

Land Division - Chapter 85 General Provisions

85.200 Approval Criteria

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B. Blocks and lots.

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

a. **Applicability.**

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

2) An SA land division-~~CCD~~ 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. ~~Areas subject to landslides, slumping and sliding;~~ Potentially severe landslide hazard areas (I am proposing this because it is a defined term in the CDC)

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 areas not specified above which is proposed by the applicant in conjunction with their subdivision application and which is deemed significant and worthy of preservation by the acceptable to the Planning Commission in their final decision. City.

3) An SA land division-~~CCD~~ is not permitted for properties located in ~~the designated Willamette Historic Districts.~~

b. **Density Calculations**

For the purposes of transferring density, the ~~sensitive resource area to be set aside must be at least twice the minimum lot size of the underlying zone and the applicant plans~~ must demonstrate that the non-sensitive portion of the property can accommodate the ~~transferred clustered density development~~, subject to all development standards of this Code. ~~A maximum of 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 ~~an SA land division CCD~~ shall be calculated in the following manner:

~~(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)~~

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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 of~~ the zoning district ~~for the housing type proposed~~. **(I am proposing this clarification because some zones have different minimum lot sizes for different housing types.)** ~~This~~ The result shall be multiplied by 0.5. This ~~number product~~ 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 of~~ the zoning district ~~for the housing type proposed~~. The maximum number of units that may be built ~~as part of in~~ the ~~SA land division CCD~~ shall be the sum of this quotient and product in Section XX1, rounded down to the nearest whole number.

**Example:**

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

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

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

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

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

Multiply quotient by 0.5 = 2.04 d/u

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

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

**~~6. 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%.~~

**~~c.d.~~ Development standards for SA land divisions CCD'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 sensitive resource areas.

**~~d.e.~~ 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 tract shall be ~~conserved~~ preserved by granting of a conservation easement approved by the City attorney prior to recording; or, if acceptable to the City, dedication of land. This tract(s) shall be subject to all other applicable standards of this Code, including the restrictions and requirements for maintaining sensitive areas.