

## ORDINANCE NO. 795

### AN ORDINANCE RELATING TO LAND USE AND AMENDING MUNICIPAL CODE CHAPTERS 17.96 (LOTS--EXCEPTIONS AND ADDITIONAL SETBACKS) AND 17.152 (LAND DIVISION--MAJOR AND MINOR LAND PARTITIONS AND PROPERTY LINE ADJUSTMENT).

#### THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

**Section 1.** Section 17.96.040(C) of the Scappoose Municipal Code is hereby repealed.

**Section 2.** Section 17.152.090(A) of the Scappoose Municipal Code is amended to read as follows:

A. Within forty-five days of receipt of a completed application for a property line adjustment, the planner shall approve, approve with conditions or deny a request for a property line adjustment in writing based on findings that the criteria stated are satisfied as follows:

1. An additional parcel is not created by the property line adjustment, and the existing parcel as reduced in size by the adjustments is not reduced below the minimum lot size established by the zoning district. Where an existing lot of record does not satisfy the minimum area requirement for the zone, a property line adjustment may be permitted provided the adjustment does not increase the degree of nonconformity;

2. By reducing the lot size, the lot or structures(s) on the lot will not be in violation of the site development or zoning district regulations for that district; and

3. The resulting parcels are in conformity with the dimensional standards of the zoning district. Where an existing lot of record does not satisfy the dimensional requirements for the zone, a property line adjustment may be permitted provided the adjustment does not increase the degree of nonconformity.

**Section 3.** Section 17.152.090(B) of the Scappoose Municipal Code is hereby repealed. Section 17.152.090, Subsections (C) and (D) are hereby renumbered as Subsections (B) and (C), respectively.

**Section 4.** In support of this ordinance, the City Council adopts the recommendation of the Scappoose Planning Commission and the findings of fact in the Staff Report dated December 14, 2007.

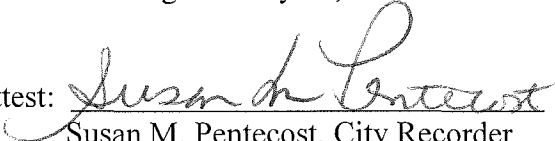
PASSED AND ADOPTED by the City Council this 22<sup>nd</sup> day of January, 2008, and signed by me in authentication of its passage.

**CITY OF SCAPPOOSE, OREGON**

  
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Scott Burge, Mayor

First Reading: January 7, 2008

Second Reading: January 22, 2008

Attest:   
Susan M. Pentecost, City Recorder