

Table 1 – Flag Lots		
Proposal	No.	Description
Flag lot definition	<u>1</u>	Change flag lot definition to add more details and description regarding the pole, flag, and parent lot.
Mid-block lanes	<u>2</u>	Add language to require mid-block lanes, when possible, with land division. The mid-block lanes would provide for increased connectivity within a neighborhood.
Accessway width	<u>3</u>	Change the accessway width requirements to a minimum paved width of 12 feet and overall width of 15 feet. This is less than what was required when there are more than two lots gaining access from the flagpole.
Flag lot screening	<u>4</u>	Add language to require screening when the flag portion of the lot is within 7.5 feet of a residence.
Orientation of new residences on flag lots	<u>5</u>	Require new residences on flag lots to be oriented to the accessway unless restricted due to environmental constraints
Front yard setback	<u>6</u>	For new residences, change front yard setback from 20 feet to 10 feet, and continue to require 20 feet to the face of the garage.
Front yard measurement	<u>7</u>	For new residences, clarify front yard orientation for flag lots when there is an accessway in front of the house and when the accessway ends before the house.
Setbacks for balconies and patios	<u>8</u>	Require greater setbacks (20 feet on side and rear yards) for balconies and patios on flag lots when near other structures not located on the parent lot
Setbacks for structures	<u>9</u>	Require greater setbacks (20 feet on interior side yards) for structures with a height over 18 feet when located near other structures not located on the parent lot
Overall height on new flag lot structures	<u>10</u>	Option 1: Restrict the height for new structures on flag lots to 28 feet or the average of adjacent structures, whichever is taller.
		Option 2: Maintain the existing height limit of 35 feet, which is still lower than it was prior to 2010 when the height definition changed from grade to mid-point of the roof to grade to peak.
Access to subdivisions and partitions	<u>11</u>	At the request of the County Surveyor, change the language for access to subdivisions to permit access through an access easement rather than only direct frontage. This is the same as the partition requirement.

Table 2 – Sensitive Area/Cluster Development

Proposal	No.	Description	Staff Comments
Terminology		Determine what to call this type of development:	Staff recommends “cluster development” since this is a commonly used term and it clearly indicates the practice of clustering development that is provided for with the development.
	<u>1 1</u>	Option 1: Cluster Development	
	<u>1 2</u>	Option 2: Sensitive Area Land Division	
Location		Determine where to locate the provisions:	Staff recommends a new Chapter that will have other provisions that modify the underlying zone rather than in the general land division chapter which generally applies to land division and does not typically contain provisions that modify the underlying zone.
	<u>2 1</u>	Option 1: A new Chapter 17 that would include various provisions that modify the underlying zones	
	<u>2 2</u>	Option 2: Chapter 85, General Provisions (land division)	
Historic Districts/Other natural, cultural or hazardous areas	<u>3</u>	Both task force and staff versions apply to constrained lands (flood management areas (FMA), Willamette and Tualatin River Greenway (WRG), water resource area (WRA), potentially severe landslide hazard areas, slopes greater than 25%, Heritage Trees and significant trees. Should they also apply to historic districts and other natural, cultural, or hazardous area that is not named above as in the Task Force draft?	Staff’s opinion is that cluster development is unlikely in the City’s existing historic district and that it could likely be accommodated in future historic districts with appropriate design.
Density Transfer	<u>4 1</u>	Option 1: Allow density transfer at a rate of 50% for FMA, WRA, WRG, potentially severe landslide hazard areas, and slopes greater than 50%. Allow density transfer at a rate of 100% from heritage tree and significant tree areas and slopes between 25-50%.	Staff recommends allowing up to 100% for the heritage and significant tree areas and for slopes between 25-50%. This encourages the preservation of trees since the entire density that could be used by removing them can be transferred. It also discourages building on steeper slopes, which is permitted, since the entire density can be transferred. It also does not allow for density transfer of slopes greater than 50% since these are not buildable.
	<u>4 2</u>	Option 2: Allow density transfer at a rate of up to 50% for slopes in excess of 25%, potentially severe landslide hazard areas, FMA, WRG, WRA, heritage trees, and any other natural, cultural, or hazardous areas that is not specified, but is proposed by the applicant and deemed significant.	

Table 2 – Sensitive Area/Cluster Development (cont.)

Proposal	No.	Description	Staff Comments
Calculation of Density Transfer	<u>5.1</u>	Option 1: State that 50% of the area encumbered by natural resources can be transferred.	
	<u>5.2</u>	Option 2: Provide additional language detailing the density calculation and provide an example.	
Reduction in dimensional standards	<u>6.1</u>	Option 1: To provide for clustering the development, allow up to a 30% reduction in lot size, lot dimension, and yard/setback standards from the underlying zone, with a minimum of three feet.	Staff recommends allowing up to 30% since this is the common amount requested in previous PUDs when developing in an otherwise R-10 zone with constrained lands.
	<u>6.2</u>	Option 2: To provide for clustering the development, allow up to a 20% reduction in lot size, lot dimension, and setback standards from the underlying zone.	
Existing Platted Lots	<u>7</u>	Should these code amendments allow existing platted lots of record with constrained lands (including those that are completely encumbered) to reconfigure their lot lines to better accommodate, through clustering, additional development? This applies only to existing platted lots, not tax lots.	
Dedication and restricted use of land	<u>8.1</u>	Option 1: Restrict the usage of the natural resource area by placing it in a tract that is preserved by common ownership of the development or, if acceptable to the City, dedicating the land to the City.	Staff recommends placing it in a separate tract, it is often difficult to restrict usage of land within a conservation easement since the land is still owned by the individual.
	<u>8.2</u>	Option 2: Restrict the usage of the sensitive area by placing it in a conservation easement for the benefit of the City, or if acceptable to the City, dedicating it to the City.	

Table 3 – Dimensional Requirements and Density Transfer

	<u>CDC, Chapter 11, R-10</u>	<u>CDC, Chapter 12, R-7</u>	<u>Task Force Proposed Sensitive Lands</u>	<u>Staff Proposed Cluster Development</u>	<u>Cottage Housing</u>	<u>Zero Lot Line Housing</u>
Lot Size	10,000 sq. ft.	7,000 sq. ft.	up to 20% reduction	up to 30% reduction	shall not exceed density of 1/du per 2,500 sq. ft.	same as applicable zone
Front lot width	35 ft.	35 ft.	up to 20% reduction	up to 30% reduction	NA, must have a minimum of 4 units	same as applicable zone
Average minimum lot width	50 ft.	50 ft.	up to 20% reduction	up to 30% reduction	NA, must have a minimum of 4 units	same as applicable zone
Lot depth (non Type I and II lands)	90 ft. *	90 ft. *may be eliminated with regulatory streamlining	up to 20% reduction	up to 30% reduction	NA, must have a minimum of 4 units	same as applicable zone
Yards/setbacks (feet)						
Front	20	20	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 each other shall be separated by a minimum of 10 feet.	same as applicable zone
Interior side	7.5	7.5	up to 20% reduction	up to 30%, except setbacks cannot be less than 3 ft., unless a zero lot line development		may be reduced to zero on one side of the house, but the min. distance between two buildings must be equal to at least 2x the side yard of the applicable zone
Side street	15	15	up to 20% reduction	up to 30%, except setbacks cannot be less than 3 ft., unless a zero lot line development		same as applicable zone

Dimensional Requirements and Density Transfer						
	<u>CDC, Chapter 11, R-10</u>	<u>CDC, Chapter 12, R-7</u>	<u>Task Force Proposed Sensitive Lands</u>	<u>Staff Proposed Cluster Development</u>	<u>Cottage Housing</u>	<u>Zero Lot Line Housing</u>
Rear	20	20	up to 20% reduction	up to 30%, except setbacks cannot be less than 3 ft., unless a zero lot line development		same as applicable zone
Lot coverage	35%	35%	No change	No change	calculated for the entire development and shall not exceed 40%	same as applicable zone
FAR	0.45	0.45	No change	No change	NA	same as applicable zone
Usable open space	Not required	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%.	Not required
Density transfer	NA	NA	50% from sensitive resource areas	50% from natural resource lands, 100% from sig. trees and slopes 25-50%		NA

PROPOSED AMENDMENTS
of the
COMMUNITY DEVELOPMENT CODE

DISCUSSION DRAFT, PART I

April 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, sensitive area/cluster development, cottage housing, and zero lot line housing. Planned Unit/Residential Development will be discussed further at a subsequent meeting on May 7, 2014.

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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

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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. The existing lot is considered the "parent lot".

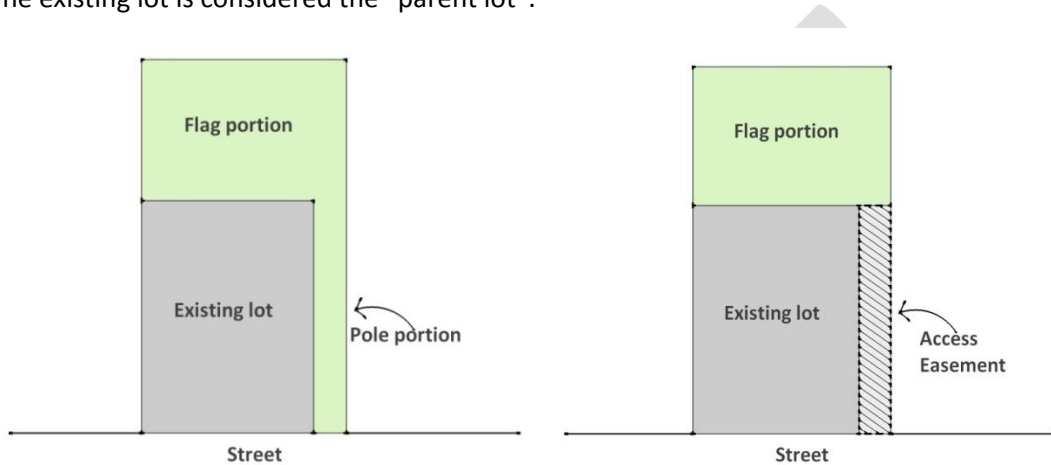
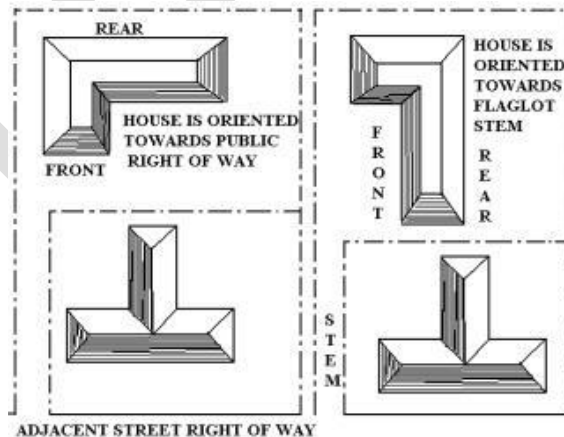


Figure __: Flag lot that utilizes a pole attached to the flag. Figure __: Flag lot that utilizes an access easement. Both lots must meet the minimum requirements for lot size.

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

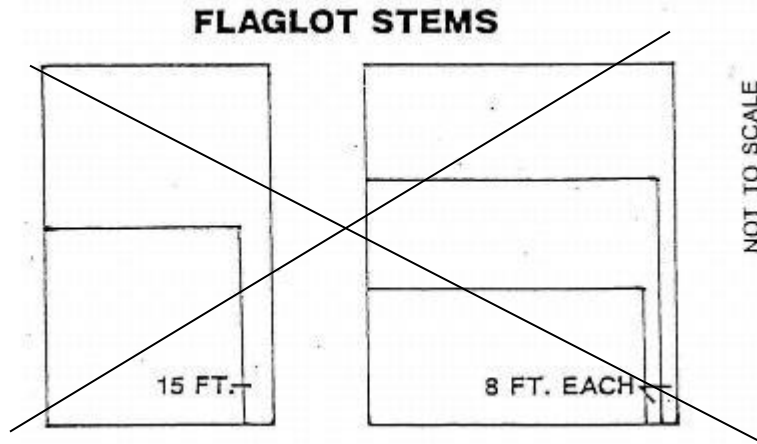


85.200 APPROVAL CRITERIA

B. Blocks and lots.

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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. 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.
- 4) 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 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.
- 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 waiving the requirement.

Staff Comment: *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.)*

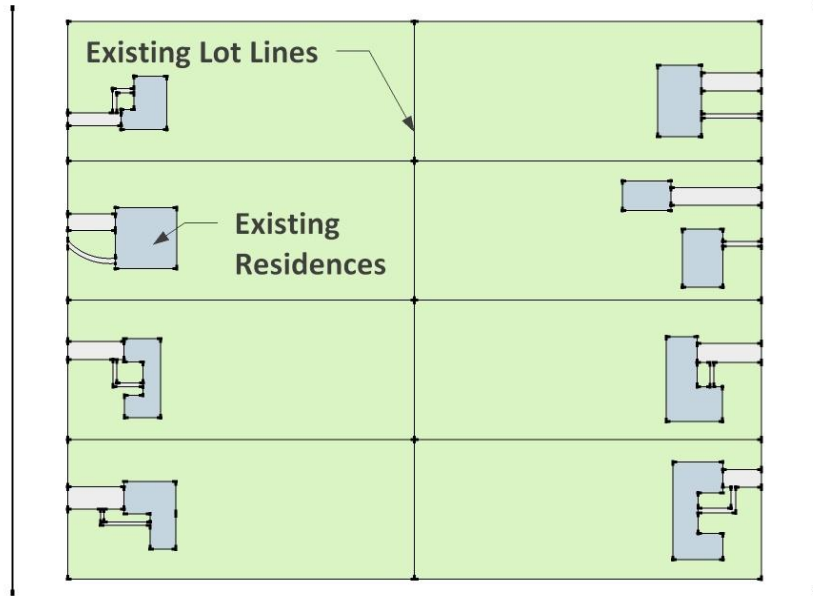


Figure 1: Mid-Block Lanes - Before Infill

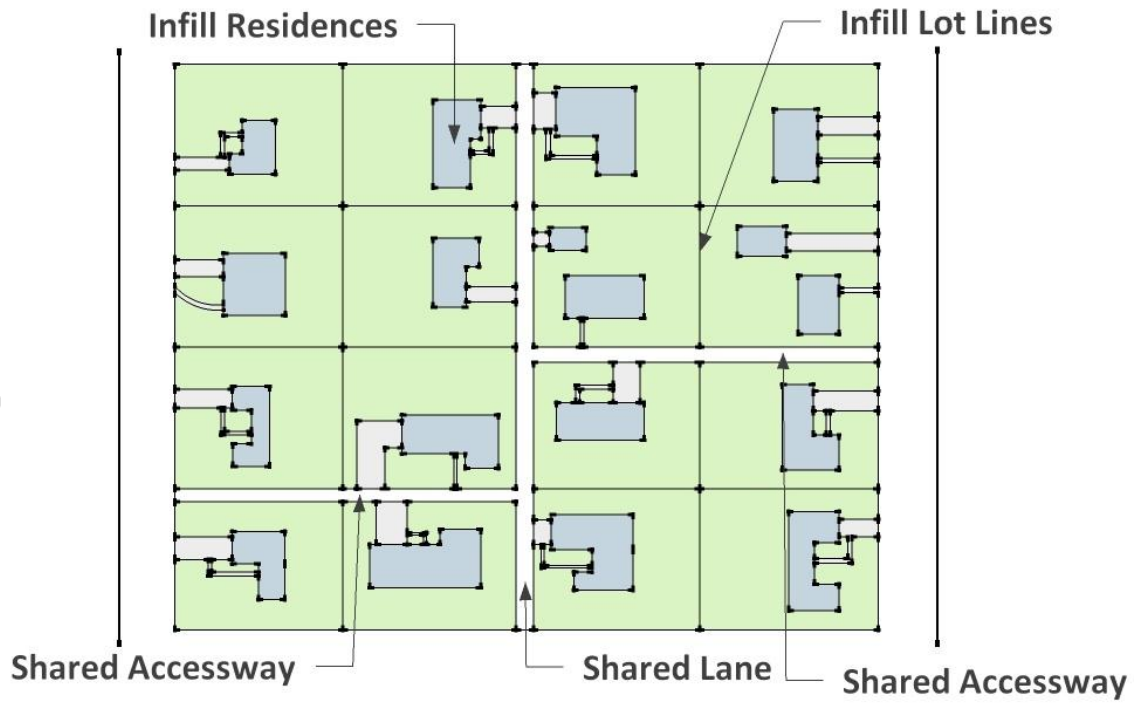


Figure 2: Mid-Block Lanes - After Infill



Figure 3: Multiple flag lots shall have a shared access easement

7) Orientation. New residences on flag lots shall face the access easement, unless restricted due to environmental constraints. If an access easement is not proposed, then the applicant shall use a line that is parallel to the projected extension of the access easement were to continue through the property. The yard setback requirements and associated exceptions of the applicable zoning district apply, with the following exceptions:

(A) The front yard shall be at least 10 feet, and there is a minimum yard setback of 20 feet between the face of the garage and the nearest edge of the access easement.

(B) The front yard shall be measured from the lot line that runs closest to, and parallel with the accessway. If no accessway is proposed, the applicant shall use the lot line that is parallel to the projected extension of the accessway if the extension were to continue through the property.

(Staff Comment: In other circumstances, the front yard location shall be determined as described and detailed in "Yard, front." in Chapter 2, Definitions, which is included on page 2.)

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 10.

9) In the R-7 to R-40 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 4, except as provided for in Subsection 10.

10) The standards of subsections (8) and (9) above shall not apply to the parent lot or 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.

12) Building height limitation. The maximum building height for a structure on flag lots shall be the taller of:

(A) 28 feet *(Staff Option: same as the same as the applicable zoning district (which is 35 and based on the 2010 change to the height definition, which lowered it about 7-8 feet); or,*

(B) The average height of the dwelling units on any two abutting properties which are not part of the partition site.

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

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

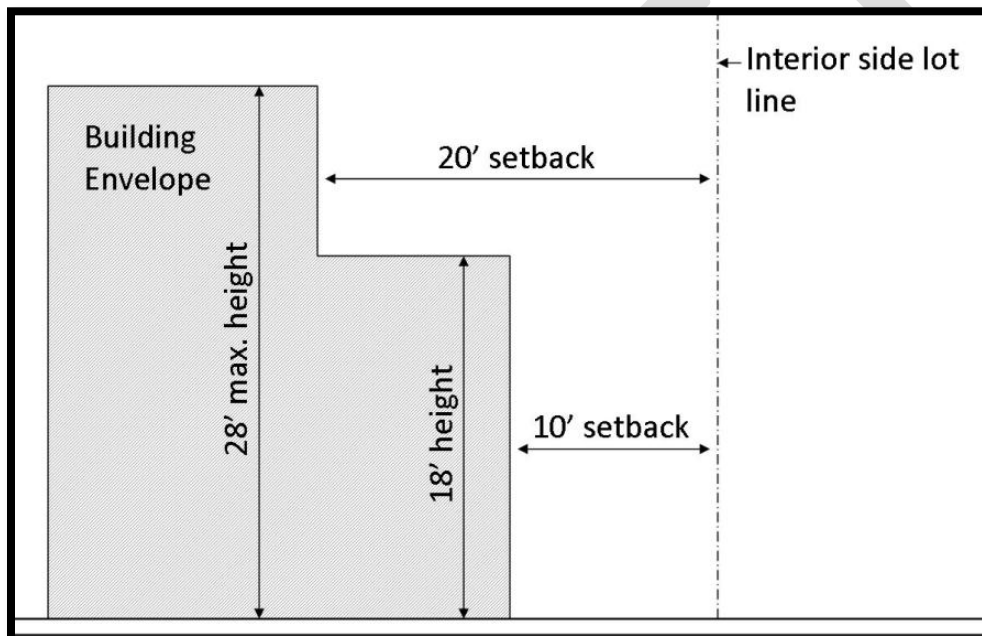


Figure 4: Flag Lot Yard and Setback Requirements

(Staff Comment: The following language is recommended based on the requirements of the Clackamas County Surveyor. The City's current requirement for direct frontage results in numerous lots with flags rather than a single access easement, which is preferred and required by the Surveyor.)

85.200 APPROVAL CRITERIA

A.

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19. All lots in a subdivision **or created by a partition** 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.

Sensitive Area/Cluster Development

(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.

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. 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.

Task Force Option:

85.200 APPROVAL CRITERIA

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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)

<i>Total Acreage of Parcel:</i>	<i>3.5 acres (152,460 SF)</i>
<i>Sensitive area (may be combination of sensitive areas):</i>	<i>28,460 SF</i>
<i>Non-sensitive area:</i>	<i>124,000 SF (17.7 units)</i>
<i>28,460 SF divided by 7,000 SF (min. lot size):</i>	<i>4.07 units</i>
<i>Multiply by 0.5:</i>	<i>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 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.

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.

Cottage Housing

(Staff comment: Staff recommends adding the following section that would permit cottage housing, which was 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/s42cottageshousingguide.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.

Staff proposes allowing them as a permitted use in the R-3 – R-10 zones. Staff recommends higher density multi-family in R-2.1 and lower density housing for the R-15 – R-40 zones. There are few undeveloped areas in West Linn that are zoned with a density less than R-10.



Cottage Housing development in White Salmon, WA.



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

Chapter 17.030

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 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.
11. 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.
12. Yards. Yards for the exterior perimeter of the project shall be those specified in the underlying zoning district.
13. 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.
14. 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.
15. Covenants. Covenants shall be recorded that establish common areas maintained by the owners and that preclude their conversion to another use.
16. Density bonuses. Other density bonuses in the code, including CDC 24.080(D) shall not apply to cottage developments.

Related Provisions for Cottage Housing:

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.

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 15, Single-Family and Multiple-Family Residential, R-3

15.030 PERMITTED USES

The following uses are uses permitted outright in this zoning district:

1. Single-family detached residential units.
2. Duplex residential unit.
3. Multiple-family residential unit.
4. Single-family attached residential units.

5. Group residential units.
6. Community recreation.
7. Family day care.
8. Residential home.
9. Utilities, minor.
10. Manufactured housing.
11. Transportation facilities (Type I).

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

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:

Zero Lot Line Development

(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.)

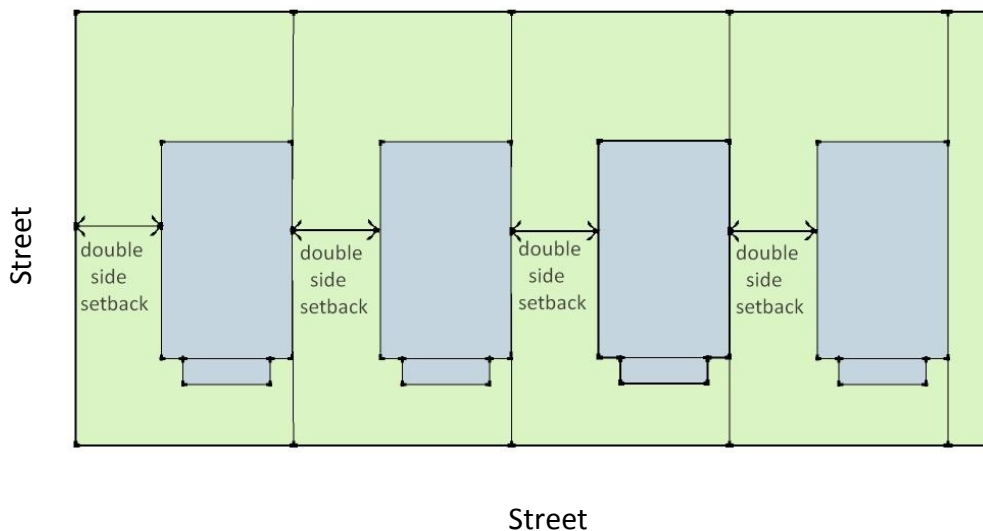


Figure 2: Zero lot line development

Chapter 17.030

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.

Related Provisions for Zero lot line development:

Chapter 2, Definitions

02.030 SPECIFIC WORDS AND TERMS

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.

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.

DRAFT

Appendix A, 30% reduction for cluster development:

Lot Size		
Zoning district	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 attached/ 3,500 duplex each unit/2,100 MF dwelling unit	2,800/1,890 attached/2,450 duplex each unit/1,470 MF dwelling unit

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'