

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MAY 17, 2022**



CITY OF MILWAUKIE

**COUNCIL ORDINANCE No.**

**AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING THE MILWAUKIE MUNICIPAL CODE (MMC) TITLE 19 ZONING ORDINANCE AND TITLE 17 LAND DIVISION FOR THE PURPOSE OF ADDRESSING MIDDLE HOUSING LAND DIVISION PER OREGON SENATE BILL 458 (FILE #ZA-2022-001).**

**WHEREAS** it is the intent of the City of Milwaukie to support and promote housing opportunities and housing choice throughout the city and increase the supply of middle and attainable housing and providing equitable access to housing for all, and

**WHEREAS** the proposed code amendments implement several of the goals and policies of the city's comprehensive plan related to housing and comply with Oregon Senate Bill (SB) 458, and

**WHEREAS** legal and public notices have been provided as required by law, and

**WHEREAS** on April 12, 2022, the Milwaukie Planning Commission conducted a public hearing as required by MMC 19.1008.5 and adopted a motion in support of the amendments, and

**WHEREAS** the City Council finds that the proposed amendments are in the public interest of the City of Milwaukie.

**Now, Therefore, the City of Milwaukie does ordain as follows:**

Section 1. Findings. Findings of fact in support of the amendments are adopted by the City Council and are attached as Exhibit A.

Section 2. Amendments. The MMC is amended as described in Exhibit B (underline/strikeout version), and Exhibit C (clean version).

Section 3. Effective Date. The amendments shall become effective 30 days from the date of adoption.

Read the first time on \_\_\_\_\_, and moved to second reading by \_\_\_\_\_ vote of the City Council.

Read the second time and adopted by the City Council on \_\_\_\_\_.  
Signed by the Mayor on \_\_\_\_\_.

\_\_\_\_\_  
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Scott S. Stauffer, City Recorder

\_\_\_\_\_  
Justin D. Gericke, City Attorney

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MAY 17, 2022**

**Exhibit A**

**Recommended Findings in Support of Approval  
File #ZA-2022-001  
Middle Housing and Land Division Code Amendments**

Sections of the Milwaukie Municipal Code not addressed in these findings are found to be inapplicable to the decision on this application.

1. The applicant, the City of Milwaukie, proposes to make code amendments to Titles 17 and 19 related to middle housing land divisions pursuant to the requirements of Oregon Senate Bill 458 (SB 458). The land use application file number is ZA-2022-001.
2. The proposed amendments relate to Senate Bill 458 which was adopted by the Oregon Legislature in 2021. The bill is a follow-up to House Bill 2001 (HB 2001) and allows lot divisions for middle housing that enable them to be sold or owned individually. For any city or county subject to the requirements of HB 2001, SB 458 requires those jurisdictions to allow middle housing lot divisions for any HB 2001 middle housing type (duplexes, triplexes, quadplexes, townhouses, and cottage clusters) built in accordance with ORS 197.758.
3. Amendments are proposed in several titles of the municipal code, as follows:
  - Municipal Code - Title 19 Zoning Ordinance
    - Chapter 19.1000 REVIEW PROCEDURES
      - Section 19.1003 Application Submittal and Completeness Review
      - Section 19.1005 Type II Review
    - Municipal Code - Title 17 Land Division
      - Chapter 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA
        - Section 17.12.020 Application Procedure
        - Section 17.12.040 Approval Criteria for Preliminary Plat
      - Chapter 17.20 PRELIMINARY PLAT
        - Section 17.20.010 Submission of Plans
        - Section 17.20.060 Proposed Conditions
      - Chapter 17.24 FINAL PLAT
        - Section 17.24.010 Required Plat Information
        - Section 17.24.030 Approval of Final Plat
        - Section 17.24.040 Filing
4. The proposal is subject to the following provisions of the Milwaukie Municipal Code (MMC):
  - MMC Section 19.902 Amendments to Maps and Ordinances
  - MMC Chapter 19.1000 Review Procedures
5. Sections of the MMC not addressed in these findings are found to be not applicable to the decision on this land use application.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MAY 17, 2022**

Findings in Support of Approval  
Middle Housing Land Division Code Amendments  
Master File #ZA-2022-001

Page 2 of 6  
May 5, 2022

6. The application has been processed and public notice provided in accordance with MMC Section 19.1008 Type V Review. Public hearings were held on **April 5, 2022, and May 17, 2022** as required by law.

7. MMC Chapter 19.1000 establishes the initiation and review requirements for land use applications. The City Council finds that these requirements have been met as follows.

a. MMC Subsection 19.1001.6 requires that Type V applications be initiated by the Milwaukie City Council, Planning Commission, Planning Manager, or any individual.

*The amendments were initiated by the Planning Manager on January 13, 2022.*

b. MMC Section 19.1008 establishes requirements for Type V review. The procedures for Type V Review have been met as follows:

(1) Subsection 19.1008.3.A.1 requires opportunity for public comment.

*Opportunity for public comment and review has been provided. The draft amendments have been posted on the City's web site since March 10, 2022. Planning staff notified all NDA chairs Land Use Committee members about the proposed code amendments via email on March 22, 2022. The Planning Commission held a worksession on February 22, 2022 to discuss the proposed amendments and a public hearing on April 12, 2022.*

(2) Subsection 19.1008.3.A.2 requires notice of public hearing on a Type V Review to be posted on the City website and at City facilities that are open to the public at least 30 days prior to the hearing.

*A notice of the Planning Commission's April 12, 2022, hearing was posted as required on March 10, 2022. A notice of the City Council's May 17, 2022, hearing was posted as required on April 14, 2022.*

(3) Subsection 19.1008.3.A.3 requires notice be sent to individual property owners if the proposal affects a discrete geographic area or specific properties in the City.

*The proposed amendments will apply to all residential properties in the city that have middle housing developments and request an expedited land division as described in Senate Bill 458. The Planning Manager has determined that the proposal affects a large geographic area.*

(4) Subsection 19.1008.3.B requires notice of a Type V application be sent to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing.

*Notice of the proposed amendments was sent to DLCD on March 7, 2022.*

(5) Subsection 19.1008.3.C requires notice of a Type V application be sent to Metro 45 days prior to the first evidentiary hearing.

*Notice of the proposed amendments was sent to Metro on March 7, 2022.*

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MAY 17, 2022**

Findings in Support of Approval  
Middle Housing Land Division Code Amendments  
Master File #ZA-2022-001

Page 3 of 6  
May 5, 2022

- (6) Subsection 19.1008.3.D requires notice to property owners if, in the Planning Director's opinion, the proposed amendments would affect the permissible uses of land for those property owners.

*The proposed amendments will apply to all residential properties in the city that have middle housing developments and request an expedited land division as described in Senate Bill 458. The Planning Manager has determined that the proposal affects a large geographic area.*

- (7) Subsection 19.1008.4 and 5 establish the review authority and process for review of a Type V application.

*The Planning Commission held a duly advertised public hearing on April 12, 2022 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on **May 17, 2022** and approved the amendments.*

8. MMC 19.902 Amendments to Maps and Ordinances

MMC 19.902.5 establishes requirements for amendments to the text of the zoning ordinance. The City Council finds that these requirements have been met as follows.

- a. MMC Subsection 19.902.5.A requires that changes to the text of the land use regulations of the Milwaukie Municipal Code shall be evaluated through a Type V review per Section 19.1008.

*The Planning Commission held a duly advertised public hearing on April 12, 2022 and passed a motion recommending that the City Council approve the proposed amendments. The City Council held a duly advertised public hearing on **May 17, 2022** and approved the amendments. Public notice was provided in accordance with MMC Subsection 19.1008.3.*

- (1) MMC Subsection 19.902.5.B establishes the approval criteria for changes to land use regulations of the Milwaukie Municipal Code.

- (a) MMC Subsection 19.905.B.1 requires that the proposed amendment be consistent with other provisions of the Milwaukie Municipal Code.

*The proposed amendments involve specific language allowing expedited land divisions for middle housing developments. The amendments coordinate and are consistent with other provisions of the Milwaukie Municipal Code.*

- (b) MMC Subsection 19.902.5.B.2 requires that the proposed amendment be consistent with the goals and policies of the Comprehensive Plan.

*The goals and policies of the Comprehensive Plan support the amendments to allow middle housing ownership opportunities in all residential zones in the city:*

- (c) Section 3 – Natural Resources and Environmental Quality:

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MAY 17, 2022**

Protect, conserve, and enhance the quality, diversity, quantity and resiliency of Milwaukie's natural resources and ecosystems, and maintain the quality of its air, land, and water. Utilize a combination of development regulations, incentives, education and outreach programs, and partnerships with other public agencies and community stakeholders.

(a) Policy 3.4.3:

Provide flexibility in the division of land, the siting and design of buildings, and design standards in an effort to preserve the ecological function of designated natural resources and environmentally sensitive areas and retain native vegetation and trees.

(d) Section 6 – Climate Change and Energy Goals and Policies:

Promote energy efficiency and mitigate the anticipated impacts of climate change in Milwaukie through the use of efficient land use patterns, multimodal transportation options, wise infrastructure investments, and increased community outreach and education as outlined in the City's Climate Action Plan.

(a) Policy 6.16:

Encourage the creation of compact, walkable neighborhoods and neighborhood hubs throughout the City that provide a mix of uses and help reduce transportation emissions and energy usage.

(e) Section 7 – Housing:

Provide safe, affordable, stable housing for Milwaukie residents of every socioeconomic status and physical ability within dwellings and neighborhoods that are entirely equitable, delightfully livable, and completely sustainable.

(a) Goal 7.1 – Equity:

Enable and encourage housing options that meet the needs of all residents, with a specific focus on uplifting historically disenfranchised communities and eliminating disparities for populations with special needs or lower incomes.

(i) Policy 7.1.1:

Provide the opportunity for a wider range of rental and ownership housing choices in Milwaukie, including additional middle housing types in low and medium density zones.

(ii) Policy 7.1.2:

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MAY 17, 2022**

Establish development standards that regulate size, shape, and form and are not exclusively focused on regulating density.

(iii) Policy 7.1.3:

Promote zoning and code requirements that remove or prevent potential barriers to home ownership and rental opportunities for people of all ages and abilities, including historically marginalized or vulnerable populations such as people of color, aging populations, and people with low incomes.

(b) Goal 7.2 – Affordability:

Provide opportunities to develop housing that is affordable at a range of income levels.

(i) Policy 7.2.2:

Allow and encourage the development of housing types that are affordable to low or moderate-income households, including middle housing types in low and medium density zones as well as larger apartment and condominium developments in high-density and mixed-use zones.

(ii) Policy 7.2.4:

Provide a simplified permitting process for the development of accessory dwelling units (ADUs) or conversion of single-unit homes into duplexes or other middle housing types.

(c) Goal 7.3 – Sustainability:

Promote environmentally and socially sustainable practices associated with housing development and construction.

(i) Policy 7.3.1:

Provide flexibility of footprint and placement of new housing to be consistent with city goals to preserve open spaces, achieve a 40% citywide tree canopy, and protect wetland, floodplains, and other natural resource or hazard areas.

(f) Section 8 – Urban Design and Land Use Goals and Policies:

Promote the design of private development and public spaces and facilities to enhance community livability, environmental sustainability, social interaction, and multimodal connectivity and support the unique function of Milwaukie neighborhoods as the centers of daily life.

(a) Goal 8.3 – Process:

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MAY 17, 2022**

Findings in Support of Approval  
Middle Housing Land Division Code Amendments  
Master File #ZA-2022-001

Page 6 of 6  
May 5, 2022

Provide a clear and straight forward design review process for development in Milwaukie along with incentives to achieve desired outcomes.

(i) Policy 8.3.2:

Ensure that a clear and objective process is available for all housing types that meet design standards, provide adequate open space, and fit into the community, while offering an alternative discretionary path for projects that cannot meet these standards.

*The proposed amendments implement SB 458 related to expedited land division for middle housing developments. The requirements of the legislation are intended to reduce barriers to homeownership for middle housing and eliminate specific requirements and reduce the land use review timeframe to streamline the process.*

- (g) MMC Subsection 19.902.5.B.3 requires that the proposed amendment be consistent with the Metro Urban Growth Management Functional Plan and relevant regional policies.

*The proposed amendments were sent to Metro for comment. Metro did not identify any inconsistencies with the Metro Urban Growth Management Functional Plan or relevant regional policies. The proposed code amendments are in compliance with Metro's Functional Growth Management Plan.*

- (h) MMC Subsection 19.902.5.B.4 requires that the proposed amendment be consistent with relevant State statutes and administrative rules, including the Statewide Planning Goals and Transportation Planning Rule.

*The proposed amendments were sent to the Department of Land Conservation and Development (DLCD) for comment. DLCD did not identify any inconsistencies with relevant State statutes or administrative rules.*

*Oregon Statewide Planning Goal 10: Housing*

*Goal 10 refers to the provision of housing to meet the needs of Oregon citizens. The proposed amendments relate to expedited land divisions for middle housing developments per HB 2001.*

- (i) MMC Subsection 19.902.5.B.5 requires that the proposed amendment be consistent with relevant federal regulations.

*The City Council finds that the Federal Fair Housing Amendments Act of 1988 is relevant to the proposed amendments. The proposed amendments provide a clear and objective review process for middle housing land divisions in the residential zones.*

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## **Underline/Strikeout Amendments**

### **Title 19 Zoning Ordinance**

#### **CHAPTER 19.500 SUPPLEMENTAL DEVELOPMENT REGULATIONS**

##### **19.502 ACCESSORY STRUCTURES**

###### **19.502.2 Specific Provisions for Accessory Structures**

B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

1. Fences, walls, and plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fences, walls, and plantings shall meet clear vision standards provided in Chapter 12.24. Fences and walls on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards:

a. Residential Zones and Residential Uses in All Zones

Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft. No electrified, barbed, or razor wire fencing is permitted. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.E.3. ~~19.505.4.D.2.h.~~ All fences on the interior of a middle housing plex development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

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#### **CHAPTER 19.1000 REVIEW PROCEDURES**

##### **19.1003 APPLICATION SUBMITTAL AND COMPLETENESS REVIEW**

###### **19.1003.3 Application Completeness Review**

All applications are subject to the provisions of Subsections 19.1003.3.A-D below. Type I, II, III, and IV applications are also subject to the provisions of Subsections 19.1003.3.E-G below.

A. The City shall review the application submittal within 30 days of receipt of the application and advise the applicant in writing as to whether the application is complete or incomplete. The City shall review the application submittal for an Expedited Land Division or Middle Housing Land Division within 21 days of receipt of the application and advise the applicant in writing as to whether the application is complete or incomplete.



**19.1005 TYPE II REVIEW**

Type II applications involve uses or development governed by subjective approval criteria and/or development standards that may require the exercise of limited discretion. Type II review provides for administrative review of an application by the Planning ~~Manager~~ Director and includes notice to nearby property owners to allow for public comment prior to the decision. The process does not include a public hearing.

**19.1005.5 Type II Decision**

A. The decision shall be issued with sufficient time to allow the appeal authority for a Type II application to issue a final decision within 120 days from the date that the application was deemed complete. The final decision for an affordable housing application, as defined in, and subject to all of the provisions of ORS 197.311, shall be issued within 100 days from when the application was deemed complete. Pursuant to MMC 17.12.020.G, the final decision for a middle housing or expedited land division as defined in, and subject to the applicable provisions of ORS 92.010 to 92.192 and further referenced in ORS 197.360 and ORS 197.380, must be issued within 63 days from when the application was deemed complete, or extended by the city not to exceed 120 days.

**19.1005.6 Appeal of a Type II Decision**

A Type II decision may be appealed by filing a written appeal within 15 days from the date that the notice of decision was mailed. The appeal authority for a Type II decision is the Planning Commission. Appeal requirements and procedures are outlined in Section 19.1010.

Appeals of a Type II decision for a middle housing or expedited land division are processed subject to the applicable provisions found in ORS 197.360 – ORS 197.375.

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**Title 17 Land Division**

**CHAPTER 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA**

**17.12.010 PURPOSE**

The purpose of this chapter is to specify the process and procedures for lot consolidation, property line adjustment, partition, subdivision, and replat. (Ord. 1907 (Attach. 1), 2002)

**17.12.020 APPLICATION PROCEDURE**

- A. Applications for land division and property boundary changes shall be processed in accordance with Chapter 19.1000 Type I, Type II, and Type III procedures as indicated in this section.
- B. Applications for property boundary changes shall be processed in accordance with Table 17.12.020 based on the type of change requested. The Planning ~~Manager~~ Director may modify the procedures identified in Table 17.12.020 as follows:

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MAY 17, 2022**

**Proposed Code Amendments**

1. Type III review may be changed to Type II review, or a Type II review may be changed to a Type I review, upon finding the following:
  - a. The proposal is consistent with applicable standards and criteria;
  - b. The proposal is consistent with the basis and findings of the original approval; and
  - c. The proposal does not increase the number of lots.
2. Type III review may be required in the following situations:
  - a. When the Planning Commission approved the original land use action; and
  - b. The proposed change is inconsistent with the original approval.

<b>Table 17.12.020 Boundary Change Review Procedures</b>			
Boundary Change Action	Type I	Type II	Type III
<b>1. Lot Consolidation Other Than Replat</b>			
a. Legal lots created by deed.	X		
<b>2. Property Line Adjustment</b>			
a. Any adjustment that is consistent with the ORS and this title.	X		
b. Any adjustment that modifies a plat restriction.		X	
<b>3. Partition Replat</b>			
a. Any modification to a plat that was decided by the Planning Commission.			X
b. Parcel consolidation.	X		
c. Actions not described in 3(a) or (b).		X	
<b>4. Subdivision Replat</b>			
a. Any modification to a plat affecting 4 or more lots.			X
<b>5. Expedited and Middle Housing Land Division</b>			
	-	-	-
a. <u>Any land division as defined by ORS 197.360 Expedited Land Division and/or land division of a middle housing project per ORS 197.758.</u>	-	<u>X</u>	

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MAY 17, 2022**

**Proposed Code Amendments**

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C. An increase in the number of lots within the original boundaries of a partition plat shall be reviewed as a subdivision when the number of existing lots that are to be modified combined with the number of proposed new lots exceeds 3.

D. Partitions

1. Applications for preliminary partition plat shall be processed in accordance with Section 19.1005 Type II Review. Should any associated application subject to Type III review be submitted in conjunction with a partition, the partition application shall be processed according to Section 19.1006 Type III Review.

2. Full compliance with all requirements for subdivision may be required if the Planning Commission should determine that the entire parcel being partitioned is in the process of being divided for the purpose of subdivision. This provision applies if the land to be partitioned exceeds 2 acres and within a year is being partitioned into more than 2 parcels, any one of which is less than 1 acre.

E. Subdivisions

Applications for subdivision preliminary plat applications shall be processed in accordance with Section 19.1006 Type III Review, except that subdivision applications that meet the approval criteria for middle housing or expedited land divisions may be processed pursuant to MMC 17.12.020.G and MMC 17.12.020.H respectively.

F. Final Plats

Applications for final plats of partitions and subdivisions shall be processed in accordance with Section 19.1004 Type I Review. (Ord. 2168 § 2, 2019; Ord. 2025 § 3, 2011; Ord. 2001 § 2, 2009; amended during Supp. No. 2; Ord. 1907 (Attach. 1), 2002)

G. Middle Housing Land Divisions

A middle housing land division is a partition or subdivision of a lot or parcel on which a middle housing project has been developed or approved for development under the provisions of this Code and ORS 197.758. Middle housing land divisions are regulated by this Code and ORS Chapter 92. Following the land division, the units of land created in a middle housing land division will be collectively considered a single lot along with the parent lot for all but platting and property transfer purposes under city code and state rules and statutes, including:

- a. Lot standards such as size, setback, lot coverage, and lot width and depth;
- b. Definition of unit types (e.g. a detached quadplex development where each unit is on its own lot through a middle housing land division would still be considered a detached quadplex development rather than single detached units);
- c. Allowed number of dwelling units and accessory dwelling units; and
- d. Compliance with Middle Housing rules and statutes in ORS 197 and OAR 660-046.

Applications for any land division affecting middle housing as provided in ORS 197.758 (2) must be processed as an expedited land division process as outlined in ORS 197.360 to 197.380. Pursuant to the expedited land division process, a middle housing land division

will be processed according to Section 19.1005 Type II Review. Further division of the resulting lots or parcels in an approved middle housing land division is prohibited.

#### H. Expedited Land Division

Expedited land divisions are defined by ORS 197.360(1) and are processed according to Section 19.1005 Type II Review. The Expedited Land Division/Middle Housing Land Division review process provides for review by the planning manager of an application based on provisions specified in this land use code. The application process includes notice to nearby occupants and property owners to allow for public comments prior to the planning manager's decision. Eligibility and approval criteria are detailed in Subsection 17.12.040.A.7.

### **17.12.040 APPROVAL CRITERIA FOR PRELIMINARY PLAT**

#### **A. Approval Criteria**

The approval authority may approve, approve with conditions, or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with Title 19 of this code and other applicable ordinances, regulations, and design standards, including Title 16.32 Tree Code.
2. The proposed division will allow reasonable development and will not create the need for a variance of any land division or zoning standard.
3. The proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1).
4. The streets and roads are laid out so as to conform to the plats of subdivisions already approved for adjoining property as to width, general direction, and in all other respects unless the City determines it is in the public interest to modify the street or road pattern.
5. A detailed narrative description demonstrating how the proposal conforms to all applicable code sections and design standards.
6. Approval of a preliminary plat for a middle housing land division will be granted if the Planning Manager finds that the applicant has met all of the following criteria:
  - a. The middle housing development complies with the Oregon residential specialty code and the applicable MMC middle housing regulations. To demonstrate compliance with this criterion, the applicant must submit approved building permits or concurrent building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and MMC middle housing regulations in Titles 12 and 19.
  - b. The middle housing development is in compliance with the land use regulations applicable to the parent lot allowed under ORS 197.758 (5).
  - c. Separate utility service connections for public water, sewer, and stormwater will be provided for each dwelling unit.

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MAY 17, 2022**

**Proposed Code Amendments**

---

- d. Easements will be provided as necessary for each dwelling unit on the site for:
    - i. Locating, accessing, replacing, and servicing all utilities;
    - ii. Pedestrian access from each dwelling unit to a private or public road;
    - iii. Any common use areas or shared building elements;
    - iv. Any dedicated driveways or parking; and
    - v. Any dedicated common area.
  - e. Exactly one dwelling unit will be located on each resulting lot except for lots or tracts used as common areas, on which no dwelling units will be permitted.
  - f. Buildings or structures on a resulting lot will comply with applicable building codes provisions relating to new property lines.
  - g. Structures or buildings located on the newly created lots will comply with the Oregon Residential Specialty Code.
  - h. Where a resulting lot abuts a street that does not meet City standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated, pursuant to MMC 19.700.
  - i. The proposed middle housing land division will not cause any existing improvements on the middle housing lots to be inconsistent with applicable standards in this land use code.
7. If an applicant elects to use the expedited land division procedure, the application must meet the following additional approval criteria:
- a. The proposed partition only includes land zoned for residential uses;
  - b. The parcels created will only be developed for residential use, including recreational or open space accessory to residential use;
  - c. The land division satisfies minimum street or other right-of-way connectivity standards established by the City's Transportation System Plan, Public Works Standards, and MMC 19.700;
  - d. The land division will not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:
    - i. Open spaces, mapped historic properties as identified on Map 3 on the comprehensive plan, and mapped natural resources as regulated by MMC 19.402; or
    - ii. The Willamette River Greenway as regulated by MMC 19.401.
  - e. The land division will result in development that either:
    - i. Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
    - ii. Will be sold or rented to households with incomes below 120 percent of the median family income for Clackamas County.

B. Conditions of Approval

The approval authority may attach such conditions as are necessary to carry out the applicable ordinances and regulations and may require access control strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. (Ord. 1965 §§ 6, 7, 2006; Ord. 1907 (Attach. 1), 2002)

1. The City will attach conditions of approval of a preliminary plat for a middle housing land division to:
  - a. Require that a notation appear on the final plat indicating:
    - i. The middle housing lots shown on the tentative plan were created pursuant to a middle housing land division and may not be further divided.
    - ii. The middle housing developed on the middle housing lots shown on the preliminary plat shall remain middle housing and shall not be considered to be any other housing type as a result of the middle housing land division.
    - iii. Accessory dwelling units are not permitted on new lots resulting from a middle housing land division.
    - iv. Ensure that improvements associated with review criteria in MMC 17.12.040 are provided.
  - b. The preliminary plat approval of a middle housing land division is void if and only if a final middle housing land division plat is not approved within three years of the tentative approval.

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**CHAPTER 17.20 PRELIMINARY PLAT**

**17.20.010 SUBMISSION OF PLANS**

Applicants for partition, subdivision, expedited land division, middle housing land division, and replat shall prepare a preliminary plat and such improvement plans and other supplemental material including as may be required to describe and represent the objectives of the proposal. (Ord. 1907 (Attach. 1), 2002)

**17.20.060 PROPOSED CONDITIONS**

- A. ~~42 copies of a preliminary plat shall be submitted to the Planning Director.~~ The plat shall include the following information:
1. Date, north point, scale, address, assessor reference number, and legal description;
  2. Name and address of the record owner or owners and of the person who prepared the site plan;
  3. Approximate acreage and square feet under a single ownership, or if more than 1 ownership is involved, the total contiguous acreage of all landowners directly involved in the partition;

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MAY 17, 2022**

**Proposed Code Amendments**

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4. For land adjacent to and within the area to be divided, the locations, names, and existing widths of all streets, driveways, public safety accesses, easements, and rights-of-way; location, width, and purpose of all other existing easements; and location and size of sewer and waterlines, drainage ways, power poles, and other utilities;
5. Location of existing structures, identifying those to remain in place and those to be removed;
6. Lot design and layout, showing proposed setbacks, landscaping, buffers, driveways, lot sizes, and relationship to existing or proposed streets and utility easements;
7. Existing development and natural features for the site and adjacent properties, including those properties within 100 feet of the proposal, showing buildings, mature trees as required in MMC 16.32, topography, and other structures;
8. Elevation and location of flood hazard boundaries;
9. The location, width, name, and approximate centerline grade and curve radii of all streets; the relationship of all streets to any projected streets planned by the City; whether roads will continue beyond the plat; and existing and proposed grade profiles. No street name may be used which will duplicate or be confused with the name of an existing street, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area.
10. For middle housing land divisions, in addition to the items in MMC 17.20.060.A, the following must be provided and shown on the preliminary plat:
  - a. separate utility connections for each dwelling unit;
  - b. proposed easements necessary for each dwelling unit on the plan for:
    1. Locating, accessing, replacing and servicing all utilities;
    2. Pedestrian access from each dwelling unit to a private or public road;
    3. Any common use areas or shared building elements;
    4. Any dedicated driveways or parking; and
    5. Any dedicated common area.
  - c. Copies of all required easements in a form approved by the City Attorney.
  - d. A description of the manner in which the proposed division complies with each of the provisions of 17.12.040.A.6 including copies of approved building permits, or concurrent building permits, and other evidence necessary to demonstrate:
    1. How buildings or structures on a resulting lot will comply with applicable building codes provisions related to new property lines; and
    2. Notwithstanding the creation of new lots, how structures or buildings located on the newly created lots will comply with the Oregon Residential Specialty Code.

- B. A conceptual plan shall be provided for complete subdivision or partitioning of the property, as well as any adjacent vacant or underutilized properties, so that access issues may be addressed in a comprehensive manner. The concept plan shall include documentation that all options for access have been investigated including shared driveways, pedestrian accessways, and new street development.
- C. A detailed narrative description demonstrating how the proposal meets all applicable provisions of this title, Title 19, Subsection 16.32, and City design standards, including the Public Works Standards.
- D. Plans and drawings as necessary to demonstrate compliance with all applicable provisions of chapters of this title, Title 19, Subsection 16.32, and City design standards, including the Public Works Standards.
- E. A drainage summary report and plan prepared in accordance with the applicable Public Works Standards.
- F. Proposed deed restrictions, if any, in outline form.
- G. Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of this title, State law, and other applicable City ordinances. If the nature of the improvements is such that it is impractical to prepare all necessary details prior to approval of the preliminary plat, the additional details shall be submitted with the request for final plat approval.

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## **CHAPTER 17.24 FINAL PLAT**

### **17.24.010 REQUIRED PLAT INFORMATION**

In addition to that otherwise specified by law, the following information shall be shown on the final plat:

- A. The date, scale, north point, legend, plat boundary, and controlling topography such as creeks and highways;
- B. Legal description of the tract boundaries;
- C. Name of the owner(s), applicant(s), and surveyor.
- D. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
  - 1. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision;
  - 2. Adjoining corners of adjoining subdivisions;
  - 3. Other monuments found or established in making the survey of the subdivision or required to be installed by provision of this title.
- E. The exact location and width of streets and easements intersecting the boundary of the tract.



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BY THE CITY COUNCIL ON MAY 17, 2022**

**Proposed Code Amendments**

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- F. Lines with dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings for tract, lot, and block boundaries, and street right-of-way and centerlines. Tract boundaries and street bearings shall be shown to the nearest second with basis of bearings approved in advance by the County Surveyor. All distances shall be shown to the nearest hundredth of a foot. No ditto marks may be used.
- G. The width of the portion of streets being dedicated, the width of any existing right-of-way, and the width of each side of the centerline. For streets on curvature, curve data shall be based on the street centerline and, in addition to the centerline dimensions, the radius and central angle shall be indicated.
- H. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
- I. Lot numbers beginning with the number "1" and numbered consecutively.
- J. Land tracts to be dedicated or reserved for any purpose, public or private, as distinguished from residential lots intended for sale.
- K. References to any agreements including conditions of approval or special building restrictions that will be recorded with the plat.
- L. The following certificates, which may be combined where appropriate:
  - 1. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat;
  - 2. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map as intended for any public use without any reservation or restriction whatsoever, except those parcels which are intended for the exclusive use of the lot;
  - 3. A certificate signed by the engineer or the surveyor responsible for the survey and final map. The seal and signature of the engineer or surveyor.
- M. For middle housing land divisions, the following notations:
  - 1. The middle housing lots shown on the tentative plan were created pursuant to a middle housing land division and may not be further divided.
  - 2. The middle housing developed on the middle housing lots shown on the final plat shall remain middle housing and shall not be considered to be any other housing type as a result of the middle housing land division.

(Ord. 1907 (Attach. 1), 2002)

**17.24.030 APPROVAL OF FINAL PLAT**

Approval of the final plat shall be indicated by signature of the Planning ~~Manager~~ Director and Engineering Director. (Ord. 1907 (Attach. 1), 2002)

**17.24.040 FILING**

Within 6 months of City approval of the preliminary plat, the applicant shall submit the final plat for City signatures. Approval of the final plat shall be null and void if the plat is not submitted within the time specified or if the plat is not recorded within 30 days after the date the last required signature has been obtained. One copy of the recorded plat shall be supplied to the City.

A notice of middle housing land division shall be recorded for each middle housing lot with Clackamas County that states:

- (1) The middle housing lot may not be further divided.
- (2) No more than one unit of middle housing may be developed on each middle housing lot.
- (3) The dwelling developed on the middle housing lot is a unit of middle housing and is not a single attached or detached dwelling, or any other housing type.

For middle housing and expedited land divisions, the approval of a preliminary plat is void if and only if a final plat is not approved within three years of the preliminary plat approval. Within that time, any conditions of approval must be fulfilled and the final plat, as approved by the city, must be recorded by the applicant with Clackamas County.

**Clean Amendments  
Title 19 Zoning Ordinance**

**CHAPTER 19.500 SUPPLEMENTAL DEVELOPMENT REGULATIONS**

**19.502 ACCESSORY STRUCTURES**

**19.502.2 Specific Provisions for Accessory Structures**

B. Fences, walls, and plantings may be constructed or maintained in yards with the following limitations:

1. Fences, walls, and plantings shall be constructed or maintained in yards only so as to permit unobstructed vision of passenger vehicle operations when approaching intersecting streets or driveways. Fences, walls, and plantings shall meet clear vision standards provided in Chapter 12.24. Fences and walls on lot perimeters in areas other than those obstructing the vision of passenger vehicle operators shall be constructed or maintained to the following standards:

a. Residential Zones and Residential Uses in All Zones

Maximum height is 6 ft for rear, street side, and side yards; 42 in for front yards, except that for flag lots fences in the front yard may be 6 ft. No electrified, barbed, or razor wire fencing is permitted. Specific standards for fences on cottage cluster developments are contained in Subsection 19.505.4.E.3. All fences on the interior of a middle housing plex development shall be no more than 3 ft high. Fences along the perimeter of the development may be up to 6 ft high, except as restricted by Chapter 12.24 Clear Vision at Intersection. Chain-link fences are prohibited.

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**CHAPTER 19.1000 REVIEW PROCEDURES**

**19.1003 APPLICATION SUBMITTAL AND COMPLETENESS REVIEW**

**19.1003.3 Application Completeness Review**

All applications are subject to the provisions of Subsections 19.1003.3.A-D below. Type I, II, III, and IV applications are also subject to the provisions of Subsections 19.1003.3.E-G below.

A. The City shall review the application submittal within 30 days of receipt of the application and advise the applicant in writing as to whether the application is complete or incomplete. The City shall review the application submittal for an Expedited Land Division

or Middle Housing Land Division within 21 days of receipt of the application and advise the applicant in writing as to whether the application is complete or incomplete.

**19.1005 TYPE II REVIEW**

Type II applications involve uses or development governed by subjective approval criteria and/or development standards that may require the exercise of limited discretion. Type II review provides for administrative review of an application by the Planning Manager and includes notice to nearby property owners to allow for public comment prior to the decision. The process does not include a public hearing.

**19.1005.5 Type II Decision**

A. The decision shall be issued with sufficient time to allow the appeal authority for a Type II application to issue a final decision within 120 days from the date that the application was deemed complete. The final decision for an affordable housing application, as defined in, and subject to all of the provisions of ORS 197.311, shall be issued within 100 days from when the application was deemed complete. Pursuant to MMC 17.12.020.G, the final decision for a middle housing or expedited land division as defined in, and subject to the applicable provisions of ORS 92.010 to 92.192 and further referenced in ORS 197.360 and ORS 197.380, must be issued within 63 days from when the application was deemed complete, or extended by the city not to exceed 120 days.

**19.1005.6 Appeal of a Type II Decision**

A Type II decision may be appealed by filing a written appeal within 15 days from the date that the notice of decision was mailed. The appeal authority for a Type II decision is the Planning Commission. Appeal requirements and procedures are outlined in Section 19.1010.

Appeals of a Type II decision for a middle housing or expedited land division are processed subject to the applicable provisions found in ORS 197.360 – ORS 197.375.

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**Title 17 Land Division**

**CHAPTER 17.12 APPLICATION PROCEDURE AND APPROVAL CRITERIA**

**17.12.010 PURPOSE**

The purpose of this chapter is to specify the process and procedures for lot consolidation, property line adjustment, partition, subdivision, and replat. (Ord. 1907 (Attach. 1), 2002)

**17.12.020 APPLICATION PROCEDURE**

A. Applications for land division and property boundary changes shall be processed in accordance with Chapter 19.1000 Type I, Type II, and Type III procedures as indicated in this section.

B. Applications for property boundary changes shall be processed in accordance with Table 17.12.020 based on the type of change requested. The Planning Manager may modify the procedures identified in Table 17.12.020 as follows:

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BY THE CITY COUNCIL ON MAY 17, 2022**

**Proposed Code Amendments**

1. Type III review may be changed to Type II review, or a Type II review may be changed to a Type I review, upon finding the following:
  - a. The proposal is consistent with applicable standards and criteria;
  - b. The proposal is consistent with the basis and findings of the original approval; and
  - c. The proposal does not increase the number of lots.
2. Type III review may be required in the following situations:
  - a. When the Planning Commission approved the original land use action; and
  - b. The proposed change is inconsistent with the original approval.

<b>Table 17.12.020 Boundary Change Review Procedures</b>			
<b>Boundary Change Action</b>	<b>Type I</b>	<b>Type II</b>	<b>Type III</b>
<b>1. Lot Consolidation Other Than Replat</b>			
a. Legal lots created by deed.	X		
<b>2. Property Line Adjustment</b>			
a. Any adjustment that is consistent with the ORS and this title.	X		
b. Any adjustment that modifies a plat restriction.		X	
<b>3. Partition Replat</b>			
a. Any modification to a plat that was decided by the Planning Commission.			X
b. Parcel consolidation.	X		
c. Actions not described in 3(a) or (b).		X	
<b>4. Subdivision Replat</b>			
a. Any modification to a plat affecting 4 or more lots.			X
<b>5. Expedited and Middle Housing Land Division</b>			
a. Any land division as defined by ORS 197.360 Expedited Land Division and/or land division of a middle housing project per ORS 197.758.		X	

C. An increase in the number of lots within the original boundaries of a partition plat shall be reviewed as a subdivision when the number of existing lots that are to be modified combined with the number of proposed new lots exceeds 3.

D. Partitions

1. Applications for preliminary partition plat shall be processed in accordance with Section 19.1005 Type II Review. Should any associated application subject to Type III review be submitted in conjunction with a partition, the partition application shall be processed according to Section 19.1006 Type III Review.

2. Full compliance with all requirements for subdivision may be required if the Planning Commission should determine that the entire parcel being partitioned is in the process of being divided for the purpose of subdivision. This provision applies if the land to be partitioned exceeds 2 acres and within a year is being partitioned into more than 2 parcels, any one of which is less than 1 acre.

E. Subdivisions

Applications for subdivision preliminary plat applications shall be processed in accordance with Section 19.1006 Type III Review, except that subdivision applications that meet the approval criteria for middle housing or expedited land divisions may be processed pursuant to MMC 17.12.020.G and MMC 17.12.020.H respectively.

F. Final Plats

Applications for final plats of partitions and subdivisions shall be processed in accordance with Section 19.1004 Type I Review. (Ord. 2168 § 2, 2019; Ord. 2025 § 3, 2011; Ord. 2001 § 2, 2009; amended during Supp. No. 2; Ord. 1907 (Attach. 1), 2002)

G. Middle Housing Land Divisions

A middle housing land division is a partition or subdivision of a lot or parcel on which a middle housing project has been developed or approved for development under the provisions of this Code and ORS 197.758. Middle housing land divisions are regulated by this Code and ORS Chapter 92. Following the land division, the units of land created in a middle housing land division will be collectively considered a single lot along with the parent lot for all but platting and property transfer purposes under city code and state rules and statutes, including:

- a. lot standards such as size, setback, lot coverage, and lot width and depth;
- b. definition of unit types (e.g. a detached quadplex development where each unit is on its own lot through a middle housing land division would still be considered a detached quadplex development rather than single detached units);
- c. Allowed number of dwelling units and accessory dwelling units; and
- d. Compliance with Middle Housing rules and statutes in ORS 197 and OAR 660-046.

Applications for any land division affecting middle housing as provided in ORS 197.758 (2) must be processed as an expedited land division process as outlined in ORS 197.360 to

197.380. Pursuant to the expedited land division process, a middle housing land division will be processed according to Section 19.1005 Type II Review. Further division of the resulting lots or parcels in an approved middle housing land division is prohibited.

#### H. Expedited Land Division

Expedited land divisions are defined by ORS 197.360(1) and are processed according to Section 19.1005 Type II Review. The Expedited Land Division/Middle Housing Land Division review process provides for review by the planning manager of an application based on provisions specified in this land use code. The application process includes notice to nearby occupants and property owners to allow for public comments prior to the planning manager's decision. Eligibility and approval criteria are detailed in Subsection 17.12.040.A.7.

### **17.12.040 APPROVAL CRITERIA FOR PRELIMINARY PLAT**

#### A. Approval Criteria

The approval authority may approve, approve with conditions, or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with Title 19 of this code and other applicable ordinances, regulations, and design standards, including Title 16.32 Tree Code.
2. The proposed division will allow reasonable development and will not create the need for a variance of any land division or zoning standard.
3. The proposed subdivision plat name is not duplicative and the plat otherwise satisfies the provisions of ORS 92.090(1).
4. The streets and roads are laid out so as to conform to the plats of subdivisions already approved for adjoining property as to width, general direction, and in all other respects unless the City determines it is in the public interest to modify the street or road pattern.
5. A detailed narrative description demonstrating how the proposal conforms to all applicable code sections and design standards.
6. Approval of a preliminary plat for a middle housing land division will be granted if the Planning Manager finds that the applicant has met all of the following criteria:
  - a. The middle housing development complies with the Oregon residential specialty code and the applicable MMC middle housing regulations. To demonstrate compliance with this criterion, the applicant must submit approved building permits or concurrent building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and MMC middle housing regulations in Titles 12 and 19.
  - b. The middle housing development is in compliance with the land use regulations applicable to the parent lot allowed under ORS 197.758 (5).
  - c. Separate utility service connections for public water, sewer, and stormwater will be provided for each dwelling unit.

- d. Easements will be provided as necessary for each dwelling unit on the site for:
    - i. Locating, accessing, replacing, and servicing all utilities;
    - ii. Pedestrian access from each dwelling unit to a private or public road;
    - iii. Any common use areas or shared building elements;
    - iv. Any dedicated driveways or parking; and
    - v. Any dedicated common area.
  - e. Exactly one dwelling unit will be located on each resulting lot except for lots or tracts used as common areas, on which no dwelling units will be permitted.
  - f. Buildings or structures on a resulting lot will comply with applicable building codes provisions relating to new property lines.
  - g. Structures or buildings located on the newly created lots will comply with the Oregon Residential Specialty Code.
  - h. Where a resulting lot abuts a street that does not meet City standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated, pursuant to MMC 19.700.
  - i. The proposed middle housing land division will not cause any existing improvements on the middle housing lots to be inconsistent with applicable standards in this land use code.
7. If an applicant elects to use the expedited land division procedure, the application must meet the following additional approval criteria:
- a. The proposed partition only includes land zoned for residential uses;
  - b. The parcels created will only be developed for residential use, including recreational or open space accessory to residential use;
  - c. The land division satisfies minimum street or other right-of-way connectivity standards established by the City's Transportation System Plan, Public Works Standards, and MMC 19.700;
  - d. The land division will not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the comprehensive plan and land use regulations for full or partial protection of natural features under the statewide planning goals that protect:
    - i. Open spaces, mapped historic properties as identified on Map 3 on the comprehensive plan, and mapped natural resources as regulated by MMC 19.402; or
    - ii. The Willamette River Greenway as regulated by MMC 19.401.
  - e. The land division will result in development that either:
    - i. Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
    - ii. Will be sold or rented to households with incomes below 120 percent of the median family income for Clackamas County.



**B. Conditions of Approval**

The approval authority may attach such conditions as are necessary to carry out the applicable ordinances and regulations and may require access control strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. (Ord. 1965 §§ 6, 7, 2006; Ord. 1907 (Attach. 1), 2002)

1. The City will attach conditions of approval of a preliminary plat for a middle housing land division to:
  - a. Require that a notation appear on the final plat indicating:
    - i. The middle housing lots shown on the tentative plan were created pursuant to a middle housing land division and may not be further divided.
    - ii. The middle housing developed on the middle housing lots shown on the preliminary plat shall remain middle housing and shall not be considered to be any other housing type as a result of the middle housing land division.
    - iii. Accessory dwelling units are not permitted on new lots resulting from a middle housing land division.
    - iv. Ensure that improvements associated with review criteria in MMC 17.12.040 are provided.
  - b. The preliminary plat approval of a middle housing land division is void if and only if a final middle housing land division plat is not approved within three years of the tentative approval.

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**CHAPTER 17.20 PRELIMINARY PLAT**

**17.20.010 SUBMISSION OF PLANS**

Applicants for partition, subdivision, expedited land division, middle housing land division, and replat shall prepare a preliminary plat and such improvement plans and other supplemental material including as may be required to describe and represent the objectives of the proposal. (Ord. 1907 (Attach. 1), 2002)

**17.20.060 PROPOSED CONDITIONS**

- A. The plat shall include the following information:
  1. Date, north point, scale, address, assessor reference number, and legal description;
  2. Name and address of the record owner or owners and of the person who prepared the site plan;
  3. Approximate acreage and square feet under a single ownership, or if more than 1 ownership is involved, the total contiguous acreage of all landowners directly involved in the partition;

**DRAFT ORDINANCE TO BE CONSIDERED  
BY THE CITY COUNCIL ON MAY 17, 2022**

**Proposed Code Amendments**

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4. For land adjacent to and within the area to be divided, the locations, names, and existing widths of all streets, driveways, public safety accesses, easements, and rights-of-way; location, width, and purpose of all other existing easements; and location and size of sewer and waterlines, drainage ways, power poles, and other utilities;
5. Location of existing structures, identifying those to remain in place and those to be removed;
6. Lot design and layout, showing proposed setbacks, landscaping, buffers, driveways, lot sizes, and relationship to existing or proposed streets and utility easements;
7. Existing development and natural features for the site and adjacent properties, including those properties within 100 feet of the proposal, showing buildings, mature trees as required in MMC 16.32, topography, and other structures;
8. Elevation and location of flood hazard boundaries;
9. The location, width, name, and approximate centerline grade and curve radii of all streets; the relationship of all streets to any projected streets planned by the City; whether roads will continue beyond the plat; and existing and proposed grade profiles. No street name may be used which will duplicate or be confused with the name of an existing street, except for extensions of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area.
10. For middle housing land divisions, in addition to the items in MMC 17.20.060.A, the following must be provided and shown on the preliminary plat:
  - a. separate utility connections for each dwelling unit;
  - b. proposed easements necessary for each dwelling unit on the plan for:
    1. Locating, accessing, replacing and servicing all utilities;
    2. Pedestrian access from each dwelling unit to a private or public road;
    3. Any common use areas or shared building elements;
    4. Any dedicated driveways or parking; and
    5. Any dedicated common area.
  - c. Copies of all required easements in a form approved by the City Attorney.
  - d. A description of the manner in which the proposed division complies with each of the provisions of 17.12.040.A.6 including copies of approved building permits, or concurrent building permits, and other evidence necessary to demonstrate:
    1. How buildings or structures on a resulting lot will comply with applicable building codes provisions related to new property lines; and
    2. Notwithstanding the creation of new lots, how structures or buildings located on the newly created lots will comply with the Oregon Residential Specialty Code.

- B. A conceptual plan shall be provided for complete subdivision or partitioning of the property, as well as any adjacent vacant or underutilized properties, so that access issues may be addressed in a comprehensive manner. The concept plan shall include documentation that all options for access have been investigated including shared driveways, pedestrian accessways, and new street development.
- C. A detailed narrative description demonstrating how the proposal meets all applicable provisions of this title, Title 19, Subsection 16.32, and City design standards, including the Public Works Standards.
- D. Plans and drawings as necessary to demonstrate compliance with all applicable provisions of chapters of this title, Title 19, Subsection 16.32, and City design standards, including the Public Works Standards.
- E. A drainage summary report and plan prepared in accordance with the applicable Public Works Standards.
- F. Proposed deed restrictions, if any, in outline form.
- G. Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of this title, State law, and other applicable City ordinances. If the nature of the improvements is such that it is impractical to prepare all necessary details prior to approval of the preliminary plat, the additional details shall be submitted with the request for final plat approval.

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## **CHAPTER 17.24 FINAL PLAT**

### **17.24.010 REQUIRED PLAT INFORMATION**

In addition to that otherwise specified by law, the following information shall be shown on the final plat:

- A. The date, scale, north point, legend, plat boundary, and controlling topography such as creeks and highways;
- B. Legal description of the tract boundaries;
- C. Name of the owner(s), applicant(s), and surveyor.
- D. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:
  - 1. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision;
  - 2. Adjoining corners of adjoining subdivisions;
  - 3. Other monuments found or established in making the survey of the subdivision or required to be installed by provision of this title.
- E. The exact location and width of streets and easements intersecting the boundary of the tract.

- F. Lines with dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings for tract, lot, and block boundaries, and street right-of-way and centerlines. Tract boundaries and street bearings shall be shown to the nearest second with basis of bearings approved in advance by the County Surveyor. All distances shall be shown to the nearest hundredth of a foot. No ditto marks may be used.
- G. The width of the portion of streets being dedicated, the width of any existing right-of-way, and the width of each side of the centerline. For streets on curvature, curve data shall be based on the street centerline and, in addition to the centerline dimensions, the radius and central angle shall be indicated.
- H. Easements denoted by fine dotted lines, clearly identified and, if already of record, their recorded reference. If an easement is not definitely located of record, a statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.
- I. Lot numbers beginning with the number "1" and numbered consecutively.
- J. Land tracts to be dedicated or reserved for any purpose, public or private, as distinguished from residential lots intended for sale.
- K. References to any agreements including conditions of approval or special building restrictions that will be recorded with the plat.
- L. The following certificates, which may be combined where appropriate:
  - 1. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat;
  - 2. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map as intended for any public use without any reservation or restriction whatsoever, except those parcels which are intended for the exclusive use of the lot;
  - 3. A certificate signed by the engineer or the surveyor responsible for the survey and final map. The seal and signature of the engineer or surveyor.
- M. For middle housing land divisions, the following notations:
  - 1. The middle housing lots shown on the tentative plan were created pursuant to a middle housing land division and may not be further divided.
  - 2. The middle housing developed on the middle housing lots shown on the final plat shall remain middle housing and shall not be considered to be any other housing type as a result of the middle housing land division.

(Ord. 1907 (Attach. 1), 2002)

**17.24.030 APPROVAL OF FINAL PLAT**

Approval of the final plat shall be indicated by signature of the Planning Manager and Engineering Director. (Ord. 1907 (Attach. 1), 2002)

**17.24.040 FILING**

Within 6 months of City approval of the preliminary plat, the applicant shall submit the final plat for City signatures. Approval of the final plat shall be null and void if the plat is not submitted within the time specified or if the plat is not recorded within 30 days after the date the last required signature has been obtained. One copy of the recorded plat shall be supplied to the City.

A notice of middle housing land division shall be recorded for each middle housing lot with Clackamas County that states:

- (1) The middle housing lot may not be further divided.
- (2) No more than one unit of middle housing may be developed on each middle housing lot.
- (3) The dwelling developed on the middle housing lot is a unit of middle housing and is not a single attached or detached dwelling, or any other housing type.

For middle housing and expedited land divisions, the approval of a preliminary plat is void if and only if a final plat is not approved within three years of the preliminary plat approval. Within that time, any conditions of approval must be fulfilled and the final plat, as approved by the city, must be recorded by the applicant with Clackamas County.