

## **Chapter 18.87: ADJUSTMENTS**

### **18.87.010 Intent**

Adjustments are procedures that vary quantifiable development standards normally allowed in that particular zone. Adjustments exist for those circumstances where uniform, unvarying rules would prevent a more efficient use of a lot.

A typical adjustment application would be permitting a structure closer to a property boundary than that normally allowed in the underlying zone.

Adjustments apply only to individual lots and therefore cannot be used by an applicant attempting to vary development standards for lots to be created through a subdivision process. Modifying land divisions standards should be sought through a Variance procedure where appropriate.

An adjustment is intended to:

- A. Allow more efficient use of land.
- B. Permit building location and/or construction techniques that conserve energy.
- C. Minimize procedural delays and ensure due process in the review of unique development situations.
- D. Provide relief from the strict adherence of land division development standards where specific physical or functional land development conditions warrant a variance.

### **18.87.020 Type I Adjustment**

Type I adjustments may be granted by the Planning Director after following a Type I Land Use Procedure. Type I Land Use Procedures include requests of an expansion or reduction by not more than 10% of one or more quantifiable provisions of the code.

### **18.87.030 Type II Adjustment**

Type II adjustments may be granted by the Planning Director after following a Type II Land Use Procedure. Type II Land Use Procedures include requests of an expansion or reduction by not more than 20% of one or more quantifiable provisions of the code.

### **18.87.040 Authorization to Grant or Deny**

Adjustments from this title may be approved where it can be shown that strict application of the provisions of this title would cause an undue or unnecessary hardship and the circumstances granting an adjustment are met. Approval of an adjustment may

be granted subject to conditions that are found necessary to protect the best interests of the surrounding area and otherwise achieve the purposes of this title and the regulations are proposed for adjustment.

#### **18.87.050 Criteria for Granting**

Unless otherwise limited, an adjustment may be approved, if the request involves only the expansion or reduction as stated in the Type I and II Adjustment Procedures of one or more quantifiable provisions of this code and if the applicant demonstrates the following:

- A. A hardship is created by an unusual situation that is a result of lot size, lot shape, topography, development circumstances or an inability to use the land or public infrastructure more efficiently.
- B. The adjustment will not be materially injurious to property abutting the subject property, such as but not limited to substantially reducing the amount of privacy enjoyed by other users of nearby structures when compared to the same development located as specifically identified in the Molalla Municipal Code.
- C. The adjustment is the minimum remedy necessary to alleviate the hardship.
- D. Architectural features of the proposed development will be compatible with the design character of existing structures on adjoining properties and on the proposed development site.
- E. The request for an adjustment is not the result of an illegal act.
- F. The adjustment will not be contrary to the purposes of this chapter, policies, comprehensive plan and any other applicable policies and standards adopted by the City of Molalla.
- G. The adjustment will not adversely affect existing physical systems, such as traffic, drainage, dramatic landforms, or parks.

#### **18.87.060 Adjustment Limitations**

Adjustments may not be utilized to:

- A. Reduce the width of access ways required for flag lots created through the partition or subdivision process.
- B. Reduce the area reserved for private outdoor space and/or usable open space.
- C. Reduce project site amenities such as screening and/or landscaping provisions.

- D. Increase fence height inside a clear vision area.
- E. Reduce minimum or increase maximum densities in residential zones.
- F. Authorize a use that is not allowed in the zoning district in which the property is located.
- G. Change a definition or a use classification.
- H. Sign criteria shall not be subject to adjustments.

**18.87.070 Application**

An application for an adjustment shall be made on forms provided by the City and include the following:

- A. Description of the land (address, lot, block, tract, or similar description) on which development is to take place.
- B. Narrative addressing how the application meets the specified review criteria.
- C. Site plan no larger than 11 in by 17 in (include a reduced copy of drawn larger) such as a photocopy reproduction. The site plan shall be drawn to scale and show:
  - 1. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainage ways.
  - 2. Lot line dimensions
  - 3. Existing and proposed structures
  - 4. Structures on adjacent property(ies) affected by the request
  - 5. Vehicle and pedestrian access points and access ways
  - 6. Drainage ways and any other prominent features
  - 7. Location of trees and shrubs over three (3) feet in height
  - 8. Fences and walls
  - 9. Off-street parking facilities
  - 10. Any other information relevant to the proposal
  - 11. Director may modify the submission requirements as necessary

**18.87.080 Application Fee**

An application for an adjustment shall be filed with the City and accompanied by a fee set by City Council resolution. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this section.

**18.87.090 Time Limit**

- A. Approval of an adjustment shall expire if substantial construction has not occurred within one (1) year of the date of the final decision.
- B. Upon request, prior to its expiration, the applicant may request one (1) extension not to exceed six (6) months.