

Memorandum

Date: August 1, 2014

To: Planning Commission

From: Sara Javoronok, Associate Planner

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

Purpose/Background

On July 2, 2014 the Planning Commission opened the public hearing for this project. The period for written comment was left open until July 30, 2014 and the PC will continue their discussion on the proposed amendments on August 6, 2014.

Discussion

Additional Research

The Planning Commission requested additional information on PUD and flag lot regulations. Below is a summary of PUD and related regulations in other jurisdictions to assist your discussion on establishing a minimum acreage for a PUD.

- Oregon City does not have specific language for a PUD. However, it requires master plans for institutional developments over 10 acres. The City also has residential design and landscaping standards and specific standards for a concept plan area.
- Milwaukie has a two acre minimum for a Planned Development unless the Planning Commission determines that a smaller site is suitable because of unique character, topography, landscaping features, or constitutes an isolated problem.
- Lake Oswego does not have PUD regulations, but allows for an "Overall Development Plan and Schedule," which allows for phasing of a development. In addition, they have four different residential overlay districts in various areas of the city.
- The City of Portland also has numerous overlay zones and specific plan districts that provide for a variety of development types.
- The City of Gresham has Planned Development provisions that apply in some of their residential zones. They do not have a minimum size.
- The City of Tigard has Planned Development regulations that are applicable in all zones and does not have a minimum size.

The Planning Commission previously requested information about flag lot regulations in other communities. See Attachment 1, a table that summarizes the regulations in Portland, Lake Oswego, Milwaukie, Oregon City, and Gresham. All of the communities have some flag lot regulations, with those in Lake Oswego the most detailed.

Proposed Modifications

Staff is recommending the following changes to the Discussion Draft. Recommended changes are shown in **grey highlight** and ~~striketrough~~. The changes below to chapters 24 and 17 address issues with terminology and refer to the City’s adopted Natural Hazard Mitigation Plan.

24.040 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements and responses to the approval criteria for all other concurrent land use applications under review, the submittal for a PUD shall include the following:

...

- C. If applicable, tables and maps indicating location, acreage, and type of all:
 - 1. Flood management areas regulated by Chapter 27;
 - 2. Willamette and Tualatin River protection areas regulated by Chapter 28;
 - 3. Water resource areas regulated by Chapter 32;
 - 4. ~~potentially severe landslide hazard areas;~~ **areas identified as a potential landslide or a landslide hazard area in the City’s Natural Hazard Mitigation Plan;**
 - 5. slopes greater than 25%;
 - 6. trees and documents required per the Tree Technical Manual; or
 - 7. cultural or historic resources.

...

24.070 DEVELOPMENT STANDARDS

...

- C. Density Transfer. Density transfers shall be based on the minimum lot size in the applicable zoning district and at the following rates:
 - 1. Density may be transferred at a rate of up to 50% from lands where development is not allowed by the following:
 - a. Chapter 27, Flood Management Areas;
 - b. Chapter 28, Willamette and Tualatin River Protection;
 - c. Chapter 32, Water Resource Area Protection; or
 - d. ~~potentially severe landslide hazard areas;~~ **areas identified as a potential landslide or a landslide hazard area in the City’s Natural Hazard Mitigation Plan; and**
 - e.** slopes greater than 50%.

17.030 STANDARDS

...

- B. Cluster development.** This section provides for development while avoiding or minimizing impacts to natural resources on the site. A portion of the allowed residential density from the area to be conserved may be transferred to an unencumbered, or less impactful, portion of the site.
 - 1. Applicability.
 - a. A property may utilize these provisions if it has the following:
 - 1) Flood management areas regulated by Chapter 27;
 - 2) Willamette and Tualatin River protection areas regulated by Chapter 28;
 - 3) Water resource areas regulated by Chapter 32;

- 4) ~~potentially severe landslide hazard areas;~~ **areas identified as a potential landslide or a landslide hazard area in the City’s Natural Hazard Mitigation Plan;**
 - 5) slopes greater than 25%;
 - 6) Heritage Trees or significant trees; or
 - 7) Other natural, cultural or hazardous areas proposed by the applicant and determined to be significant and worthy of preservation.
- b. A single lot is not eligible for land division under this subsection if the lot is completely encumbered by:
- 1) Flood management areas regulated by Chapter 27;
 - 2) Willamette and Tualatin River protection areas regulated by Chapter 28;
 - 3) Water resource areas regulated by Chapter 32;
 - 4) ~~potentially severe landslide hazard areas;~~ **areas identified as a potential landslide or a landslide hazard area in the City’s Natural Hazard Mitigation Plan;** or
 - 5) slopes greater than 50%.
2. **Density Transfer.** Density transfers shall be based on the minimum lot size in the applicable zoning district. The allowed density for such areas may be transferred to a portion of the site unencumbered by natural resources.
- a. Except as provided in Subsection (2)(b), density may be transferred at a rate of up to 50% from lands where development is not allowed by:
- 1) Chapter 27, Flood Management Areas;
 - 2) Chapter 28, Willamette and Tualatin River Protection;
 - 3) Chapter 32, Water Resource Area Protection; and
 - 4) ~~potentially severe landslide hazard~~ **areas identified as a potential landslide or a landslide hazard area in the City’s Natural Hazard Mitigation Plan;** and
 - 5)** slopes greater than 50%.

Based on input from staff and other planners that have worked on cottage housing projects, staff is recommending several changes detailed below. Generally, the changes provide additional open space and area for each cottage and add additional regulations for garages and community buildings. The proposed changes are as follows:

- C. **Cottage Housing.** This section allows for the development of smaller units of detached housing to provide variety in housing design and the availability of units for populations that are diverse in age, income, and household composition. Cottage housing developments shall comply with the following requirements:
1. **Open space.** The development shall provide open space as follows:
 - a. A minimum of 250 square feet of privately owned, contiguous, usable, open space adjacent to each dwelling unit. No dimension of this open space area shall be less than 10 feet.

- b. The development shall contain a courtyard or usable landscaped area owned in common by the owners of the dwellings (i.e., available for the use of all residents of the development) that contains a minimum of 1,500 square feet or ~~250~~**500** square feet per unit, whichever is greater. This open space shall be contained in a contiguous area with no dimension less than 30 feet. Open space meeting the minimum requirement of this subsection shall not have a slope in excess of 5%.
 - c. Up to 25% of the required open space may be ~~utilized through~~**satisfied by building** a community building ~~built~~ for the use of the cottage housing residents.
- ...
- 5. Dwelling size. Dwellings shall not have footprint greater than 1,000 square feet, **excluding a garage**. Two story dwellings shall not exceed 1,200 square feet in size. Floor area shall not include any space with a floor-to-ceiling height of less than six feet.
- ...
- 7. Lot size and density. The permitted density in cottage housing developments shall not exceed one dwelling unit per ~~2,500~~**3,000** square feet.
- ...
- 10. Interior separation. A minimum separation of ~~six~~**ten** feet is required between primary structures. Facades of primary structures that face facades of accessory structures shall be separated by a minimum of three feet. Primary entrances that face each other shall be separated by a minimum of 10 feet.
- ...
- 13. Garages and Parking. **Garages and parking areas shall have the following features:**
 - a. Parking shall be shared, **screened from cottages and public streets**, and in accordance with the single family requirements in Chapter 46. It shall not be located in the front yard.
 - b. Shared garages shall be limited to a max of four stalls per structure and shall be detached from the dwelling units.**
 - c. The garages shall have roof lines similar to the dwelling units.**
- ...
- 17. Community Buildings. Any community building shall be no more than one story and shall be clearly incidental in use and size to the dwelling units.**

Public Comment

Staff has received the attached written public comment (Attachment 2) from Dave and Vicki Gackle.

Attachments:

- 1. Various flag lot requirements
- 2. Public Comment

Attachment 1: Various flag lot requirements

	Portland	Lake Oswego	Milwaukie	Oregon City	Gresham	Tigard
Area	Flag pole does not count towards the area	Flag pole does not count towards the area			Flag pole does not count towards the area	Accessway may not be included in the lot area calculation
Orientation		New dwelling shall face the access lane				Developer may determine the location of the front yard.
Accessway		Access to the flag lots is consolidated into a single shared access lane with access to the parent parcel or off site, wherever practicable. Driveways can service a single property; an access lane shall serve no more than eight. Driveway widths shall be a minimum of 12 ft.	Minimum accessway width and street frontage is 25 ft.	Joint accessway required unless the topography or the location of the existing dwelling unit prohibits it. Accessway must have at least 16 ft. of pavement to service one or two units. With a flag "pole", the pole must connect to a public street, be at least eight feet in width, and must be under the same ownership as the flag portion of the lot.	Minimum travel lane of 12 ft. and 3 ft. planter strip. Max width of 20 ft. Have provisions for interim flag lots that will support a future street plan	Each lot created through the partition process shall front a public right-of-way by at least 15 ft. or have a legally recorded minimum 15-ft. wide access easement
Setbacks						
Front	15	10 structure, 20 garage	Same as underlying, 20 ft.	Same as underlying (R-10), 20 ft.	10	
Rear	15	In R-10 and R-15, the sum of the side and rear must be at least 50 ft.	Same as underlying, 20 ft.	Same as underlying (R-10), 20 ft.	10, 6 ft. with alley	
Side	15		Same as underlying, 10 ft.	Same as underlying (R-10), 10 ft., one side, 8 ft., other	10	No side yard can be less than 10 ft.

	Portland	Lake Oswego	Milwaukie	Oregon City	Gresham	Tigard
Height	30 ft., grade to mid-point	22 ft. or the average of the dwellings on existing properties, with exceptions	Same as underlying, the maximum height for their R-10 and R-7 districts is generally 2.5 stories or 35 ft., whichever is less, and the height is measured from grade to peak.	Same as underlying, maximum height in their R-10 and R-8 districts is 2.5 stories, not to exceed 35 ft. and is generally measured from grade along the street facing elevation to the midpoint of the highest ridge on a gabled roof.	22 ft. for roofs with less than a 1:4 pitch or with a butterfly or mansard roof; 30 for other roof types	1 ½ stories or 25 ft.; or 2 ½ stories or 35 ft. (whichever is less) with requirements including that it have a 10 ft. side yard, is more than 50 ft. from a residential structure on a neighboring lot, or that structure is more than 25 ft.
Landscaping/ Screening	5 ft. along the perimeter of the flag portion for their R7 to R-2.5	5 ft. landscaping strip for both sides abutting the access lane; also on flag with existing mature vegetation, a fence, or trees/hedges	Screening is required on lot lines abutting any neighboring lot that is not part of the parent lot. Either fencing or dense plantings of trees and shrubs that will provide continuous sight obstruction within three years of planting is required.			Screening required where the paved accessway is within 10 ft. of an abutting lot. May also be required for privacy.
When permitted/ Other			Allowed when it can be demonstrated that access via a public street is not possible. Allowed in partitions, but prohibited in subdivisions platted after August 2002.	Allowed in partitions when configuration, topography, or an existing dwelling unit preclude other partitioning and development of the property. Permitted in subdivisions for the above or when it otherwise meets the minimum density, lot width, or lot depth of the underlying zone.	Permanent flag lots are only permitted with mid-block streets or alleys cannot be extended to serve future development.	Structures shall generally be located so as to maximize separation from existing structures.

Shroyer, Shauna

Subject: FW: Letter re: Measure 56 And 1335 & 1329 WFD preliminary Plans
Attachments: 176 - Aerial.pdf; 176 - Plan 1.pdf; 176 - Plan 2.pdf; 176 - Plan 3.pdf; 176 - Plan 4.pdf; 176 - Plan 5.pdf; 176 - Plan 6.pdf; 176 - Plan 7 Grading.pdf; 176 - Plan 8.pdf; 176 - Plan 9.pdf; 176 - Plan 10 Grading.pdf; 176 - Plan 11 Grading.pdf; 176 - Plan 12 Grading.pdf; 176 - Plan 13 Grading.pdf; 176 - Plan 14 Grading.pdf; 176 - Plan 15 Grading.pdf; 176 - Plan 16.pdf; 176 - Tax Map.pdf; City of West Linn letter.docx

-----Original Message-----

From: Multiphase Electric, LLC [mailto:multiphase@ccgmail.net]
Sent: Wednesday, July 30, 2014 12:07 PM
To: Javoronok, Sara
Cc: Pelz, Zach
Subject: Letter re: Measure 56 And 1335 & 1329 WFD preliminary Plans

July 30, 2014

To: The City of West Linn

We are writing you in regards to the proposed changes related to measure 56. We own two investment properties that will be affected by this measure, 1335 and 1329 Willamette Falls Drive. The two together come in just slightly over two acres.

On July 3rd, 2007 we had a pre-application conference with the planning department. We had invested quite a bit of time and money working with a land planner, a civil engineer and the planning department, to come up with the most efficient design to best meet the needs/codes of the City as well maximizing our investment. Through all these discussions, we decided to develop a PUD. However, at that time, the market crashed and we decided to wait until a better time to develop. The market seems to be making a turn around and we just started to pull out our old files and beginning to rethink our plans once again. We now are aware of the changes that are proposed and we are concerned that if we lose the option to develop a PUD, we may lose some flexibility with our complex development. Our lots are sloped in some areas and we would like to maintain as many options as possible to try to maximize its potential and create something that the City would be excited about. It's not a simple & straight forward development.

We are aware that this measure is creating other options like the cluster housing and cottage housing. We are looking forward to exploring these options and appreciate what the City is trying to achieve by doing this. However, we would still like the ability to develop a PUD if that is the option that proves to be the most desirable.

We appreciate your time and consideration in not putting a size limit on the PUD. Please continue to allow developments smaller than 3 acres to have the most flexibility as possible to develop. We have enclosed some of the sketches we created in 2007-2008 for you review, keep in mind, they are just ideas and some are not logistically possible with the slopes.

Sincerely,

Dave and Vikki Gackle
503-516-3110

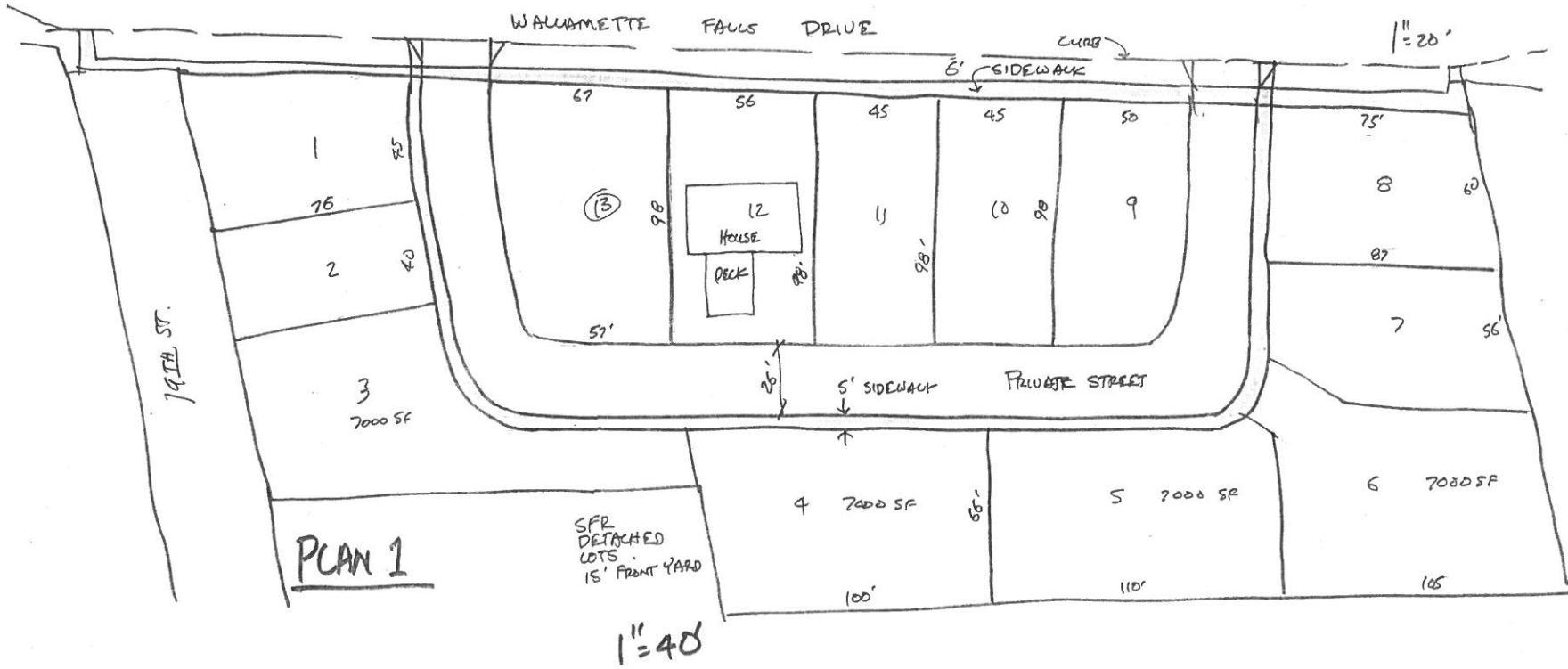


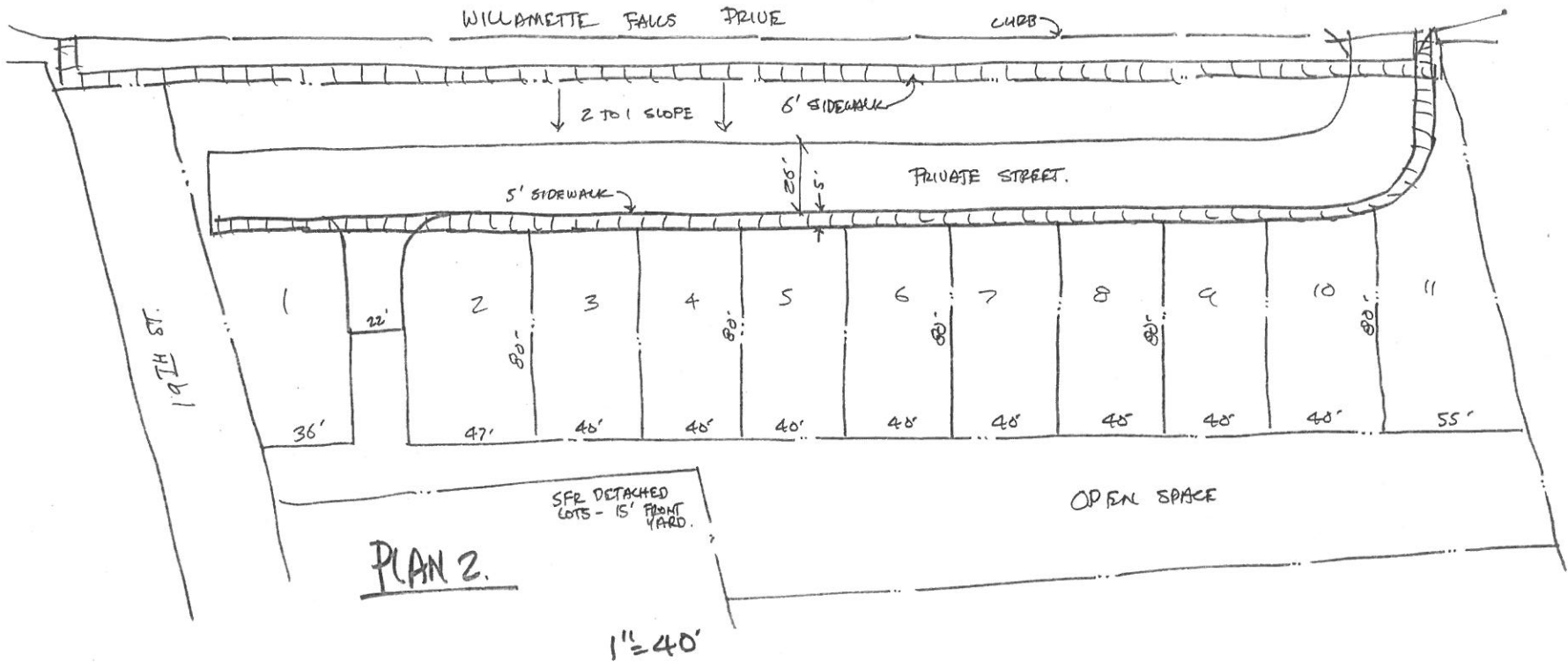
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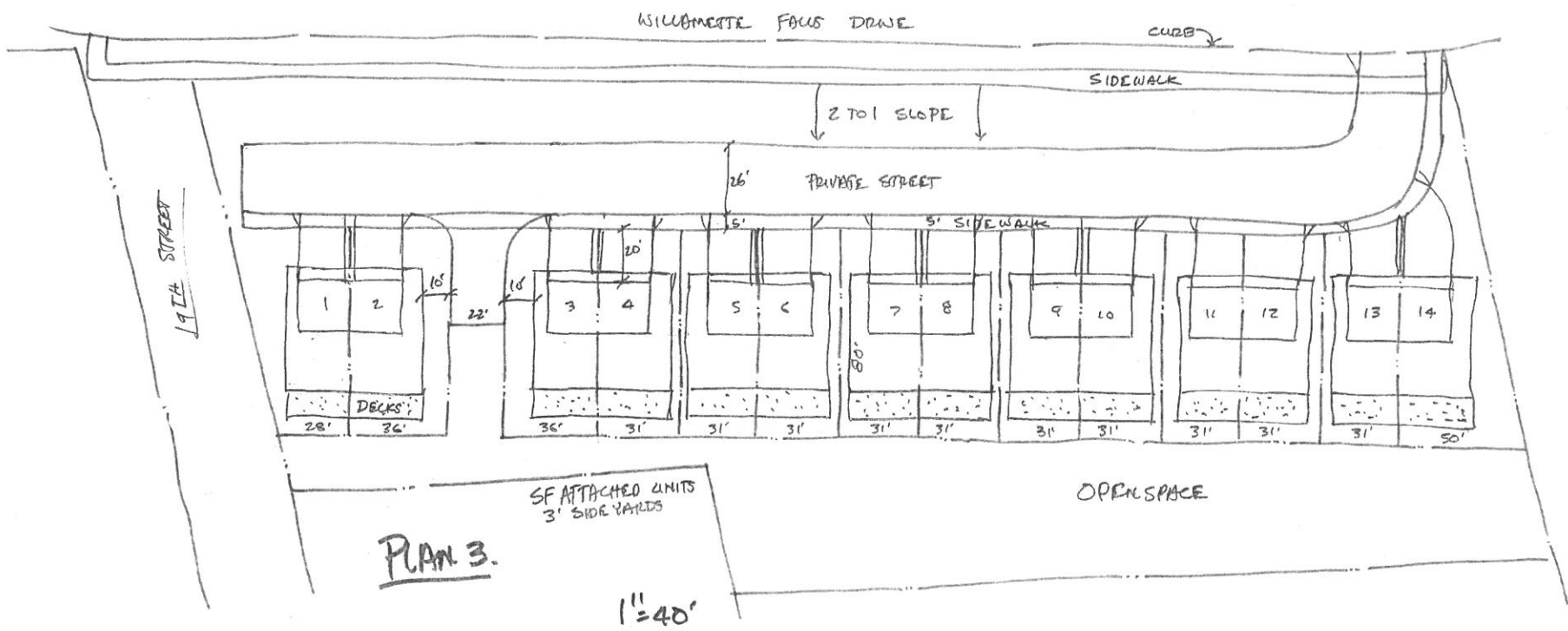
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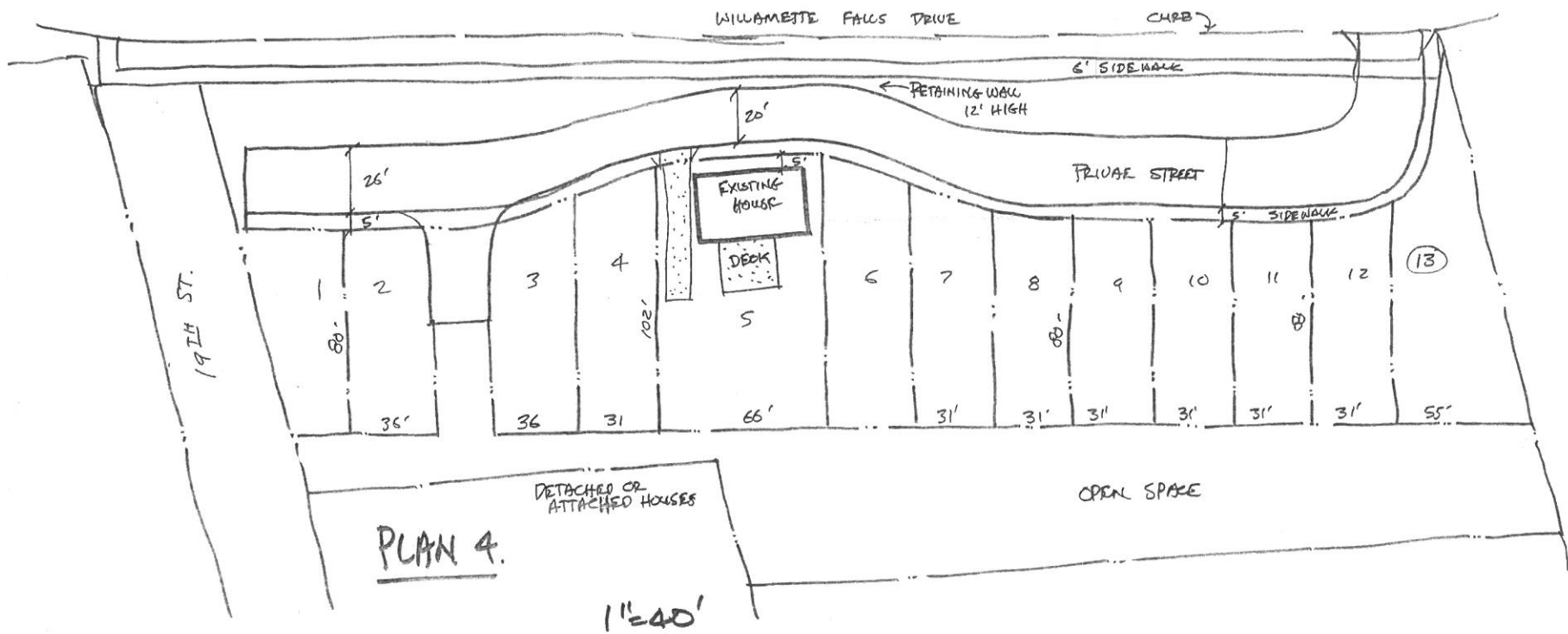
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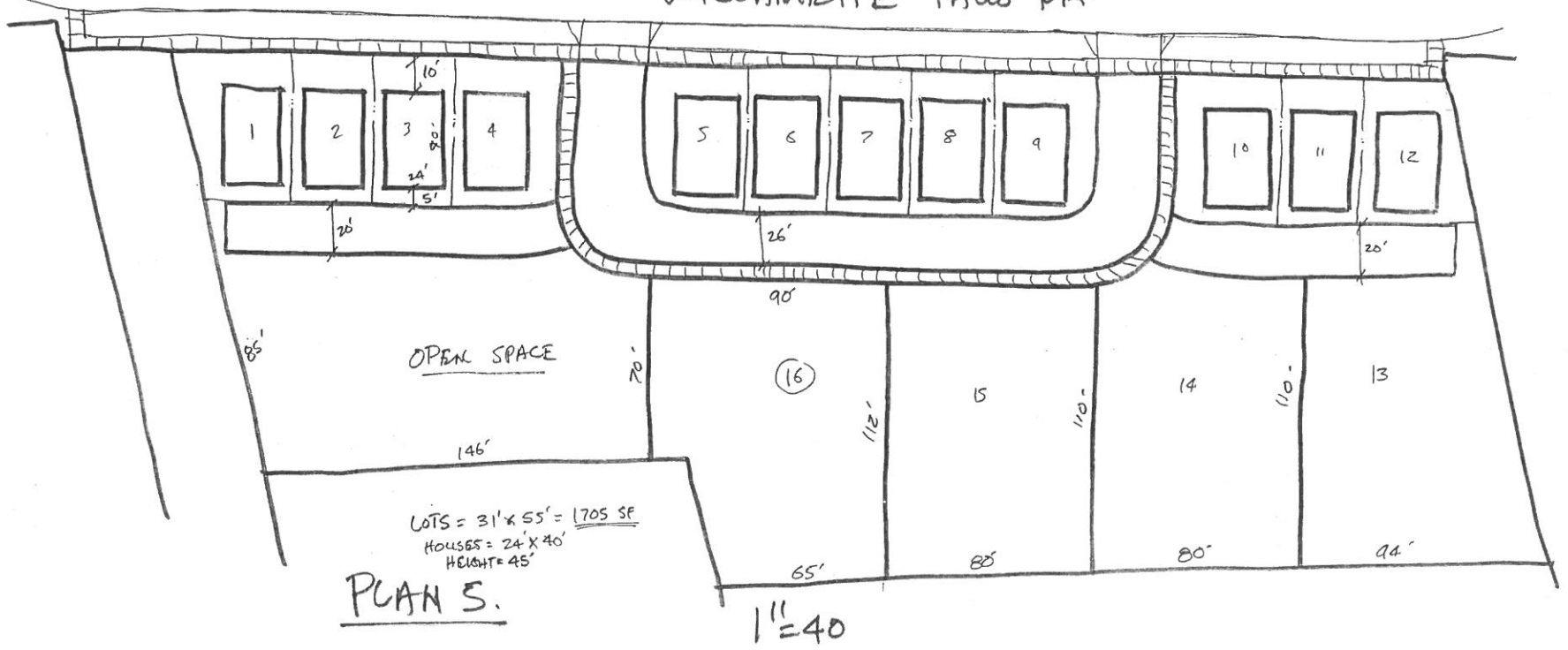




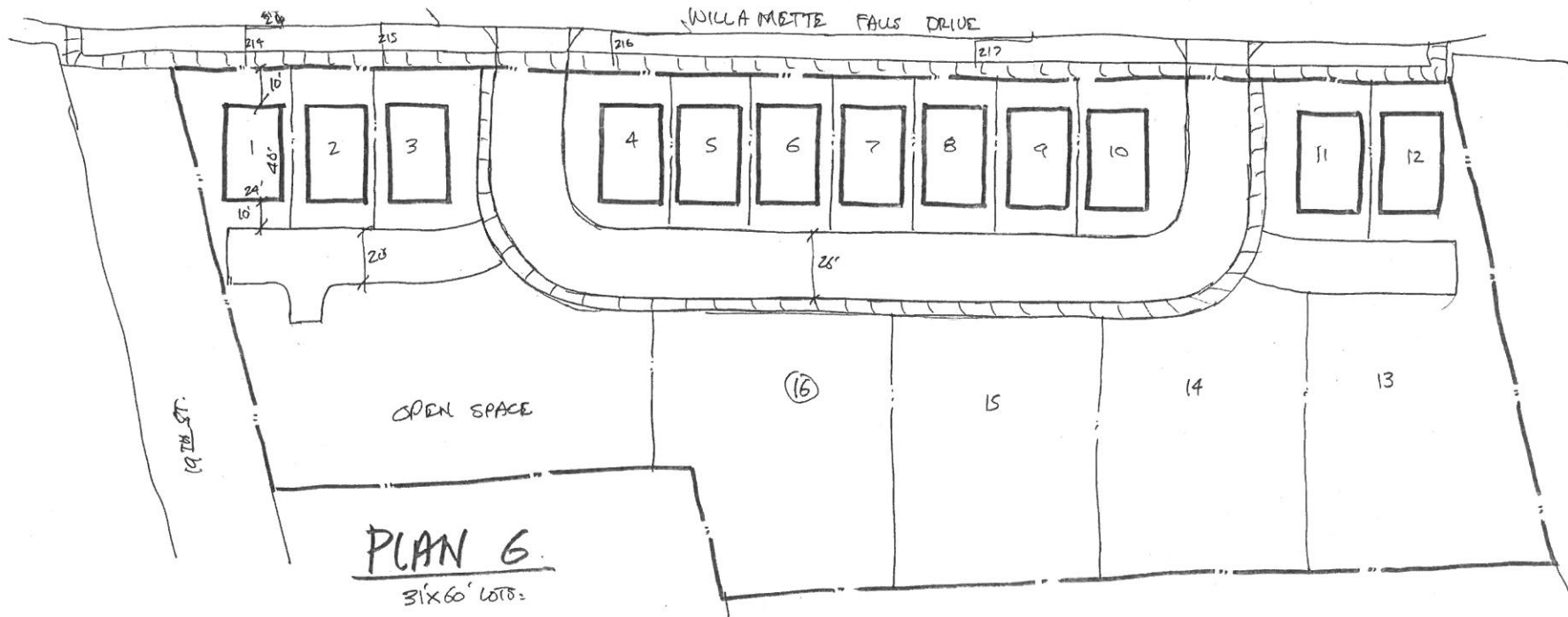




WILLAMETTE FAUS DR.



LOTS = 31' x 55' = 1705 SF
HOUSES = 24' x 40'
HEIGHT = 45'
PLAN 5.



1" = 40'

WILLAMETTE FALLS DRIVE.

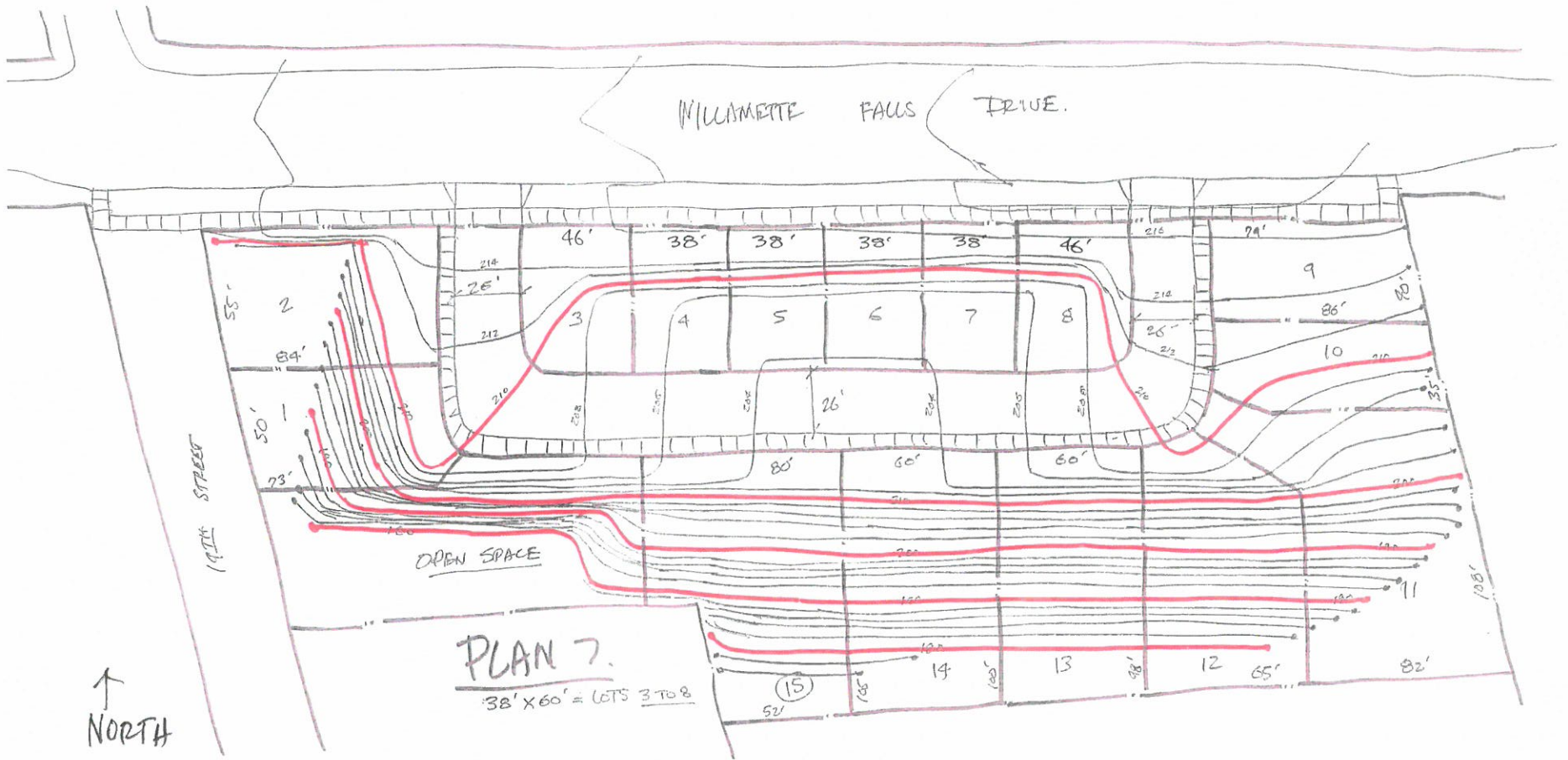
17TH STREET

OPEN SPACE

PLAN 7.

38' X 60' = LOTS 3 TO 8

↑
NORTH



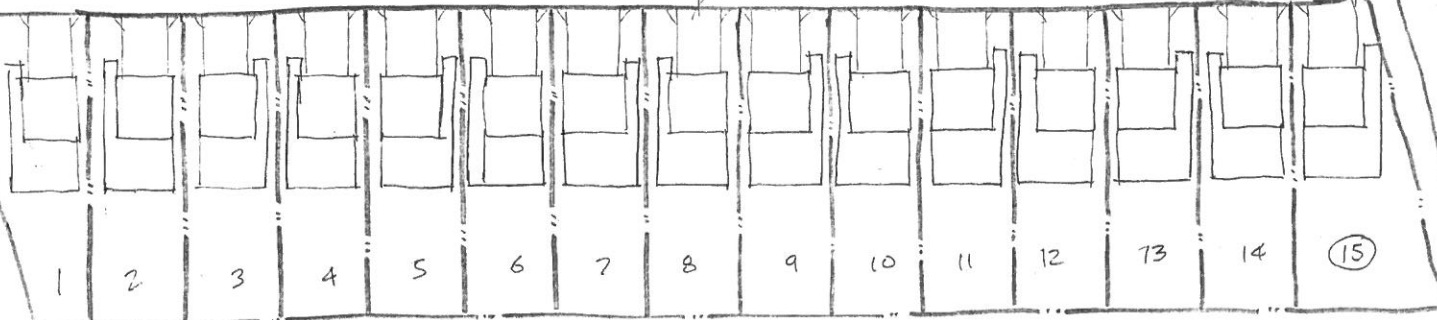
WILLAMETTE PAWS DRIVE.

PUBLIC FRONTAGE ROAD.

NEW TE

26'

19TH STREET



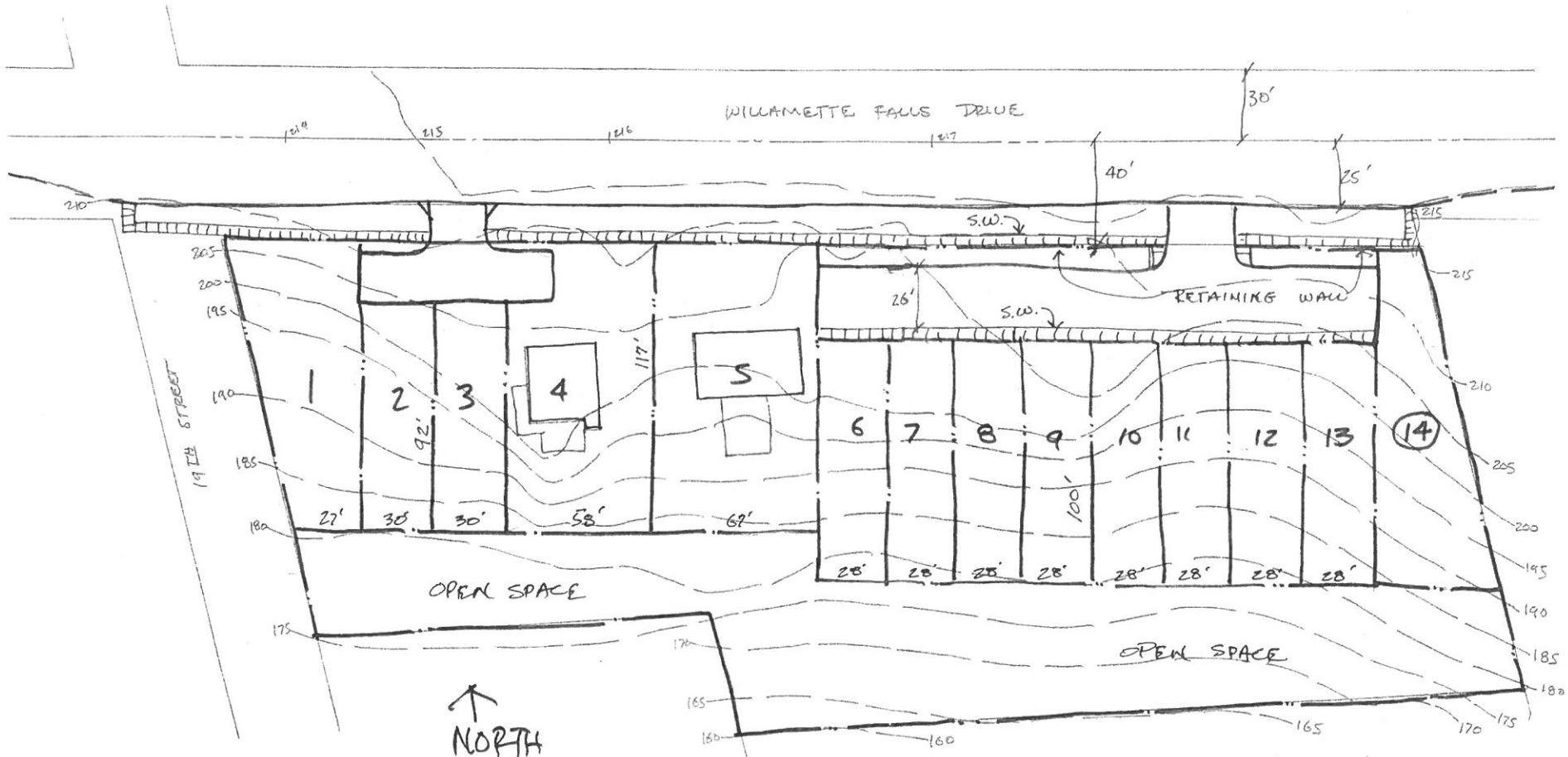
24'x46'
HOUSES

31'x 90' LOTS
PLAN B.

OPEN SPACE

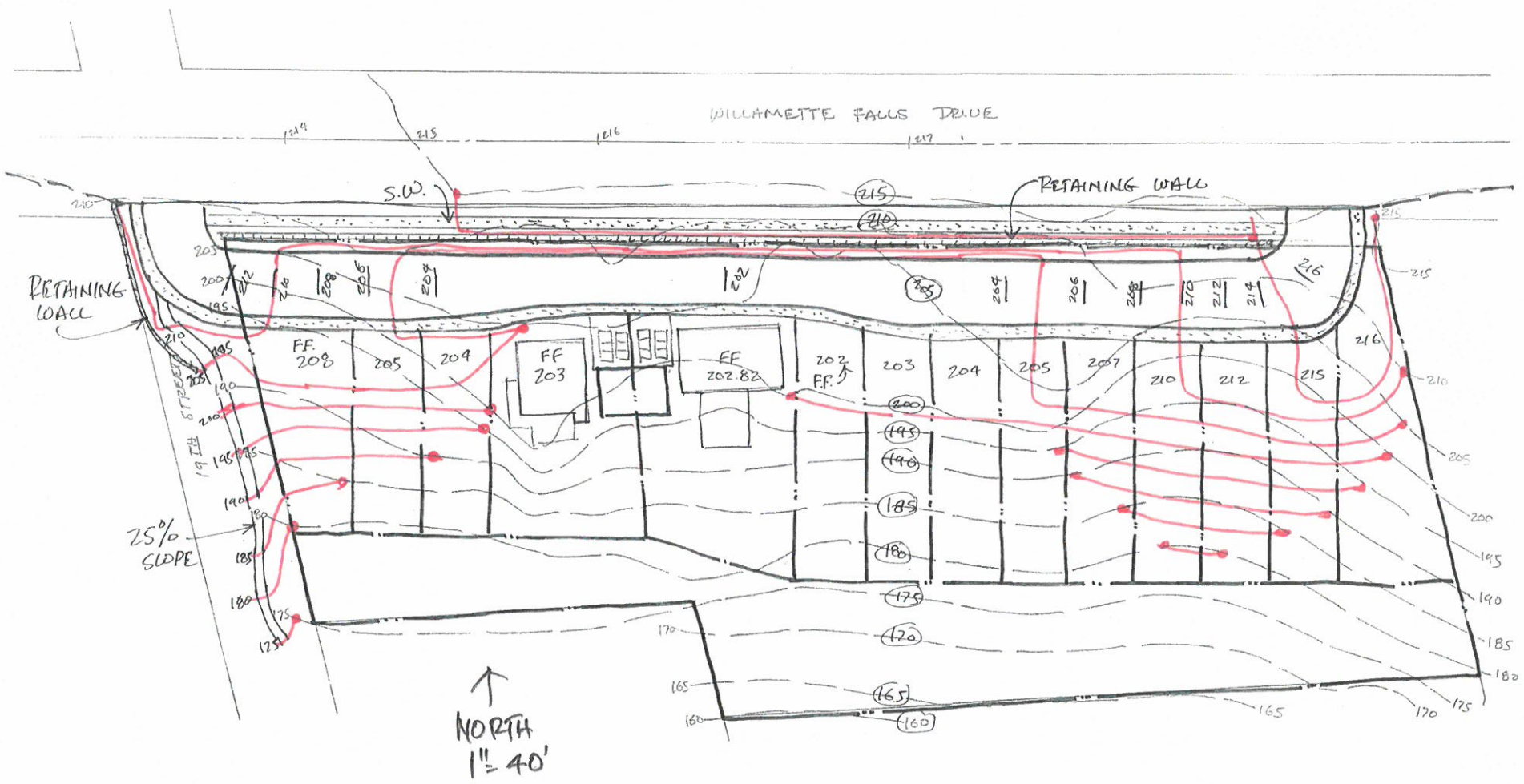
↑
NORTH

1" = 40'



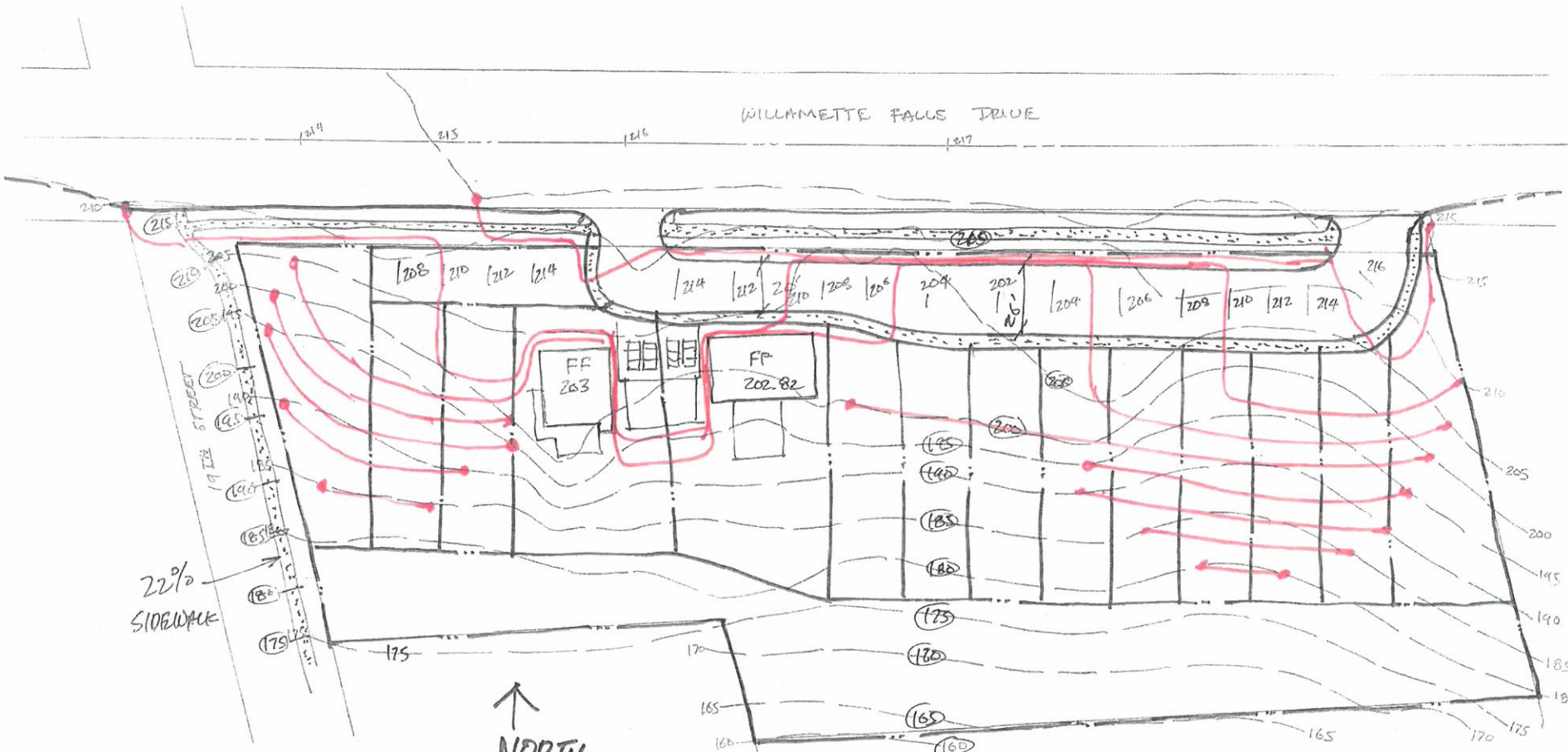
PLAN 9.
7-9-10

LOTS 2 & 3 = 24' HOUSES
 LOTS 6 TO 14 = 20' HOUSES
 WITH ONE CAR GARAGES



PLAN 10

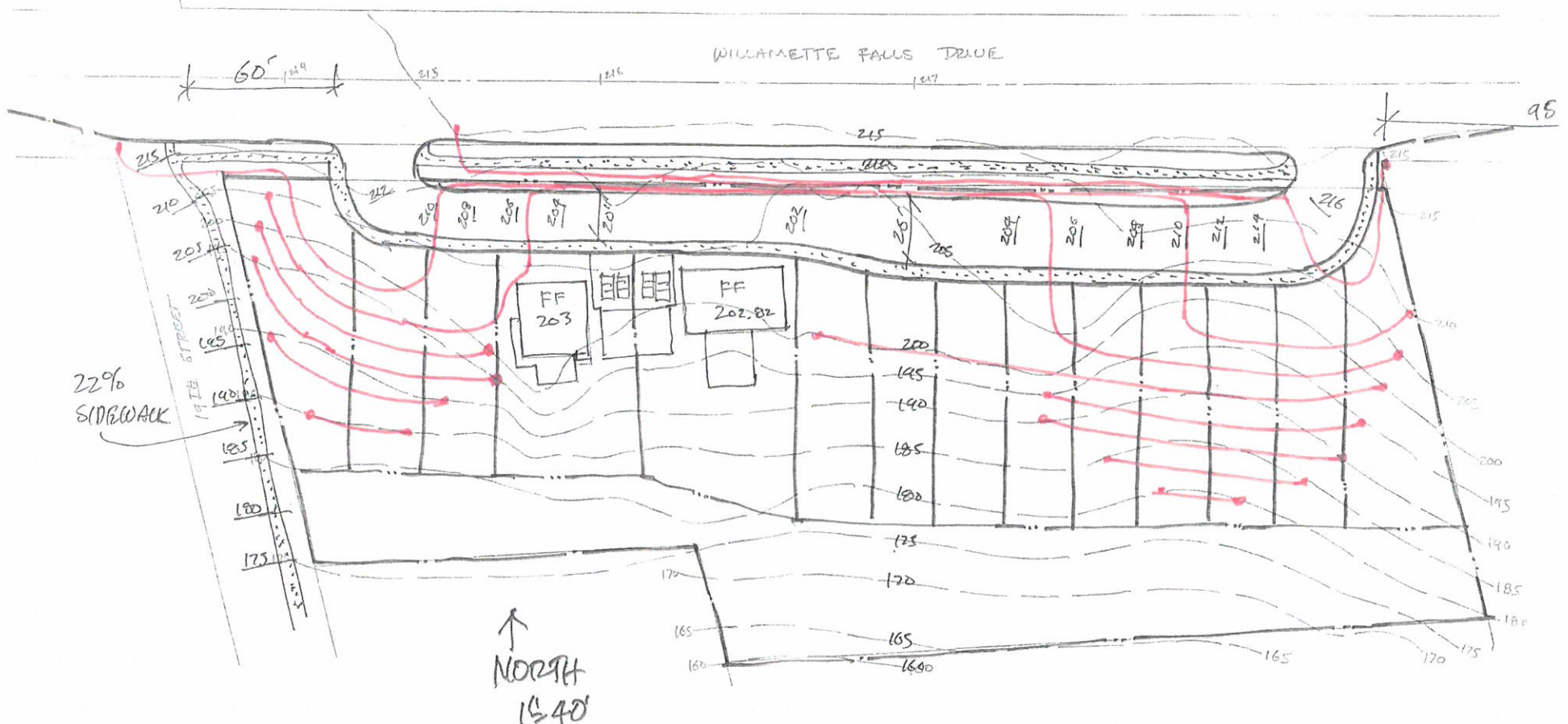
7-10-10



↑
NORTH
1" = 40'

PLAN II

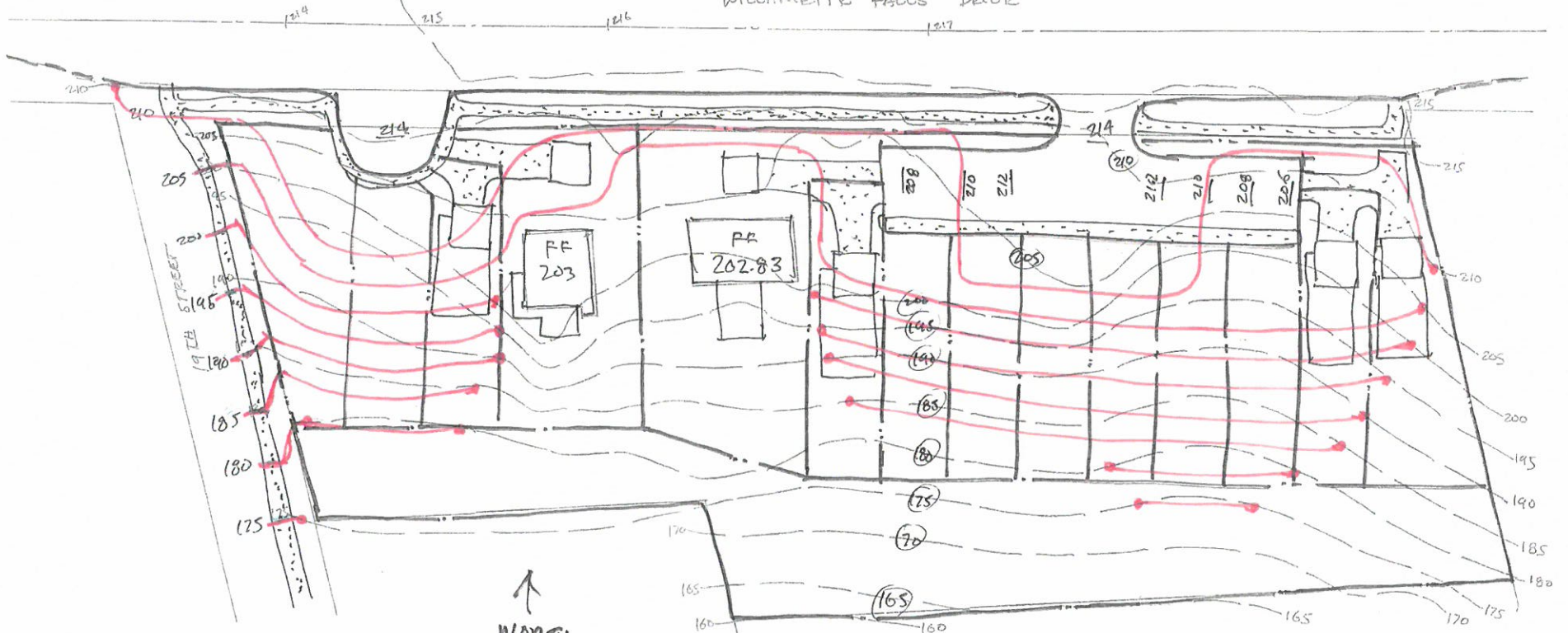
7-10-10



PLAN 12

7-10-10

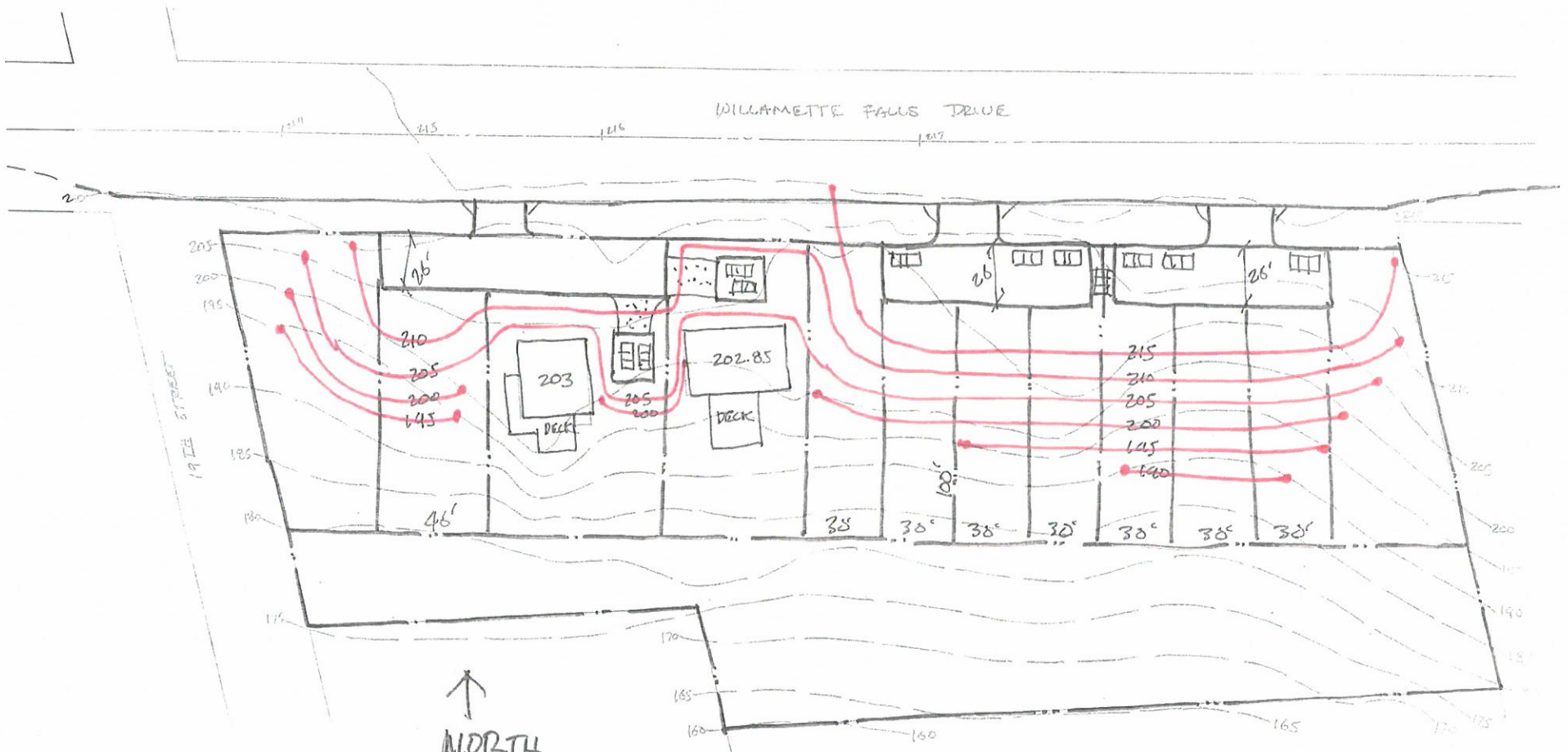
WILLAMETTE FALLS DRIVE



↑
NORTH
1" = 40'

PLAN B

7-10-10



PLAN 14

12 LOTS

7-11-10