

Memorandum

Date: June 20, 2014

To: Planning Commission

From: Sara Javoronok, Associate Planner

Subject: PUD and infill code amendments (CDC 10-02)

Purpose

The Planning Commission will hold a public hearing on the proposed Planned Unit Development (PUD) and infill code amendments on July 2, 2014. Staff and the Planning Commission have discussed these amendments extensively and this memo summarizes the project and the content of the amendments. The attached June 2014 Discussion Draft has not changed from the draft reviewed at the June 18, 2014 Planning Commission Work Session.

The purpose of these amendments is reflected in the City Council resolution creating the task force that helped to develop these amendments. The resolution included the following:

WHEREAS, the City Council has directed the Planning Department, as part of its authorized planning strategy, to prepare amendments to the Community Development Code to provide the opportunity for infill housing development that is more compatible with the immediately surrounding property; and

WHEREAS, the Planning Commission and Planning Staff have determined that it would be advantageous and efficient to establish an ad hoc subcommittee that could provide a greater range of relevant expertise on the subject to assist with the drafting of these code amendments; and

Background

Staff briefed the Planning Commission in September 2011, October 2013 and March, April, May, and June 2014. The City began this project in 2010. The goal was to amend the planned unit development (PUD) regulations to no longer require a PUD to develop natural resources/constrained areas, better coordinate with other applicable regulations, remove obsolete and ineffective provisions, clarify confusing and contradictory provisions, and facilitate appropriate development. It also sought to identify and implement ways to improve the design and minimize the adverse impacts of flag lots.

A Task Force, whose membership included Chair Steel and former Commissioner Babbitt, met over 20 times in 2010 and 2011. The Planning Commission reviewed a draft of the proposed amendments on September 7, 2011. At the October briefing, the Planning Commission recommended reconvening the task force that was instrumental in drafting the regulations to discuss staff's proposed meetings. This meeting was held in November 2013. However, only the Planning Commission members that were part of the task force attended.

Discussion

Draft Amendments

There are three main components to the draft amendments:

- Planned Unit/Residential Development
- Flag Lots
- Alternative Development Standards for cluster development, cottage housing, and zero lot line housing

Planned Unit/Residential Development and Cluster Development

Generally, planned unit developments (PUDs) are larger developments, often with a variety of uses or housing types. One definition of a PUD is as follows:

*A planned unit development (PUD) is a large, integrated development, developed under unified control according to a master plan, and located on a single (or contiguous) tract of land. Local PUD development regulations provide more planning flexibility than traditional zoning, and contain a mix of complementary uses. Some jurisdictions provide for planned residential developments (PRDs) which also are master-planned, and typically clustered development. As the name implies, PRD's are primarily residential developments, but some contain limited convenience commercial uses or other accessory uses and services.
(<http://www.mrsc.org/subjects/planning/pud.aspx>)*

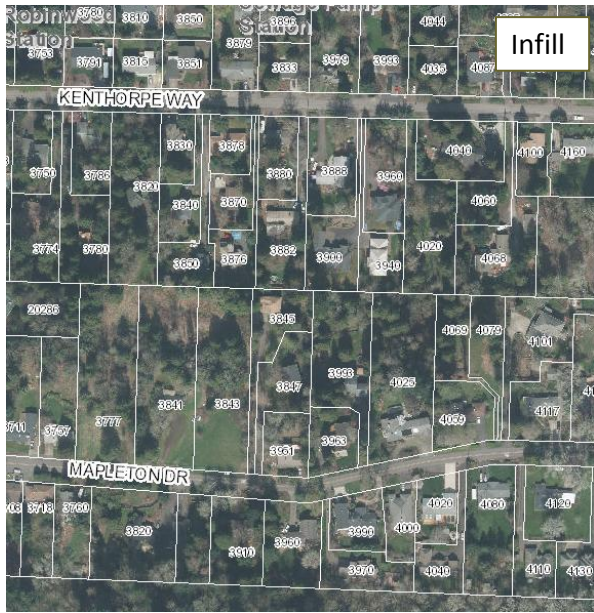
There are many existing PUD developments in the City. More recent developments include Rosemont Crossing (near the intersection of Santa Anita and Rosemont), Douglas Park (between Salamo and Tannler), Maxfield (off of Rosemont), Rosemont Pointe (off of Rosemont), Chinook Terrace (off of Parker), and Fern Creek Place (off of Suncrest).

The City's current PUD language is most often applied to small infill subdivisions with natural resources/constrained areas, which was not its original intent. Some communities have separate provisions for the development of these areas, often called "cluster development", which is proposed for a new Chapter 17 and discussed later in this memo.

An additional recommendation is to no longer allow PUDs on commercial or industrial properties. The existing provisions are geared to residential properties and are difficult to apply in non-residential situations. There are also few locations in the City where a PUD is appropriate for a commercial site. The recently passed Regulatory Streamlining Amendments provide for "Special Waivers," a type of variance that would more easily allow for variations from the underlying zone for commercial and industrial properties.

Flag Lots

Flag lot development is common throughout the City, typically on lots where there is an existing house and enough land to partition the property and, most often, add one or two additional houses. There are numerous examples around the City, including on Mapleton and Kenthorpe, which are shown below. When these areas were originally platted, they were developed with large lots, many close to an acre. The area is now zoned R-10, which sets a minimum lot size of 10,000 square feet. As a result, many of them have been partitioned into smaller lots. Often, new residences are built either in front of or behind existing residences. In some cases, this has created conflict with adjacent properties because of the proximity of driveways, windows, and situations where visually the properties clash with the surrounding development due to height, style, or other aesthetic issues.

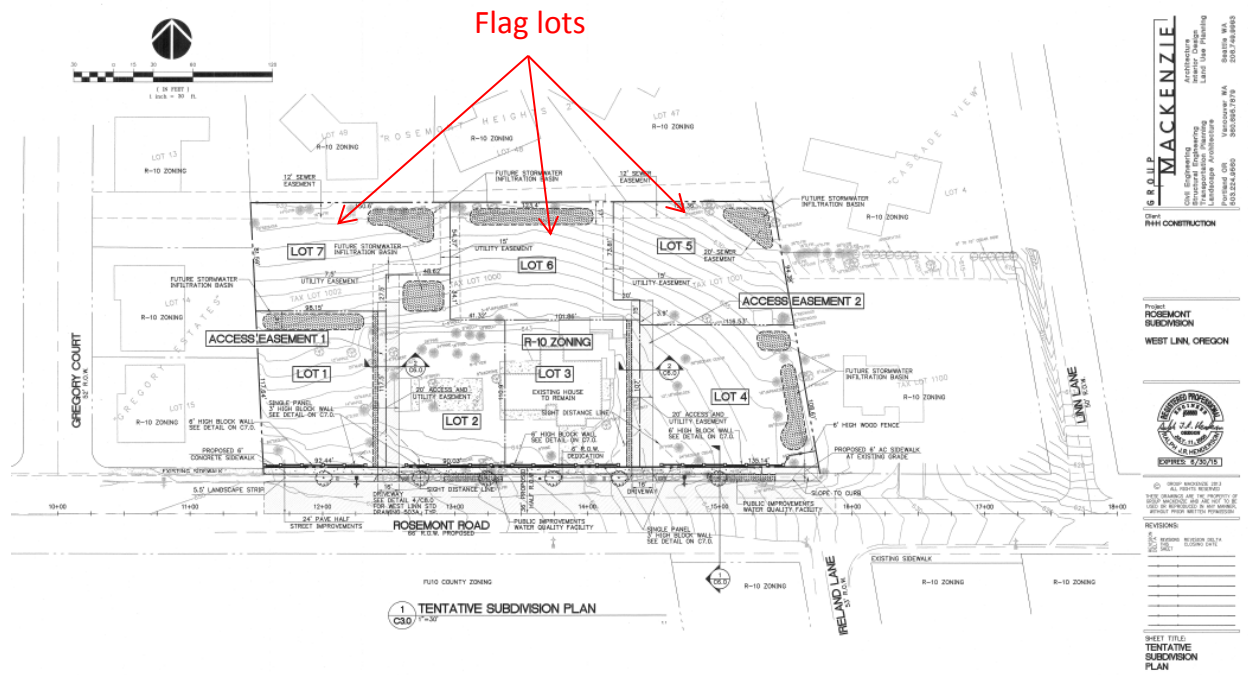


Mapleton & Kenthorpe



Rosemont Pointe

Less frequently, there are flag lots in new subdivisions where due to site conditions there is room for an additional lot, but there is not room for the lot to front a public street. By definition, subdivisions involve four or more lots. Recently, some new subdivisions have had lots that are flag lots. These are often due to the shape of the underlying parcel and the desire and need for additional density. An example includes the recent Rosemont Subdivision, shown below:



TE DATA TABLE
 11.147' OF 10.28' W/4
 11.142' OF 10.28' W/4
 11.142' OF 10.28' W/4
 11.142' OF 10.28' W/4

Rosemont Subdivision

TREE INFORMATION
 PERCENTAGE OF SITE COVERED BY SIGNIFICANT TREE PROTECTION AREA 15.3%
 PERCENTAGE OF SITE COVERED BY SIGNIFICANT TREE PROTECTION AREA 15.3%

LEGEND
 SEE LEGEND ON SHEET C10

SHEET TITLE
 TENTATIVE
 SUBDIVISION
 PLAN

Particularly on infill sites, there can be tight access and differences in scale and style between residences and neighboring properties. Staff recommends provisions directing flag lot development, when possible, to mid-block lanes, which would increase connectivity, and, as possible, orient houses to the lanes (see page 9). Staff also recommends screening of the flag portion of the lot when it is near adjacent residences and decreasing the front yard setback to 10 feet, and requiring a 20 foot yard setback for garages. However, staff does not recommend decreasing the permitted height, increasing the required yard setbacks, or increasing the setbacks for balconies and patios. This is likely to severely restrict the use of many lots, particularly in new subdivisions. In many cases, the requirement for mid-block lanes and an additional requirement requiring landscaping or other screening would be sufficient to address the majority of the issues. In 2010, the Planning Department changed its height requirement to be from peak to grade rather than midpoint of the roof to grade. This lowers the permitted height approximately seven feet.

Alternative Development Standards

Staff recommends standards for cluster development, cottage housing, and zero lot line development. Cluster development can be defined as follows:

Cluster development is a development arrangement in which all buildings allowable on a site are concentrated on a portion of the site, leaving the remainder of the site undeveloped. This contrasts with the conventional land development and subdivision approach, which is to divide an entire site into lots, each of which meets minimum zoning lot size requirements and may be used for building construction.

By clustering buildings together on smaller lots rather than spreading development throughout the site, a developer has greater flexibility to design around environmental and other constraints, without having to reduce the total number of developable lots. As a result, cluster development can provide a win-win approach for communities and developers to protect and buffer environmentally sensitive areas, to preserve important site features, or to provide recreation areas or natural open space. It also provides the flexibility to conserve or buffer natural resource lands, such as farmlands. Maintaining the undeveloped lands in productive uses, such as orchards or pastures, can contribute economic value to the project. (<http://www.mrsc.org/subjects/planning/lu/cluster.aspx>)

Examples of existing PUD developments that may have been developed under cluster provisions, had they been in place, are Chinook Terrace and Fern Creek Place. The cluster development language provides an alternative to a PUD for similar properties. As proposed, cluster development would allow for smaller lot sizes, yard setbacks and dimensions (up to 30% and a minimum yard setback of three feet) through a density transfer of up to 50% from another area elsewhere on the site.

Staff recommends adding language that permits cottage housing. This type of housing is becoming more common and there are a number of successful developments in the Northwest (see page 15). Cottage housing is typically smaller than other new construction – the proposal is for residences not to exceed 1,200 square feet – and constructed in groups of four to 12 houses. Common open space and a courtyard are required and there is often a community building or other space available for group use. Staff recommends providing off street parking at the same rate as for other single family homes and that it may be accommodated on site rather than at each residence. Homes typically have one to two residents and are occupied by young professionals, single parents, or those downsizing to a smaller home. In preparing the draft, staff also referred to regulations in

various communities including Oregon City, Wood Village, Seattle, Battle Ground, WA, and Kirkland, WA.

Staff also recommends adding language to permit zero lot line residences (see page 18). This type of development allows for greater use of side yards by placing a double side yard on one side of the property and the house on the side lot line on the other side. Staff recommends language allowing eaves to extend over the property line, providing for maintenance easements on the adjacent property, and regulating building and window location to provide for privacy. This is similar to zero lot line regulations in Portland.

Public Comment

Staff has received written public comment from Rolf Olson, which is attached. Approximately 70 people have called or come to City Hall to talk with staff about the proposed amendments and how they might affect their property. An Open House was held on June 19, 2014 that was attended by approximately 50 people.

Attachments:

1. Addendum
2. June 2014 Discussion Draft
3. Public Comment