

Linnton Hillside Study Proposed Regulations

**Northwest Hills Plan District, Chapter 33.563
Linnton Hillside Subarea, Forest Park Subdistrict**

Changes made after the March 15, 2006, City Council hearing are highlighted.

The code language and commentary shown below replaces the language in the Linnton Hillside Recommended Plan (pp. 68-9).

Code Commentary

33.563.220 When Primary Structures Are Allowed in the Linnton Hillside Subarea.

The purpose of these regulations is to reduce potential density where possible while ensuring that small lots in single ownership remain buildable.

The proposed code is loosely based on existing regulations that apply in the West Portland Park subdivision in Southwest Portland (33.110.212.D). These regulations require larger lot areas—and thus lower density--than the base zone in certain circumstances. Natural conditions and physical infrastructure limits of West Portland Park are similar to those of the Linnton Hillside.

There is compelling evidence that limitations on potential density should be applied to the Linnton Hillside subarea. Specifically, topography in this subarea is steeper and fire/emergency access is more constrained than in other residential areas with development potential. Most striking is the presence of multiple development constraints and land hazards that, taken together, present a significant risk to human safety and health. These constraints are described in Section II of the Recommended Linnton Hillside Plan and the Linnton Hillside Study Existing Conditions report.

This section replaces the regulations of Section 33.110.212, When Primary Structures are Allowed. The regulations are organized by how much area is under a single ownership, regardless of lot lines.

Subsection A sets out the regulations for ownerships that are at least as large as the minimum areas set out in Table 563-1. For example, in the R10 zone, the minimum area is 10,000 square feet.

Subsection B sets out the regulations for ownerships that are not as large as the minimum areas set out in Table 563-1 but are at least as large as the size required for new lots created through a land division. Those sizes are set out in Table 610-2, shown below. For example, in the R10 zone, the minimum area is 6,000 square feet. These ownerships will be buildable only if they have been "stand alone" ownerships since the effective date of these regulations. In other words, the size of the ownership hasn't been reduced since that date.

Table 610-2 Lot Dimension Standards					
	RF	R20	R10	R7	R5
Minimum Lot Area	52,000 sq. ft.	12,000 sq. ft.	6,000 sq. ft.	4,200 sq. ft.	3,000 sq. ft.
Maximum Lot Area	151,000 sq. ft.	34,500 sq. ft.	17,000 sq. ft.	12,000 sq. ft.	8,500 sq. ft.
Minimum Lot Width	60 ft.[1]	60 ft.[1]	50 ft.[1]	40 ft.[1]	36 ft.[1]
Minimum Front Lot Line	30 ft.	30 ft.	30 ft.	30 ft.	30 ft.
Minimum Lot Depth	60 ft.	60 ft.	60 ft.	55 ft.	50 ft.

33.563.220 When Primary Structures Are Allowed in the Linnton Hillside Subarea.

The regulations of Section 33.110.212 do not apply in the Linnton Hillside Subarea. In this subarea, primary structures are allowed in residential zones as specified in this section. Adjustments to the standards of this section are prohibited. Primary structures are allowed on lots or combinations of lots that meet the requirements of this section, and on lots of record or combinations of lots of record that meet the requirements of this Section. The requirements are:

- A.** The lots or combinations of lots, or lots of record or combinations of lots of record:
 - 1. Are at least 36 feet wide, measured at the front setback line; and
 - 2. Meet the minimum area standard of Subsection G;
- B.** The lots or combinations of lots, or lots of record or combinations of lots of record:
 - 1. Are at least 36 feet wide, measured at the front setback line;
 - 2. Meet the minimum area standard of Table 610-2 or Chapter 33.611, but do not meet the minimum area standard of Subsection G; and
 - 3. Have not abutted any lot or lot of record owned by the same family or business on March 15, 2006, or any time since that date;

Code Commentary (Continued)**33.563.220 When Primary Structures Are Allowed (Continued)**

Subsection C applies to ownerships that do not even meet the minimum for new lots. Again, in the R10 zone, that would be ownerships less than 6,000 square feet in area. These ownerships will be buildable only if they have been "stand alone" ownerships since July 26, 1979. In other words, the size of the ownership hasn't been reduced since that date.

Subsection D repeats a provision from the base zones that allows development on sites that met requirements but were reduced because of a government requirement for right-of-way.

Subsection E ensures that lots created through a land division after these regulations take effect will be buildable regardless of size—the land division that creates them will ensure that the density is no more than allowed by the zoning.

Subsection F ensures that ownerships are not reduced in a way that is contrary to the intent of these regulations.

33.563.225 Duplexes and Attached Houses in the Linnton Hillside Subarea.

This provision eliminates an existing development option that allows an additional housing unit on corner lots in the Linnton Hillside Subarea (Chapter 33.110.240.E, Alternative Development Options). This existing option is intended to allow increased density where the appearance and impact will be compatible with surrounding houses, and is permitted in single dwelling residential zones (R2.5, R5, R7, R10, and R20). It is recommended that this option not be available in the Linnton Hillside Subarea due to the development constraints.

C. The lots or combinations of lots, or lots of record or combinations of lots of record:

1. Do not meet the minimum area standard of Table 610-2 or Chapter 33.611; and
2. Have not abutted any lot or lot of record owned by the same family or business on July 26, 1979 or any time since that date;

D. On lots, lots of record, and combinations of lots or lots of record that did meet the requirements of Subsections A, B, or C, above, in the past but were reduced below those requirements solely because of condemnation or required dedication by a public agency for right-of-way;

E. On lots created after [the effective date of these regulations].

F. Additional regulations.

1. The lots or combinations of lots, or lots of record or combinations of lots of record described in Subsection A may not be reduced in area below the standards of Table 563-1;
2. The lots or combinations of lots, or lots of record or combinations of lots of record described in Subsections B and C may not be reduced in area;
3. There are no minimum lot area or width standards for the lots or combinations of lots, or lots of record or combinations of lots of record described in Subsection C;

G. Minimum area standards. The minimum area standards are in Table 563-

1. These minimum area standards apply only as specified in Subsections A and B, above. New lots proposed through a land division are subject to the regulations of Chapters 33.610 and 33.611, not the regulations of this subsection.

Table 563-1 Minimum Area Standards	
Zone	Minimum Area
RF	2 acres
R20	20,000 square feet
R10	10,000 square feet
R7	7,000 square feet
R5	5,000 square feet
R2.5	2,500 square feet

33.563.225 Duplexes and Attached Houses in the Linnton Hillside Subarea.
In the Linnton Hillside subarea, duplexes and attached houses on corners as allowed by 33.110.240.E. are prohibited.