

TITLE 9

COMMUNITY DEVELOPMENT

Subtitle 2 — Land Development Code Division 2 — Changes to Property Lines

CHAPTER 923

NEW LOT AND PARCEL DESIGN STANDARDS CODE

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923.010 Title; short title

This Chapter, LCC 923.010 to 923.999, shall be known and cited as the “Linn County New Lot and Parcel Design Standards Code.” This Chapter may also be referred to and cited as the “New Lot and Parcel Design Standards Code.”

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §4 eff 6/30/99]

923.020 Definition

For purposes of this Chapter, unless the context requires otherwise, “**property**” has the meaning given the words “**lots,**” “**parcels,**” or “**lots or parcels**” or any other combinations of those terms.

[Adopted 98-002 §3 eff 3/4/98]

923.050 Statement of purpose

(A) The purpose of this Chapter shall be to prescribe the design and standards to be used when dividing an authorized unit of land into lots or parcels within the unincorporated areas of Linn County.

(B) Unless otherwise noted in this Chapter, all divisions of land shall conform to the requirements and objectives of the *Comprehensive Plan*, the Development Code and all other applicable County and State laws.

[Adopted 98-002 §3 eff 3/4/98]

923.100 Lots and parcels

(A) *Access.* Each lot or parcel abutting a road other than an alley shall abut that road for a distance equal to the minimum frontage standard for the applicable zoning district in which the property is located, except cul-de-sac lots or parcels in which case the minimum frontage standard shall be 45 feet.

(B) *Double Frontage Property.* Double frontage property shall be avoided except where such frontage is essential to provide separation of residential development from major arterials or adjacent non-residential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 feet wide, across which there shall be no rights of access, may be required along the line of property abutting such a major arterial or other incompatible use.

(C) *Property Grading.* Property grading shall conform to the standards in this subsection unless physical conditions demonstrate the appropriateness of other standards:

(1) Cut or fill slopes shall not be steeper than one foot vertically to two feet horizontally (2:1).

(2) The character of soil for fill and the characteristics of property made usable by fill shall be suitable for the purpose intended and conform to *Uniform Building Code Grading and Fill Standards* and LCC Chapter 850 (Linn County Fill and Excavation Code).

(D) *Property Lines*. The side lines of property, as far as practical, shall run at right angles to the road upon which the property fronts.

(E) *Size and shape*.

(1) Property size, width and shape shall conform with the property development standards of the zoning district in which the property is located unless a variance under LCC 938.300 and 938.340 has been approved. The area within an easement granted under LCC Chapter 935 (Access Improvement Standards Code) shall be included in the calculation of the property area over which the easement lies.

(2) Lots held in common or by the public and created under LCC 926.200 for lots described in LCC 926.170 (E) and (F) are exempt from the standards imposed by paragraph (1) of this subsection but the size, depth, and width standards shall be adequate to provide for standard setbacks for service structures and to furnish off-road parking facilities required by the kind of use contemplated.

(3) The depth of any property shall not exceed 2½ times the minimum width. In no case shall the width or depth be less than that prescribed by the zoning district in which the property is located, unless a variance under LCC 938.300 and 938.340 has been granted

(4) When dealing with the division of land into lots or parcels, the Director may place such restrictions on the size and shape of the lot or parcel and limitations on building sites as will provide for future extension of roads. Such restrictions shall be added in such a manner as to allow the subsequent division of any parcel or lot into smaller units of land, subject to LCC Chapter 924 (Partitioning Code) and LCC Chapter 926 (Subdi-

viding Code), if each smaller unit meets the minimum size standards of the applicable zoning district.

(5) Any person who divides property into lots or parcels, which at some future time could be further divided and still meet the minimum property size requirement of the zoning district in which the property is located, shall provide for suitable road access to each property so that the future development of each created lot or parcel will have the required road frontage. This paragraph does not apply to partitions of land which will be used exclusively for farming, mining or forestry without any residential use.

(F) Within partitions and subdivisions, any islands, strips or other property unsuited for development and not accepted by the county for public use shall be included as a part of another lot or parcel meeting the provisions of the Development Code.

[Adopted 98-002 §3 eff 3/4/98; amd 99-121 §3 eff 6/30/99]

923.200 Easements other than for road access

(A) *Pedestrian Ways*. When the Director determines that it is in the best interests of the public, pedestrian ways not less than 15 feet wide may be required to connect cul-de-sacs or to pass through unusually long or oddly-shaped property. Such pedestrian ways shall be hard-surfaced curb-to-curb in order to provide easy access to schools, parks or other community services. If a pedestrian way is required, the applicant must show the pedestrian way on the plat.

(B) *Utility Easements*. Easements for public utility facilities, whenever determined necessary by the Director, shall be dedicated. The easements may vary according to the need of various utilities but shall not be less than five feet wide unless immediately adjacent to a public right-of-way.

(C) *Waterways*. If a lot or parcel is traversed by a waterway, such as a drainage way, channel, or stream, then a surface-water easement or drainage right-of-way shall be required. If a surface-water easement or drainage right-of-way is required, the applicant must show the easement or right-of-way on the plat. The easement shall

conform substantially with the lines of the waterway plus any additional width necessary to serve the purpose. In all land divisions, adequate provisions shall be made to carry surface water through the development into established drainage ways in a manner acceptable to the county engineer. Roads or parkways parallel to major waterways may be required.

[Adopted 98-002 §3 eff 3/4/98]

Statutory References and Other Authorities:

ORS 197; 203; 215

Legislative History of Chapter 923:

Adopted 98-002 eff 3/4/98

Amendments to 98-200

#1 99-121 §4 eff 6/30/99

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