



PLANNING AND DEVELOPMENT

RESIDENTIAL INFILL / PUD TASK FORCE

May 11, 2011 meeting materials

The following draft outlines, for discussion purposes, code language for properties that includes designated environmentally sensitive areas.

Land Division - Chapter 85 General Provisions

85.200 Approval Criteria

...

B. Blocks and lots.

...

9. **Residential Cluster Development (“RCD”).** (Alternative: “Conservation Subdivision/Partition”?)
An RCD is a site-planning technique that concentrates development in specific areas of a site to allow for the remaining environmentally sensitive land to be preserved. A portion of the residential density from the environmentally sensitive area of the site is transferred to the developable (non-sensitive) portion of the site. Use of the RCD technique allows for more compact development by permitting reductions in minimum lot sizes and building setbacks. An RCD restricts future development of environmentally sensitive areas of the site.

(alternate – change ‘non-sensitive’ to ‘buildable’)

a. Applicability.

.....

..... 1) RCD’s may be requested for any land division upon properties zoned residential when a portion of a lot or parcel includes the following environmentally constrained lands:

- A. Slopes in excess of 25 percent;
- B. Areas subject to landslides, slumping and sliding. The Comprehensive Plan Background Report’s Hazard Map, or updated material as available and as deemed acceptable by the Planning Director, shall be the basis for preliminary determination.
- C. Flood Management Area, as defined in CDC Chapter 27;
- D. Willamette and Tualatin River Protection, as defined in CDC Chapter 28;
- E. Water Resource Area, as defined in CDC Chapter 32;

- F. Heritage trees, as defined in the Municipal Code together with 20% of all trees and clusters of trees that are located on non-Type 1 and Type 2 lands considered significant by the City Arborist, as defined in CDC 55.100 B.
- G. (Alternative: add open ended –“or other natural of hazard areas acceptable to the city”)

Lots that are completely encumbered by environmentally sensitive lands are not eligible for a land division under this subsection.

b. Density transfers from constrained lands.

For the purposes of transferring density, the environmentally sensitive area to be set aside must be twice the minimum lot size of the underlying zone and the non-sensitive portion of the property must be large enough to accommodate the clustered development.

1. The maximum number of dwelling units permitted on the non-constrained portion of the site shall be calculated in the following manner:
 - A. Determine the total square footage of both the sensitive and non-sensitive areas, as determined in Section XX;
 - B. Determine the total number of units permitted on the sensitive portion of the site for the purposes of this subsection by: dividing the square footage by the smallest minimum lot size for a dwelling unit permitted in the zoning district.
 - C. Multiply the product of B above 0.5. This number represents the maximum number of dwelling units that may be transferred within the RCD.

2. Up to 50% of the of the total number of units from the environmentally sensitive areas of the site may be transferred to the non-sensitive portion, provided that the transferred density does not increase the number of units permitted on the non-sensitive portion by more than 20%.

3. When the final maximum of units allowed on a site results in a fraction, the number of units allowed shall be the whole number without the fraction.

Example:

Zoning Designation R-7 (7,000 SF minimum lot size)

Total Acreage of Parcel: 3.5 acres (152,460 SF)

A. Non-sensitive area: 124,000 SF (or 17.7 d/u)*
 Sensitive area (could be combination of WRA/FMA/steep slopes): 28,460 SF

B. 28,460 SF /7,000 SF (min. lot size) = 4.06 d/u

C. Multiply by 0.50 = 2.03 d/u (maximum of 2 units may be transferred)

Therefore, as part of an RCD, a maximum of 19 units may be permitted (17.7 + 2.0,) on the non-sensitive area.

**Please note that, per Section XX above, the maximum number of units that could have ever been built, regardless of the number of units transferred is 21 dwelling units.*

8. Development standards for RCP's

Property approved under this subsection may modify lot dimension and setback standards that would otherwise require a variance pursuant to Chapter 75. Applicants may request up to a twenty (20) percent reduction in lot sizes, lot dimensions and building setbacks in order to cluster the housing to avoid development on environmentally sensitive areas.

Options (for lots that are smaller than the minimum requirement under the zoning district):

- Flat perimeter buffer of not less than the rear setback of the adjacent zoning district.
- New homes proposed adjacent to existing streets: Front yard setbacks within 5 feet of the front yard setback for the closest adjacent home on the same side of the street. This standard would not apply if the closest adjacent home has a front yard setback greater than 30 feet.
- Additional requirement: The final plat shall include the approved proposed building envelope for any lots proposing reduced setbacks under the RCP.

Alternatives to blanket 80% modification

Minimum lot sizes:

R-40, R-20, R-15, R-10	80 % of minimum lot size
R-7	5,000 SF
R-5	3500 SF
R-3	2,000 SF
R-2.1	1,500 SF

- Maximum lot coverage, floor area ratios, shall be applied to the non-sensitive portion of the site rather than to any individual lot.
- **Lot size averaging.** For flexibility in lot size, up to one-half of the total residential lots in any plat of an RCP subdivision may be reduced below the minimum lot size for the applicable zoning district, provided that all lots meet the following:
 - (a) The average lot area of all lots within the subdivision meets the minimum lot size.
 - (b) No lot shall be reduced to less than eighty percent (80%) of the required minimum lot size for the applicable zoning district.

SPECIFIC SETBACK MODIFICATIONS:

Authority may approve modifications to the minimum yard dimensions of this Code for residential developments, subject to all of the following requirements:

- A. Side and/or rear yard(s) may be reduced below the minimum standard of the applicable zoning district when the Approval Authority finds:
1. The resulting yard(s) is/are not less than fifty percent (50%) of the standard of the zone; and
 2. Where a side or rear yard abuts another residential property outside the subject development, it shall not be reduced to less than eighty five percent (85%) of the abutting yard dimension, except where the yard of the abutting property is less than the minimum standard of the zone, in which case a reduction equal to the yard of the abutting property may be permitted.

3. *The reduction in yard dimension shall not be detrimental to any designated natural feature; the Approval Authority may require mitigation to protect and enhance such features, as applicable; and*
4. *Front yards may be reduced below the minimum standard of the applicable zoning district when the Approval Authority finds:*
 1. *The front yard is reduced to no more than five (5) feet; and*
 2. *All garage openings are setback twenty (20) feet or more from all street rights-of-way.*
 3. *The reduction is to accommodate an unenclosed front porch; or*
 4. *The reduction is necessary to protect natural features on or adjacent to the subject lot; or*
 5. *The reduction allows for greater separation or buffering between the development and existing residential uses(s) at lower densities (or larger lot sizes).*