CITY OF
West Linn

PLANNING AND DEVELOPMENT

RESIDENTIAL INFILL / PUD TASK FORCE

Background Materials Meeting #6

September 8, 2010

INTRODUCTION AND DISCUSSION

Attached is an updated Action List for this project. I attempted to include the revisions proposed by the Task Force ("TF") members at their August 25th meeting. For the September 8th meeting, I would like to have the TF review this document, make any final edits and vote to adopt it so that Staff can forward it to the Planning Commission.

Additionally, I would like us to review an example of a proposed code amendment format, also attached, to be utilized during the next phase of the project.

ACTION LIST

TOPIC AREA	*DISCUSSION*	*AMENDMENTS BEING CONSIDERED*	*"PARKING LOT"*
1. Planned Unit Development (PUD) ***Chapter 24 regulates PUD's***	Chapter 24 was intended for large residential subdivisions, but it is being applied (per CDC) to all developments with environmentally sensitive lands (<25%), to commercial, mixed use and industrial uses, as well as small residential infill sites. The PC, in particular, has spent considerable time identifying the ineffectiveness of this chapter in terms of adequately protecting environmentally sensitive lands, small residential sites, allowing for design flexibility, or providing clear standards for review. City does not receive adequate public benefit for permitting modifications to development standards under the PUD. Often perceived as 'giveaways' and increased density to the public.	Chapter 24 will be modified to clarify obtuse criteria, require more public amenities, and as follows: ▪ PUD not permitted on sites ~~>~~<3 acres; ▪ PUD not requirement for sites with <25% Type I or II lands or for attached housing (as is currently the case) ▪ Require dedication of open space and preservation areas to COWL (if desired by City) ▪ Modify/update density transfer table ▪ Require overall Master/Regulating Plan ▪ Edit and make certain 'quality design features' required elements ▪ If development will be phased, a detailed specific Phasing Plan will be required as part of the approval.	Council should have Staff create separate, distinct 'planned development' regulations for commercial, industrial, large residential developments. Emphasis should be on permitting more flexibility with accompanying public benefits.
2. Compatibility issues with surrounding development~~existing homes~~: ***Various CDC Chapters***	City does not have design review for single-family homes. In 2006 City adopted language to address compatibility; including maximum FAR's and side yard transitions. These were originally to be much more expansive,	~~Consider r~~Reviews of surrounding properties to establish and require similar massing, scale, building height~~s~~, setbacks, or architectural character. Utilize elements of the recently adopted Historic District accessory dwelling unit	Council should consider establishing design guidelines for areas of the City that have unique development characteristics. These

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2. Compatibility (cont.)	but through the approval process, were abridged. Current Code effectively requires all new developments, even SFH's, to construct sidewalks, curbs, etc. along frontage even when inappropriate to the surroundings.	language to address setbacks and heights of accessory units. Create specific regulations for garages regarding placement on lot, compatibility, -and percentage of frontage in front yard. Require 'tiered' setback approach (portions of building over a certain height must be set back further). Adding landscaping requirements, both minimums and/or as part of a menu-based option for applicants. Requirement for architectural renderings at neighborhood association meetings. Allow flexibility to consider locational context for street improvements (sidewalks) for certain new developments. City would collect fee in-lieu of improvements. ~~Consider s~~Sliding scale for FAR's and lot coverage requirements to encourage lower scale home or garage placement to be more consistent with surrounding homes.	guidelines would apply to developments in those areas. These guidelines should also include unique/desired streetscapes for distinct neighborhoods. The current "Mixed Use Transition" zone has never resulted in any mixed use developments and should be revisited.
3. Alternative housing types: ***CDC does not provide specific language for alternative housing types***	For non-standard housing types and development techniques, the CDC requires applicants to process a PUD and request modifications, or receive a variance, to specific development regulations. This limitation is unnecessary. There are alternative	Establish clear and objective standards for specific housing types (e.g. zero lot lines, cottage housing, houseplexes) Each will likely have its own Code section, with criteria, applicability and procedures. This would provide for predictability to both	Council should consider exploring alternative housing developments for larger sites (traditional neighborhood

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	housing types that could be more compatible, sustainable, equitable and affordable than standards developments under the Code.	neighbors and property owners which is currently not possible under the PUD.	developments) as well as for mixed use and commercial areas (mixed-use, live-work units).
4. Environmentally constrained lands: ***Typically regulated ~~found~~ in Chapters 28, 32 and 55***	The majority of infill sites in the City include some environmentally constrained lands. Several recent development applications have resulted in less than desirable results when applying the current requirements. Issues included denials due to inability to meet CDC requirements, City purchase of property due to potential 'takings', and uncertainty about future maintenance of protected areas. The TF is not tasked with amending the environmental regulations, only how they are applied to small residential development applications.	Create new 'cluster housing' requirements for properties with environmentally constrained lands on them. They will specify appropriate clustering of housing on site to protect natural areas/open spaces. It ~~W~~will specify the permitted flexibility to accommodate, provide compatibility with the surroundings, and protect natural features. It will address the preservation and maintenance of natural areas/open spaces.	Upcoming CDC amendments to Chapter 32 should review and evaluate recent WRA applications and applicability and impact on infill developments. Council should consider creating a new zoning district and review requirements for public facilities such as Schools
5. Design flexibility: ***Currently must use PUD, Design Review, or variance***	Variances are for unique sites or circumstances on a site with overriding hardship to property owner. CDC lacks method to permit requests for alternative, superior design, other than the PUD chapter, which is not always appropriate. Some standards (access standards of infill lots) are not applicable for some housing types.	Opportunities for minor, prescribed deviations from the CDC (and engineering standards) that permit more creative, preferred designs should be provided for small residential sites without a need for a PUD or Chapter 75 variance. The exact sections of the CDC should be identified and limitation applied on the amount of deviation permitted.	Opportunity to request minor deviations from engineering standards should be considered for any development (commercial, mixed use, etc) .

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		Most of these will be specified under the new regulations and criteria for alternative housing types. ~~and p~~Possible 'discretionary' review process will permit greater design freedom for applicants.	
6. Flag Lots: ***Chapter 85 regulates flag lots***	TF identified general dissatisfaction with excessive number of flag lots. The ~~C~~can be incompatible in established neighborhoods due to building scale, locations and incongruous private driveways. The ~~O~~often intrude~~s~~ into the privacy of surrounding homes. Flag lot partitions are often noted in community surveys as representing increase in density.	Review limiting the number of lots permitted from a flag lot. Specify ~~Edit~~ the building orientation of new structures on flag lots. Apply more restrictive setbacks and height restrictions for homes on flag lots to address privacy issues. Pursue street connectivity on larger lots. Staff to provide a discussion on the ramifications of a prohibition on any future flag lot partitions.	Some areas of the City may have inappropriate zoning. If so, the Council should consider 'downzoning' those areas, alleviating pressure on these lots to be partitioned.
7. Steep Slopes: ***Chapter 41 regulates development on steep slopes (< 25%).***	Many of the infill sites to be developed in the City are located on steeply sloped lots. Current Code application can result in 'towering', incompatible houses. Method of measuring building height on steep slopes can be confusing. TF believes excessive cut/fill takes place on steeply sloped lots.	Edit building height calculation and setback methodology for steeply sloped lots to encourage more flexibility in home design, minimize excavation, and lessen height variation on adjacent lots. Allow variation in building height based on the slope of the land. Clarify the CDC language on garage locations and setbacks on steep slopes to create more compatible development with surroundings.	Large, undesirable retaining walls are often required due to steep slopes. (Engineering issue)

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		Consider limiting the amount of fill/cut permitted on a site.	
8. Clear & objective standards ***Various CDC Chapters***	Many Chapters in the CDC (PUD) have broad criteria that subject to interpretation. This creates uncertainty for staff, public and developers.	Modifications to the PUD, as discussed, will remove the need for small residential developments to have to meet the PUD regulations. New standards for any alternative housing types and cluster housing will include clear/objective criteria. Consider adding a two-tier approval process that would permit applicants to either; (1) meet clear standards under an expedited review; or (2) request modifications to regulations and undergo more detailed discretionary review. Provide 'design menu' of required amenities for developer to pick and choose (all or some). Create an 'a la carte' menu of specific housing types and building designs that can be utilized 'off the shelf', possibly under an expedited review.	The approval criteria and standards for other code sections should be audited for subjectivity and amended as well. Especially: ▪ Water Resource Area permits ▪ Variances ▪ Design Review

EXAMPLE CODE AMENDMENT FORMAT (FOR DISCUSSION PURPOSES)

Compatibility.

Sidewalk requirements

Problem: Full sidewalks are often required by the City, but these can be incompatible with the existing development pattern on the street and create 'sidewalks to nowhere' being constructed on infill sites. Current CDC language is confusing and contradictory.

Overview of current Code: Requires street improvements, including sidewalks, to be installed everywhere for all land development applications and building permits unless a waiver is granted and approved. However, the waiver process is complicated and requires the amount of the fee in lieu to be paid b "roughly proportional to the impact of the development on the street system" and it requires those fees to go to make "improvements to the nearest street identified by the City", it also requires a formal traffic impact analysis to be completed.

The current provisions have not been successful because the City doesn't have a way to determine the proportional impact, the City doesn't have means to apply those fees to the 'nearest' street and because a complete traffic impact analysis is cost prohibitive for partitions or single building permits.

Recommendation: For larger projects, or those requiring a new public street, keep the current mechanism for waivers since public streets should meet our requirements or the applicant can pay for the more complicated and expensive process to provide a traffic analysis to get certain improvements waived. If the fee in lieu is granted, this would involve the city having to identify adjacent streets and specific projects to put the money into – but a large project can afford this and it will go the planning commission to make the decision.

For smaller infill sites when no new public street is proposed (SFH's or 4 lots or less) allow waiver requests to be applied for using criteria that considers the size of the property, the amount of street frontage, the surrounding street improvements, and any relevant master or neighborhood plans. A fee in lieu will be required and should be based on a certified cost estimate for the work that the applicant would have had to provide (e.g. if they don't build a sidewalk worth $10K they contribute that amount to the City). This money should go into a Public Works account "Pedestrian Safety Account". It would not be tied to any single project or location. Recommend investing it into pedestrian safety projects such as pedestrian crossings, enhanced signage and

striping, median safety islands, etc. (these make pedestrians safer, which is the point of putting in the original sidewalk and is a rational nexus).

Applicable Code Sections

Chapter 85
Chapter 92
Chapter 96

Flag Lots.

Problem: Some flag lot partitions have result in development that is disruptive to the established character of the neighborhood. New homes built on flag lots can cause privacy issues with regard to the adjacent neighbors.

Overview of current Code: Flag lots are defined as being a lot that complies with all code provisions except for the minimum street frontage requirement. The specific flag lot regulations are found in Chapter 85.200.B(7). These regulations stipulate that the setbacks are the same as those of the underlying district, the method for determining how to determine front/rear yards, and establishes the lot width and depth requirements. There is a also a minor discrepancy in the Code relating to the minimum required street frontage width which must be addressed.

Recommendation: The current regulations do not go far enough to protect surrounding property owners form the potential negative impacts of these developments. Due to the unique layouts of flag lots, the TF recommends including more restrictive setback and building height requirements for homes built on flag lots depending on their number, size, and proximity to surrounding homes. Criteria will be added to the flag lot regulations that authorize the decision making body to apply conditions of approval related to building location, garage placement, setbacks, additional height restrictions, or location of windows and entrances as necessary. The minimum width required for the access way to the flag lots will be reduced to the minimum necessary.

Applicable Code Sections:
Chapter 2 Definitions
Chapters 85 Subdivisions