

9. **Sensitive Area ("SA") land division.** An SA land division is an alternative site-planning technique that concentrates development of the land to specific areas of a site to allow for sensitive resource areas to be preserved. A portion of the residential density from the sensitive area of the site may be transferred to the unencumbered (non-sensitive) portion of the site. Use of the CCD technique allows for more compact development by permitting reductions in minimum lot sizes and building setbacks.

a. **Applicability.**

1) Lots that are completely encumbered by a designated sensitive resource area are not eligible for a land division under this subsection.

2) An SA land division may only be requested when a portion of a lot or parcel zoned residential includes at least one of the following sensitive resource areas:

A. Slopes in excess of 25 percent;

B. Potentially severe landslide hazard areas

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; or,

G. Any other natural, cultural or hazardous area not specified above which is proposed by the applicant in conjunction with their subdivision application and which is deemed significant and worthy of preservation by the Planning Commission in their final decision. .

3) An SA land division is not permitted for properties located in designated historic districts.

b. **Density Calculations**

For the purposes of transferring density, the applicant must demonstrate that the non-sensitive portion of the property can accommodate the transferred density, subject to all development standards of this Code. A maximum of 50% of the density from the sensitive resource areas of the site may be transferred to the non-sensitive portion. The total number of dwelling units permitted in an SA land division shall be calculated in the following manner:

1. The maximum number of dwelling units which may be transferred shall be calculated by dividing the square footage of the sensitive area by the minimum lot size in the zoning district for the

housing type proposed. The result shall be multiplied by 0.5. This number shall be the maximum of units that may be transferred from the sensitive area to the non-sensitive area; and,

2. The square footage of the non-sensitive area shall be divided by the minimum lot size in the zoning district for the housing type proposed. The maximum number of units that may be built as part of the SA land division shall be the sum of the units transferred from the sensitive area (under Subsection 85.200 B(9)b(1) added to the units permitted on the non-sensitive area, the sum of this quotient and product in Section XX1, rounded down to the nearest whole number.

Example:

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

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

Sensitive area (could be combination of sensitive areas): 28,460 SF

Non-sensitive area: 124,000 SF (17.7 d/u)*

$28,460 \text{ SF} / 7,000 \text{ SF (min. lot size)} = 4.07 \text{ d/u}$

Multiply ~~quotient~~ by 0.5 = 2.04 d/u

Therefore, as part of an RCD SA land division, a maximum of 19 units may be permitted (17.7 + 2.04,) on the non-sensitive area. (Final number of dwelling units permitted is always rounded down)

~~(Note: Per Subsection XXc below, the maximum number of units that could ever have been built, regardless of the number of units transferred, is 20 dwelling units.)~~

c. Development standards for SA land divisions

Property approved under this subsection may modify lot size, 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 sensitive resource areas.

d Restricted use of sensitive resource areas

The tentative subdivision plan or partition, shall delineate the sensitive resource area as a separate lot or tract(s), to be permanently restricted from future development. This restriction shall be provided on the final plat and the lot or tract shall be preserved by granting of a conservation easement approved by the City attorney prior to recording; or, if acceptable to the City, dedication of land. This lot or tract(s) shall be subject to all other applicable standards of this Code, including the restrictions and requirements for maintaining sensitive areas.