

TALENT HOUSING CODE UPDATE PROJECT: Title 17 Subdivisions
Planning Commission/Advisory Committee Meeting Discussion Guide
September 17, 2019



Discussion points are summarized for proposed revisions to Title 17, which encompasses subdivision standards for land division. Questions are organized by individual chapter, with particular question areas noted in *italics* for PC/AC discussion and feedback to guide code revisions.

Development and Design Standards: Emergency Access (TMC 17.10)

1. Multiple access roads are required for larger developments with 30 or more units for single-family and duplexes, and 100 units or more for triplexes, quadplexes, and multifamily, on sites with average slope of 10% or greater.
2. Minimum road design requirements ensure minimum width and improvements for fire truck and emergency vehicle access.
3. *Proposed exception to the multiple access requirement in 17.10.065.C.1 is intended to allow for discretion: should it be revised to require Planning Commission approval of an exception, or revised with more specific, objective standards where exceptions apply?*
4. *Proposed standards address access to and within an individual development, but not "downstream" access beyond the development site itself, such as a single bridge or railroad crossing. Should standards be broadened to address off-site access limitations as well?*

Application Requirements and Approval Criteria (TMC 17.15)

1. Relatively minor changes are proposed for consistency with other changes to the code, including reviewing preliminary plats through a Type II process and locating density standards in individual zoning districts.
2. No significant changes are proposed to the preliminary plat approval criteria, but note that they will be reviewed through a Type II procedure. *Are there any of the approval criteria for subdivision preliminary plat that have been particularly contentious or nuanced for recent projects, and that should be revised to be more clear and objective?*

Final Plat Procedures (TMC 17.20)

1. Relatively minor changes are proposed for consistency with other code standards, namely reviewing final plats through a Type I review and allowing final plats to be submitted within three years of preliminary plat approval.

Special Partitions and Subdivisions: Flag Lot Partitions (TMC 17.30)

1. Existing standards allow up to one flag lot to be created from an oversized parcel that is already developed with an existing dwelling unit. Proposed changes would allow up to three new flag lots to be created per existing lot, for a total of four lots, to increase infill opportunities. The majority of existing lots with potential to use flag lot partitioning for up to three new lots are located in South Talent with RLD zoning (formerly RS-5).

2. Flag lots are currently permitted only for developed lots, not for new subdivisions. Allowing flag lots in subdivisions could increase the number of lots created, particularly for irregularly shaped properties where public street access cannot be provided for all lots, but may decrease community cohesiveness and connectivity; it may also decrease development costs in some instances where public street extension for one to three lots is cost prohibitive. *Consider whether flag lots should be permitted in new subdivisions, perhaps limited to a maximum of 10-15% of new lots, and/or restricted to situations where the additional lots increase density beyond what could otherwise be achieved given parcel configuration and topographic constraints.*
3. The draft code includes 15-foot setbacks on all sides for flag lots in the RLD zone, an existing standard. (See TMC 17.30.030.E.1.) Standard lots have 20-foot front, 10-foot rear and 5-foot side yard setbacks. With the reduced 6,000-square-foot lot size, a reduced 10-foot setback for flag lots is recommended to achieve a building envelope similar in size to that permitted on a standard lot, approximately 50% lot coverage. *Is a 10-foot flag lot setback for lots zoned RLD appropriate to allow similar development opportunities on new flag lots compared to standard lots, with the goal of increasing overall efficiency of land development?*

Chapter 17.10

DEVELOPMENT AND DESIGN STANDARDS

17.10.065 Emergency access.

A. Purpose. To ensure adequate emergency access to sites that area constrained by natural features in order to protect public health and safety.

B. Applicability. The standards of this section shall apply to development sites with an average slope of 10% or greater.

C. Multiple Access Roads Required. Developments of single-family and duplex dwellings where the number of dwelling units exceeds 30, triplex, quadplex and multiple-family residential projects having more than 100 dwelling units, and where vehicle congestion, adverse terrain conditions or other factors could limit access, as determined by the City, shall be provided with not less than two access roads meeting the requirements of this section.

1. Exception. The requirements for secondary access may be modified as approved by the City where a secondary access road cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of emergency access is approved by the City.

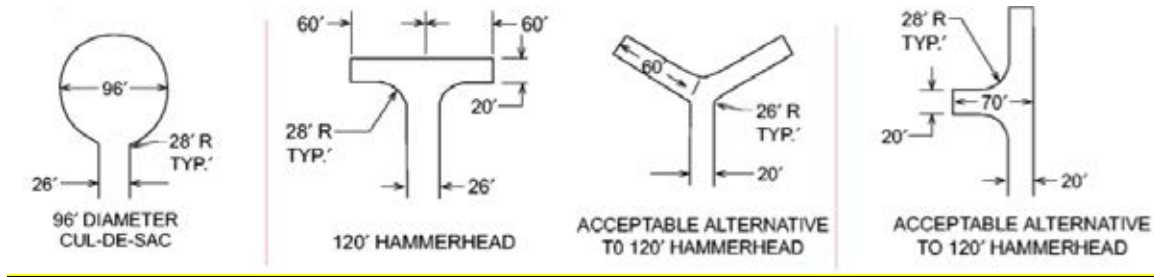
D. Access Road Design Requirements.

1. Width and Vertical Clearance. Access roads shall have an unobstructed driving surface width of not less than 20 feet and an unobstructed vertical clearance of not less than 13.5 feet.

2. Grade. Emergency access roadway grades shall not exceed 10 percent. Intersections and turnarounds shall have a maximum 5 percent grade with the exception of crowning for water run-off.

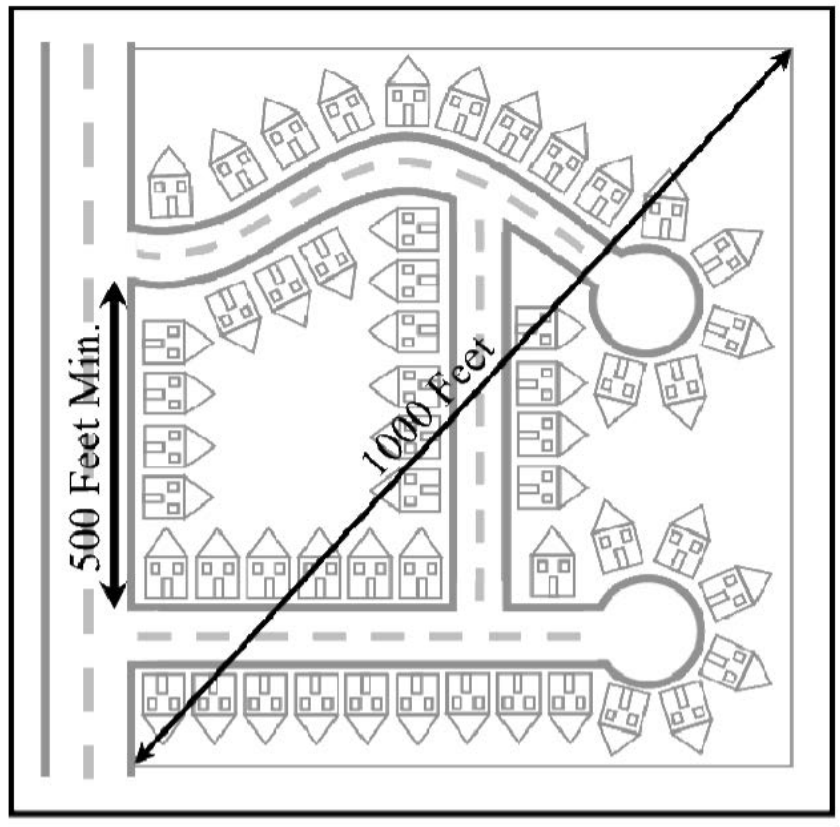
3. Turnarounds. Dead end access roads in excess of 150 feet in length shall be provided with a turnaround meeting the specifications of Figure 17.10.065-1.

Figure 17.10.065-1 Design Options for Turnarounds



E. Multiple Access Roads Separation. Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses, or 400 feet apart, whichever is less.

Figure 17.10.065-2 Minimum Separation for Access Roads



Chapter 17.15

APPLICATION REQUIREMENTS AND APPROVAL CRITERIA

17.15.010 Review procedures and approval process.

A. *Subdivision and Partition Approval through Three-Step Process.* Applications for subdivision or partition approval shall be processed through a three-step process: the pre-application conference, the preliminary plat, and the final plat.

1. A pre-application conference is required for all partitions and subdivisions.
2. The preliminary plat for a partition and subdivision shall be approved **including any conditions of approval** ~~by the planning commission before the final plat can be submitted for approval consideration.~~
3. The final plat shall include all conditions of approval of the preliminary plat.

B. The preliminary plat for a partition **and subdivision** shall be **reviewed through a Type II review consistent with TMC 18.190.040,** ~~an administrative review with public notice. The preliminary plat for a subdivision shall be a quasi-judicial hearing with public notice.~~

C. All preliminary plats shall be reviewed using approval criteria contained in TMC [17.15.030](#). Approval criteria – Preliminary plat.

D. *Review of Final Plat.* Review of a final plat for a subdivision or partition shall be processed as a ~~ministerial~~ **Type I** review **consistent with TMC 18.190.030**, using the approval criteria in TMC [17.20.010](#), Final plat submission requirements and approval criteria.

E. *Preliminary Plat Approval Period.* Preliminary plat approval shall be effective for a period of three years from the date of approval. The preliminary plat approval shall lapse if a final plat has not been submitted within three years of the preliminary plat approval.

F. *Modifications and Extensions.* The applicant may request changes to the approved preliminary plat or conditions of approval.

1. To change the design or conditions of approval of a preliminary plat approval, the applicant must file for an amendment. The process for approval of an amendment is the same as for the original application, subject to the following:

- a. Only the conditions, details, or features proposed to be changed will be considered in the review of the amendment application;
- b. The applicant shall demonstrate that the proposed amendment will not create conflicts with other conditions of the original approval; and
- c. The amendment application complies with all applicable city ordinances and standards (i.e., those that are in effect when the application is accepted by the city).

2. The applicant may apply for an extension of time for submittal of the final plat. The applicant must submit a written request for an extension of time within one year of preliminary approval. The city planner shall, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed one year, if all of the following criteria are satisfied:

- a. An extension of time will not prevent the lawful development of abutting properties;
- b. 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
- c. The extension request is made before expiration of the original approved plat.

3. Failure to file a final plat within the one-year extension period will result in the preliminary approval becoming void.

G. *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 (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than three 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 city council 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 TMC [17.20.060](#). Performance guarantee. 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 application 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.

H. *Compliance with ORS Chapter 92.* All subdivision and partition proposals shall be in conformance to state regulations set forth in ORS Chapter [92](#), Subdivisions and Partitions. [Ord. 818 § 2 (Exh. A (§ 8-2.310)); Ord. 692 § 11.]

17.15.020 Preliminary plat submission requirements.

A. *Preliminary Plat Information.* 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 the county in which it is located (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, including vicinity;

d. Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor, and the date of the survey; and

e. Identification of the drawing as a "preliminary plat."

2. *Site Analysis.*

a. *Streets.* Location, name, present width of all existing 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 ones;

d. Ground elevations shown by contour lines at five-foot vertical intervals for ground slopes exceeding 10 percent and at two-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established benchmark or other datum approved by the county surveyor. This requirement may be waived for partitions of one acre or less with grades, on average, less than five 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 floodplains, areas subject to high water table, landslide areas, and areas having substantial erosion potential;

g. Sensitive lands, including wetland areas, streams, wildlife habitat, greenways, and other areas identified by the city or natural resource regulatory agencies as requiring protection (see Chapter [18.85](#) TMC);

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. Note that documentation of pre-settlement cultural resources may not be

made a part of the public record as a matter of law, and shall be submitted in a sealed envelope addressed to the city planner for the subject application;

j. The location, size and species of trees having a caliper (diameter) of four inches (dbh) or greater at four feet above grade;

k. Lighting plan, mailbox plan; and

l. Other information, as deemed appropriate by the city planner or city administrator. The city may require studies or exhibits prepared by qualified professionals, such as a traffic study, anticipated water use and conservation study, cultural resource study, tree report and preservation study, wetland delineation, or similar study, 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 centerline 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 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 lots and tracts (e.g., "Lot 1," "Tract 1");

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;

e. Proposed improvements, as required by Chapter [17.10](#), Development and Design Standards, and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);

f. The proposed source of domestic water;

g. The proposed method of sewage disposal, and method of surface water drainage and treatment if required;

- h. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
- i. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation and the Public Utility Commission related to proposed changes to railroad crossing(s);
- j. Proposed changes to navigable streams or other watercourses. The only changes that will be considered within the bed and banks of Bear Creek and Wagner Creek will be new or modified storm water outfalls designed to reduce the adverse impacts of storm water flows and protect water quality in conformance with applicable laws. Modifications to these areas, including provision or closure of public access, shall be shown on the preliminary plat and evidence of contact with the Division of State Lands and Army Corps of Engineers shall be provided, as applicable;
- k. Identification of the base flood elevation for development in floodplains. Evidence of contact with the National Flood Insurance Program to initiate a floodplain map amendment shall be required when development is proposed to modify a designated 100-year floodplain. Elevation certificates are required for all construction in floodplains prior to occupancy;
- l. Evidence of contact with Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the state's jurisdiction;
- m. Evidence of contact with the applicable natural resource regulatory agency(s) for any development within or adjacent to jurisdictional wetlands and other sensitive lands, as identified in Chapter [18.85](#) TMC;
- n. A future street plan that conforms to the provisions of TMC [17.10.050\(j\)](#). The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 600 feet surrounding and adjacent to the proposed land division; and
- o. Proposed irrigation ditch crossings, if any, and evidence of contact with the Talent Irrigation District related to existing or proposed irrigation ditch crossings. [Ord. 818 § 2 (Exh. A (§ 8-2.320)); Ord. 692 § 12.]

17.15.030 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 all of the applicable code sections and other applicable ordinances and regulations. At a minimum, the provisions of this chapter and the provisions of the underlying zoning district shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter [18.160](#) TMC, Variances;
- 2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter [92](#);
- 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; and are consistent with the city's transportation system plan. All proposed public improvements and dedications are identified on the preliminary plat; and
- 4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.

B. *Residential Density.*

1. *Minimum and Maximum Density Requirements.* When lots are created through a planned unit development or subdivision, the development shall **comply with the minimum and maximum density standards permitted by the applicable zoning district.** **achieve a minimum of 40 percent and a maximum of 100 percent of the dwelling unit density permitted by the applicable zoning district.** ~~The minimum density provision shall not apply to parcels that are smaller than one acre.~~ ~~For purposes of this section, the minimum number of dwelling units required shall be determined by multiplying the maximum density by 0.4. The result shall be rounded up for any product with a factor of 0.5 or greater and rounded down for any product with a fraction of less than 0.5.~~

2. *Residential Density Calculation Procedure.*

Commented [ED1]: Do we keep this and use to regulate density, instead of standards in the base zones?

Commented [ED2]: This exception does not appear necessary, since most subdivisions affect larger parcels of land.

Commented [ED3]: This methodology superseded by density standards in zoning districts.

a. The number of dwelling units permitted on a parcel of land is calculated after determining how much of the area is unconstrained. Constraints include undevelopable lands, area devoted to street rights-of-way and other infrastructure, and area devoted to nonresidential uses. Dedicated parkland (when accepted by the city) is not considered constrained land for the purposes of calculating density. TMC Title 18 permits limited density transfers in the case of steep slopes (TMC 18.80.040) and wetlands and riparian setbacks (TMC 18.85.040), subject to conditions described in those sections. The following steps describe how to calculate density. (For density calculation in the RM-HD R2-zone, refer to TMC 18.40.060 in place of Do not use the method below. for the RM-22 zone.)

- i. *Step 1.* Determine the amount of land, in acres, intended for development.
- ii. *Step 2.* Subtract areas either devoted to or to be developed as commercial and other nonresidential developed uses.
- iii. *Step 3.* Subtract undevelopable lands (as defined in Chapter 18.15 TMC).
- iv. *Step 4.* Multiply the result of Step 3 by 0.76 to account for a 24-percent standard deduction for infrastructure.
- v. *Step 5.* Multiply the result of Step 4 by the maximum density permitted in the applicable zoning district. gross base density, which is determined by dividing 43,560 (one acre) by the minimum lot size of the zone in question (e.g., in the RS-5 zone, gross base density is 5.445; in the RS-7 and RS-MH zones it is 7.26).
- vi. *Step 6.* Round the result of Step 5 to nearest whole number.

b. The preceding steps may expressed by the following formula:

$$D = (A - N - U)RMB, \text{ where}$$

D = density permitted (in number of dwelling units)

A = total site area (in acres)

N = area devoted to nonresidential uses (not including parks, open space, infrastructure or undevelopable lands)

U = undevelopable lands

R = 0.76 standard deduction for right-of-way and other infrastructure

~~M_B = maximum density permitted in the zone, base density (43,560 divided by the minimum lot size of the zone).~~

The resulting density (D) is the number of units that may be distributed on the developable portions of the site, ~~provided that minimum lot sizes for applicable dwelling types in the zone are met unless otherwise modified consistent with TMC 17.15.030(C)(1)(a).~~

C. *Block and Lot Standards.* All proposed blocks (i.e., one or more lots bound by public streets), lots, and parcels conform to the specific requirements below:

1. All lots shall comply with the lot area, setback, and dimensional requirements of the applicable zone district, and the standards of TMC [17.10.050\(J\)](#), Street Alignment and Connections.

a. ~~Single-family~~ Residential lot sizes may be averaged to allow lots less than the minimum lot size in the ~~RLD RS-5~~ and ~~RMD RS-7~~ residential districts, as long as the average area for all lots is not less than allowed by the district. In order to prevent exceeding the maximum allowable densities, no lot shall be created that can be divisible in the future unless a redivision plan is filed for the subject lot, pursuant to subsection ~~(F)~~ of this section. No lot created under this provision shall be less than 85 percent of the minimum lot size allowed in the zone. ~~For example, in the RS-5 zone the following three lots could be created from a 24,000 square foot tract: 6,800 square feet; 8,000 square feet; and 9,200 square feet.~~

~~b. In the high-density S&MF residential (RM-22) zoning district, individual lots may not be created that are too small to provide a residential building footprint, adequate access, any required undeveloped or landscaped areas, and covered off-street parking for at least two dwelling units.~~

2. Setbacks shall be as required by the applicable zoning district, unless a PUD is approved with different setbacks.

3. Each lot shall conform to the standards of TMC [17.10.060](#), Vehicular access and circulation.

4. Landscape or other screening may be required to maintain privacy for abutting uses and buffering for pathways, through lots abutting an arterial or collector street, grade changes and retaining walls, development on flag lots, and similar situations, consistent with the provisions of TMC Titles [17](#) and [18](#) and Chapter [18.105](#) TMC.

5. In conformance with the Uniform Fire Code, a 20-foot-wide 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. See also TMC [17.10.060](#), Vehicular access and circulation.

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.

D. *Conditions of Approval.* City staff, planning commission, or city council may attach such conditions as are necessary to carry out provisions of this code and other applicable ordinances and regulations. When not voluntarily accepted by the applicant, conditions shall be roughly proportional to the impact of development, and the written findings and decision shall include findings of proportionality.

E. The city may require that reserve strips be granted to the city for the purpose of controlling access to adjoining undeveloped properties.

F. *Future Redivision 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 redivision in accordance with the requirements of the zoning district and this code. A redivision plan shall be submitted that identifies:

1. Potential future lot division(s) in conformance with the housing and density standards of the underlying zoning district;
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. Development activities that prevent implementation of the redivision plan shall not be permitted unless they achieve

the housing densities and street connections required by the applicable zoning district and this chapter. The city may require dedication and improvement of rights-of-way within the future plan area to provide needed secondary access and circulation.

G. *Compliance.* All submittals shall demonstrate compliance with Chapter [17.10](#) TMC, Development and Design Standards, and Chapter [18.85](#) TMC. [Ord. 818 § 2 (Exh. A (§ 8-2.330)); Ord. 793; Ord. 777; Ord. 692 § 13.]

17.15.040 Variances authorized.

Adjustments to the standards of this chapter shall be processed in accordance with Chapter [18.160](#) TMC, Variances. Applications for variances shall be submitted prior to or at the same time as an application for land division, PUD, or lot line adjustment is submitted. [Ord. 818 § 2 (Exh. A (§ 8-2.340)); Ord. 692 § 14.]

17.20.010 Final plat submission requirements and approval criteria.

A. *Submission Requirements.* Final plats shall be reviewed and approved by the city prior to recording with Jackson County. The applicant shall submit the final plat to the city within ~~one~~ three years of the approval of the preliminary plat as provided by TMC [17.15.010](#), Review procedures and approval process. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the city planner.

B. *Approval Criteria.* ~~Unless planning commission review is included as a condition of approval, the city planner shall conduct an administrative review of the final plat and shall approve or deny the final plat based on findings regarding~~ Final plats shall be reviewed through a Type I review consistent with TMC 18.190.030 to determine compliance with the following criteria:

1. The final plat complies 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 public works director. Alternatively, the developer has provided a performance guarantee in accordance with TMC [17.20.060](#), Performance guarantee;
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 use have been approved by the city as conforming to the preliminary plat;
5. The plat contains 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, riparian areas and water supply systems, as applicable;
6. The applicant has provided copies of all recorded homeowners association codes, covenants, and restrictions (CC&Rs); 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 and subject property comply with the applicable sections of this code;

8. Certification by the city or Bear Creek Valley Sanitary Authority that water and sanitary sewer service is available to each and every lot or parcel depicted on the plat; or bond, contract or other assurance has been provided by the subdivider or partitioner to the city that such services will be installed in accordance with TMC [17.10.020](#), Public facilities standards and improvements, and the bond requirements of TMC [17.20.040](#), Construction plan approval and assurances. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, 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 Chapter [92](#), and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location;
10. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. All new lots are buildable without requiring any structural development or storage of vehicles or equipment, or construction materials, within 35 feet of the floodway. Development in a 100-year floodplain shall comply with the requirements of the National Flood Insurance Program and Talent floodplain management ordinance requirements (Chapter [15.15](#) TMC). Structural measures are preferred to filling to elevate structures above the base flood elevation;
11. Where a development site is located in or near areas prone to inundation, and the base flood elevation has not been provided or is not available from another authoritative source, it has been prepared by a qualified professional, as determined by the city engineer;
12. All lots or parcels created through land division have adequate public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to prevent or minimize flood damage to the extent practicable;
13. All subdivision and partition proposals have adequate surface water drainage provided to reduce exposure to flood damage. Water quality or quantity control improvements may be required per storm water design standards; and
14. Compliance with Chapter [18.85](#) TMC. [Ord. 818 § 2 (Ex. A (§ 8-2.410)); Ord. 692 § 15.]

17.30.030 Flag lot partitions.

The following standards apply to flag lots in all residential zones:

A. *Purpose.* These standards allow the creation of a single flag lot out of a parent lot in limited circumstances. The limitations minimize the negative impacts of flag lots on an area while allowing land to be divided when other options are not achievable.

B. *When a Flag Lot Is Allowed.* A Flag lot is are allowed only when the following are met:

1. An existing dwelling unit on the site is located so that it precludes a land division that meets the minimum lot width standard of its zoning district;
2. Only one No more than three flag lots is are proposed in addition to the parent lot;
3. There will be only one residence on the flag lot (except in the RM 22 zone);
4. Minimum and maximum density, minimum lot size (not including the pole), maximum height and maximum building coverage requirements of the zone will be met; and
5. In the interest of protecting existing neighborhood context, structures taller than 16 feet will not be allowed if more than 50 percent of the lots sharing common lot lines, not including the parent lot, have houses on them that are less than 16 feet tall. Lots without houses on them will not be considered.

C. *Flag Lot Access Pole.* The pole portion of the flag lot must meet the following standards in Table 17.30.030-1. Adjustments are prohibited.

Table 17.30.030-1 Flag Lot Access Pole Standards.

<u>Number of Lots Served by Access Pole</u>	<u>Maximum length</u>	<u>Total width</u>	<u>Paved width</u>
<u>1-2 Lots</u>	<u>150 feet</u>	<u>Min. 20 feet</u>	<u>Min. 15 feet</u>
<u>3-4 Lots</u>	<u>400 feet</u>	<u>Min. 25 feet</u>	<u>Min. 20 feet</u>

1. The pole must connect to a street and must be at least 13 feet wide at the street and for its entire length, or 24 feet if the length from the centerline of the street right of way to the flag portion is more than 150 feet or if there will be more than one residence on the flag lot;
2. The pole portion must be part of the flag lot and must be under the same ownership as the flag portion;
3. The access drive must be at least 12 feet wide (or 24 feet; see subsection (C)(1) of this section) and paved with concrete or asphalt. The drive must be designed so that storm water runoff is directed toward an appropriate location and not onto neighboring properties;
4. The flag lot and the existing lot will share the flag lot access pole for common access to the two lots unless the city planner finds such a setup physically impractical.

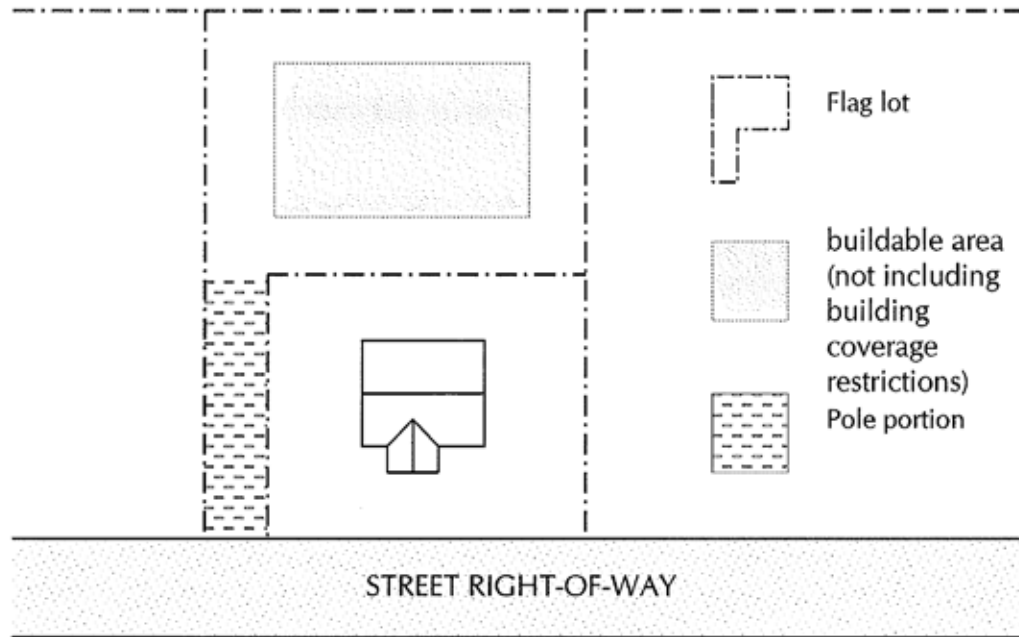
D. *Minimum Lot Dimensions.* No dimension of a flag lot may be less than 40 feet, excepting the pole portion. For the purposes of this subsection width and depth are measured at the midpoint of the opposite lot lines. All other lot dimension standards must be met.

E. *Flag Lot Development Standards.* The following standards apply to development on flag lots:

1. *Setbacks.* (See Figure 17.30.030-1.) Flag lots have required building setbacks that are the same along all lot lines, except that the setback for garage and carport entrances, on the pole portion side shall be at least 13 or 24 feet, as appropriate, plus an additional 20 feet for garage entrances, or more if there is a possibility the pole may someday become part of a larger public right of way. The city reserves the right to require greater setbacks in such cases for garages and/or entire structures. The required setbacks for primary structures, including houses and dwelling units and garages are:

Zone	Setback	Setback for Garage or Carport Entrances
RS-5-RLD	15 feet	20 feet
RS-7, RS-MH and RM-22 RMD, RMH, RHD	10 feet	20 feet

Figure 17.30.030-1. Flag Lot Setbacks



[Ord. 818 § 2 (Exh. A (§ 8-2.630)); Ord. 796.]