

Memorandum

Date: March 28, 2014

To: Planning Commission

From: Sara Javoronok, Associate Planner

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

Purpose

The primary purpose of the work session on April 2, 2014 is to provide additional information to the Planning Commission on the attached, draft CDC amendments related to infill development. In October and March, staff briefed the Planning Commission on the proposed amendments. In March, the Planning Commission asked for charts (attached and detailed below) that compared and highlighted the differences between the staff and Task Force recommendations for changes to the flag lot, Planned Unit Development, and natural resource regulations, and also requested maps that provided more information on property available for development.

Discussion

Draft Amendments

There are three main components to the draft amendments:

- Flag Lots
- Planned Unit/Residential Development
- Alternative Development Standards, including natural resources/constrained areas

The proposed amendments are generally applicable to properties that are able to be subdivided. Many of these properties are located within the City of West Linn, but others are currently outside of the City boundaries, but within the urban growth boundary and have the potential to be annexed to the City. The maps in Attachment 1 show the following:

- 2013 Residential Units and Buildable Land Inventory
- 2010 Underdeveloped Land Inventory (residential, greater than 3 acres)
- 2010 Underdeveloped Land Inventory (residential, smaller than 3 acres)

Attachment 2 highlights the development standards in the existing code and each of the proposed sections.

Flag Lots

Attachment 3 provides a comparison and comments on the staff and Task Force proposed language regarding flag lots. It also includes staff comments on the rationale behind the proposed changes. The primary difference between the staff and Task Force recommendation is that staff does not recommend changing the height or yard/setback requirements. Staff understands the concerns of the Task Force, but flag lots are often utilized in new subdivisions where there is land for an additional lot, but not space for the lot to front a public street, which are very different

circumstances than partitioning a lot in an existing developed area. One alternative would be to require additional standards for flag lots created by partition.

The staff and Task Force recommendations for yards/setbacks and height are as follows:

Yards/setbacks		
Yard	Existing/Staff draft	Proposed by Task Force
Front	20' (CDC 38.040 also lets you average with abutting properties)	10', 20' between garage and access easement
Rear	20'	20'
Side	7.5'	10' for up to 18' height, 20' for higher
Side street	15'	15'
Balconies/patios	> 30" height = 7.5' side, 20' rear	> 9' height = 20' (side or rear)

Height	
Existing/Staff draft	Proposed by Task Force
35'	28' or the average height of the of the dwelling units on any two abutting properties that are not part of the partition site, except if contiguous land was a park, open space, unbuildable by plat or other instrument, or there was not a dwelling unit within 50'

At the previous meeting, Planning Commission members also expressed concern with the height of infill development. The City addressed this to some degree in 2010 when it changed its definition for height. The height limit remained 35 feet, but it was formerly measured from grade to midpoint of the roof and is now measured from grade to peak. This essentially lowers the maximum height about eight feet from what was previously permitted. Exceptions remain for larger (R-15 – R-40) and steeply sloping lots.

Planned Unit/Residential Development and Cluster Development

The Planning Commission has also expressed concern that the staff draft does not have a minimum size for the Planned Residential Development. Staff has since added a minimum size of three acres since the cluster regulations should be able to appropriately address the smaller sites.

Attachment 4 provides a comparison between the Task Force proposal for PUDs and the staff recommendation for a PRD. Several staff comments in the chart provide an explanation and rationale for the changes between the staff and Task Force versions.

The comparison between the Task Force and staff drafts for natural resource area development is in Attachment 5. Two significant changes are that the staff draft places these regulations in a new, separate chapter (applicability standards in 17.020 will be written prior to the public hearing draft) and the Task Force draft places them in the existing Chapter 85, General Provisions, amongst the subdivision regulations. The second change is the recommendation for a reduction of 30% from the dimensional standards rather than a 20% reduction. This is recommended based on the reductions that were requested in more recent PUD applications.

Next Steps

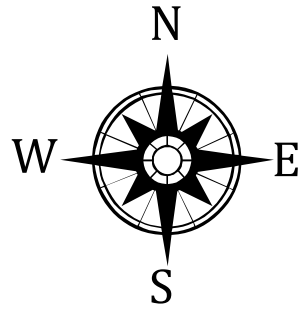
Staff will present the proposed changes and discuss the draft at an open house, share the draft with developers, the Homebuilders Association, and other interested parties. Staff will schedule the proposal for a briefing and public hearing in late spring and Council action over the summer.

Attachments:

1. Revised March 2014 Discussion Draft

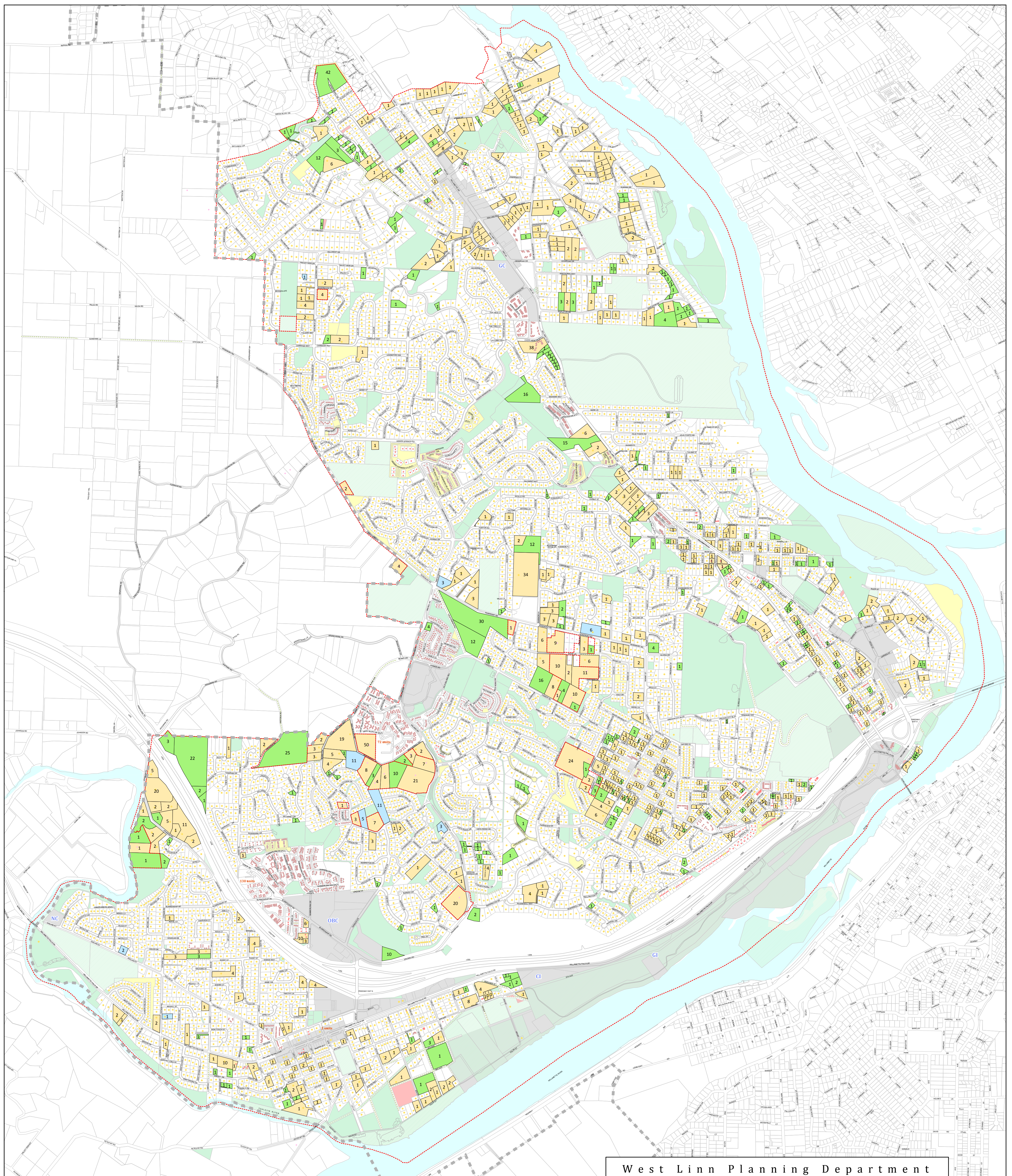
Dimensional Requirements, density transfer and bonuses

	Standard R-10 Subdivisions	Existing PUD	Staff Proposed PUD	Task Force Proposed PUD	Task Force Proposed Sensitive	Staff Proposed Cluster Development	Cottage Housing
Lot Size	10,000 sq. ft.	NA, except density	may be modified	may propose alternatives	up to 20% reduction	up to 30% reduction	shall not exceed density of 1/du per 2,500 sq. ft.
Front lot width	35 ft.	NA, except density	may be modified	may propose alternatives	up to 20% reduction	up to 30% reduction	NA
Average minimum lot width	50 ft.	NA, except density	may be modified	may propose alternatives	up to 20% reduction	up to 30% reduction	NA
Lot depth (non Type I and II lands)	90 ft.	NA, except density	may be modified	may propose alternatives	up to 20% reduction	up to 30% reduction	NA
Yards/setbacks (feet)		Same as base zone for properties contiguous to the perimeter of the project; the applicant may also propose alternative setbacks; otherwise:	Lots along the perimeter that abut SF homes shall not be reduced to less than 75% of the minimum lot size of the underlying zone and shall contain SF homes.	Lots that abut SF homes shall not be reduced to less than 75% of the minimum lot size permitted for an SF dwelling on the abutting lot outside the PUD	up to 20% reduction	up to 30%, except setbacks cannot be less than 3 ft., unless a zero lot line development	Yards for the exterior perimeter of the project shall be those of the underlying zoning district. A minimum separation of six 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
Front	20	15	may be modified	may propose alternatives			
Interior side	7.5	5	may be modified	may propose alternatives			
Side street	15	10	may be modified	may propose alternatives			
Rear	20	15	may be modified	may propose alternatives			
Lot coverage	35%	45%	Applied to total project area, exclusive of ROW/private streets	Applied to total project area	No change	No change	calculated for the entire development and shall not exceed 40%
FAR	0.45	NA	Applied to total project area, exclusive of ROW/private streets	Applied to total project area	No change	No change	NA
Usable open space	Not required	300 sq. ft. req., looks like it tried to direct to Ch. 55 where it only req. this for lots under 4K	300 sq. ft. req. per dwelling unit when avg. lot size is under 5,000 sq. ft.	Not required	Not required	Not required	A minimum of 250 square feet of private, contiguous, usable, open space adjacent to each dwelling unit. No dimension of this open space area shall be less than 10 feet. Courtyard or usable landscaped area owned in common by the owners of the dwellings with a minimum of 1,500 sq. ft. or 250 sq. ft. per unit, whichever is greater and shall be in a contiguous area with no dimension less than 30 feet and shall not have a slope in excess of 5%.
Density transfer	NA	75% for slopes 25-50%; 50% for natural resource areas; 100 for significant trees and public open space + additional limits in 24.140	50% from natural resource lands, 100% from sig. trees and slopes 25-50%	Between zoning designations	50% from sensitive resource areas	50% from natural resource lands, 100% from sig. trees and slopes 25-50%	
Density bonuses:	NA	up to 29%	shall not exceed 40% total	NA	NA	NA	NA
low cost/affordable housing	NA	5-8%	up to 30%	NA	NA	NA	NA
common wall housing	NA	5% R-10-R-40	NA	NA	NA	NA	NA
additional open space	NA	5% per 1/2 acre dedicated	5% per 1/2 acre up to 20%	NA	NA	NA	NA
parks	NA	4-8% per 1/2 acre dedicated	5% per 1/2 acre up to 20%	NA	NA	NA	NA
design excellence	NA	15%	NA	NA	NA	NA	NA



2013 Residential Units and Buildable Land Inventories

Publication Date: February 2014



West Linn Planning Department

Map Legend

Existing Residential Units

Displayed by Current Land Use

- LDR - Low Density Residential
- MDR - Medium Density Residential
- MHDR - Medium-High Density Residential
- ANX - Is not annexed into the City of West Linn

For Unit Tracking purposes a property is considered "current" if a permit has been issued at the location as of December 31, 2013.

Buildable Land Inventory (as of 12/31/2013)

Land Type, Numbers Shown are Potential Additional Units

- Vacant
- Infill Potential
- Approved for Development

Buildable housing unit numbers are rough theoretical maximum estimates under current zoning and regulatory structure and are not intended to serve as a projection and are to be utilized for general long-range planning purposes only.

Other Property Shown on Map

- Commercial and Industrial Zoning
- City Owned Property
- Other Property, Public or Quasi-Public
- Other Property, Homeowners Assoc., etc.
- Other Vacant Lots, Undevelopable
- GIS Taxlot Base Map

Public/Quasi-Public and Homeowners Assoc. property shown on this map is based on Clackamas County Assessment and Taxation database from June 2013.

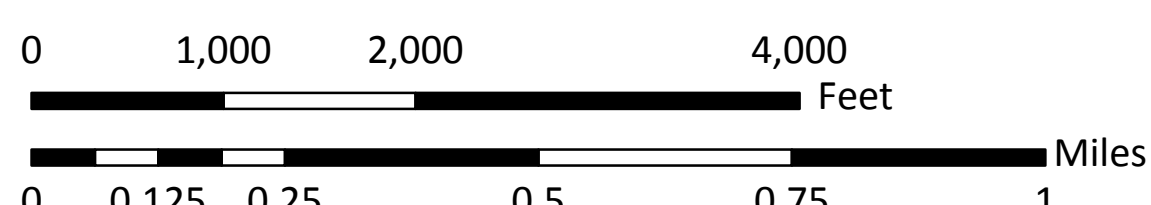
Other Map Elements

- West Linn City Limits
- Metro Urban Growth Boundary
- Roadways
- Unimproved Right-of-Way
- Rivers

West Linn
 Certified Population
 July 2013: 25,425
 Certified Estimate
 PSU Population
 Research Center
 December 15, 2013

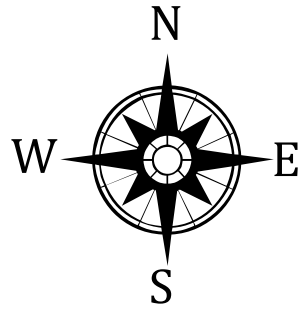
This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

GIS Taxlot Base Map Source: Clackamas County GIS
 Inventories & Mapping: City of West Linn Planning and GIS



DEVTRACK_2013/APPROVEDDEVANDBUILDABLELAND_201402.MXD | AHA
 1ST DRAFT: OCTOBER 15 2013, 2ND DRAFT: NOVEMBER 13, 2013, 3RD DRAFT: NOVEMBER 22, 2013,
 4TH DRAFT: FEBRUARY 7, 2014, FEBRUARY 20, 2014, FINAL FEBRUARY 28, 2014

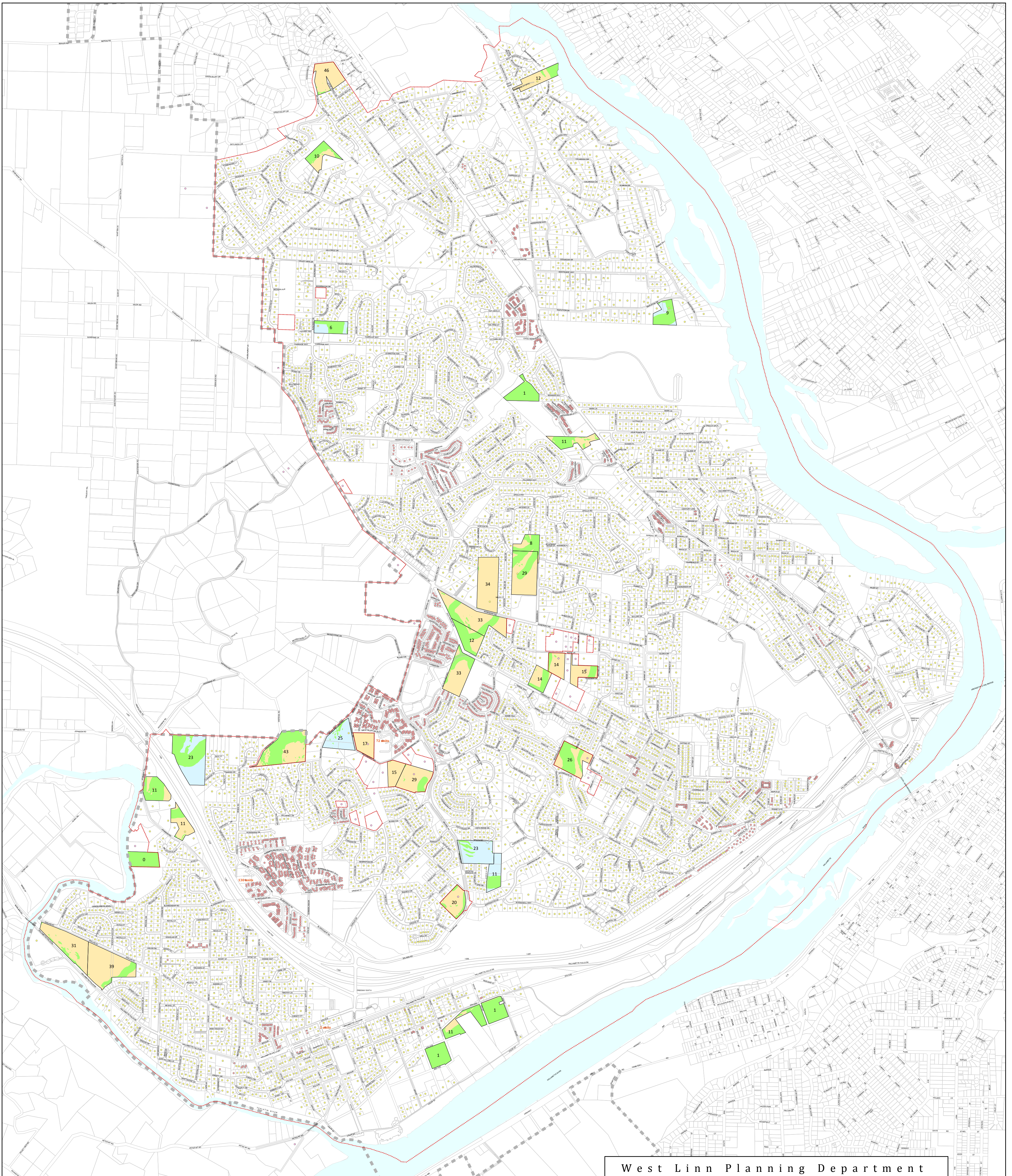




West Linn Underdeveloped Land Inventory

**Greater than 3 Acres
All Residential Districts**

UPDATED DECEMBER 2010



West Linn Planning Department

Map Legend

Low, Medium, and Medium High Density Residential, Greater than 3 Acres

- Underdeveloped Land Inventory, Approximate No. Units*
- Approved for Development

*Numbers shown on the map are estimated potential infill units in addition to existing residential units on the property. Existing residential units are shown with a small dot.

Buildable housing unit numbers are rough theoretical maximum estimates under current zoning and regulatory structure and are not intended to serve as a projection and are to be utilized for general long-range planning purposes only.

West Linn Constrained Lands

- Wetlands, Goal 5 Inventory August 2003, DSL Approved 2005
- Wetlands, 65 foot buffer
- Minor Drainage Ways, June 2010 Storm Water System, 65 foot buffer
- Steep Slopes, 2004 LIDAR, greater than 25%
- West Linn Flood Management Area, June 2008, CDC Chapter 27
- Significant Riparian Corridors, Goal 5 Inventory, January 2007 (120 foot buffer)

Existing Residential Units Displayed by Current Land Use

- LDR
- MDR & MHDR - Med. and Med. High Density Residential
- ANX - Is not annexed into the City of West Linn

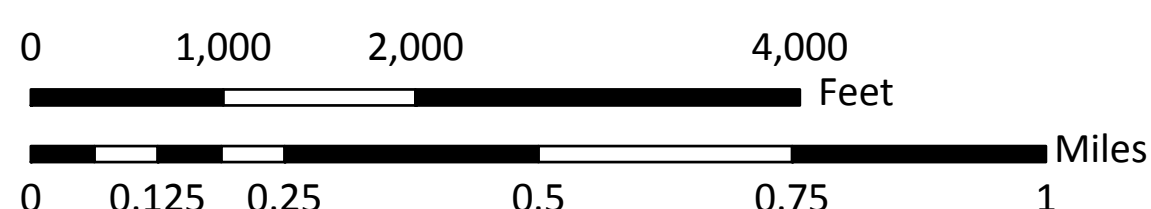
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Other Map Elements

- Parcel Lines
- West Linn City Limits
- Metro Urban Growth Boundary
- Roadways
- Rivers

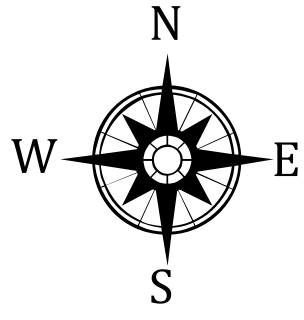
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Oregon DSL Wetlands Inventory Disclaimer
Information shown on this map is for planning purposes only and wetland information is subject to change. There may be unmapped wetlands subject to regulation and all wetland boundary mapping is approximate. In all cases, actual field conditions determine wetland boundaries. You are advised to contact the Oregon Division of State Lands and the U.S. Army Corps of Engineers with any regulatory questions.
Taxlot Base Map Source: Metro RLIS, Inventories: City of West Linn GIS



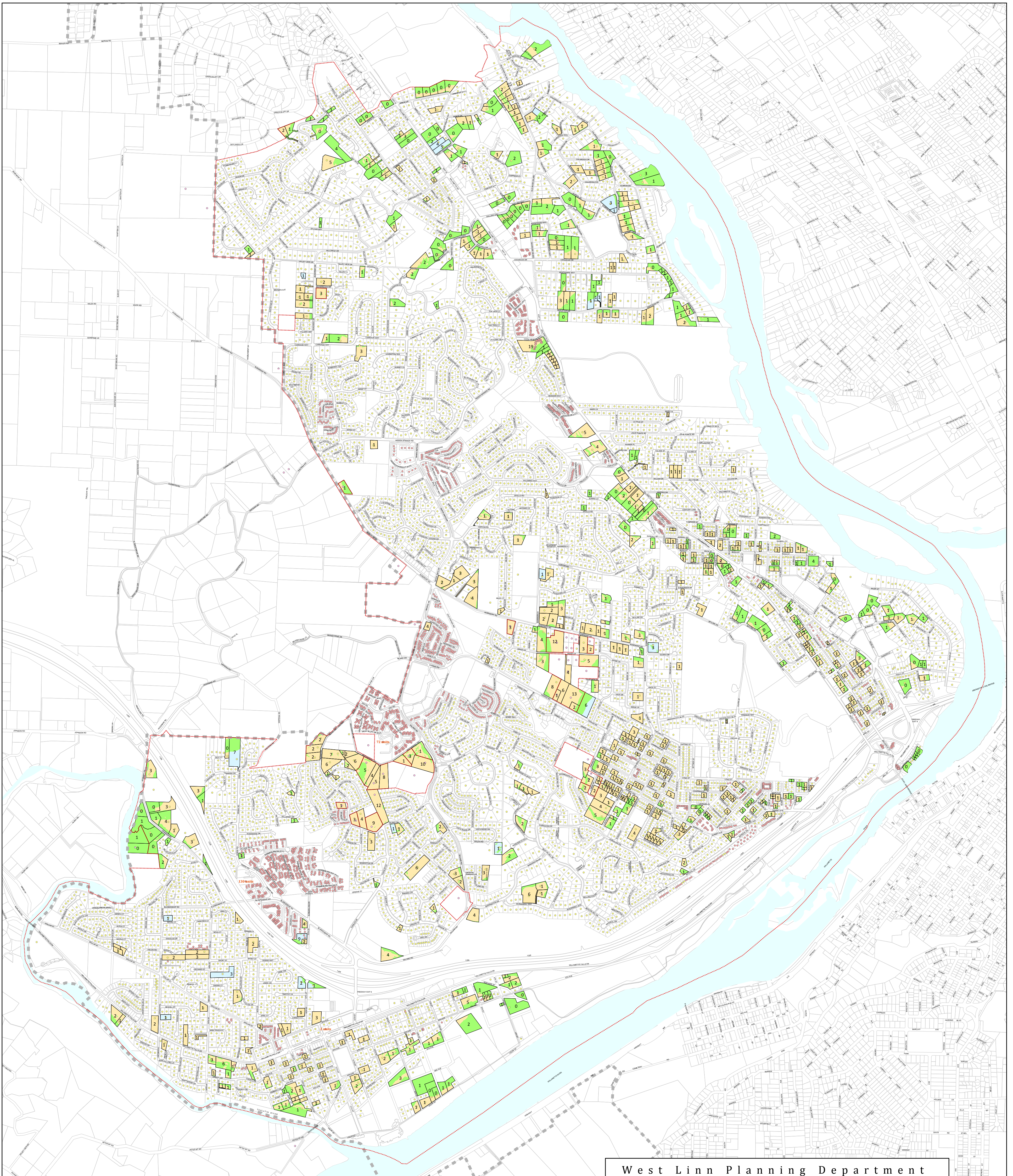
DEVTACK_CL/BUILDABLELAND_CONSTRAINED_201012_GREATERTHAN3ACRES_LOWANDMEDIUMDENSITY.MXD | AHA | SEPTEMBER 7, 2010 (NEW ANALYSIS ESTIMATES), UPDATED WITH NEW ESTIMATES FROM OCTOBER 26, 2010 AND PRINTED DECEMBER 13, 2010, UPDATED WITH NEW ESTIMATES AND REPRINT DECEMBER 20, 2010





West Linn Underdeveloped Land Inventory

**3 Acres and Smaller
All Residential Districts**
UPDATED DECEMBER 2010



West Linn Planning Department

Map Legend

Low, Medium, and Medium High Density Residential, 3 Acres and Smaller

- Underdeveloped Land Inventory, Approximate No. Units*
- Approved for Development

*Numbers shown on the map are estimated potential infill units in addition to existing residential units on the property. Existing residential units are shown with a small dot.

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DEVTACK_CL\BUILDABLELAND_CONSTRAINED_201010_3ACRESANDSMALLER_LOW-DENSITY.MXD | AHA | SEPTEMBER 7, 2010 (NEW ANALYSIS ESTIMATES),
UPDATED WITH NEW ESTIMATES OCTOBER 26, 2010, DECEMBER 20, 2010 COMBINED LOW AND MED/HIGH DENSITY FROM OCTOBER 26, 2010 ON THIS NEW MAP.



Flag Lots

Existing	Staff Proposed	Task Force Proposed	Staff Comments
B. Blocks and lots.	B. Blocks and lots.	B. Blocks and lots.	
....			
<p>7. Flag lots. Flag lots can be created where it can be shown that no other reasonable street access is possible to achieve the requested land division. A single flag lot shall have a minimum street frontage of 15 feet for its accessway. Where two to four flag lots share a common accessway, the minimum street frontage and accessway shall be eight feet in width per lot. Common accessways shall have mutual maintenance agreements and reciprocal access and utility easements. The following dimensional requirements shall apply to flag lots:</p>	<p>7. Mid block lanes and flag lots.</p>		<p><i>(Overview: The proposal is to replace the existing flag lot definition and flag lot standards found in Chapter 85. Flag lots can provide additional housing opportunities, promote the efficient use of residential land and ensure the protection of property rights. However, flag lots can diminish the privacy and livability of adjoining residences. The proposed standards in this section provide options for additional restrictions on flag lot development in order to protect the privacy of the abutting adjacent residences, minimize any disruption to the character of the neighborhood, and be consistent with the Transportation System Plan. There are several sections where the Task Force recommended language and staff subsequently recommends additional changes. Staff also recommends providing for mid-block lanes (see page 5) where appropriate. Mid-block lanes are recommended as a tool for infill development in large lots in the ODOT TGM program Infill and Redevelopment Code Handbook, http://www.oregon.gov/LCD/docs/publications/infilldevcode.pdf)</i></p>
	<p>a. When permitted. Mid-block lanes and flag lots are permitted, consistent with subsections 1) and 2), when there is adequate lot area to divide the property into two or more lots but not enough street frontage to meet the applicable minimum front lot line width:</p>		
	<p>1) Mid-block lanes. When frontage onto a public street cannot be provided for new land divisions due to physical constraints, including, but not limited to, the existing parcel configuration, topographic constraints, or the location of existing dwellings, lots may receive access from mid-block lanes, as shown in Figure 2. Mid-block lanes shall be required, whenever practicable, as an alternative to approving flag lots. If possible, houses on mid block lanes shall face the lane.</p>		<p><i>(The Task Force did not propose mid-block lanes as shown the "staff proposed" column, but staff recommends adding this language. The differences between the staff and task force recommendations are primarily in the yards sections, which are below.)</i></p>
	<p>2) Flag lots. Flag lots shall only be permitted when a public through street is not required to meet the connectivity standards of the TSP and mid-block lane cannot be extended to serve future development (See Figure 2).</p>		
<p>a. Setbacks applicable to the underlying zone shall apply to the flag lot.</p>	<p>b. Development Standards. Mid-block lanes and flag lots shall comply with CDC 48.030 and the following, as applicable:</p>		

<p>b. Front yard setbacks may be based on the rear property line of the parcel which substantially separates the flag lot from the street from which the flag lot gains access. Alternately, the house and its front yard may be oriented in other directions so long as some measure of privacy is ensured, or it is part of a pattern of development, or it better fits the topography of the site.</p>	<p>1) Width. Lanes shall have a minimum paved width of 20 feet and access via flag pole shall have a minimum paved width of 12 feet and overall minimum width of 15 feet, or as required for fire protection.</p>		<p><i>(This version is updated from the original reviewed by the PC include fencing as an option and to reflect that fencing and landscaping may not be appropriate in all situations. Tualatin Valley Fire and Rescue (TVF&R) states that when serving two or less dwelling units and accessory buildings, the driving surface may be reduced to 12 feet, although the unobstructed width shall be 20 feet.)</i></p>
<p>c. The lot size shall be calculated exclusive of the accessway; the access strip may not be counted towards the area requirements.</p>	<p>2) Area. Only the flag portion of the lot is included when calculating minimum lot area and lot depth.</p>		
<p>d. 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.</p>	<p>3) Access. Shared access easements along existing driveways shall be provided unless the location of existing residences or accessory structures prevents it. Up to four lots may have access via a shared access easement. Accessways shall be as required per Chapter 48 and needed for fire protection. No more than two accessways shall be permitted within a distance equal to the average required minimum lot width for the underlying zone.</p>		
<p>e. As per CDC 48.030, the accessway shall have a minimum paved width of 12 feet.</p>	<p>4) Mid block lane/accessway ownership and maintenance. Easements for private accessways and lanes shall be provided at the time of partition or subdivision.</p>		
<p>f. If the use of a flag lot stem to access a lot is infeasible because of a lack of adequate existing road frontage, or location of existing structures, the proposed lot(s) may be accessed from the public street by an access easement of a minimum 15-foot width across intervening property.</p>	<p>5) Future street plans. Building placement and alignment of shared accessways shall be designed so that future street, lane, and accessway connections, as appropriate, can be made as surrounding properties develop. If adjacent parcels can be partitioned or subdivided, an overall redevelopment concept showing street or lane connections through the adjacent property shall be completed.</p>		
	<p>6) Screening. When the flag portion of a lot is within seven and one half feet of a residence, a landscaping strip at least five feet in width or a fence, six feet in height or as allowed per CDC 44.020, shall be placed along the flag to screen it from neighboring properties. Landscaping shall include shrubs, trees, and groundcover and provide a screen at least six feet high at maturity. This shall not apply if fencing or landscaping is restricted due to natural resource constraints or if the applicant provides a notarized letter signed by the adjacent property owner(s) waiving the requirement.</p>		
	<p>7) Yards. The yard setback requirements and associated exceptions of the applicable zoning district apply.</p>	<p>7) Yards. Except as provided for in this section, the yard setback requirements and associated exceptions of the applicable zoning district apply. The minimum yard for structures on lanes, accessways, or flag lots, shall be as follows:</p>	<p><i>(Staff recommends omitting Task Force subsections 7-11. Staff recommends providing guidance on compatible flag lot development rather than changing the height and setback requirements for specific properties.)</i></p>
		<p>(A) The front yard shall be at least 10 feet, however, a minimum yard setback of 20 feet must be provided between the face of the garage door and the nearest edge of the access easement (Option: except at the terminus of the easement where the face of the garage door shall be no less than 18 feet from the easement). The front yard shall be measured from either:</p>	

		(1) The rear property line of the parcel, which substantially separates the flag lot from the street providing access to the flag lot (see Figure 4); or,	
		(2) The lot line that runs closest to, and parallel with, the accessway. If no accessway is proposed, then the applicant may elect to use the lot line that is parallel to the projected extension of the accessway if the projected extension were to continue through the property.	
	8) Orientation. New residences on flag lots shall face the access easement whenever practicable.	8) Exterior balconies and patios with a floor in excess of nine feet in height above ground elevation are prohibited within 20 feet of any interior side or rear property line, except as provided for in Subsection 8. <i>(Staff language modifying Task Force proposal:</i> Exterior balconies and patios with a floor in excess of nine feet in height above ground elevation are prohibited within a distance equal to the applicable minimum yard (e.g., side or rear yard) of the abutting residential lot.)	
		9) In the R-40 to R-7 zoning districts, portions of any structure that exceed 18 feet in height must be setback a minimum of 20 feet from all interior side yards, as illustrated in Figure 5, except as provided for in Subsection 8.	
		10) The standards of subsections (6) and (7) above shall not apply to lot lines contiguous to land:	
		(A) designated by the City as park or open space;	
		(B) zoned non-residential;	
		(C) unbuildable by plat or other instrument recorded with the County; or,	
		(D) not including any dwelling units within 50 feet of the shared property line.	
		11) Building height limitation. The maximum building height for a structure on flag lots shall be the taller of:	
		(A) 28 feet; or,	
		(B) The average height of the dwelling units on any two abutting properties which are not part of the partition site.	
	9) The lot depth requirement contained elsewhere in this Code shall be measured from the rear property line of the parcel that substantially separates the flag lot from the street providing access to the flag lot.	12) The lot depth requirement contained elsewhere in this Code shall be measured from the rear property line of the parcel that substantially separates the flag lot from the street providing access to the flag lot.	
	10) The plans submitted for a flag lot shall include the location, setbacks, and approximate height of existing structures on adjacent parcels.	13) The plans submitted for a flag lot shall include the location, setbacks, and approximate height of existing structures on adjacent parcels.	
	11) Addresses for all flag lot residences shall be posted where the access lane or driveway meets the public right-of-way.	14) Addresses for all flag lot residences shall be posted where the access lane or driveway meets the public right-of-way.	
			(ADDITIONAL TASK FORCE RECOMMENDATION: <i>The Task Force is also recommending amending the noticing procedures in Chapter 99 such that the notice of the pre-application conference is mailed to all abutting property owners for flag lot petitions.</i>)

Planned Unit/Residential Development

Staff Proposed	Task Force Proposed	Staff Comments
<p>Sections: 24.010 PURPOSES 24.020 APPLICABILITY AND APPROVAL PROCESS 24.030 EXPIRATION OF APPROVAL 24.040 SUBMITTAL REQUIREMENTS 24.050 PERMITTED USES 24.060 APPROVAL CRITERIA 24.070 DEVELOPMENT STANDARDS</p>	<p>Sections: 24.010 PURPOSES 24.020 APPLICABILITY AND APPROVAL PROCESS 24.030 PHASED DEVELOPMENT 24.040 SUBMITTAL REQUIREMENTS 24.050 ALLOWABLE USES 24.060 APPROVAL CRITERIA 24.070 ALTERNATIVE DEVELOPMENT STANDARDS 24.080 DENSITY TRANSFER</p>	<p><i>(The proposal is to replace existing planned unit development regulations (Chapter 24) in its entirety. Staff has made changes to the Task Force’s recommended language including the following:</i> <i>- Properties with natural resources (WRA etc.) can develop under these provisions, but are not required to do so.</i> <i>- Projects can receive density bonuses when affordable housing, additional open space, and parks are provided.</i> <i>- Retaining open space requirements from the existing PUD chapter.)</i></p> <p><i>Both versions provide for the following:</i> <i>- Properties that develop under these regulations must provide benefits that enable them to have greater flexibility in lot size, lot coverage, and FAR.</i> <i>- Housing types may be mixed in the PRD beyond what is allowed in a traditional subdivision, ex. attached or MF housing would be permitted in a PRD, subject to the requirements in this chapter.)</i></p>
<p>24.10 PURPOSES</p>	<p>24.10 PURPOSES</p>	
<p>The purposes of the Planned Residential Development (PRD) overlay are to:</p>	<p>The purposes of the Planned Unit Development Overlay (“PUD”) are as follows:</p>	<p><i>(The staff version combines two of the purpose statements into a single statement since they could otherwise be read as mutually exclusive, and, for greater specificity, removes the reference to "in harmony with" since it is similar to "compatible in terms of architecture...".)</i></p>
<p>A. Provide a regulatory framework that can be applied voluntarily to encourage superior, cohesive planned developments by allowing greater creativity in site design than afforded by the zoning and subdivision standards of the CDC;</p>	<p>A. Provide a regulatory framework that can be applied voluntarily to encourage superior, cohesive planned developments by allowing greater creativity in site design compared to the standard zoning and subdivision standards of the CDC. (The provisions of this Chapter are not intended as an alternative to the variance procedures provided in Chapter 75 of the CDC).</p>	
<p>B. Utilize flexibility in site design, placement of buildings, and use of open spaces to optimize the potential of the site while preserving, to the greatest extent possible and consistent with the applicable regulations, the existing natural and topographic features and amenities.</p>	<p>B. To preserve, to the greatest extent possible, consistent with the applicable regulations, the existing natural and topographic features and amenities through the use of a plan that relates the type and design of the development to a particular site;</p>	
<p>C. Produce development that is compatible and consistent with neighboring development in terms of architecture, massing, and scale.</p>	<p>C. Enable development that will provide a greater variety of housing types of superior design that is in harmony with that of the surrounding area;</p>	
<p>D. Allow a mixture of housing types within the established density range for the zoning district; and</p>	<p>D. Utilize flexibility in site design, placement of buildings, and use of open spaces to optimize the potential of the site;</p>	

E. Promote sustainable development through the use of green building technologies, pedestrian friendly streets, low impact development practices and, as appropriate, measures that reduce vehicle miles traveled.	E. Allow a mixture of densities between zoning districts and plan designations when more than one district or designation is included in the development;	
	F. Promote sustainable development through the use of green building technologies, reduced building footprints, pedestrian friendly streets, low-impact development practices, and measures that reduce vehicle miles traveled;	
	G. Produce development that is compatible with neighboring development in terms of architecture, massing, and scale.	
24.020 APPLICABILITY AND APPROVAL PROCESS	24.020 APPLICABILITY AND APPROVAL PROCESS	
A. A PRD may be requested in one or more residential zoning districts (R-40 – R-2.1) and the Willamette Neighborhood Mixed Use Transitional Zone.	A. A PUD may be requested in a residential zoning district for sites of 3 or more gross acres;	
B. A PRD may be requested for sites that have three or more gross acres.	B. A PUD may include more than one zoning district;	
C. The application shall be processed as provided by CDC Chapter 99, Procedures for Decision-Making.	C. A PUD is not permitted for any property located in a City designated Historic District; and	
	D. The application shall be processed as provided by CDC Chapter 99, Procedures for Decision-Making.	
24.030 EXPIRATION OF APPROVAL	24.030 PHASED DEVELOPMENT	
If the final plat has not been recorded with the County within three years from the date of approval of the development plan, or within five years in the case of a phased development (see Section 99.125), the application shall be null and void.	A PUD may include a maximum of three (3) phases. Phasing may not extend beyond 5 years from the original approval date. The phasing proposal shall include all improvement to be completed in each phase. Each phase shall include all facilities and offsite improvements needed to address the impacts of that phase. Requests to phase the PUD shall only be approved by the approval authority after reviewing a PUD phasing plan making findings that the applicable provisions of this Chapter and CDC 99.125 have been met.	<i>(CDC 99.125 states the following: "An applicant may elect to develop a proposed project in phases. The timing of each development phase shall be set forth in the application and subject to approval by the appropriate approval authority. Each phase shall meet all applicable development standards individually (e.g., access, parking, landscaping, utilities, etc.) without having to rely upon subsequent phases. Each phase shall also install all necessary improvements to serve the development within that phase." The Task Force 24.030 Phased Development seemed redundant. The staff proposed language gives more deference to staff and the PC when reviewing the project on the number of phases and maintains the same five year time limit as in the proposed Task Force language.)</i>
24.040 SUBMITTAL REQUIREMENTS	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 PRD shall include the following:	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:	
A. Narrative describing the proposed development and specifying how it satisfies each of the approval criteria in CDC 24.060;	A. A narrative describing the proposed development and specifying how it satisfies each of the requirements in Section 24.080.	
B. Narrative, table, and map showing how the proposed uses and densities will be distributed within the project site;	B. Plans and a table showing how the proposed uses and densities will be distributed within the project site;	
C. If applicable, tables and maps indicating location, acreage, and type of all	C. A map delineating all Type I and II lands, Water Resource Areas; and other areas inventoried as Goal 5 resources on site and indicating acreage and type;	
1. Flood management areas regulated by Chapter 27;	D. All code requirements proposed for modification;	

2. Willamette and Tualatin River protection areas regulated by Chapter 28;	E. Any voluntary conditions of approval or covenants proposed to address the approval criteria; and	
3. Water resource areas regulated by Chapter 32;	F. If phasing of the PUD is proposed, a PUD phasing plan which delineates the extent of development proposed for each phase and includes a schedule of required public improvements and proposed community facilities for each phase of the development.	
4. potentially severe landslide hazard areas;	G. The Planning Director may require additional information as part of the application subject to the provisions of CDC 99.035(A).	
5. slopes greater than 25%;		
6. trees and documents required per the Tree Technical Manual; or		
7. cultural or historic resources.		
D. If applicable, covenants proposed to address the approval criteria;		
E. If applicable, a PRD phasing plan that		
1. delineates the extent of development proposed for each phase,		
2. includes a schedule of required public improvements and proposed community facilities for each phase of the development, and		
3. meets the applicable provisions of this chapter and CDC 99.125; and		
F. Any additional information required by the Planning Director pursuant to CDC 99.035(A).		
24.050 PERMITTED USES	24.050 ALLOWABLE USES	Permitted uses is the term used elsewhere in the code to list the uses and is used for consistency. The concerns listed in (B) were incorporated into the density bonuses as incentives rather than only including them as only a consideration.
The permitted, accessory and conditional uses, and uses permitted under prescribed conditions in a PRD shall be the same as the underlying district. In addition, the following uses are permitted in all PRDs:	A. The permitted, accessory and conditional uses, and uses permitted under prescribed conditions in a PUD shall be the same as the underlying district. In addition, the following uses are permitted in all PUDs:	
A. Duplexes, attached housing and multiple-family housing, including cluster development, cottage housing and zero lot line development;	1. Single-family, duplexes, attached housing and multiple-family housing;	
B. Community buildings scaled to serve the needs of the residents of the development;	2. Community buildings scaled to serve the needs of the development;	
C. Indoor recreation facilities, athletic club, fitness center, racquetball courts, swimming pools, tennis courts, or similar uses scaled to serve the needs of the development;	3. Indoor recreation facility, athletic club, fitness center, racquetball court, swimming pool, tennis court, or similar use scaled to serve the needs of the development;	
D. Outdoor recreation facilities, golf course, swimming pools, tennis courts, or similar use; and	4. Outdoor recreation facility, golf course, swimming pool, tennis court, or similar use; and	
E. Recreation vehicle storage areas.	5. Recreation vehicle storage area.	

	B. Special needs housing shall be reviewed for its close proximity to existing or planned services that are necessary to serve that population, including shopping centers, medical centers, places of worship, parks, senior centers and public transit.	
24.060 APPROVAL CRITERIA	24.060 APPROVAL CRITERIA	
A. PRDs must comply with the following standards:	A. PUDs must comply with the each of the following standards:	
1. Compatibility. The PUD shall be developed so it achieves compatibility with the abutting development in terms of architectural character, massing, and scale. In addition, the development must include at least one of the following:	1. Public Benefits. The PUD shall be developed so it achieves compatibility with the neighboring development in terms of appearance, massing, and scale. Any adverse impacts or undesirable effects of the proposed PUD must be clearly outweighed by specifically identified public benefits. The applicant shall substantiate how the proposed development will be superior to and provide a greater benefit to the public than a development approved under the standard CDC regulations. Examples of public benefits include, but are not limited to, the following:	
a. Community facilities. Provision of community facilities beyond what the City requires without a PRD. Community facilities may be located on or off-site. For phased PRDs, the proposed benefits required by this section shall be commensurate with the level of development for each phase, as determined by the approval authority. The community benefit shall be provided either concurrent with, or prior to, the development of each phase.	a. Community Facilities. The proposed PUD provides community facilities beyond what the City requires without a PUD. The proposed facilities may be publically or privately owned and maintained provided that, if a facility is to be privately owned, the City finds that acceptable terms for the ongoing maintenance of the facility have been provided. Any facilities that are to be dedicated to the City must serve the public and be acceptable to the City. Community facilities may be located on or off-site. Examples of these facilities include, but are not limited to:	
1) Types of community facilities. Examples of community facilities include, but are not limited to:	1) Parks or open spaces, recreational facilities such as tennis courts, active play areas and swimming pools;	
(A) Parks or open spaces, recreational facilities such as tennis courts, active play areas and swimming pools;	2) Infrastructure improvements that provide benefits for the community or region at-large, including storm water, utility, or other facilities;	
(B) Infrastructure improvements that provide benefits for residents of West Linn, including storm water, utility, or other facilities; and	3) Transit facilities, bicycle/pedestrian pathway systems or other transportation improvements;	
(C) Transit facilities, bicycle/pedestrian pathway systems or other transportation improvements.	4) Other facilities acceptable to the City.	
2) Ownership. The proposed facilities may be publicly or privately owned in accordance with the following requirements:	b. Natural, cultural or historical resources. The proposed PUD preserves, enhances or rehabilitates natural, cultural or historical features of the subject property beyond what the City requires without a PUD. Examples of these resources include, but are not limited to:	

(A) If a facility is to be privately owned, the City must find that acceptable terms for the ongoing maintenance of the facility have been provided.	1) Significant natural areas, viewsheds, wildlife habitats or corridors; and	
(B) If a facility is to be publicly owned, any facilities that are to be dedicated to the City must serve the public and be acceptable to the City.	2) Historical and cultural features;	
b. Natural, cultural or historical resources. The proposed PRD preserves, enhances or rehabilitates natural, cultural or historical features of the subject property beyond what the City requires without a PRD. Examples of these resources include, but are not limited to:	3) Other special features or resources acceptable to the City.	
1) Significant natural areas, publically accessible views, and wildlife habitats or corridors; and	c. For phased PUD's, the proposed benefit(s) required by this section shall be commensurate with the level of development for each phase, as determined by the approval authority. The community benefit shall be provided either concurrent with, or prior to, the development of each phase.	
2) Historical and cultural features.		
2. Site design. The proposed PRD provides a superior site design with elements that exceed what the City requires without a PRD. Examples of elements that represent superior site design include, but are not limited to, site designs that provide:	2. Superior site design. The proposed PUD provides a superior site design with elements that exceed what the City requires without a PUD. Examples of elements that represent superior site design include, but are not limited to:	
a. Internal pedestrian, bicycle, or vehicular circulation paths or patterns that exceed city requirements;	a) Site design that provides housing or building types to support an underserved population within the community;	
b. Location and/or screening of parking facilities, and	b) Superior internal pedestrian, bicycle or vehicular circulation paths or patterns; and,	
c. High quality and/or extensive landscaping, buffering, and/or screening.	c) Site Design that contributes to the existing surrounding natural features and is respectful of views both into and outside of the site.	
3. Architectural design. The proposed PRD provides superior architectural features that exceed what the City requires without a PRD. Examples of elements that represent superior architectural design include, but are not limited to:	3. Superior architectural design. The proposed PUD provides architectural features that exceed what the City requires without a PUD. Examples of elements that represent superior architectural design include, but are not limited to:	
a. High quality materials, finishes and textures;	a) High quality materials, finishes and textures;	
b. For single family attached or multi-family housing, facades that include horizontal and vertical variations in the building silhouette that are consistent with single family housing;	b) Facades that include horizontal and vertical variations in the building silhouette;	
c. Contextual design in terms of building orientation, placement, articulation, scale and roof form; and	c) Contextual design in terms of building orientation, materials, articulation, scale and roof form. Alternative designs may be appropriate when no predominant style exists, or when unique or exceptional benefits are derived under the proposed style.	
d. Compatibility with the neighboring development's architecture, massing, and scale.		
4. Sustainable design. The proposed PRD includes sustainable design features or methods that exceed what the City requires without a PRD. Examples of sustainable design features or methods include, but are not limited to:	4. Sustainable design. The proposed PUD includes sustainable design features or methods that exceed what the City requires without a PUD. Examples of sustainable design features or methods include, but are not limited to:	

a. Siting and orientation of buildings, windows, and/or landscaping to take advantage of solar, shade, and wind impacts;	a) Appropriate siting and orientation of buildings, windows and landscaping, with regard to solar, shade and wind impacts;	
b. Onsite generation of renewable energy for heating and/or cooling such as passive or active solar, wind, or biomass;	b) Incorporation of universal design features, such as flat entrances or wider doors;	
c. Transportation demand management strategies or transportation management systems;	c) Onsite generation of renewable energy for heating and/or cooling such as passive or active solar, wind, or biomass:	
d. Minimal use of impervious surface area and materials;	d) Use of high efficiency windows and insulation;	
e. Use of green streets or low impact development, including, but not limited to, street side planters, swales, rain gardens, or permeable pavement, when acceptable to the City; and	e) Transportation demand management strategies, or transportation management systems;	
f. LEED or similar certification.	f) Minimal use of impervious surface area and materials;	
	g) Use of "green streets" or "low impact development" where acceptable to the City; and	
	h) Other acceptable designs or features that create resource efficiencies and decrease the impact of the development on the environment.	
5. Transitions and buffers.	5. Compatibility with surrounding uses – transitions and buffers.	
a. Transitions or buffers between the site and adjacent properties shall be provided as follows:	a. Because the provisions of this chapter allow for density transfers within the site, modifications to certain development regulations, and a variety of housing types, limitations on uses along the perimeter of the property and transitions or buffers between shall be provided as follows:	
1) Active recreational facilities, such as hard surface athletic courts or swimming pools, shall be located internal to the development where possible. Upon demonstration by the applicant that this is not possible, such facilities located along the perimeter of the development shall be buffered and/or screened to minimize adverse impact to neighbors.	1) Active recreational facilities, such as hard surface athletic courts or swimming pools, shall be located internal to the development where possible. Upon demonstration by the applicant that this is not possible, such facilities located along the perimeter of the development shall be buffered and/or screened to minimize adverse impact to neighbors.	
2) When more than two attached housing units (e.g., a triplex) are proposed adjacent to and visible from existing dwellings within 120 feet or directly across the street and visible from an existing single-family dwelling, the multifamily structures shall include architectural design elements, such as building modulation and roof styles, that mimic those of single family dwellings.	2) When more than two attached housing units (e.g., a triplex) are proposed adjacent to and visible from existing dwellings within 120 feet or directly across the street and visible from an existing single-family dwelling, the multifamily structures shall include architectural design elements, such as building modulation and roof styles, that mimic those of single family dwellings.	
3) All parking and access serving multi-family units shall be set back a minimum of 20 feet from the abutting property line, unless the approval authority, based upon the City Engineer or Planning Director's recommendation, approves a smaller setback or joint access between adjoining properties.	3) All parking and access serving multi-family units shall be set back a minimum of 20 feet from the abutting property line, unless the approval authority, based upon the City Engineer's recommendation, approves a joint access between adjoining properties.	

	b. The type and extent of the transitions or buffers required shall be determined by the Planning Commission. The following examples may be considered as a means to satisfy the requirement for a transition, although other transitions may be proposed by the applicant for consideration:	
	1) An intervening street or driveway that is existing, platted or specifically proposed in the Transportation Master Plan and has a minimum width of 24 feet;	
	2) Natural topography, such as a drainageway or wetland, provides a horizontal separation of at least 50 feet, or a cliff or embankment that provides adequate vertical separation which shall be defined as having the PUD site at least 10 feet below the abutting non-PUD site, and which includes adequate screening. The natural topography may be on an adjoining parcel; and	
	3) Manmade berms of at least five feet in height with landscaping for adequate screening a 40-foot minimum in width. This transition shall be on the subject parcel unless an easement for such purpose is provided on the adjoining parcel.	
	c. The transition provisions of this subsection shall not apply if the proposed residential units are setback at least 100 feet from the perimeter of the PUD.	
4) Other transition as proposed by the applicant that meets the intent of this Subsection (A)(5).		
24.070 DEVELOPMENT STANDARDS	24.070 ALTERNATIVE DEVELOPMENT STANDARDS	
A. Applicable Zone Exceptions.	The applicant may propose alternatives to certain development regulations of the underlying district. In a PUD, the Floor Areas Ratio and lot coverage requirements of the underlying district may be applied to the total project area rather than on a lot by lot basis. The approval authority may authorize modifications to the lot size, building setbacks, and lot dimensions of the underlying district upon demonstration that all of the requirements in Section 24.080 are satisfied. However, the lot sizes along the perimeter of the PUD that abut existing single-family homes shall not be reduced to less than 75 percent of the minimum lot size permitted for a single-family dwelling on the abutting lot outside the PUD. No other modifications are permitted except as provided for elsewhere in this Code. Any modifications to the development regulations shall be shown on the approved plans, specified in the conditions of approval, and where applicable, shall be noted on the final plat or site plan.	
The provisions of the applicable zoning district apply, except as follows:		
1. The floor area ratio and lot coverage requirements of the underlying zone may be applied to the total project area, exclusive of right-of-way/private streets, rather than on a lot by lot basis;		
2. Lot size, yards, and lot dimensions may be modified; and		

3. Lots along the perimeter of a PRD that abut existing single family homes shall not be reduced to less than 75% of the minimum lot size of the underlying zone and shall contain single family homes.		
B. Open space.		
1. PRDs that contain multi-family units shall comply with the requirements of CDC 55.100(F).		
2. PRDs that contain 10 or more single-family detached, single-family attached, or duplex residential units shall comply with the following usable open space requirements.		
a. The plan shall include an open space area with at least 300 square feet of usable area per dwelling unit that meets the design requirements of CDC 55.100(F)(2).		
b. The usable open space shall be owned in common by the residents of the development unless the approval authority determines, based upon a request from the applicant and the recommendation of the City Director of Parks and Recreation, that the usable open space should be dedicated to the City for public use. If owned in common by the residents of the development, there shall be a covenant established prior to occupancy to maintain the usable open space.		
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 50% from lands where development is not allowed by the following	24.080 DENSITY TRANSFER	
a. Chapter 27, Flood Management Areas;	The PUD allows residential density to be transferred between zoning districts within the overall project, subject to the requirements of this chapter. Density may not be transferred between Comprehensive Plan land use designations. The total number of dwelling units permitted in the PUD is subject to the underlying zoning districts and the applicable provisions of the CDC.	
b. Chapter 28, Willamette and Tualatin River Protection;		
c. Chapter 32, Water Resource Area Protection; or		
d. potentially severe landslide hazard areas and slopes greater than 50%.		
2. Density may be transferred at a rate of 100% from land with the following characteristics		
a. Heritage Trees and significant trees, consistent with Section 55.100(b), or		
b. slopes between 25-50%.		
D. Density Bonus. Density bonuses, using the minimum lot size in the underlying zone, may be given for the categories below. The cumulative density bonus from all of the provisions below shall not exceed 40%.		

<p>1. Affordable housing. Affordable housing units may receive a density bonus of up to 30% when the dwellings are part of a Federal, State, or local housing program, at least 20% of the dwellings are available for populations with household incomes that are up to 80 percent of the area median family income, and their affordability is guaranteed.</p>		<p><i>(Staff comment : 80% of the area median income in the Portland area is currently \$38,850 for a single person household and \$55,500 for a four person family. The median income for a family of four is \$68,000. ORS 197.309 prevents cities from establishing inclusionary zoning, but does not prohibit cities from enacting voluntary regulations, density bonuses, or other policies to increase the supply of these units.)</i></p>
<p>2. Additional open space land. The dedication of additional natural resource areas beyond what is required under the approval criteria, including trails, paths, significant trees, stands of trees, and trailheads may result in a density bonus up to 5% per ½ acre, with a maximum density bonus under this provision of up 20%.</p>		
<p>3. Parks. The dedication of improved site area that is accepted by the City, consistent with the Parks, Recreation, and Open Space Master Plan, or another public agency, as usable, accessible park land, may result in a density bonus of 5% per ½ acre, with a maximum density bonus under this provision of up to 30%.</p>		

Natural Resource/Constrained Lands/Sensitive Areas/Cluster Development

Staff Proposed	Task Force Proposed	Staff Comments
17.030 ALTERNATIVE DEVELOPMENT STANDARDS	85.200 APPROVAL CRITERIA	
	B. Blocks and lots	
A. 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.	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 SA technique allows for more compact development by permitting reductions in minimum lot sizes and building setbacks.	<i>(Staff recommends adding the language pertaining to natural resource lands to a new chapter that includes all standards that modify underlying zones. This includes additional language on cottage and zero lot line housing that was not included in the Task Force draft. This language is in the Discussion Draft.)</i>
1. Applicability.	a. Applicability	
a. A property may utilize these provisions if it has the following:	1) Lots that are completely encumbered by a designated sensitive resource area are not eligible for a land division under this subsection.	<i>(See 17.030(3)(b), this allows existing platted lots to use this section to reconfigure their lots, but not provide any additional new lots.)</i>
1) Flood management areas regulated by Chapter 27;	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:	
2) Willamette and Tualatin River protection areas regulated by Chapter 28;	(A) Slopes in excess of 25 percent;	
3) Water resource areas regulated by Chapter 32;	(B) Potentially severe landslide hazard areas	
4) potentially severe landslide hazard areas,	(C) Flood Management Area, as defined in CDC Chapter 27;	
5) slopes greater than 25%; or	(D) Willamette and Tualatin River Protection, as defined in CDC Chapter 28;	
6) Heritage Trees or significant trees.	(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 land division application and which is deemed significant and worthy of preservation by the decision maker in the final decision.	
	3) An SA land division is not permitted for properties located in City designated historic districts.	
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, or		
5) slopes greater than 50%.		
	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 the CDC. 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, rounded down to the nearest whole number.	
	<i>Example :</i>	
	<i>Zoning Designation R-7 (7,000 SF minimum lot size)</i>	
	<i>Total Acreage of Parcel: 3.5 acres (152,460 SF)</i>	
	<i>Sensitive area (may be combination of sensitive areas): 28,460 SF</i>	
	<i>Non-sensitive area: 124,000 SF (17.7 units)</i>	
	<i>28,460 SF divided by 7,000 SF (min. lot size): 4.07 units</i>	
	<i>Multiply by 0.5: 2.04 units</i>	
	<i>Total: up to 2.04 units may be transferred to the non-sensitive portion of the site</i>	
	Therefore, as part of an SA land division, a maximum of <u>19 units</u> may be permitted (17.7 from non-sensitive area + 2.04 sensitive area) on the non-sensitive area of the site. (The final number of units permitted is always rounded down.)	

<p>3. <u>Clustering</u>. In order to accommodate a density transfer allowed under Subsection (A)(2) and to avoid or minimize impacting natural resources, the permitted number of lots and associated structures on the site may be clustered as follows:</p>	<p>c. Development standards for SA land divisions. Development approved under this subsection may modify the lot size, lot dimension and setback standards of the zoning district which 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 in sensitive resource areas.</p>	<p><i>(The Task Force allowed a 20% reduction. Staff recommends 30% based on the reductions in recent approved PUDs.)</i></p>
<p>a. Lot sizes, lot dimensions and yards may be reduced by up to 30% in order to cluster housing/development, provided setbacks are not less than three feet, except for zero lot line development authorized under Subsection 17.030(C).</p>		
<p>b. Platted lots that are completely encumbered by a designated natural resource area (e.g., a Water Resource Area such as a stream or wetland or a slope over 50%) may cluster development further from the resource or in a less impactful location. However, the number of buildable platted lots within the designated natural resource area shall not increase.</p>		
<p>4. Restricted use of natural resource areas. A tentative subdivision plan or partition approved under Subsection 17.030(A) shall contain the natural resource area in a separate tract that is permanently restricted from future development, consistent with applicable provisions of the CDC. This restriction shall be provided on the final plat and the area shall be preserved by common ownership of the development, in a manner approved by the City Attorney prior to recording; or, if acceptable to the City, the tract may be dedicated to the City.</p>	<p>d. Restricted use of sensitive resource areas. The tentative subdivision plan or partition shall delineate the sensitive resource area as a separate tract(s), to be permanently restricted from future development. This restriction shall be provided on the final plat and the area shall be preserved by granting of a conservation easement, for the benefit of the City, in a manner approved by the City attorney prior to recording; or, if acceptable to the City, dedication of land to the City. The sensitive resource area shall be subject to all other applicable standards of this Code, including the restrictions and requirements for maintaining sensitive areas.</p>	

**PROPOSED AMENDMENTS
of the
COMMUNITY DEVELOPMENT CODE**

REVISED DISCUSSION DRAFT

March 2014

Notes:	
Plain text =	existing regulation (except for Chapter 24, which is repealed and replaced)
Strike through =	proposed deletion to existing regulations
<u>Underline</u> =	proposed addition to existing regulations
<i>Italic</i> =	staff comment

This discussion draft contains proposals regarding flag lots and PUDs formulated by a Task Force along with alternative and supplementary provisions that staff included for the Planning Commission's consideration. The Task Force recommendation is highlighted in blue and the staff recommendation in green. Track changes is utilized for changes made since the previous meeting. Highlighting is used on provisions that may change with the Regulatory Streamlining Amendments

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Flag Lots	1
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Flag Lots

(Overview: The proposal is to replace the existing flag lot definition and flag lot standards found in Chapter 85. Flag lots can provide additional housing opportunities, promote the efficient use of residential land and ensure the protection of property rights. However, flag lots can diminish the privacy and livability of adjoining residences. The proposed standards in this section provide options for additional restrictions on flag lot development in order to protect the privacy of the abutting adjacent residences, minimize any disruption to the character of the neighborhood, and be consistent with the Transportation System Plan. There are several sections where the Task Force recommended language and staff subsequently recommends additional changes. Staff also recommends providing for mid-block lanes (see page 5) where appropriate. Mid-block lanes are recommended as a tool for infill development in large lots in the ODOT TGM program Infill and Redevelopment Code Handbook, <http://www.oregon.gov/LCD/docs/publications/infilldevcode.pdf>)

Chapter 2 - Definitions

02.030 SPECIFIC WORDS AND TERMS

...

~~Flag lot. A lot complying with all other provisions of the Community Development Code which does not meet the minimum street frontage requirement of 35 feet, and which gains access to the public right-of-way via an access strip no less than 15 feet in width.~~

Flag Lot. A lot located partially behind another lot with street frontage less than the minimum required under this code and where access is provided to the rear lot via a narrow "flag pole" or access easement that contains a driveway. 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.

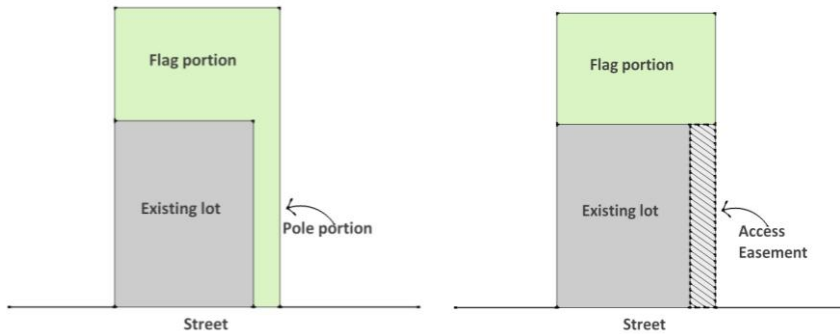
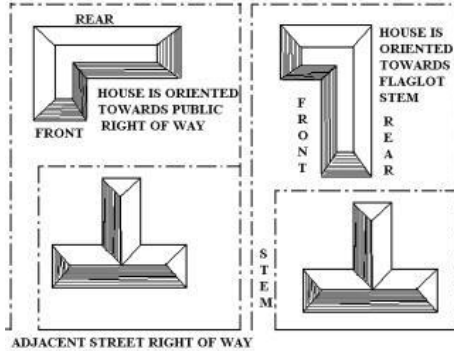


Figure __: Flag lot that utilizes a pole attached to the flag. Figure __: Flag lot that utilizes an access easement. Both lots must meet the minimum requirements for lot size.

(Staff comment: Staff is not proposing changes to the following, but is including them for reference.)

Yard, front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the lot line to the nearest point of the building. In the case of flag lots, the front yard may either face an adjacent street right-of-way or the access driveway along the flag lot stem. The front of the house or dwelling faces the front yard. (See Figure B.)



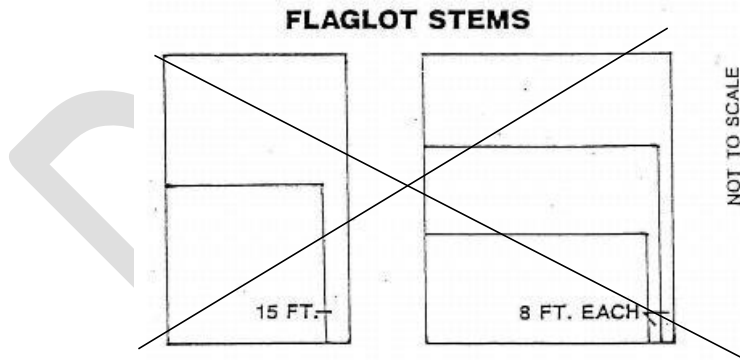
Chapter 85, General Provisions

85.200 APPROVAL CRITERIA

B. Blocks and lots.

....

7. ~~Flag lots. Flag lots can be created where it can be shown that no other reasonable street access is possible to achieve the requested land division. A single flag lot shall have a minimum street frontage of 15 feet for its accessway. Where two to four flag lots share a common accessway, the minimum street frontage and accessway shall be eight feet in width per lot. Common accessways shall have mutual maintenance agreements and reciprocal access and utility easements. The following dimensional requirements shall apply to flag lots:~~



- a. ~~Setbacks applicable to the underlying zone shall apply to the flag lot.~~
- b. ~~Front yard setbacks may be based on the rear property line of the parcel which substantially separates the flag lot from the street from which the flag lot gains access. Alternately, the house and its front yard may be oriented in other directions so long as some measure of privacy is ensured, or it is part of a pattern of development, or it better fits the topography of the site.~~
- c. ~~The lot size shall be calculated exclusive of the accessway; the access strip may not be counted towards the area requirements.~~

- d. ~~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.~~
- e. ~~As per CDC 48.030, the accessway shall have a minimum paved width of 12 feet.~~
- f. ~~If the use of a flag lot stem to access a lot is infeasible because of a lack of adequate existing road frontage, or location of existing structures, the proposed lot(s) may be accessed from the public street by an access easement of a minimum 15-foot width across intervening property.~~

7. Mid block lanes and flag lots.

- a. When permitted. Mid-block lanes and flag lots are permitted, consistent with subsections 1) and 2), when there is adequate lot area to divide the property into two or more lots but not enough street frontage to meet the applicable minimum front lot line width:
 - 1) Mid-block lanes. When frontage onto a public street cannot be provided for new land divisions due to physical constraints, including, but not limited to, the existing parcel configuration, topographic constraints, or the location of existing dwellings, lots may receive access from mid-block lanes, as shown in Figure 2. Mid-block lanes shall be required, whenever practicable, as an alternative to approving flag lots. If possible, houses on mid block lanes shall face the lane.
 - 2) Flag lots. Flag lots shall only be permitted when a public through street is not required to meet the connectivity standards of the TSP and mid-block lane cannot be extended to serve future development (See Figure 2).
- b. Development Standards. Mid-block lanes and flag lots shall comply with CDC 48.030 and the following, as applicable:
 - 1) Width. Lanes shall have a minimum paved width of 20 feet and access via flag pole shall have a minimum paved width of 12 feet and overall minimum width of 15 feet, or as required for fire protection.
 - 2) Area. Only the flag portion of the lot is included when calculating minimum lot area and lot depth.
 - 3) Access. Joint Shared access easements along existing driveways shall be provided unless the location of existing residences or accessory structures prevents it. Up to four lots may have access via an shared access easement. Accessways shall be as required per Chapter 48 and needed for fire protection. ~~or multiple poles that are 8' each. Easements shall include all necessary mutual maintenance agreements and reciprocal access and utility easements.~~ No more than two accessways shall be permitted within a distance equal to the average required minimum lot width for the underlying zone. ~~Access shall be within 150 feet of the right of way or fire suppression sprinklers shall be installed per applicable standards.~~
 - 4) Drive-Mid block lane/accessway ownership and maintenance. Easements for private accessways and lanes shall be provided at the time of partition or subdivision.
 - 5) Future street plans. Building placement and alignment of shared drives-accessways shall be designed so that future street, lane, and accessway connections, as appropriate, can be made as surrounding properties develop. If adjacent parcels can

Comment [S11]: Do we want this?

be partitioned or subdivided, an overall redevelopment concept showing street or lane connections through the adjacent property shall be completed.

- 6) Screening. When the flag portion of a lot is within seven and one half feet of a residence, a landscaping strip at least five feet in width or a fence, six feet in height or as required-allowed per CDC 44.020, shall be placed along the flag to screen it from neighboring properties. Landscaping shall include shrubs, trees, and groundcover and provide a screen at least six feet high at maturity. This shall not apply if fencing or landscaping is restricted due to environmental-natural resource constraints or if the applicant provides a notarized letter signed by the adjacent property owner(s) waiving the requirement.

Staff Comment: The text above in yellow is modified from the previous draft to include fencing as an option and to reflect that fencing and landscaping may not be appropriate in all situations. Tualatin Valley Fire and Rescue (TVF&R) states that when serving two or less dwelling units and accessory buildings, the driving surface may be reduced to 12 feet, although the unobstructed width shall be 20 feet. ~~Turning radii for curves and turnarounds on reduced width roads shall be not less than 28 feet and 48 feet respectively, measured from the same center point.~~

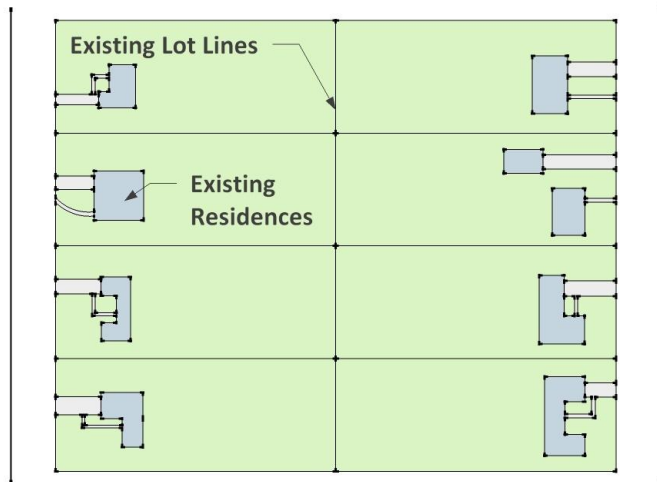


Figure 1: Mid-Block Lanes - Before Infill

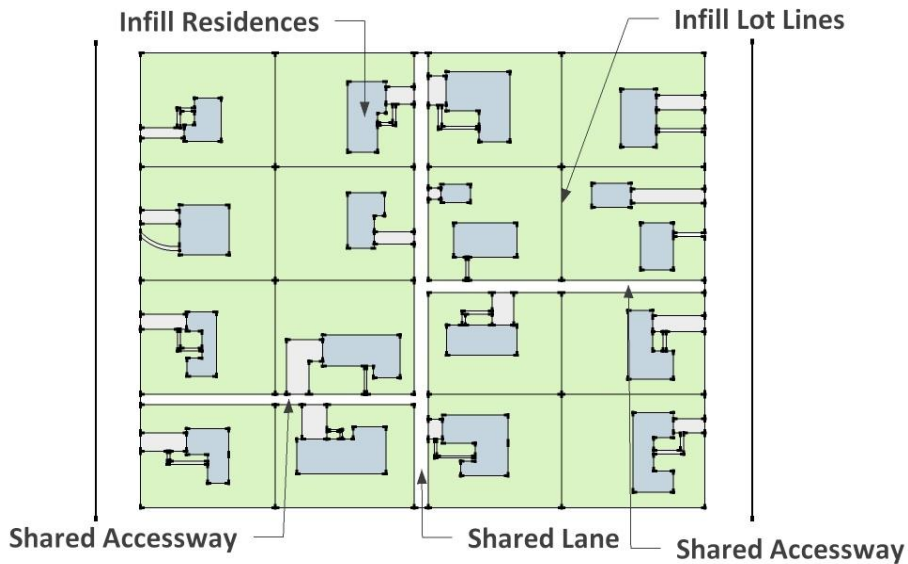
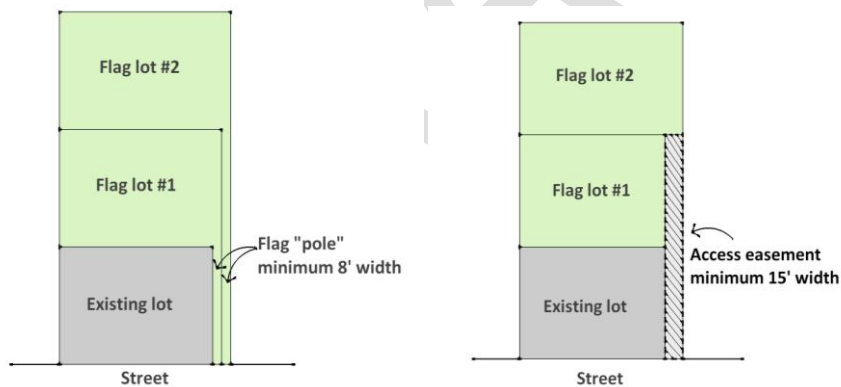


Figure 2: Mid-Block Lanes - After Infill



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Figure 3: Multiple flag lots ~~may utilize a pole or~~ shall have a shared access easement

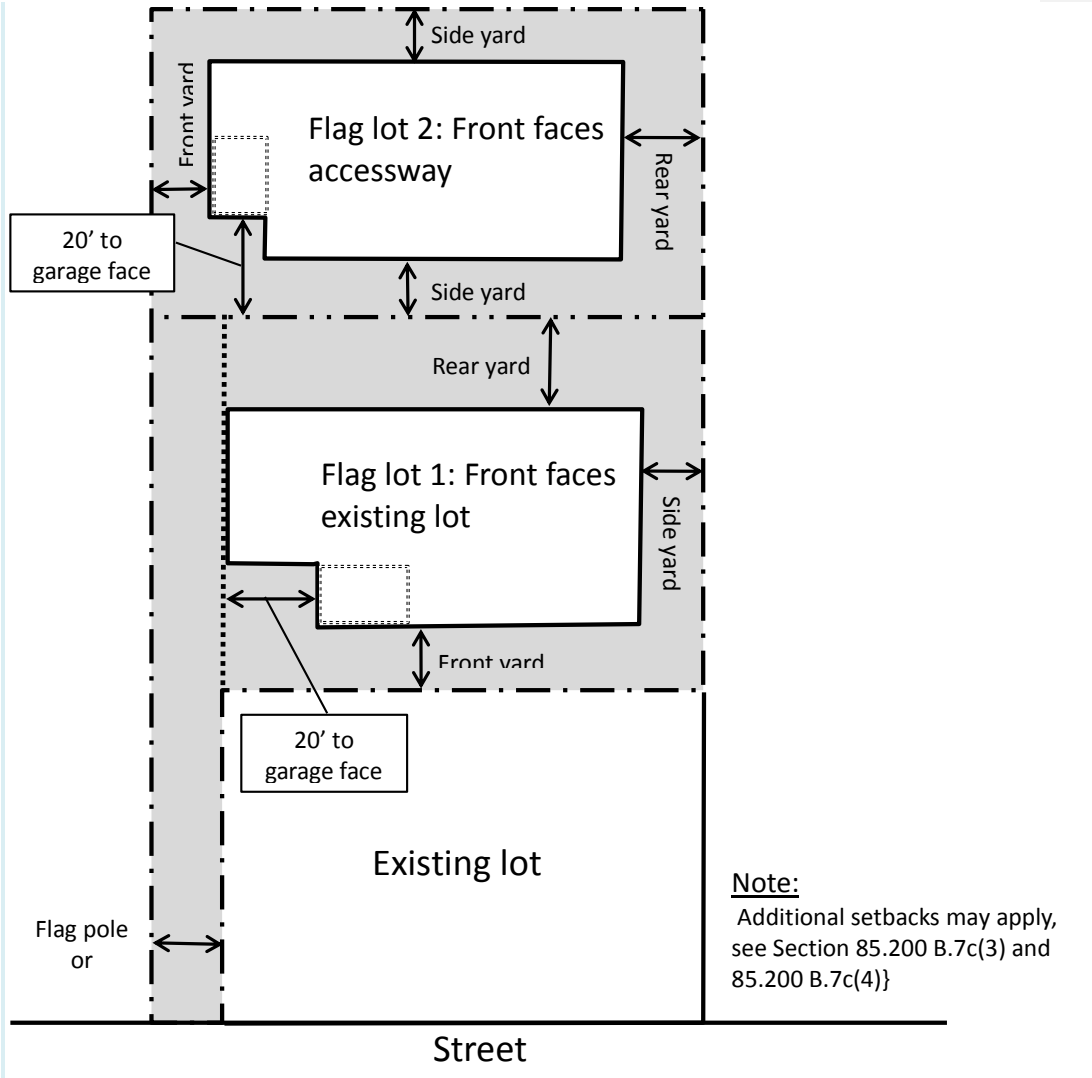
Task Force Option:

7) Yards. Except as provided for in this section, the yard setback requirements and associated exceptions of the applicable zoning district apply. The minimum yard for structures on lanes, accessways, or flag lots, shall be as follows:

(A) The front yard shall be at least 10 feet, however, a minimum yard setback of 20 feet must be provided between the face of the garage door and the nearest edge of the access easement. (Option: except at the terminus of the easement where the face of the garage door shall be no less than 18 feet from the easement). The front yard shall be measured from either:

- (1) The rear property line of the parcel, which substantially separates the flag lot from the street providing access to the flag lot (see Figure 4); or,
- (2) The lot line that runs closest to, and parallel with, the accessway. If no accessway is proposed, then the applicant may elect to use the lot line that is parallel to the projected extension of the accessway if the projected extension were to continue through the property.

DRAFT



(Task Force Option) Figure 4: Flag lot yard configurations

OR

Staff Option:

- 7) Yards. The yard setback requirements and associated exceptions of the applicable zoning district apply.
- 8) Orientation. New residences on flag lots shall face the access easement whenever practicable.

Task Force Option:

- 8) Exterior balconies and patios with a floor in excess of nine feet in height above ground elevation are prohibited within 20 feet of any interior side or rear property line, except as provided for in Subsection 8. (Staff language modifying Task Force proposal: Exterior balconies and patios with a floor in excess of nine feet in height above ground elevation are prohibited within a distance equal to the applicable minimum yard (e.g., side or rear yard) of the abutting residential lot).
- 9) In the R-40 to R-7 zoning districts, portions of any structure that exceed 18 feet in height must be setback a minimum of 20 feet from all interior side yards, as illustrated in Figure 5, except as provided for in Subsection 8.

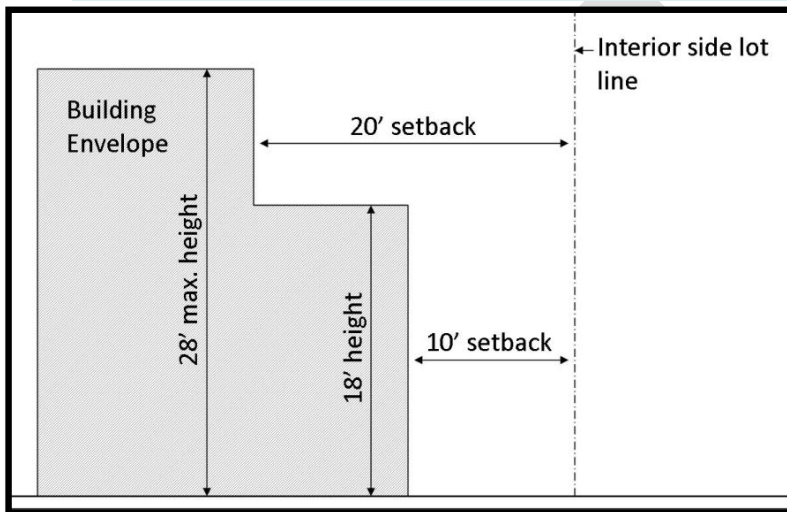


Figure 5: Flag Lot Requirements

Task Force Option:

- 10) The standards of subsections (6) and (7) above shall not apply to lot lines contiguous to land:
- (A) designated by the City as park or open space;
 - (B) zoned non-residential;
 - (C) unbuildable by plat or other instrument recorded with the County; or,
 - (D) not including any dwelling units within 50 feet of the shared property line.
- 11) Building height limitation. The maximum building height for a structure on flag lots shall be the taller of:
- (A) 28 feet; or,
 - (B) The average height of the dwelling units on any two abutting properties which are not part of the partition site.

Staff comment: Staff recommends omitting Task Force subsections 7-11. Staff recommends providing guidance on compatible flag lot development rather than changing the height and setback requirements for specific properties.

~~f. The lot size shall be calculated exclusive of the access easement or flag pole (i.e., all area of the lot of less than the minimum width);~~

Task Force Option:

12) The lot depth requirement contained elsewhere in this Code shall be measured from the rear property line of the parcel that substantially separates the flag lot from the street providing access to the flag lot.

~~(Staff comment: (f) is included above in Subsection (7)(b)(2). Staff recommends removing (g) and basing the lot depth from the yard).~~

13) The plans submitted for a flag lot shall include the location, setbacks, and approximate height of existing structures on adjacent parcels.

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

~~(Staff comment: This is too broad given the definition of structure.)~~

14) Addresses for all flag lot residences shall be posted where the access lane or driveway meets the public right-of-way.

(ADDITIONAL TASK FORCE RECOMMENDATION: The Task Force is also recommending amending the noticing procedures in Chapter 99 such that the notice of the pre-application conference is mailed to all abutting property owners for flag lot petitions.)

(Staff Comment: The Task Force prepared a new PUD chapter; however, staff has numerous other recommendations. Due to the scope of the revisions, staff's recommendations are shown below in green and the Task Force recommendation follows in blue. Both proposals would replace the existing planned unit development regulations in Chapter 24 in their entirety. The current chapter is generally used for residential development on properties with natural resources/constrained lands rather than traditional PUDs that provide for amenities beyond what is required for a standard subdivision. The chapter has typically been used for residential development and the "waivers" as proposed in the Cut the Red Tape project address many non-residential property owners concerns.)

Staff Option:

PLANNED RESIDENTIAL DEVELOPMENT

(Overview: Staff has made changes to the Task Force's recommended language (which follows in its entirety) including the following:

- Properties with natural resources (WRA etc.) can develop under these provisions, but are not required to do so.
- Projects can receive density bonuses when affordable housing, additional open space, and parks are provided.
- Retaining open space requirements from the existing PUD chapter.)

Both versions provide for the following:

- Properties that develop under these regulations must provide benefits that enable them to have greater flexibility in lot size, lot coverage, and FAR.

- *Housing types may be mixed in the PRD beyond what is allowed in a traditional subdivision, ex. attached or MF housing would be permitted in a PRD, subject to the requirements in this chapter.*

Sections:

24.010 PURPOSES

24.020 APPLICABILITY AND APPROVAL PROCESS

24.030 EXPIRATION OF APPROVAL

24.040 SUBMITTAL REQUIREMENTS

24.050 ~~ALLOWABLE-PERMITTED~~ USES

24.060 APPROVAL CRITERIA

24.070 ~~ALTERNATIVE-DEVELOPMENT~~ STANDARDS

24.010 PURPOSES

The purposes of the Planned Residential Development (PRD) overlay are to:

- A. Provide a regulatory framework that can be applied voluntarily to encourage superior, cohesive planned developments by allowing greater creativity in site design than afforded by the zoning and subdivision standards of the CDC;
- B. Utilize flexibility in site design, placement of buildings, and use of open spaces to optimize the potential of the site while preserving, to the greatest extent possible and consistent with the applicable regulations, the existing natural and topographic features and amenities.
- C. Produce development that is compatible and consistent with neighboring development in terms of architecture, massing, and scale.
- D. Allow a mixture of housing types within the established density range for the zoning district; and
- F. Promote sustainable development through the use of green building technologies, pedestrian friendly streets, low impact development practices and, as appropriate, measures that reduce vehicle miles traveled.

24.020 APPLICABILITY AND APPROVAL PROCESS

- A. A PRD may be requested in one or more residential zoning districts (R-40 – R-2.1) and the Willamette Neighborhood Mixed Use Transitional Zone.
- B. A PRD may be requested for sites that have three or more gross acres.
- B.C. The application shall be processed as provided by CDC Chapter 99, Procedures for Decision-Making.

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24.030 ~~DURATION-EXPIRATION~~ OF APPROVAL

If the final plat has not been recorded with the County within three years from the date of approval of the development plan, or within five years in the case of a phased development (see Section 99.125), the application shall be null and void.

24.0450 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 PRD shall include the following:

- A. Narrative describing the proposed development and specifying how it satisfies each of the approval criteria in CDC 24.060;
- B. Narrative, table, and map showing how the proposed uses and densities will be distributed within the project site;
- 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;
 - 5. slopes greater than 25%;
 - 6. trees and documents required per the Tree Technical Manual; or
 - 7. cultural or historic resources.
 - riparian corridors,
 - 2. wetlands,
 - 3. wildlife habitat,
 - 4. natural areas,
 - 5. potentially severe landslide hazard areas,
 - 6. wilderness areas,
 - 7. minerals and aggregates,
 - 8. energy sources,
 - 9. cultural areas, and
 - 10. historic resources; and
- D. If applicable, covenants proposed to address the approval criteria;
- E. If applicable, a PRD phasing plan that
 - 1. delineates the extent of development proposed for each phase,
 - 2. includes a schedule of required public improvements and proposed community facilities for each phase of the development, and
 - 3. meets the applicable provisions of this chapter and CDC 99.125; and
- F. Any additional information required by the Planning Director pursuant to CDC 99.035(A).

24.0560 PERMITTED USES

- A. The permitted, accessory and conditional uses, and uses permitted under prescribed conditions in a PRD shall be the same as the underlying district. In addition, the following uses are permitted in all PRDs:
 - 1. Duplexes, attached housing and multiple-family housing, including cluster development, cottage housing and zero lot line development;
 - 2. Community buildings scaled to serve the needs of the residents of the development;
 - 3. Indoor recreation facilities, athletic club, fitness center, racquetball courts, swimming pools, tennis courts, or similar uses scaled to serve the needs of the development;
 - 4. Outdoor recreation facilities, golf course, swimming pools, tennis courts, or similar use; and
 - 5. Recreation vehicle storage areas.

24.0760 APPROVAL CRITERIA

A. PRDs must comply with the following standards:

1. Compatibility. The PUD shall be developed so it achieves compatibility with the abutting development in terms of architectural character, massing, and scale. In addition, the development must include at least one of the following:
 - a. Community facilities. Provision of community facilities beyond what the City requires without a PRD. Community facilities may be located on or off-site. For phased PRDs, the proposed benefits required by this section shall be commensurate with the level of development for each phase, as determined by the approval authority. The community benefit shall be provided either concurrent with, or prior to, the development of each phase.
 - 1) Types of community facilities. Examples of community facilities include, but are not limited to:
 - (A) Parks or open spaces, recreational facilities such as tennis courts, active play areas and swimming pools;
 - (B) Infrastructure improvements that provide benefits for residents of West Linn, including storm water, utility, or other facilities; and
 - (C) Transit facilities, bicycle/pedestrian pathway systems or other transportation improvements.
 - 2) Ownership. The proposed facilities may be publicly or privately owned in accordance with the following requirements:
 - (A) If a facility is to be privately owned, the City must find that acceptable terms for the ongoing maintenance of the facility have been provided.
 - (B) If a facility is to be publicly owned, any facilities that are to be dedicated to the City must serve the public and be acceptable to the City.
 - b. Natural, cultural or historical resources. The proposed PRD preserves, enhances or rehabilitates natural, cultural or historical features of the subject property beyond what the City requires without a PRD. Examples of these resources include, but are not limited to:
 - 1) Significant natural areas, publically accessible views, and wildlife habitats or corridors; and
 - 2) Historical and cultural features.
2. Site design. The proposed PRD provides a superior site design with elements that exceed what the City requires without a PRD. Examples of elements that represent superior site design include, but are not limited to, site designs that provide:
 - a. Internal pedestrian, bicycle, or vehicular circulation paths or patterns that exceed city requirements;
 - b. Location and/or screening of parking facilities, and
 - c. High quality and/or extensive landscaping, buffering, and/or screening.

3. Architectural design. The proposed PRD provides superior architectural features that exceed what the City requires without a PRD. Examples of elements that represent superior architectural design include, but are not limited to:
- a. High quality materials, finishes and textures;
 - b. For single family attached or multi-family housing, facades that include horizontal and vertical variations in the building silhouette that are consistent with single family housing;
 - c. Contextual design in terms of building orientation, placement, articulation, scale and roof form; and
 - d. Compatibility with the neighboring development's architecture, massing, and scale.
4. Sustainable design. The proposed PRD includes sustainable design features or methods that exceed what the City requires without a PRD. Examples of sustainable design features or methods include, but are not limited to:
- a. Siting and orientation of buildings, windows, and/or landscaping to take advantage of solar, shade, and wind impacts;
 - b. Onsite generation of renewable energy for heating and/or cooling such as passive or active solar, wind, or biomass;
 - c. Transportation demand management strategies or transportation management systems;
 - d. Minimal use of impervious surface area and materials;
 - e. Use of green streets or low impact development, including, but not limited to, street side planters, swales, rain gardens, or permeable pavement, when acceptable to the City; and
 - f. LEED or similar certification.
5. Transitions and buffers.
- a. Transitions or buffers between the site and adjacent properties shall be provided as follows:
 - 1) Active recreational facilities, such as hard surface athletic courts or swimming pools, shall be located internal to the development where possible. Upon demonstration by the applicant that this is not possible, such facilities located along the perimeter of the development shall be buffered and/or screened to minimize adverse impact to neighbors.
 - 2) When more than two attached housing units (e.g., a triplex) are proposed adjacent to and visible from existing dwellings within 120 feet or directly across the street and visible from an existing single-family dwelling, the multifamily structures shall include architectural design elements, such as building modulation and roof styles, that mimic those of single family dwellings.
 - 3) ~~Unless the proposed residential units are set back at least 100 feet from the perimeter of the PRD, a~~All parking and access serving multi-family units shall be set back a minimum of 20 feet from the abutting property line, unless the approval authority, based upon the City Engineer or Planning Director's

recommendation, approves a smaller setback or joint access between adjoining properties.

- 4) Other transition as proposed by the applicant that meets the intent of this Subsection (A)(5).

24.0780 DEVELOPMENT STANDARDS

A. Applicable Zone Exceptions.

The provisions of the applicable zoning district apply, except as follows:

1. The floor area ratio and lot coverage requirements of the underlying zone may be applied to the total project area, exclusive of right-of-way/private streets, rather than on a lot by lot basis;
2. Lot size, yards, and lot dimensions may be modified; and
3. Lots along the perimeter of a PRD that abut existing single family homes shall not be reduced to less than 75% of the minimum lot size of the underlying zone and shall contain single family homes.

B. Open space.

1. PRDs that contain multi-family units shall comply with the requirements of CDC 55.100(F).
2. PRDs that contain 10 or more single-family detached, single-family attached, or duplex residential units **with an average lot size of less than 5,000 square feet** shall comply with the following usable open space requirements.
 - a. The plan shall include an open space area with at least 300 square feet of usable area per dwelling unit that meets the design requirements of CDC 55.100(F)(2).
 - b. The usable open space shall be owned in common by the residents of the development unless the approval authority determines, based upon a request from the applicant and the recommendation of the City Director of Parks and Recreation, that the usable open space should be dedicated to the City for public use. If owned in common by the residents of the development, there shall be a covenant established prior to occupancy to maintain the usable open space.

Comment [SJ2]: This provision is not as useful or practical on larger lots.

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 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 and slopes greater than 50%.
2. Density may be transferred at a rate of 100% from land with the following characteristics
 - a. Heritage Trees and significant trees, consistent with Section 55.100(b), or
 - b. slopes between 25-50%.

D. Density Bonus. Density bonuses, using the minimum lot size in the underlying zone, may be given for the categories below. The cumulative density bonus from all of the provisions below shall not exceed 40%.

1. Affordable housing. Affordable housing units may receive a density bonus of up to 30% when the dwellings are part of a Federal, State, or local housing program, at least 20% of the dwellings are available for populations with household incomes that are up to 80 percent of the area median family income, and their affordability is guaranteed.
(Staff comment: 80% of the area median income in the Portland area is currently \$38,850 for a single person household and \$55,500 for a four person family. The median income for a family of four is \$68,000. ORS 197.309 prevents cities from establishing inclusionary zoning, but does not prohibit cities from enacting voluntary regulations, density bonuses, or other policies to increase the supply of these units.)
2. Additional open space land. The dedication of additional natural resource areas beyond what is required under the approval criteria, including trails, paths, significant trees, stands of trees, and trailheads may result in a density bonus up to 5% per ½ acre, with a maximum density bonus under this provision of up to 20%.
3. Parks. The dedication of improved site area that is accepted by the City, consistent with the Parks, Recreation, and Open Space Master Plan, or another public agency, as usable, accessible park land, may result in a density bonus of 5% per ½ acre, with a maximum density bonus under this provision of up to 30%.

Task Force Option:

PLANNED UNIT DEVELOPMENT

(Overview: The proposal is to replace existing planned unit development regulations (Chapter 24) in its entirety. The replacement language was prepared by the Task Force in 2010 and 2011.)

Sections:

- 24.010 PURPOSES**
- 24.020 APPLICABILITY AND APPROVAL PROCESS**
- 24.030 PHASED DEVELOPMENT**
- 24.040 SUBMITTAL REQUIREMENTS**
- 24.050 ALLOWABLE USES**

- 24.060 APPROVAL CRITERIA**
- 24.070 ALTERNATIVE DEVELOPMENT STANDARDS**
- 24.080 DENSITY TRANSFER**

24.010 PURPOSES

The purposes of the Planned Unit Development Overlay (“PUD”) are as follows:

- B. Provide a regulatory framework that can be applied voluntarily to encourage superior, cohesive planned developments by allowing greater creativity in site design compared to the standard zoning and subdivision standards of the CDC. (The provisions of this Chapter are not intended as an alternative to the variance procedures provided in Chapter 75 of the CDC).

- C. To preserve, to the greatest extent possible, consistent with the applicable regulations, the existing natural and topographic features and amenities through the use of a plan that relates the type and design of the development to a particular site;
- D. Enable development that will provide a greater variety of housing types of superior design that is in harmony with that of the surrounding area;
- E. Utilize flexibility in site design, placement of buildings, and use of open spaces to optimize the potential of the site;
- F. Allow a mixture of densities between zoning districts and plan designations when more than one district or designation is included in the development;
- G. Promote sustainable development through the use of green building technologies, reduced building footprints, pedestrian friendly streets, low-impact development practices, and measures that reduce vehicle miles traveled;
- H. Produce development that is compatible with neighboring development in terms of architecture, massing, and scale.

24.020 APPLICABILITY AND APPROVAL PROCESS

- A. A PUD may be requested in a residential zoning district for sites of 3 or more gross acres;
- B. A PUD may include more than one zoning district;
- C. A PUD is not permitted for any property located in a City designated Historic District; and
- D. The application shall be processed as provided by CDC Chapter 99, Procedures for Decision-Making.

24.030 PHASED DEVELOPMENT

A PUD may include a maximum of three (3) phases. Phasing may not extend beyond 5 years from the original approval date. The phasing proposal shall include all improvement to be completed in each phase. Each phase shall include all facilities and offsite improvements needed to address the impacts of that phase. Requests to phase the PUD shall only be approved by the approval authority after reviewing a PUD phasing plan making findings that the applicable provisions of this Chapter and CDC 99.125 have been met.

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:

- ~~G~~.A. A narrative describing the proposed development and specifying how it satisfies each of the requirements in Section 24.080.
- ~~H~~.B. Plans and a table showing how the proposed uses and densities will be distributed within the project site;
- ~~I~~.C. A map delineating all Type I and II lands, Water Resource Areas; and other areas inventoried as Goal 5 resources on site and indicating acreage and type;

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~~J-D.~~ All code requirements proposed for modification;

~~K-E.~~ Any voluntary conditions of approval or covenants proposed to address the approval criteria; and

~~L-F.~~ If phasing of the PUD is proposed, a PUD phasing plan which delineates the extent of development proposed for each phase and includes a schedule of required public improvements and proposed community facilities for each phase of the development.

~~M-G.~~ The Planning Director may require additional information as part of the application subject to the provisions of CDC 99.035(A).

24.050 ALLOWABLE USES

A. The permitted, accessory and conditional uses, and uses permitted under prescribed conditions in a PUD shall be the same as the underlying district. In addition, the following uses are permitted in all PUDs:

1. Single-family, duplexes, attached housing and multiple-family housing;
2. Community buildings scaled to serve the needs of the development;
3. Indoor recreation facility, athletic club, fitness center, racquetball court, swimming pool, tennis court, or similar use scaled to serve the needs of the development;
4. Outdoor recreation facility, golf course, swimming pool, tennis court, or similar use; and
5. Recreation vehicle storage area.

B. Special needs housing shall be reviewed for its close proximity to existing or planned services that are necessary to serve that population, including shopping centers, medical centers, places of worship, parks, senior centers and public transit.

24.060 APPROVAL CRITERIA

A. PUDs must comply with the each of the following standards:

2-1. Public Benefits. The PUD shall be developed so it achieves compatibility with the neighboring development in terms of appearance, massing, and scale. Any adverse impacts or undesirable effects of the proposed PUD must be clearly outweighed by specifically identified public benefits. The applicant shall substantiate how the proposed development will be superior to and provide a greater benefit to the public than a development approved under the standard CDC regulations. Examples of public benefits include, but are not limited to, the following:

- a. Community Facilities. The proposed PUD provides community facilities beyond what the City requires without a PUD. The proposed facilities may be publically or privately owned and maintained provided that, if a facility is to be privately owned, the City finds that acceptable terms for the ongoing maintenance of the facility have been provided. Any facilities that are to be dedicated to the City must serve the public and be acceptable to the City. Community facilities may be located on or off-site. Examples of these facilities include, but are not limited to:

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- 1) Parks or open spaces, recreational facilities such as tennis courts, active play areas and swimming pools;
 - 2) Infrastructure improvements that provide benefits for the community or region at-large, including storm water, utility, or other facilities;
 - 3) Transit facilities, bicycle/pedestrian pathway systems or other transportation improvements;
 - 4) Other facilities acceptable to the City.
- b. Natural, cultural or historical resources. The proposed PUD preserves, enhances or rehabilitates natural, cultural or historical features of the subject property beyond what the City requires without a PUD. Examples of these resources include, but are not limited to:
- 1) Significant natural areas, viewsheds, wildlife habitats or corridors; and
 - 2) Historical and cultural features;
 - 3) Other special features or resources acceptable to the City.
- c. For phased PUD's, the proposed benefit(s) required by this section shall be commensurate with the level of development for each phase, as determined by the approval authority. The community benefit shall be provided either concurrent with, or prior to, the development of each phase.
2. Superior site design. The proposed PUD provides a superior site design with elements that exceed what the City requires without a PUD. Examples of elements that represent superior site design include, but are not limited to:
- a) Site design that provides housing or building types to support an underserved population within the community;
 - b) Superior internal pedestrian, bicycle or vehicular circulation paths or patterns; and,
 - c) Site Design that contributes to the existing surrounding natural features and is respectful of views both into and outside of the site.
3. Superior architectural design. The proposed PUD provides architectural features that exceed what the City requires without a PUD. Examples of elements that represent superior architectural design include, but are not limited to:
- a) High quality materials, finishes and textures;
 - b) Facades that include horizontal and vertical variations in the building silhouette;
 - c) Contextual design in terms of building orientation, materials, articulation, scale and roof form. Alternative designs may be appropriate when no predominant style exists, or when unique or exceptional benefits are derived under the proposed style.

4. Sustainable design. The proposed PUD includes sustainable design features or methods that exceed what the City requires without a PUD. Examples of sustainable design features or methods include, but are not limited to:

- a) Appropriate siting and orientation of buildings, windows and landscaping, with regard to solar, shade and wind impacts;
- b) Incorporation of universal design features, such as flat entrances or wider doors;
- c) Onsite generation of renewable energy for heating and/or cooling such as passive or active solar, wind, or biomass;
- d) Use of high efficiency windows and insulation;
- e) Transportation demand management strategies, or transportation management systems;
- f) Minimal use of impervious surface area and materials;
- h) Use of “green streets” or “low impact development” where acceptable to the City; and
- g) Other acceptable designs or features that create resource efficiencies and decrease the impact of the development on the environment.

5. Compatibility with surrounding uses – transitions and buffers.

a. Because the provisions of this chapter allow for density transfers within the site, modifications to certain development regulations, and a variety of housing types, limitations on uses along the perimeter of the property and transitions or buffers between shall be provided as follows:

- 1) Active recreational facilities, such as hard surface athletic courts or swimming pools, shall be located internal to the development where possible. Upon demonstration by the applicant that this is not possible, such facilities located along the perimeter of the development shall be buffered and/or screened to minimize adverse impact to neighbors.
- 2) When more than two attached housing units (e.g., a triplex) are proposed adjacent to and visible from existing dwellings within 120 feet or directly across the street and visible from an existing single-family dwelling, the multifamily structures shall include architectural design elements, such as building modulation and roof styles, that mimic those of single family dwellings.
- 3) All parking and access serving multi-family units shall be set back a minimum of 20 feet from the abutting property line, unless the approval authority, based upon the City Engineer’s recommendation, approves a joint access between adjoining properties.

b. The type and extent of the transitions or buffers required shall be determined by the Planning Commission. The following examples may be considered as a means to satisfy the requirement for a transition, although other transitions may be proposed by the applicant for consideration:

- 1) An intervening street or driveway that is existing, platted or specifically proposed in the Transportation Master Plan and has a minimum width of 24 feet;
- 2) Natural topography, such as a drainageway or wetland, provides a horizontal separation of at least 50 feet, or a cliff or embankment that provides adequate vertical separation which shall be defined as having the PUD site at least 10 feet below the abutting non-PUD site, and which includes adequate screening. The natural topography may be on an adjoining parcel; and
- 3) Manmade berms of at least five feet in height with landscaping for adequate screening a 40-foot minimum in width. This transition shall be on the subject parcel unless an easement for such purpose is provided on the adjoining parcel.

c. The transition provisions of this subsection shall not apply if the proposed residential units are setback at least 100 feet from the perimeter of the PUD.

24.070 ALTERNATIVE DEVELOPMENT STANDARDS

The applicant may propose alternatives to certain development regulations of the underlying district. In a PUD, the Floor Areas Ratio and lot coverage requirements of the underlying district may be applied to the total project area rather than on a lot by lot basis. The approval authority may authorize modifications to the lot size, building setbacks, and lot dimensions of the underlying district upon demonstration that all of the requirements in Section 24.080 are satisfied. However, the lot sizes along the perimeter of the PUD that abut existing single-family homes shall not be reduced to less than 75 percent of the minimum lot size permitted for a single-family dwelling on the abutting lot outside the PUD. No other modifications are permitted except as provided for elsewhere in this Code. Any modifications to the development regulations shall be shown on the approved plans, specified in the conditions of approval, and where applicable, shall be noted on the final plat or site plan.

24.080 DENSITY TRANSFER

The PUD allows residential density to be transferred between zoning districts within the overall project, subject to the requirements of this chapter. Density may not be transferred between Comprehensive Plan land use designations. The total number of dwelling units permitted in the PUD is subject to the underlying zoning districts and the applicable provisions of the CDC.

Related Provisions to Staff Option:

Chapter 5, General

05.020 CLASSIFICATIONS OF ZONES

All areas within the corporate limits of the City of West Linn are hereby divided into zoning districts, and the use of each tract and ownership of land within the corporate limits shall be limited to those uses permitted by the zoning classification applicable to each such tract as hereinafter designated. The zoning districts within the City of West Linn are hereby classified and designated as follows:

Zoning District	Zone Designation	Dwelling Units per Net Acre	Lot Size per Unit in Square Feet
Planned Residential Unit Development	PRDPU		

Chapter 8, Single-Family Residential Detached, R-40

08.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary use subject to the provisions of Chapter 35 CDC.
4. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock, other than normal household pets, shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot less than one acre or which has less than 20,000 feet per head of livestock.

5. Single-family attached residential units, duplex residential units, and multiple-family residential units that are part of a PRD and subject to the provisions of Chapter 24 CDC.

Chapter 9, Single-Family Residential Detached, R-20

09.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary use, subject to the provisions of Chapter 35 CDC.
4. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock, other than normal household pets, shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot less than one acre, or which has less than 20,000 feet per head of livestock.
5. Manufactured home, subject to the provisions of CDC 36.020, Manufactured Homes Standards.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

7. Single-family attached residential units, duplex residential units, and multiple-family residential units that are part of a PRD and subject to the provisions of Chapter 24 CDC.

Chapter 10, Single-Family Residential Detached, R-15

10.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary use, subject to the provisions of Chapter 35 CDC.
4. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock, other than normal household pets, shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock.
5. Manufactured home, subject to the provisions of CDC 36.020, Manufactured Homes Standards.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.
- 7. Single-family attached residential units, duplex residential units, and multiple-family residential units that are part of a PRD and subject to the provisions of Chapter 24 CDC.**

Chapter 11, Single-Family Residential Detached, R-10

11.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock, other than normal household pets, shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre or which has less than 20,000 feet per head of livestock.
6. Manufactured homes subject to the provision of CDC 36.020, Manufactured Home Standards.
7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

8. Cottage housing, subject to the provisions of CDC 17.030.

9. Single-family attached residential units, duplex residential units, and multiple-family residential units that are part of a PRD and subject to the provisions of Chapter 24 CDC.

Chapter 12, Single-Family Residential Detached and Attached, R-7

12.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Signs, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock, other than normal household pets, shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock.
6. Manufactured home subject to the provisions of CDC 36.020, Manufactured Homes Standards.
7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

8. Cottage housing, subject to the provisions of CDC 17.030.

9. Duplex residential units, and multiple-family residential units that are part of a PRD and subject to the provisions of Chapter 24 CDC.

Chapter 13, Single-Family Residential Detached and Attached/Duplex, R-5

13.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Manufactured home park, subject to the provisions of Chapters 36 and 55 CDC.
2. Home occupations, subject to the provisions of Chapter 37 CDC.
3. Sign, subject to the provisions of Chapter 52 CDC.
4. Temporary uses, subject to the provisions of Chapter 35 CDC.
5. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
6. Manufactured homes subject to the provisions of CDC 36.020.
7. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock, other than normal household pets, shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock.
8. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

9. Cottage housing, subject to the provisions of CDC 17.030.

10. Multiple-family residential units that are part of a PRD and subject to the provisions of Chapter 24 CDC.

Chapter 14, Single-Family Residential Attached and Detached/Duplex, R-4.5

14.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Manufactured home park, subject to the provisions of Chapters 36 and 55 CDC.
2. Home occupations, subject to the provisions of Chapter 37 CDC.
3. Signs, subject to the provisions of Chapter 52 CDC.
4. Temporary uses, subject to the provisions of Chapter 35 CDC.
5. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

7. Cottage housing, subject to the provisions of CDC 17.030.

8. Multiple-family residential units that are part of a PRD and subject to the provisions of Chapter 24 CDC.

Related Provisions for both Staff and Task Force Options:

(Staff Comment: The following are removed since the PRD/PUD would only be permitted in residential zones.)

Chapter 18, Neighborhood Commercial

18.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

- ...
 - ~~5.~~ The maximum lot coverage shall be 50 percent; however, the above requirements in this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.
 - ~~56.~~ The maximum building height shall be two and one-half stories, or 35 feet.

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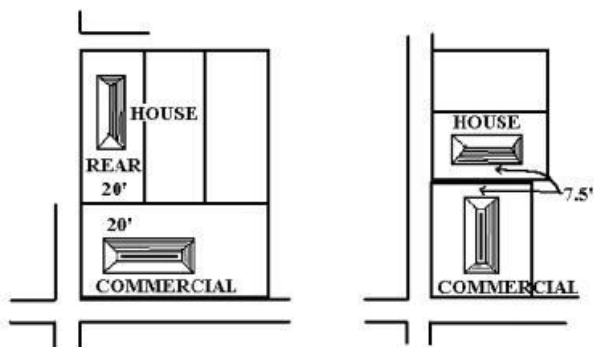
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Chapter 19, General Commercial

19.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

Except as may be otherwise provided by the provisions of this code, the following are the requirements for uses within this zone:

- A1. The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
- B2. The average minimum lot width shall be 50 feet.
- C3. The average minimum lot depth shall not be less than 90 feet.
- D4. Where the use abuts a residential district, the setback distance of the residential zone shall apply. For example, when the rear of a residential property abuts the side of a commercial property, the residential 20-foot setback shall apply to the commercial property. When the side of a residential property abuts the rear of a commercial property, the residential five- to seven-and-one-half-foot setback shall apply to the commercial property. In addition, a buffer of up to 50 feet may be required.



SETBACK OF ABUTTING HOUSE
DICTATES COMMERCIAL SETBACK

- E5. The maximum lot coverage shall be 50 percent.
- F6. The maximum building height shall be two and one-half stories or 35 feet for any structure located within 50 feet of a low or medium density residential zone, and three and one-half stories or 45 feet for any structure located 50 feet or more from a low or medium density residential zone.

~~G7.~~ For lot lines that abut an arterial, there shall be no minimum yard dimensions or minimum building setback area, and the maximum building setback shall be 20 feet. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape areas (covered with impervious surfaces) and landscaped areas, with at least 25 percent of the front setback area consisting of landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.

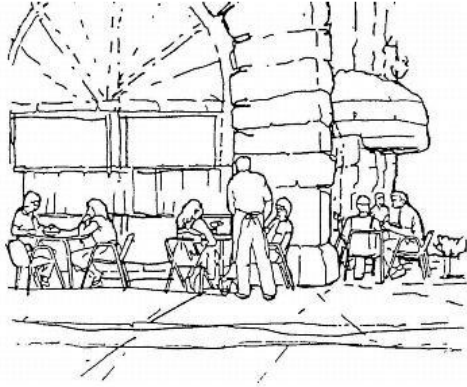
~~B. The requirements of subsections (A)(1) through (5) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.~~

Chapter 21, Office Business Center

21.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

~~A.~~ Except as may be otherwise provided by the provisions of this code, the following are requirements for uses within this zone:

- ~~A1.~~ The minimum front lot line length or the minimum lot width at the front lot line shall be 35 feet.
- ~~B2.~~ The average minimum lot width shall be 35 feet.
- ~~C3.~~ The average minimum lot depth shall not be less than 90 feet.
- ~~D4.~~ The minimum yard dimensions or minimum building setback area from the lot line shall be:
 - ~~1a.~~ For an interior side yard, seven and one-half feet.
 - ~~2b.~~ For a side yard abutting a street, 15 feet.
 - ~~3e.~~ For a rear yard, 25 feet; however, where the use abuts a residential district, the setback distance of the residential zone shall apply and, in addition, a buffer of up to 50 feet may be required.
- ~~E5.~~ For lot lines that abut an arterial, there shall be no minimum yard dimensions or minimum building setback area, and the maximum building setback shall be 20 feet. The front setback area between the street and the building line shall consist of landscaping or a combination of non-vehicular hardscape areas (covered with impervious surfaces) and landscaped areas, with at least 25 percent of the front setback area consisting of landscaped areas. If there are not street trees within the public right-of-way, the front setback area shall include such trees per the requirements of the City Arborist.



~~F6.~~ The maximum lot coverage shall be 50 percent.

~~G7.~~ The maximum building height shall be two and one-half stories or 35 feet for any structure located within 50 feet of a low or medium density residential zone and three and one-half stories or 45 feet for any structure located 50 feet or more from a low or medium density residential area.

~~B.~~ The requirements of subsections (A)(1) through (5) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.

Chapter 22, Campus Industrial

22.080 DEVELOPMENT STANDARDS

All development within this district is subject to the review procedures and application requirements under Chapter 55 CDC. In addition, the following specific standards, requirements, and objectives shall apply to all development in this district:

...

~~H.~~ The requirements of subsections A through G of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.

Chapter 23, General Industrial

23.070 DIMENSIONAL REQUIREMENTS, USES PERMITTED OUTRIGHT AND USES PERMITTED UNDER PRESCRIBED CONDITIONS

~~A.~~ Except as may be otherwise provided by the provisions of this code, the following are requirements for uses within this zone:

~~A1.~~ The minimum front lot line length of the minimum lot width at the front lot line shall be 50 feet.

~~B2.~~ The average minimum lot width shall be 50 feet.

~~C3.~~ The average minimum lot depth shall not be less than 90 feet.

D4. Where the use abuts a residential district, the setback distance of the residential zone shall apply, and, in addition, a buffer of up to 50 feet may be required.

E5. The maximum lot coverage shall be 50 percent.

F6. The maximum building height shall be two and one-half stories or 35 feet for any structure located within 100 feet of a residential zone and three and one-half stories or 45 feet for any structure located 100 feet or more from a residential zone.

~~B. The requirements of subsections (A)(1) through (5) of this section may be modified for developments under the planned unit development provisions of Chapter 24 CDC.~~

Related Provisions for Staff Option:

Chapter 28, Willamette and Tualatin River Protection

28.110 Approval Criteria

...

Chapter 28

28.110 APPROVAL CRITERIA

H. Partitions, subdivisions and incentives.

1. When partitioning a property into parcels, an applicant shall verify the boundaries of the HCA on the property.
2. Applicant shall partition or subdivide the site so that all parcels have a buildable site or envelope available for home construction located on non-HCA land or areas designated "Habitat and Impact Areas Not Designated as HCAs" per the HCA Map.
3. Development of HCA-dominated lands shall be undertaken as a last resort. **The applicant may develop using the provisions in CDC 17.030(A) Cluster Development or Chapter 24, Planned Residential Development.** ~~A planned unit development (PUD) of Chapter 24 CDC may be required.~~
4. Incentives are available to encourage provision of public access to, and/or along, the river. By these means, planned unit developments shall be able to satisfy the shared outdoor recreation area requirements of CDC 55.100(F). Specifically, for every square foot of riverfront path, the applicant will receive credit for two square feet in calculating the required shared outdoor recreation area square footage. Applicants shall also be eligible for a density bonus under CDC 24.150(B). To be eligible to receive either of these incentives, applicants shall:
 - a. Provide a minimum 20-foot-wide all-weather public access path along the project's entire river frontage (reduced dimensions would only be permitted in response to physical site constraints such as rock outcroppings, significant trees, etc.); and
 - b. Provide a minimum 10-foot-wide all-weather public access path from an existing public right-of-way to that riverfront path or connect the riverfront path to an existing riverfront path on an adjoining property that accesses a public right-of-way;
 - c. Fencing may be required near steep dropoffs or grade changes.

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Chapter 55, Design Review

C. Compatibility between adjoining uses, buffering, and screening.

1. In addition to the compatibility requirements contained in Chapter 24 CDC, buffering shall be provided between different types of land uses; for example, buffering between single-family homes and apartment blocks. However, no buffering is required between single-family homes and duplexes or single-family attached units. The following factors shall be considered in determining the adequacy of the type and extent of the buffer:

- a. The purpose of the buffer, for example to decrease noise levels, absorb air pollution, filter dust, or to provide a visual barrier.
- b. The size of the buffer required to achieve the purpose in terms of width and height.
- c. The direction(s) from which buffering is needed.
- d. The required density of the buffering.
- e. Whether the viewer is stationary or mobile.

F. Shared outdoor recreation areas. This section only applies to multi-family projects and projects with 10 or more duplexes or single-family attached dwellings on lots under 4,000 square feet. In those cases, shared outdoor recreation areas are calculated on the duplexes or single-family attached dwellings only. It also applies to qualifying PUDs under the provisions of CDC 24.170.

1. In addition to the requirements of subsection E of this section, usable outdoor recreation space shall be provided in residential developments for the shared or common use of all the residents in the following amounts:

- a. Studio up to and including two-bedroom units: 200 square feet per unit.
- b. Three or more bedroom units: 300 square feet per unit.

2. The required recreation space may be provided as follows:

- a. It may be all outdoor space; or
- b. It may be part outdoor space and part indoor space; for example, an outdoor tennis court and indoor recreation room; and
- c. Where some or all of the required recreation area is indoor, such as an indoor recreation room, then these indoor areas must be readily accessible to all residents of the development subject to clearly posted restrictions as to hours of operation and such regulations necessary for the safety of minors.

d. In considering the requirements of this subsection F, the emphasis shall be on usable recreation space. No single area of outdoor recreational space shall encompass an area of less than 250 square feet. All common outdoor recreational space shall be clearly delineated and readily identifiable as such. Small, marginal, and incidental parcels of land are not usable recreation spaces. The location of outdoor recreation space should be integral to the overall design concept of the site and be free of hazards or constraints that would interfere with active recreation.

3. The shared space shall be readily observable to facilitate crime prevention and safety.

55??

F. Shared outdoor recreation areas. This section only applies to multi-family projects and projects with 10 or more duplexes or single-family attached dwellings on lots under 4,000 square feet. In those cases, shared outdoor recreation areas are calculated on the duplexes or single-family attached dwellings only. It also applies to qualifying ~~PRDs~~^{PUDs} under the provisions of CDC 24.170.

Chapter 85, General Provisions

85.170 SUPPLEMENTAL SUBMITTAL REQUIREMENTS FOR TENTATIVE SUBDIVISION OR PARTITION PLAN

The following information shall be submitted to supplement the tentative subdivision plan:

A. General.

...

6. Where the proposed subdivision site includes hillsides or where erosion hazard potential exists, including Type I and II lands as defined in CDC 02.030, and any lands identified as a hazard site in the West Linn Comprehensive Inventory Plan Report, the standards and requirements of Chapter 24 CDC, Planned ~~Residential Unit~~ Development, as well as the requirements for erosion control as described in CDC 85.160(F)(2), shall be addressed in a narrative.

85.200 APPROVAL CRITERIA

A.

...

19. All lots in a subdivision shall have access to a public street **through direct frontage or an access easement.** ~~Lots created by partition may have access to a public street via an access easement pursuant to the~~ **Easements shall comply with** the standards and limitations set forth for such accessways in Chapter 48 CDC.

...

B. Blocks and lots.

...

3. Lot size and shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision, for the type of use contemplated, for potential utilization of solar

access, and for the protection of drainageways, trees, and other natural features. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, and the buildable depth ~~shall~~ not exceed **two and one-half times** the average width. "Buildable" describes lots that are free of constraints, such as, **but not limited to**, wetlands, drainageways, **and riparian corridors** etc., that ~~would~~ make home construction impossible. **Lot sizes shall not be less than the size required by the zoning code unless as allowed by planned residential unit development (PRD)(PUD).** Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.

Chapter 99, Procedures for Decision Making: Quasi-Judicial

99.038 NEIGHBORHOOD CONTACT REQUIRED FOR CERTAIN APPLICATIONS

Prior to submittal of an application for any subdivision, conditional use permit, multi-family project, planned ~~residential unit~~ development of four or more lots, non-residential buildings over 1,500 square feet, or a zone change that requires a Comprehensive Plan amendment, the applicant shall contact and discuss the proposed development with any affected neighborhood as provided in this section. Although not required for other or smaller projects, contact with neighbors is highly recommended. The Planning Director may require neighborhood contact pursuant to this section prior to the filing of an application for any other development permit if the Director deems neighborhood contact to be beneficial.

99.060 APPROVAL AUTHORITY

...

B. Planning Commission authority. The Planning Commission shall have the authority to:

...

2. Approve, deny, or approve with conditions the following applications:

...

h. Planned ~~residential unit~~ development (Chapter 24 CDC).

(Staff Comment: The Task Force prepared language regarding natural resource/constrained or sensitive lands. Staff proposes several changes to this language, including renaming it "Cluster Development" and placing it in a new Chapter 17, which would contain this section and consolidate various alternative standards for development, rather than in Chapter 85 (land division). Staff's option is shown below in green and the Task Force option follows in blue.

Currently, properties with constrained land must develop as a PUD. Both versions would allow for development without a PRD/PUD, although, the applicant could use a PRD/PUD if desired.

Proposed changes to the Task Force proposals include provisions to address possible land divisions under the proposed Chapter 32, Water Resource Area regulations, land divisions under Chapter 28, Willamette and Tualatin River Protection, simplifying the language on calculating the amount of transferrable land, and allowing for an additional 10% reduction in lot size. For reference, Appendix A lists the reduction in lot area, dimensions, and yards.

Staff Option:

Chapter 17 (New)

USE STANDARDS

17.010 PURPOSE

- A. Allow for development that is sensitive to the environment, especially in areas with steep slopes, water resource areas, and other riparian habitats.
- B. Allow for the preservation of open and natural areas.
- C. Promote improved site layout and opportunities for private recreational areas.
- D. Provide opportunities for affordable housing.
- E. Promote more energy-efficient development.
- F. Allow for variety in development standards while maintaining or enhancing the overall character of existing neighborhoods.
- G. Reduce the impact that new development may have on surrounding development.

17.020 APPLICABILITY

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17.030 ALTERNATIVE DEVELOPMENT STANDARDS

A. 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. ~~This section applies to properties that have~~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,
 - 5) slopes greater than 25%; or
 - 6) Heritage Trees or significant trees.
- 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, 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 such natural resources.

a. Except as provided in Subsection (3)(b), density may be transferred at a rate of 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 and slopes greater than 50%.

b. Density may be transferred at a rate of 100% from land with the following characteristics

- 1) Heritage Trees and significant trees, consistent with Section 55.100(B),
- 2) and slopes between 25-50%.

3. Clustering. In order to accommodate a density transfer allowed under Subsection (A)(2) and to avoid or minimize impacting natural resources, the permitted number of lots and associated structures on the site may be clustered as follows:

a. Lot sizes, lot dimensions and yards may be reduced by up to 30% in order to cluster housing/development, provided setbacks are not less than three feet, except for zero lot line development authorized under Subsection 17.030(C).

(Staff comment: The Task Force allowed a 20% reduction. Staff recommends 30% based on the reductions in recent approved PUDs.)

b. Platted lots that are completely encumbered by a designated natural resource area (e.g., a Water Resource Area such as a stream or wetland or a slope over 50%) may cluster development further from the resource or in a less impactful location. However, the number of buildable platted lots within the designated natural resource area shall not increase.

4. Restricted use of natural resource areas. A tentative subdivision plan or partition approved under Subsection 17.030(A) shall contain the natural resource area in a separate tract that is permanently restricted from future development, consistent with applicable provisions of the CDC. This restriction shall be provided on the final plat and the area shall be preserved by common ownership of the development, in a manner approved by the City Attorney prior to recording; or, if acceptable to the City, the tract may be dedicated to the City.

(Staff comment: Staff recommends adding the following two sections that provide for cottage housing and zero lot line development, which were not considered by the Task Force. Cottage housing will provide additional opportunities for smaller, quality single family homes in West Linn. These houses are typically occupied by young professionals, single parents, the newly single, and empty nesters. Typically they have 1-2 residents. Often these individuals do not want, or cannot afford larger homes and lots, and this type of development enables them to remain in their community. See

<http://www.mrsc.org/govdocs/s42cottagehousingguide.pdf>, "Cottage Housing in Your Community" for additional information. Staff also referenced work by Ross Chapin on "Pocket Neighborhoods", Metro's Innovative Design and Development Codes Toolkit, Metro's Case Study on cottage housing in Wood Village (http://library.oregonmetro.gov/files/wood_village_case_study.pdf) and regulations in various communities including Oregon City, Wood Village, Seattle, Battle Ground, WA, and Kirkland, WA.



Cottage Housing development in White Salmon, WA.

Cottage housing layout

Cottage housing is generally defined as a development of small, detached single-family dwelling units clustered around a central outdoor common space within a coordinated site plan. The cottage units are smaller than single-family houses and are often oriented toward the common space. While houses share amenities such as open space, gardens, a workshop, or a community building, each cottage house also has its own yard and the privacy of a roofed porch.

Cottage housing layout excerpted from Metro's Design and Development Toolkit

B. **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 private, 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 (e.g., available for the use of all residents of the development) that contains a minimum of 1,500 square feet or 250 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 a community building built for the use of the cottage housing residents.
2. Site design. Dwelling units shall be located on at least two sides of the courtyard or common area.
3. Cottage design. Cottages shall have the following features:
 - a. Window and door trim with a minimum width of 3.5 inches on all structures.
 - b. Eaves of at least 12 inches on all structures on at least two sides of each building.
 - c. To avoid blank facing walls cottages shall have one of the following on street and courtyard facades:
 - i. Changes in exterior siding material and paint color;
 - ii. Windows, including bay windows; or
 - iii. Building modulation with a depth measuring at least one foot.
4. Porches. There shall be a usable covered porch with a minimum of 80 square feet and a minimum dimension of five feet.
5. Dwelling size. Dwellings in cottage developments shall not have footprint greater than 1,000 square feet. 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.
6. Height. Dwellings shall not be more than 28 feet in height. All parts of the roof greater than 18 feet in height shall have a minimum slope of 6:12.
7. Lot size and density. The permitted density in cottage housing developments shall not exceed one dwelling unit per 2,500 square feet.
8. Lot coverage. Lot coverage shall be calculated for the entire development site and shall not exceed 40 percent.
9. Floor area ratio (FAR). The FAR ~~shall be calculated for the entire development site and shall not exceed that permitted for the applicable zoning district for the underlying zone shall not apply.~~

10. Interior separation. A minimum separation of six 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.

1211. Number of units. The development shall include no less than four and no more than 12 dwelling units per courtyard. A development may contain more than one courtyard. An accessory dwelling unit (Chapter 34) may not be added to an existing cottage development.

~~13. Development spacing. Cottage developments shall not be within 1,000 feet of each other or one block, whichever is greater.~~

142. Yards. Yards for the exterior perimeter of the project shall be those specified in the ~~applicable underlying~~ zoning district.

153. Parking. Parking shall be shared, screened and in accordance with the single family requirements in Chapter 46. It shall not be located in the front yard.

164. Pathway. A pedestrian pathway, a minimum of four feet in width, shall connect the public street with all cottages and the shared parking areas with all cottages.

175. Covenants. Covenants shall be recorded that establish common areas maintained by the owners and that preclude their conversion to another use.

186. Density bonuses. Other density bonuses in the code, including CDC 24.080(D) shall not apply to cottage developments.

(Staff comment: Zero lot line developments allow for greater use of side yards by placing a double side yard on a single side of a property. This requires consideration of window placement and owner access through an easement. Much of the language below is from the City of Portland.)

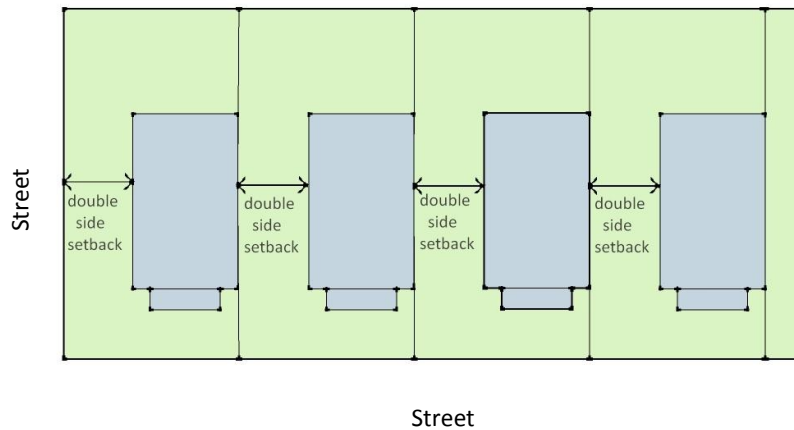


Figure 2: Zero lot line development

C. Zero Lot Line Development. A zero lot line development allows houses along common street frontage to be shifted to one side of each lot to provide greater usable yard space on each lot.

1. Side yards.

- a. The required side yard on one side of the house may be reduced to zero. This does not apply to the side street yard, or to the side yard adjacent to lots that are not part of the zero lot line development.
- b. The minimum distance between all buildings in the development must be equal to at least twice the side yard required in the applicable zoning district.
- c. The setbacks established under this section shall appear upon the face of the plat or partition. A deed restriction must be recorded on the deed of each applicable lot to ensure the side yard is maintained.

- 2. Eaves. The eaves on the side of a house with a reduced yard may project a maximum of 18 inches over the adjacent property line. An easement for the eave projection must be recorded on the deed for the lot where the projection occurs.
- 3. Maintenance. An easement between the two property owners to allow for maintenance or repair of the house is required when the eaves or side wall of the house are closer than three feet to the adjacent property line. The easement on the adjacent property must be wide enough to allow four feet between the eaves or side wall and the edge of the easement.
- 4. Privacy. If the side wall of the house is on the property line, or within three feet of the property line, windows or other openings which allow for visibility into the side yard of the adjacent lot are not allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.
- 5. Locating dwellings and windows. The planning for the locations of houses and windows along side yards shall be done at the same time.

Task Force Option:

85.200 APPROVAL CRITERIA

...

B. Blocks and lots

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- 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 SA 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 land division application and which is deemed significant and worthy of preservation by the decision maker in the final decision.

3) An SA land division is not permitted for properties located in City 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 the CDC. 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, 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 (may be combination of sensitive areas): 28,460 SF
Non-sensitive area: 124,000 SF (17.7 units)
28,460 SF divided by 7,000 SF (min. lot size): 4.07 units
Multiply by 0.5: 2.04 units

Total: up to 2.04 units may be transferred to the non-sensitive portion of the site

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

c. Development standards for SA land divisions

Development approved under this subsection may modify the lot size, lot dimension and setback standards of the zoning district which 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 in 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 tract(s), to be permanently restricted from future development. This restriction shall be provided on the final plat and the area shall be preserved by granting of a conservation easement, for the benefit of the City, in a manner approved by the City attorney prior to recording; or, if acceptable to the City, dedication of land to the City. The sensitive resource area shall be subject to all other applicable standards of this Code, including the restrictions and requirements for maintaining sensitive areas.

Related Provisions for staff option:

Chapter 2, Definitions

02.030 SPECIFIC WORDS AND TERMS

Cottage. A cottage is a detached form of single-family housing that is located on a legal lot of record and does not exceed 1,200 square feet in floor area or is a condominium unit at densities generally exceeding the zoning district in which it is located. See Figure ____.

Cottage housing development. Four to twelve detached dwelling units sharing a commonly owned courtyard/common area and parking area. A development may have more than one courtyard/common area.

Zero lot line development. A zero lot line development is where houses in a development on a common street frontage are shifted to one side of their lot to provide greater usable yard space on each lot. See Figure 2.

Chapter 11, Single-Family Residential Detached, R-10

11.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Sign, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock, other than normal household pets, shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre or which has less than 20,000 feet per head of livestock.
6. Manufactured homes subject to the provision of CDC 36.020, Manufactured Home Standards.
7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

8. Cottage housing, subject to the provisions of CDC 17.030.

9. Single-family attached residential units, duplex residential units, and multiple-family residential units that are part of a PRD and subject to the provisions of Chapter 24 CDC.

Chapter 12, Single-Family Residential Detached and Attached, R-10

12.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Home occupations, subject to the provisions of Chapter 37 CDC.
2. Signs, subject to the provisions of Chapter 52 CDC.
3. Temporary uses, subject to the provisions of Chapter 35 CDC.
4. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
5. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock, other than normal household

pets, shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock.

6. Manufactured home subject to the provisions of CDC 36.020, Manufactured Homes Standards.
7. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

8. Cottage housing, subject to the provisions of CDC 17.030.

9. Duplex residential units, and multiple-family residential units that are part of a PRD and subject to the provisions of Chapter 24 CDC.

Chapter 13, Single-Family Residential Detached and Attached/Duplex R-5

13.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Manufactured home park, subject to the provisions of Chapters 36 and 55 CDC.
2. Home occupations, subject to the provisions of Chapter 37 CDC.
3. Sign, subject to the provisions of Chapter 52 CDC.
4. Temporary uses, subject to the provisions of Chapter 35 CDC.
5. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
6. Manufactured homes subject to the provisions of CDC 36.020.
7. Agricultural or horticultural use; provided, that no retail or wholesale business sales office is maintained on the premises; and provided, that poultry or livestock, other than normal household pets, shall not be permitted within 100 feet of any residence other than a dwelling on the same lot, nor on a lot of less than one acre, or which has less than 20,000 feet per head of livestock.
8. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

9. Cottage housing, subject to the provisions of CDC 17.030.

10. Multiple-family residential units that are part of a PRD and subject to the provisions of Chapter 24 CDC.

Chapter 14, Single-Family Residential Attached and Detached/Duplex, R-4.5

14.050 USES AND DEVELOPMENT PERMITTED UNDER PRESCRIBED CONDITIONS

The following uses are allowed in this zone under prescribed conditions.

1. Manufactured home park, subject to the provisions of Chapters 36 and 55 CDC.
2. Home occupations, subject to the provisions of Chapter 37 CDC.
3. Signs, subject to the provisions of Chapter 52 CDC.
4. Temporary uses, subject to the provisions of Chapter 35 CDC.
5. Water-dependent uses, subject to the provisions of Chapters 28 and 34 CDC.
6. Wireless communication facilities, subject to the provisions of Chapter 57 CDC.

7. Cottage housing, subject to the provisions of CDC 17.030.

8. Multiple-family residential units that are part of a PRD and subject to the provisions of Chapter 24 CDC.

Chapter 28

28.110 APPROVAL CRITERIA

- H. Partitions, subdivisions and incentives.

1. When partitioning a property into parcels, an applicant shall verify the boundaries of the HCA on the property.
2. Applicant shall partition or subdivide the site so that all parcels have a buildable site or envelope available for home construction located on non-HCA land or areas designated "Habitat and Impact Areas Not Designated as HCAs" per the HCA Map.
3. Development of HCA-dominated lands shall be undertaken as a last resort. **The applicant may develop using the provisions in CDC 17.030(A) Cluster Development or Chapter 24, Planned Residential Development.** A planned unit development (PUD) of Chapter 24 CDC may be required.
4. Incentives are available to encourage provision of public access to, and/or along, the river. By these means, planned unit developments shall be able to satisfy the shared outdoor recreation area requirements of CDC 55.100(F). Specifically, for every square foot of riverfront path, the applicant will receive credit for two square feet in calculating the required shared outdoor recreation area square footage. Applicants shall also be eligible for a density bonus under CDC 24.150(B). To be eligible to receive either of these incentives, applicants shall:
 - a. Provide a minimum 20-foot-wide all-weather public access path along the project's entire river frontage (reduced dimensions would only be permitted in response to physical site constraints such as rock outcroppings, significant trees, etc.); and
 - b. Provide a minimum 10-foot-wide all-weather public access path from an existing public right-of-way to that riverfront path or connect the riverfront path to an existing riverfront path on an adjoining property that accesses a public right-of-way;
 - c. Fencing may be required near steep dropoffs or grade changes.

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Chapter 34, Accessory Structures, Accessory Dwelling Units, and Accessory Uses

34.030 ACCESSORY DWELLING UNITS (ADUs)

A. An accessory dwelling unit (ADU) may be allowed in conjunction with an existing primary single-family dwelling, **except cottage housing subject to 17.030(B)(9)**, by conversion of existing space inside the primary dwelling; by means of an addition to an existing dwelling; by means of an addition as an accessory structure; or by converting or adding to an existing accessory structure, such as a garage, on the same lot with an existing primary dwelling, when the following conditions are met:

Appendix A, 30% reduction for cluster development:

Zoning district	Lot Size	
	Min. lot size (sq. ft.)	30% reduction (sq. ft.)
R-40	40,000	28,000
R-20	20,000	14,000
R-15	15,000	10,500
R-10	10,000	7,000
R-7	7,000/5,500 attached	4,900/3,850 attached
R-5	5,000/4,500 attached	3,500/3,150 attached
R-4.5	4,500/4,000 attached	3,150/2,800 attached
R-3	3,000	2,100
R-2.1	4,000 single-family/2,700	2,800/1,890 attached/2,450 duplex

	attached/ 3,500 duplex each unit/2,100 MF dwelling unit	each unit/1,470 MF dwelling unit
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Lot Dimension		
Zoning district	Lot Dimension Average (Width x depth)	30% Reduction (sq. ft.)
R-40	150' x 90'	105' x 63'
R-20	150' x 90'	105' x 63'
R-10	50' x 90'	35' x 63'
R-15	80' x 90'	56' x 63'
R-7	50' x 90'	35' x 63'
R-5	50' x 90'	35' x 63'
R-4.5	50' x 90'	35' x 63'
R-3	75' deep	52.5'
R-2.1	50' x 90'	35' x 63'

Yards/Setbacks								
Zoning district	Setbacks				30% Reduction			
	Front	Rear	Interior Side	Street Side	Front	Rear	Interior Side	Street Side
R-40	30'	30'	10'	30'	21'	21'	7'	21'
R-20	20'	20'	7.5'	15'	14'	14'	5.25'	10.5'
R-15	20'	20'	7.5'	15'	14'	14'	5.25'	10.5'
R-10	20'	20'	7.5'	15'	14'	14'	5.25'	10.5'
R-7	20'	20'	7.5'	15'	14'	14'	5.25'	10.5'
R-5	20'	20'	5'	15'	14'	14'	3.5'	10.5'
R-4.5	20'	20'	5'	15'	14'	14'	3.5'	10.5'
R-3	15'	15'	5'	15'	10.5'	10.5'	3.5'	10.5'
R-2.1	20'	20'	5'	15'	14'	14'	3.5'	10.5'