

A BILL FOR AN ORDINANCE AMENDING)
ORDINANCE NO. 1774 DEALING WITH)
SOLAR ACCESS.)

ORDINANCE BILL NO. 44
for 1981
ORDINANCE NO. 1869

WHEREAS, the City of Lebanon recognizes the possibility of major energy shortages in the future; and

WHEREAS, the City of Lebanon realizes that energy costs are escalating and will continue to do so in the future; and

WHEREAS, the City of Lebanon recognizes that it is important to the welfare of the residents of the City that nonrenewable energy sources be conserved and the use of renewable energy be encouraged;

NOW, THEREFORE, THE CITY OF LEBANON ORDAINS AS FOLLOWS:

Section 1. That Section 1.02 of Ordinance No. 1774, enacted March 5, 1980 be amended to read as follows:

SECTION 1.02 PURPOSE

The purpose of this Ordinance is to establish standards and procedures for the division of land within the jurisdiction of the City of Lebanon. These regulations are necessary in order to provide uniform procedures and standards for the division of land; to provide for the proper width and arrangement of streets; to coordinate proposed development with any over-all plan; to provide for utilities and other public facilities; to avoid undue congestion of population; to assure adequate sanitation and water supply; to provide for the protection, conservation, and proper use of land; to protect solar access; and in general to protect the public health, safety and welfare.

Section 2. That Section 1.05 of Ordinance No. 1774, enacted March 5, 1980 be amended to read as follows:

SECTION 1.05 DEFINITIONS

As used in this ordinance the following words and phrases shall mean:

- (1) Building line. A line on a plat or map indicating the limit beyond which buildings or structures may not be erected.
- (2) City. The City of Lebanon, Oregon.

- (3) Comprehensive Plan. A city plan for the guidance of growth and improvement of the city, including modifications or refinements which may be made from time to time.
- (4) Easement. A grant of the right to use a piece of land for specific purposes.
- (5) Lot. A unit of land that is created by a subdivision of land.
 - (a) Corner lot. A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.
 - (b) Through lot. A lot having frontage on two parallel or approximately parallel streets other than alleys.
- (6) Map. A final diagram, drawing or other writing concerning a major partition.
- (7) Parcel. A unit of land that is created by a partitioning of land.
- (8) Partition. Either an act of partitioning land or an area or tract of land partitioned as defined in this section.
 - (a) Major partition. A partition which includes the creation of a street.
 - (b) Minor partition. A partition that does not include the creation of a street.
- (9) Partition land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition land" does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery plots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession; and "partition land" does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot standards of the zoning ordinance.
- (10) Pedestrian way. A right-of-way for pedestrian traffic.
- (11) Person. A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination acting as a unit.

- (12) Planning Commission. The Planning Commission of the City.
- (13) Planning Official or City Engineer. The City Administrator or his designated agent.
- (14) Plat. The final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.
- (15) Right-of-way. The area between boundary lines of a street or other easement.
- (16) Roadway. The portion of a street right-of-way developed for vehicular traffic.
- (17) Sidewalk. A pedestrian walkway with permanent surfacing.
- (18) Solar Access. The availability of sunlight to a main structure or solar collector on a south wall or rooftop between the hours of 10 a.m. and 2 p.m. on December 21st at 44 degrees north latitude that allows for the operation of an active or passive solar energy system.
- (19) Solar Collector. A device or combination of devices, structure, or part of a device or structure that transforms direct solar energy into chemical, thermal, or electrical energy and that contributes significantly to a structure's energy supply.
- (20) Street. A public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land and including the term "road," "highway," "lane," "avenue," "alley" or similar designations.
- (a) Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.
- (b) Arterial. A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas.
- (c) Collector. A street supplementary to the arterial street system and a means of intercommunication between this system and smaller areas; used to some extent for through traffic and to some extent for access to abutting properties.
- (d) Cul-de-sac (dead-end street). A short street having one end open to traffic and being terminated by a vehicle turnaround.
- (e) Half street. A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.

(f) Limited access street. A minor street parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic.

(g) Minor street. A street intended primarily for access to abutting properties.

(21) Subdivide land. To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

(22) Subdivision. Either an act of subdividing land or an area or tract of land subdivided as defined in this section.

Section 3. That Section 6.03 (1) and (2) of Ordinance No. 1774, enacted March 5, 1980 be amended to read as follows:

SECTION 6.03 BLOCKS

(1) General. The length, width, and shape of blocks shall recognize topographic conditions and shall take into account the need for adequate building site size, the protection of solar access, and the need for adequate street width.

(2) Size. No block shall be more than 365.7 meters (1200 feet) in length between street corner lines unless it is adjacent to an arterial street, or unless the topography, solar orientation, or location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is 546.6 meters (1800 feet). A block shall have sufficient width to provide for two tiers of building sites with protected solar access unless topography or the location of adjoining streets justifies an exception.

Section 4. That Section 6.04 of Ordinance No. 1774, enacted March 5, 1980 be amended to read as follows:

SECTION 6.04 BUILDING SITES

(1) Size and Shape. The size and width of building sites shall be consistent with the provisions of the zoning ordinance. The shape of the lot shall be appropriate for the location of the land division and for the type of development and use contemplated. The orientation of the building site shall be in such a manner to take maximum advantage of solar access. The following exceptions apply:

(a) In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with the requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure

and water table as related to sewage disposal by septic tank. In no case shall the minimum lot size be less than required by the Zoning Ordinance.

(b) Where property is zoned and planned for business or industrial use, other widths and areas may be permitted at the discretion of the Planning Commission. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

- (2) Through lots and parcels. Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide and across, which there shall be no right of access, may be required along the line of the building sites abutting such a traffic artery or other incompatible use.
- (3) Lot and parcel side lines. The lines of lots and parcels shall be drawn to take maximum advantage of site orientation for solar access. Where topographic and/or vegetative configuration makes solar access impractical, the lot lines shall run at right angles to the street upon which they face, except that on curved streets lines shall be radial to the curve.

Section 5. That Section 6.07 of Ordinance No. 1774, enacted March 5, 1980 be amended to read as follows:

SECTION 6.07 LARGE BUILDING SITES

In dividing tracts into large lots or parcels which at some future time are likely to be redivided, the Planning Commission may require that the blocks be of such size and shape, be so divided into building sites and contain such site restrictions as will provide for solar access and extension and opening of streets at intervals which will permit a subsequent division of any tract into lots or parcels of smaller size.

Section 6. EMERGENCY CLAUSE.

Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the peace, health and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

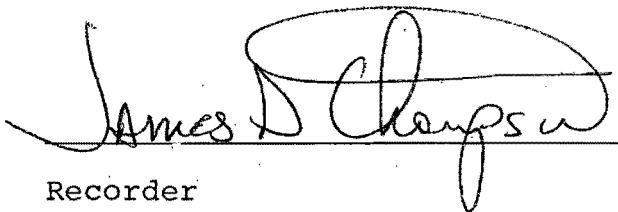
Section 7. EFFECTIVE DATE.

Passed by the Council by a vote of 5 for and 0 against
and approved by the Mayor this 11th day of NOVEMBER 1981.



Mayor

ATTEST:



Recorder