



CITY OF
West Linn

PLANNING AND DEVELOPMENT

RESIDENTIAL INFILL / PUD TASK FORCE

July 27, 2011 meeting materials

Please find below for your review the proposed edits to the Flag Lot regulations which incorporates the comments from the July 13th Task Force meeting.

An issue that we need to address at our next meeting relates to the proposed new building setback for second story buildings on flag lots. As you will recall, the proposed regulations that we reviewed at the previous meeting address, among other things, privacy and compatibility issues for new structures on flag lots through several methods:

- Reduced overall height of buildings from 35' to 28' (with certain exceptions)
- Increased side setbacks for first floor of structure from 7.5' to 10'
- Created a 'new' second floor side setback proposed to be 20'
- Created a 'new' setback restriction for second floor balconies

A concern is that while the vast majority of flag lots are expected to be located in the R-10 zoning district on lots that exceed 70+ feet in width, it is still possible for flag lots to occur on smaller lots (high or medium density areas) which often have lots that are just 50 feet wide. In those cases, the additional setback restrictions would prohibit any second stories from being built and would create a significant burden for any development on the lot. For reasons we will discuss, there are few opportunities for flag lot petitions on RM and RH properties in the City. Nevertheless, this should be addressed.

I have recommended in the draft language that the setback restrictions **not** apply to RM and RH properties – although the 28 foot height restriction would still apply. We will discuss this in detail at the meeting. Also, for the meeting, I will bring some draft 'figures' to include in the Code as well as City maps identifying likely future flag lots in the city and some specific building plans with small, narrow floor plans for review.

Chapter 02: DEFINITIONS

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02.030

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Flag Lot. A lot located behind another lot that has normal street frontage, and where access is provided to the rear lot via a narrow "flag pole" (i.e. driveway), or where access is provided via an easement. There are two distinct parts of a flag lot; the flag which comprises the actual building site located behind another lot, and the pole which provides access from the street to the flag. A flag lot results from the division of a large lot with the required area and depth for more than one lot, but which has insufficient width to locate all lots on the street frontage.

(Subdivision)

7. Flag Lots. Flag lots can provide additional housing opportunities, promote the efficient use of residential land and ensure the protection of property rights. The standards in this Section include additional restrictions on the development of flag lots in order to protect the privacy of the abutting adjacent residences and to minimize any disruption to the character of the neighborhood. Flag lots can be created only when ~~re~~ it can be ~~shown-demonstrated~~ that due to the existing parcel configuration, topographic constraints, or where an existing dwelling unit is located such that it precludes a land division that meets the minimum street frontage requirements of the underlying zoning district. ~~Flag lots shall not be permitted and the creation of when a~~ public through street is ~~not~~ required to meet connectivity standards of the TSP. Flag lots shall only be permitted if the approval authority finds that the following standards have been satisfied:

a. There is adequate lot area to divide the property into two or more lots but not enough street frontage to meet the standard minimum requirement.

b. A ~~single~~ flag lot shall have a minimum street frontage of 15 feet for its accessway. ~~A joint access drive accessway~~ shall be provided unless the location of the existing dwelling unit prevents ~~a joint-access accessway~~. Joint ~~access drives accessways~~ shall have mutual maintenance agreements and reciprocal access and utility easements. No more than two ~~access drives ways or access lanes~~ shall be permitted within a distance equal to the minimum lot width of the underlying zone, or within 50 feet of each other if no minimum exists, as measured from the closest edge of each ~~access drive. driveway or access lane.~~

c. Except as provided for in this section, the underlying yard setbacks of the underlying zoning district shall apply. Flag lots shall be granted the same yard and height exceptions as are permitted elsewhere in this Code. For the purposes of measuring the setbacks under this section, if an access easement is proposed, the setback shall be measured from edge of the access easement. ~~for~~ The yard setbacks for principal structures on a flag lots shall determined as follows: be; superseded by the following, all other setback requirements shall be the same as the underlying zoning district:

(1) The front yard setback shall be determined measured from from either the rear property line of the parcel which substantially separates the flag lot from the street from which the flag lot gains access, or from the access drive. The front yard setback shall be 10 feet, however, if a garage is oriented towards the driveway accessway, a setback of 20 feet must be provided between the garage door and the edge of the access easement.

(2) Rear yard and Sside street yards shall be the same as the underlying zoning district.

(3) Interior side All other yard setbacks shall be:

a) 10 feet for any portion of the structure building that is less than 18 feet in height; and

b) and shall be 20 feet for any portion of the structures building that exceeds 18 feet in height. ~~However, if no dwellings units are located within 50 feet of the subject parcel then the interior side and rear yards shall be 10 feet.~~

(4) ~~Additional yard limitation for side and rear yards: Exterior Outdoor~~ balconies and ~~patios~~ with a floor in excess of ~~18-9~~ feet in height are prohibited within ~~20 25~~ feet of any interior side or rear property line.

d. Additional Bbuilding height restriction for development on flag lots. The maximum building height for a structure on a flag lots shall be the taller of:

1. 28 feet;

2. The average height of the dwelling units on any two abutting properties which are not part of the petition site; or,

3. The maximum building height permitted in the underlying zoning district if no dwellings are located within 50 feet of the subject parcel.

e. The restrictions of 85.200 B 7(c) and (d) shall not apply:

1. To lots designated in the Comprehensive Plan as Residential High (RH) or Residential Medium (RM);
2. If no dwellings units are located within 50 feet of the petition site; or
4. To portions of any proposed structure that is contiguous to land designated by the City as park or open space; land zoning non-residential; or land determined to be unbuildable by plat or other instrument recorded with the County.

fe. The lot size shall be calculated exclusive of the ~~access drive~~accessway; the ~~access drive strip~~ may not be counted towards the area requirements.

gf. The lot depth requirement contained elsewhere in this Code shall be measured from the rear property line of the parcel which substantially separates the flag lot from the street from which the flag lot gains access.

hg. ~~In addition to the general The -plans submitted application requirements for a flag lot land divisions ,an application to create a flag lot~~ shall include:

~~(1) A site plan illustrating the location, height and setbacks -of existing structures on adjacent parcels including height of structures on adjacent property lines and associated setbacks from the shared property line.~~

ih. No structures are permitted in ~~the a~~ flag pole or access easement.

ADDITIONAL TASK FORCE RECOMMENDATION:

The Task Force is also recommending that the Staff amend their procedures such that the notice of the pre-application conference is mailed to all abutting property owners for all future flag lot petitions.