



CITY OF West Linn

PLANNING AND DEVELOPMENT

RESIDENTIAL INFILL / PUD TASK FORCE

May 25, 2011 meeting materials

Based on your comments at our previous meeting, I have prepared the following amended draft code language for properties that include designated sensitive resource areas. Also attached is a 'clean' version that may be easier for the TF to review.

Land Division - Chapter 85 General Provisions
85.200 Approval Criteria

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B. Blocks and lots.

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9. **Conservation Residential Cluster Development ("RCCD") or Sensitive Area Land Division.** A **RCCD** is an alternative site-planning technique that concentrates development of the land to ~~in~~ specific areas of a site to allow for ~~the remaining environmentally~~ sensitive resource areas ~~land~~ to be preserved. A portion of the residential density from the ~~environmentally~~ sensitive-area of the site may be ~~is~~ transferred to the more developable (non-sensitive) portion of the site. Use of the CCD technique allows for more compact development by permitting reductions in minimum lot sizes and building setbacks. ~~Use of the RCD technique allows for more compact development by permitting reductions in minimum lot sizes and building setbacks. An RCD restricts future development of environmentally sensitive areas of the site.~~

a. **Applicability.**

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

12) **RCCD's** may only be requested for ~~any land division upon~~ properties zoned residential when a portion of a lot or parcel includes the following environmentally sensitive ~~constrained~~ resource areas ~~lands~~:

A. Slopes in excess of 25 percent;

B. Areas subject to landslides, slumping and sliding; ~~The Comprehensive Plan Background Report's Hazard Map, or updated material as available and as deemed acceptable by the Planning Director, shall be the basis for preliminary determination.~~

- C. Flood Management Area, as defined in CDC Chapter 27;
- D. Willamette and Tualatin River Protection, as defined in CDC Chapter 28;
- E. Water Resource Area, as defined in CDC Chapter 32;
- F. Heritage trees, as defined in the Municipal Code, together with 20% of all trees and clusters of trees that are located on non-Type 1 and Type 2 lands considered significant by the City Arborist, as defined in CDC 55.100 B; or,
- G. Other natural, cultural or hazardous areas proposed by the applicant and acceptable to the City.

b. Density Calculations transfers from constrained lands.

For the purposes of transferring density, the ~~environmentally~~-sensitive resource area to be set aside must be at least twice the minimum lot size of the underlying zone and the plans must demonstrate that the non-sensitive portion of the property can accommodate the clustered development must be subject to all development standards of this Code. Up to 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 a CCD shall be calculated in the following manner: ~~large enough to accommodate the clustered development.~~

(ALTERNATIVE: IF THE TASK FORCE WANTS THE 120% CAP TO APPLY TO ALL SITES: "... and the non-sensitive portion of the property must be at least FIVE times the size of the minimum lot size of the underlying zone. (THIS MEANS THAT A MINIMUM OF 5 D/U MUST BE PERMITTED ON THE NON-SENSITIVE AREA BEFORE A SINGLE UNIT CAN BE TRANSFERRED)

1. The maximum number of dwelling units which may be transferred shall be calculated permitted on the non-constrained portion of the site shall be calculated in the following manner: by dividing the square footage of the sensitive area by the minimum lot size of the zoning district. The result shall be multiplied by 0.5. This product shall be the maximum of units that may be transferred from the sensitive area to the non-sensitive area. Determine the total square footage of both the sensitive and non-sensitive areas, as determined in Section XX; and,

2. The square footage of the non-sensitive area shall be divided by the minimum lot size of the zoning district. The maximum number of units that may be built in the CCD shall be the sum of this quotient and product in Section XX1, rounded down to the nearest whole number. Determine the total number of units permitted on the sensitive portion of the site for the purposes of this subsection by: dividing the square footage by the smallest minimum lot size for a dwelling unit permitted in the zoning district.

~~C. Multiply the product of B above 0.5. This number represents the maximum number of dwelling units that may be transferred within the RCD.~~

Example:

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

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

Sensitive area (could be combination of WRA/FMA/steep slopes): 28,460 SF

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

28,460 SF /7,000 SF (min. lot size) = 4.07 d/u

Multiply quotient by 0.5 = 2.04 d/u

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

c. Limitation on density transfer

{For CCD's that include more than 5 dwelling units} The maximum number of dwelling units proposed in a CCD shall not increase the number of dwelling units permitted on the non-sensitive portion of the site than would otherwise have been permitted without a CCD by more than 20%. In the example provided in Section XX above, the maximum number of units that could have ever been built, regardless of the density transferred, is 20 dwelling units. ~~Up to 50% of the of the total number of units from the environmentally sensitive areas of the site may be transferred to the non-sensitive portion, provided that the transferred density does not increase the number of units permitted on the non sensitive portion by more than 20%.~~

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

Example:—

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

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

Sensitive area (could be combination of WRA/FMA/steep slopes): 28,460 SF

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

28,460 SF /7,000 SF (min. lot size) = 4.07 d/u

Multiply by 0.50 = 2.03 d/u

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

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

c. Development standards for RCP's

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

d. Restricted use of sensitive resource area

The tentative subdivision plan, or applicable partition, shall delineate the sensitive resource area as a separate tract(s), that is permanently restricted from future development. This tract(s) shall be subject to all other applicable standards of this Code, including the restrictions and requirements for maintaining sensitive areas.