Summary of Proposed Amendments to Article 26
Hillside Development Overlay District

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ARTICLE 26

HD HILLSIDE DEVELOPMENT OVERLAY DISTRICT

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26.010 PURPOSE.

The HD Overlay District ensures that development in hillside areas: Minimizes the potential for earth movement and resultant hazards to life and property; protects water quality by minimizing soil erosion and siltation; retains and protects natural vegetation, natural water features and drainageways, scenic quality and open space by minimizing vegetation removal in sloped areas; assures the compatibility of new development with surrounding areas; encourages site and building design that is consistent with the natural topography in order to minimize the cost of providing public infrastructure; provides for adequate access for emergency services; and otherwise protects the public health and safety.

26.020 RESERVED FOR FUTURE USE.

26.030 APPLICABILITY.

The HD Overlay District shall apply in residential zoning districts within the city limits and the City's urbanizable [~~to~~] areas above 670 feet elevation or to development areas below 670 feet in elevation where any portion of the development area exceeds 15 % slope as determined using the slope calculation described in subsection 26.050 (1)(a) "Step A-1."

26.040 REVIEW.

(1) Development within the HD Overlay District shall be reviewed under Type II procedure, submitted concurrently with the applicable application for a: Site Plan Review, Property Line Adjustment, or a Partition or Subdivision Tentative Plan.

(2) A complete application together with all required materials shall be submitted to the Director prior to the review of the request as specified in Section 3.050, Application Submittal.

26.050 DEVELOPMENT DENSITY AND OPTIONS.

(1) For the purpose of calculating the allowed number of dwelling units in a development area below 670 feet in elevation, the "average slope" as defined below may be used.

$$S = \frac{0.00229\ I\ L}{A}$$

Where:

S = Average % of slope for the area.

I = Contour interval. (Not greater than 10 feet).

L = Summation of length of the contour lines within the area.

A = Area in acres.

Where the average slope of the portion of the development area below 670 feet in elevation is less than 15%, the number of dwelling units allowed shall be as provided in Article 16.

The developer has two options for the development of steeply sloped land. The first option, Option "A", is designed to correlate minimum lot sizes to the average slope of the development area. The second option, Option "B", is designed to allow for a density transfer bonus to stimulate development on those portions of the development area where the slope of the land is less than 15 percent. A combination of Options "A" and "B" may be used.

(2) OPTION "A" - AVERAGE SLOPE - MINIMUM LOT SIZE. The site development requirements of the LDR District shall apply, with the exception of the minimum lot size and duplex standards. Determination of minimum lot size where the slope is 15 percent or greater is a 3 step process.

(a) Step 'A-l' Determine the area of the parcel where the slope of the land is:

1. Less than 15 percent.

2. From 15 percent to 35 percent.

3. Greater than 35 percent.

Use the following formula to determine the % of slope:

$$\frac{\text{Vertical distance between contours}}{\text{Horizontal distance between contours} = H} = \frac{V}{H} \times 100 = \% \text{ slope}$$

Indicate the portions of the development area that are less than 15 percent; from 15 percent to 35 percent; and greater than 35 percent then use a planimeter or other technology acceptable to the City Engineer to determine the land area of each category.

(b) Step 'A-2' Determine the average slope of the portion of the development area where the slope of land is from 15 percent to 35 percent by using the following formula:

$$S = \frac{0.00229\ I\ L}{A}$$

Where:

S = Average % of slope for the area where the slope ranges from 15 percent to 35 percent.

I = Contour interval. (Not greater than 10 feet).

L = Summation of length of the contour lines within the area where the slope is from 15 percent to 35 percent.

A = Area in acres of the portion of the parcel where the slope is from 15 percent to 35 percent.

(c) Step 'A-3' Determine the minimum lot size for the portion of the development area where the slope of the land is greater than 15% by using the following Table:

TABLE 26-1

AVERAGE SLOPE ~~FRONTAGE~~	MINIMUM LOT SIZE PER DWELLING UNIT	MINIMUM PER LOT FRONTAGE
Less than 15% and below 670'	See the applicable lot/parcel size and frontage requirements in Article 16 of this Code.	
Less than 15% on wooded lots**	10,000 sq. ft.	60 ft.
15% - 25%	10,000 Sq. Ft.	90 ft.
25% - 35%	20,000 sq. ft.	150 ft.
Over 35%	40,000 sq. ft.	200 ft.

* Panhandles are permitted only when requirements of this Section pertaining to fire protection and lot size are met and the lot cannot be served with a public street. Minimum frontage standards for all other lots may be amended by the Director when it is found that the topography or location of natural features prevent achieving the standard. Cul de sac frontages are as specified in Section 16.030.

~~** Wooded lots only.~~ **Wooded lot is defined as a lot or parcel 10,000 sq. ft. or larger, above 670 feet in elevation, which contains more than 5 trees eight inches or greater dbh. (Section 2.010 of this Code).

(3) OPTION "B" DENSITY TRANSFER BONUS. In order to promote the preservation of natural slopes greater than [~~15~~] 25 percent and encourage solar access, development density transfer is encouraged when dividing land with slopes greater than 25%. The density transfer bonus is only feasible where there are sizable portions of the development area which have slopes less than [~~15 percent, or which have a south-facing slopes of less than~~] 25 percent. Determination of the density transfer bonus is a 4 step process:

(a) Step 'B-1' Determine the area of the parcel where the average slope of the land is:

1. Less than 15 percent.

2. From 15 percent to [~~35~~] 25 percent.

3. [~~Greater than 35 percent~~] From 25 percent to 35 percent.

4. [~~South-facing slopes 15 to 25 percent~~] Greater than 35 percent.

(b) Step 'B-2' Determine the average slope of the area of the parcel where the average slope of the land is [~~from 15 to 35 percent~~] greater than 15 percent by using the formula identified in Option A, Step 'A-2'.

(c) Step 'B-3' Determine the number of potential lots for the total development area which could have been permitted, for the portion of the parcel where the average slope is greater than 15 percent, if the average slope option had been considered by using Table 26-1 in Option "A", Step 'A-3'.

(d) Step 'B-4' Multiply the number of potential lots by 1.2 to determine the density that may be transferred to those sections of the development area where the slopes are less than [~~15 percent, or when the average south-facing slope is between 15 and~~] 25 percent. In no case shall the density of the developed portion of the site exceed 8 dwelling units per developable acre, (i.e., excluding streets and open space). Land of greater than 15 percent average [~~slope subject to density transfer provisions~~] slope used to calculate a density transfer bonus shall be maintained as permanent open space or dedicated for park use. Modification of standards as stated in Section 26.070 of this Article may be applied to the entire development area.

26.060 STREET GRADE STANDARDS.

(1) Streets shall be contoured in hillside areas to minimize environmental and scenic disruption.

(2) Street grades may exceed the 12 percent local street standard specified in Section 32.020, Street Standards - Public only where topographical conditions make it impractical to meet the 12 percent standard, subject to the following conditions:

(a) Except for lots created prior to the adoption of the Comprehensive Zoning Code, 1982, no driveways or intersections shall be permitted where street grades exceed 12 percent.

(b) No street with a grade of 15 percent or greater shall be permitted for a distance of more than 200 feet.

(c) In no case shall a street grade exceed 18 percent for any distance.

26.070 REPORTS REQUIRED.

Where the buildable portion of the land to be developed exceeds 15 percent average slope, the following reports shall be required and their conclusions applied ~~to the satisfaction of the Director, the City Engineer and the Fire Marshall~~ in order to prevent or mitigate possible hazards to life and property and adverse impacts on the natural environment, consistent with the purpose of this Article. The applicant shall fund peer review of the reports as deemed necessary by the City.

(1) Geotechnical Report. This report shall include data regarding the geology of the site, the nature, distribution, and strength of existing soils, conclusions and recommendations for grading procedures, design criteria for corrective measures, and options and recommendations to maintain soil and slope stability and minimize erosion of the site to be developed in a manner imposing the minimum variance from the natural conditions. The investigation and report shall be prepared by a civil engineer/geologist or a geotechnical engineer.

(2) Grading Plan Report. This plan shall include the following information:

(a) Existing and proposed details and contours (five-foot intervals) of property;

(b) Details of terrain and area drainage;

(c) Location of any existing buildings or structures on the property where the work is to be performed, the location of any existing buildings or structures on land of adjacent owners which are within 100 feet of the property or which may be affected by the proposed grading operations, and proposed or approximate locations of structures relative to adjacent topography;

(d) The direction of drainage flow and the approximate grade of all streets with the final determination to be made in accordance with Section 26.070(4) of this Article;

(e) Limiting dimensions, elevations, or finished contours to be achieved by the grading, including all cut and fill slopes, proposed drainage channels, and related construction;

(f) Detailed plans and locations of all surface and subsurface drainage devices, walls, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing drainage areas, the complete drainage network, including outfall lines and natural drainageways which may be affected by the proposed development, and the estimated run-off of the area served by the drains;

(g) A schedule showing when each stage of the project will be completed, including the total area of soil surface which is to be disturbed during each stage, and estimated starting and completion dates; the schedule shall be drawn up to limit to the shortest possible period the time that soil is exposed and unprotected. In no event shall the existing "natural" vegetative ground cover be destroyed, removed, or disturbed more than 15 days prior to grading or construction of required improvements. Within 15 days of grading or other pre-development activity that removes or significantly disturbs ground cover vegetation, exposed soil shall either be built upon (i.e., covered with gravel, a slab foundation or other construction), landscaped (i.e., seeded or planted with ground cover) or otherwise protected; and

(h) The Grading Plan shall be prepared by a civil engineer.

(3) Vegetation and Re-vegetation Report. This report shall be in accordance with Section 38.030(2) of this Code if tree felling is proposed.

(4) Verification of Slope and Grade Percentages. Prior to acceptance of the Final Plat, all streets shall be cross-sectioned and their center-lines staked in the field, to determine the accuracy of preliminary slope and grade percentages. If there are significant differences between preliminary and final grade and slope determinations, i.e., density or street gradients exceed the limits set forth in this Article, the Tentative Plan shall be modified to reflect the revised information and resubmitted.

(5) Development Plan Report. A proposed development plan shall be submitted, depicting building envelopes for each lot, including driveway approaches and all other associated impervious surface areas. The applicant shall specify whether trees will be felled under one Tree Felling Permit, in accordance with Article 38 of this Code, as part of the subdivision construction process or by separate Tree Felling Permit for each individual lot prior to the issuance of a Building Permit. The plan shall be based upon the findings of the required reports in this Section and the lot coverage standards of Section 16.040. Building envelopes shall be specified in Covenants, Conditions, and Restrictions recorded with the Subdivision Plat.

26.080 MODIFICATION OF STANDARDS.

The Director may modify the standards of this Code, as they apply to the entire development area, within the following prescribed limits:

(1) Front, side and rear yard setbacks may be reduced to zero (when in conformance with the Building Safety Codes); provided, however, where attached dwellings are proposed there shall not be more than 5 dwelling units in any group.

(2) The reduction of public right of way, pavement width, and/or requirements for the installation of sidewalks as specified in Table 32-1 of this Code, may be allowed if provisions are made to provide off-street parking in addition to that required in Article 16, Residential Districts. The Director may require combinations of collective private driveways, shared parking areas and on-street parallel parking bays where topography, special traffic, building, grading, or other circumstances necessitate additional regulation to minimize land and soil disturbance and minimize impervious surface areas.

(3) Height limitations may be removed, provided such additional height does not exceed 45 feet and that solar access standards are met.

26.090 FIRE PROTECTION REQUIREMENTS

Additional fire protection requirements may be required in hillside development areas which are considered vegetated areas subject to wildfires as determined by the Fire Marshal.

(1) All buildings with a gross area in excess of 1,500 square feet shall be constructed within 50 feet of an approved fire lane or public street. Fire apparatus access shall be provided to within

50 feet of the building (This may mean modifying the driveway designs for width, grade and construction material in order to meet fire lane requirements). Installation of a residential fire sprinkler system will be considered as an alternative to the requirement to be within 50 feet of a fire lane or street.

(2) The developer shall specify in the recorded Covenants, Conditions and Restrictions that a wildfire defense plan for each lot, approved by the Fire Marshal, will be required prior to the issuance of a building permit.

(3) All buildings located in or adjacent to vegetated areas subject to wildfires shall have a Class A or B roofing in accordance with the Oregon State Structural Specialty Code.

(4) ~~Notwithstanding Section 35.100(3)(b), Fire and Life Safety emergency access and water lines for fire suppression shall be constructed, tested and approved by the Fire Marshall and the SUB Water Department prior to Final Plat approval and/or the transfer of lots/parcels~~.

(Ord. 5764 11/06/94): Sections 26.030; 26.050; 26.070; 26.090.

(Ord. 5804 12/18/95): Section 26.050.

(Ord. 5849 3/17/97): Section 26.010.

(Ord. 6133 07/18/05): Sections 26.010, 26.020, 26.040, 26.070, and 26.080.