allow creativity and flexibility in subdivision design and to address physical constraints, such as topography, existing development, significant trees and other natural and built features, the approval body may grant a 10% modification to the lot area and/or lot dimension (width/depth) standards in Section 14.22.130, provided that ~~the overall density of the subdivision does not exceed the allowable density of the district and~~ the approval body finds that granting the modification allows for a greater variety of housing types or it improves development compatibility with natural features or adjacent land uses. The approval body may require that standard size lots be placed at the perimeter of the development where the abutting lots are standard size or larger; except that this provision shall not apply where the abutting lots are larger than 20,000 square feet. **Middle housing land divisions shall comply with ORS 92.031.**

Figure 14.43.115B - Mid-block Infill



B. Mid-block lanes. Lots may be developed without frontage onto a public street when lot access is provided by mid-block lanes, as shown below. Mid-block lanes or shared driveways, as illustrated in Figure 14.43.115B, may be required, when practicable, to provide connectivity between infill developments. Mid-block lanes with access easements for adjoining properties may be allowed as an alternative to requiring through streets where block lengths do not necessitate a through street. The lanes shall meet the standards for Fire Department Access, and the standards under subsections C-F, below.

C. Flag lots. Flag lots may be created only when a through street or midblock lanes cannot be extended to serve abutting uses or future development. A flag lot driveway ("flag pole") may serve no more than two dwelling units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area. The fire marshal may require an emergency turnaround or fire hydrants. Fire sprinklers may also be required for buildings that cannot be fully served by fire hydrants (i.e., due to distance from hydrant or insufficient fire flow).

D. Driveway and lane width. The minimum paved width of all shared drives and mid-block lanes shall be 12 feet with an easement of 20 feet; easements must be 25 feet in width with a minimum paved width of 16 feet for all shared drives and/or mid-block lanes providing primary access to more than 2 dwelling units. The maximum width is 20 feet, except as required by the Uniform Fire Code. Alleys that provide secondary or maintenance access to lots which front on a through street or mid-block lane may be 16 to 20 feet in width, with a paved surface of 12 to 16 feet.

E. Easement and improvement of drive lane. The property owner shall record a 20-25 -foot easement benefiting all properties that are to receive vehicle access. The drive lane shall be improved with an all weather surface approved by the City. The easement shall state that the entire width of the easement shall remain unobstructed for

emergency access. Dedication or recording, as applicable, shall be so indicated on the face of the subdivision or partition plat.

F. Maximum drive lane length. The maximum drive lane length is subject to requirements of the Uniform Fire Code, but shall not exceed 150 feet for a shared side drive, and 400 feet for a shared mid-block lane.

G. Future street plans. Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e., as shown in the Figure 14.43.115.B). (Ord. 3136 §10, 2021; Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.3.115)

14.43.120 Preliminary Plat Approval Process

A. Review of Preliminary Plat. Review of a preliminary plat with 2 or 3 lots (partition) shall be processed with a Type II procedure, under Section 14.41.300. Preliminary plats with 4 or more lots (subdivision) shall be processed with a Type III procedure under Section 14.41.400. All preliminary plats shall be reviewed using approval criteria in Section 14.43.140. An application for subdivision may be reviewed concurrently with an application for a Master Planned Development under Chapter 14.45.

B. Review of Final Plat. Review of a final plat for a subdivision or partition shall be processed as a Type I procedure under Section 14.41.200, using the approval criteria in Section 14.43.160.

C. Preliminary Plat Approval Period. Preliminary plat approval shall be effective for a period of three (3) years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted within the 3-year period.

D. Modifications and Extensions. The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 14.46 - Modifications. The Community Development Director shall, upon written request by the applicant and payment of the required fee, grant one written extension of the approval period not to exceed one year; provided that:

1. Any changes to the preliminary plat follow the procedures in Chapter 14.46;
2. The applicant has submitted written intent to file a final plat within the one-year extension period;
3. An extension of time will not prevent the lawful development of abutting properties;
4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
5. The extension request is made before expiration of the original approved plan.

E. Phased Development.

1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period for each phase (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be more than 3 years without reapplying for a preliminary plat;
2. The criteria for approving a phased land division proposal are:
 - a. Public facilities shall be constructed in conjunction with or prior to each phase;
 - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require Planning Commission approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 14.43.180. A temporary public facility is any facility not constructed to the applicable City or district standard;
 - c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and

d. The proposed time schedule for phased development approval shall be reviewed concurrently with the preliminary plat application, and the decision may be appealed in the same manner as the preliminary plat. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.3.120)

14.43.130 Preliminary Plat Submission Requirements

A. General Submission Requirements. For all partitions (three or fewer parcels), the application shall contain all of the information required for a Type II procedure under Section 14.41.300. For all subdivisions (four or more lots) the application shall contain all of the information required for a Type III procedure under Section 14.41.400, and the information in subsections 1-3, below:

1. Public Facilities and Services Impact Study, if required by the City and/or service provider. The impact study shall quantify and assess the effect of the development on public facilities and services. The City shall advise as to the scope of the study during the required pre-application conference (Section 14.41.600.C). The study may address the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users;
2. Traffic Impact Study, if required by the City and/or road authority. Traffic Impact Studies shall conform to the standards and procedures in Section 14.41.900; and
3. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.

B. Preliminary Plat Information. In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

1. General information:
 - a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in Lane County (please check with County Surveyor);
 - b. Date, north arrow, and scale of drawing;
 - c. Location of the development sufficient to define its location in the City, boundaries, and a legal description of the site;
 - d. A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the designer, and engineer and surveyor if any, and the date of the survey if submitted; and
 - e. Identification of the drawing as a "preliminary plat".
2. Site analysis:
 - a. Streets: Location, name, present width of all streets, alleys and rights-of-way on and abutting the site;
 - b. Easements: Width, location and purpose of all existing easements of record on and abutting the site;
 - c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
 - d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent or as required by the City. Such

ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor or City Engineer. This requirement may be waived for partitions when grades, on average, are less than 6 percent;

- e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
- f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having high erosion potential;
- g. Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas identified by the City or natural resource regulatory agencies as requiring protection. (See also, Chapter 14.37 and relevant portions of the Comprehensive Plan.);
- h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
- i. Designated historic and cultural resources on the site and adjacent parcels or lots;
- j. The location, size and species of trees having a caliper (diameter) of 6 inches or greater at 4 feet above grade in conformance with Chapter 14.32;
- k. North arrow and scale;
- l. Date(s) prepared and revised;
- m. Name and address of project designer, if applicable; and
- n. Other information, as deemed appropriate by the Community Development Director. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

3. Proposed improvements:

- a. Public and private streets, tracts, driveways, open space and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
- b. Easements: location, width and purpose of all proposed easements;
- c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all proposed lots and tracts;
- d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use; potential location of future buildings;
- e. Proposed improvements, as required by Chapter 3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
- f. Preliminary location of development showing those future buildings can meet siting and dimensional standards of the district.
- g. The proposed source of domestic water;
- h. The proposed method of sewage disposal;

- i. Proposed method of surface water drainage and treatment if required;
- j. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
- k. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with the affected railroad and the Oregon Department of Transportation Rail Division regarding proposed railroad crossing(s);
- l. Changes to navigable streams, or other watercourses. Status of public access to these areas shall be shown on the preliminary plat, as applicable;
- m. Identification of the base flood elevation for development within a designated 100-year floodplain. Written evidence of initiation of a Federal Emergency Management Agency (FEMA) flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain. FEMA approval of the amendment shall be a condition of City land use approval;
- n. Evidence of contact with from the road authority for any development requiring access to its facility(ies); and
- o. Evidence of written notice to the applicable natural resource regulatory agency(ies) for any development within or adjacent to jurisdictional wetlands and other sensitive lands, as identified in Chapter 14.37. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.3.130)

14.43.140 Approval Criteria: Preliminary Plat

A. General Approval Criteria. The City may approve, approve with conditions or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with the applicable Development Code sections and all other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable chapters and sections of Chapter 2 (Land Use Districts) and Chapter 3 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 5; 14.51.

a. Expedited land division shall be processed in accordance with ORS 197.360-197.380.

2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapters 92 and 209;

3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out so as to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat;

4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat;

5. Evidence that any required State and federal permits have been obtained, or shall be obtained before approval of the final plat;

6. Evidence that improvements or conditions required by the City, road authority, Lane County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met; and

7. If any part of the site is located within an Overlay Zone or previously approved Planned Unit Development, Mixed Use Master Plan or Master Planned Development, it shall conform to the applicable regulations and/or conditions.

B. Layout and Design of Streets, Blocks and Lots. All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below: **(Middle housing land division shall comply with ORS 92.031).**

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable land use district (Chapter 2), and the standards of Section 14.31.200.J - Street Connectivity and Formation of Blocks.
2. Setbacks shall be as required by the applicable land use district (Chapter 2).
3. Each lot shall conform to the standards of Chapter 14.31 - Access and Circulation.
4. Landscape or other screening may be required to maintain privacy for abutting uses. See Chapter 2 - Land Use Districts, and Chapter 14.32 - Landscaping.
5. In conformance with the Uniform Fire Code, a fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. This drive shall have a minimum paved surface of 12 feet (for one to two dwelling units) or minimum 16 feet (three to four dwelling units), with 20 feet minimum of clearance. See Chapter 14.31- Access and Circulation and Section 14.43.115(D).
6. Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.
7. All applicable engineering design standards for streets, utilities, surface water management, and easements shall be met.

C. Conditions of Approval. The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See Chapter 14.34 (Public Facilities). (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.3.140)

14.43.150 Variances Authorized

Variances to the standards of this Chapter shall be processed in accordance with Chapter 14.51 - Variances. Applications for variances shall be submitted at the same time an application for land division or lot line adjustment is submitted, and the applications shall be reviewed together. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.3.150)

14.43.160 Final Plat Submission Requirements and Approval Criteria

A. Submission Requirements. Final plats shall be reviewed and approved by the City prior to recording with Lane County. The applicant shall submit the final plat within 1 year of the approval of the preliminary plat as provided by Section 14.43.120. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the Community Development Director.

B. Approval Criteria. By means of a Type I procedure, the Community Development Director and City Engineer shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:

1. The final plat is consistent in design (e.g., number, area, dimensions of lots, easements, tracts, right-of-way) with the approved preliminary plat, and all conditions of approval have been satisfied;
2. All public improvements required by the preliminary plat have been installed and approved by the City Engineer or appropriate service provider (e.g., power, television, gas authority). Alternatively, the developer has provided a performance guarantee or completion bond in accordance with Section 14.43.180;
3. The streets and roads for public use are dedicated without reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities;
4. The streets and roads held for private uses have been approved by the City as conforming to the preliminary plat;

5. The plat and deed contain a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal storm drainage and water supply systems;
6. The applicant has provided copies of all recorded homeowners association Covenants, Conditions and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
7. The plat complies with the applicable Sections of this code (i.e., there have been no changes in land use or development resulting in a code violation since preliminary plat approval);
8. Certification by the City that water and sanitary sewer service is available to every lot depicted on the plat; or bond, contract or other assurance has been provided by the subdivider/partitioner to the City that such services will be installed in accordance with Chapter 14.34 - Public Facilities, and the bond requirements of Section 14.43.180. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by the bid amount, subject to review and approval by the City;
9. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapters 92 and 209. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.3.160)

14.43.170 Public Improvements Required

Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider/partitioner shall provide a performance guarantee or completion bond, in accordance with Section 14.43.180. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.3.170)

14.43.180 Performance Guarantee

A. Performance Guarantee Required. When a performance guarantee is required under Section 14.43.170, the subdivider/partitioner shall file an assurance of performance with the City supported by one of the following:

1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
2. A completion bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or
3. Cash in an escrow account.

B. Determination of Sum. The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

C. Itemized Improvement Estimate. The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.

D. Agreement. An agreement between the City and developer shall be recorded with the final plat. The agreement may be prepared by the City or prepared by the applicant as a letter. It shall not be valid until it is signed and dated by both the applicant and City Manager. The agreement shall include but not be limited to the following, as determined by the City Engineer:

1. The period within which all required improvements and repairs shall be completed;
2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;
3. Required improvement fees and deposits;

4. (Optional) Provisions for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.

E. When Subdivider Fails to Perform. In the event the developer fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit or letter of credit for reimbursement.

F. Termination of Performance Guarantee. The developer shall not cause termination of nor allow expiration of the guarantee before the end of the one-year warranty period without having first secured written authorization from the City. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.3.180)

14.43.190 Filing and Recording

A. Filing Plat with County. Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Lane County for signatures of County officials as required by ORS Chapters 92 and 209.

B. Proof of Recording. Upon final recording with the County, the applicant shall submit to the City a **mylar** copy of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.

C. Prerequisites to Recording the Plat.

1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapters 92 and 209;

2. No plat shall be recorded until it is approved by the County Surveyor in the manner provided by ORS Chapters 92 and 209. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.3.190)

14.43.200 Re-platting and Vacation of Plats

A. Re-platting and Vacations. Any plat or portion thereof may be re-platted or vacated upon receiving an application signed by all of the owners as appearing on the deed—**for the parcels affected by the proposed vacation.**

B. Procedure. All applications for a re-plat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to re-plat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the plat vacation process. (See Chapter 14.41 - Types of Applications and Review Procedures.) The road authority(ies) shall be notified of all applications for re-plats and street vacations. All street vacations shall also conform to the ORS Chapter 271.

C. Basis for Denial. A re-plat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets or alleys; or if it fails to meet any applicable criteria of this chapter.

D. Recording of Vacations. All approved plat vacations shall be recorded in accordance with 14.43.190 and the following procedures:

1. Once recorded, a re-plat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and

2. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications described on the plat.

E. After Sale of Lots. When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.

F. Street Requirement. Except as prohibited by law (e.g., ORS 92.837, Manufactured Home Park), in approving a right-of-way vacation or re-plat, the City may require dedication of access ways, paths or trails as a condition of the vacation of any public easement or right-of-way, in order to establish or maintain a safe, convenient and direct

pedestrian and bicycle circulation system. Such requirements shall be coordinated with the applicable road authority. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.3.200)

14.43.210 Property Line Adjustments

A Property Line Adjustment is the modification of lot boundaries, when no lot is created or removed. The application submission and approval process is as follows:

A. Submission Requirements. All applications for Property Line Adjustment shall be made on forms provided by the City and shall be governed by Section 14.41.300.D-H. The application shall include a preliminary lot line map drawn to scale identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; existing fences and walls; and any other information deemed necessary by the Community Development Director or designee for ensuring compliance with City codes.

B. Approval Process.

1. Decision-making process. Property line adjustments shall be reviewed by means of a Type II procedure, as governed by Section 14.41.300.D-H, using approval criteria contained in Section 14.43.210.C below. The road authority(ies) shall be notified of lot line adjustments that may affect property access or traffic volumes or operations on their facilities.
2. Time limit on approval. The property line adjustment approval shall be effective for a period of one (1) year from the date of approval, during which time it must be recorded.
3. Lapsing of approval. The property line adjustment approval shall lapse if:
 - a. The property line adjustment is not recorded within the time limit in Section 14.43.210.B(2);
 - b. The property line adjustment has been improperly recorded with Lane County without the satisfactory completion of all conditions attached to the approval; or
 - c. The final recording is a departure from the approved plan.

C. Approval Criteria. The Community Development Director or designee shall approve or deny a request for a property line adjustment in writing based on all of the following criteria:

1. Parcel Creation. No additional parcel or lot is created or removed by the lot line adjustment;
2. Lot standards. All lots and parcels conform to the applicable lot standards of the land use district (Chapter 2) including lot area, dimensions, setbacks, and coverage, and no resulting lot is wholly comprised of a flood hazard area or jurisdictional wetland;
3. Access and Road authority Standards. All lots and parcels can conform to the standards or requirements of Chapter 14.31.200 – Vehicle Access and Circulation, and all applicable road authority requirements are met. If a lot is nonconforming to any City or road authority standard, it shall not be made even less conforming by the property line adjustment.

D. Recording Property Line Adjustments.

1. Recording. Upon the City's approval of the proposed property line adjustment, the applicant shall record the property line adjustment with Lane County before the decision expires, and submit a copy of the recorded survey map to the City, to be filed with the approved application.
2. Time limit. The applicant shall submit a copy of the recorded property line adjustment survey map to the City prior to the issuance of any building permits on the re-configured lots.

E. Extension.

The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year provided that:

1. No changes are made to the original property line adjustment as approved by the City;
2. The applicant can show intent of recording the approved plan within the one-year extension period;
3. There have been no changes in the applicable Code or plan provisions on which the approval was based. In the case where the property line adjustment conflicts with a code change, the extension shall be denied; and
4. The extension request is made before expiration of the original approved plan. (Ord. 2959 §5(Exh. A (part)), 2007. Formerly 4.3.210)

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