

## **CHAPTER 2.15 HILLSIDE DEVELOPMENT AND DENSITY TRANSFER**

### **Section 2.15.10 - BACKGROUND**

The administrative procedures in this chapter were incorporated into the Code in 1983 to provide density transfer options in several significant hillside areas. Areas considered "significant" are identified in the Open Space/Hillside Report (1982) adopted as part of the Comprehensive Plan, and include portions of Locke Cemetery Hill, IV Hill, and Bald Hill.

These procedures are intended to be used in conjunction with development of land through a subdivision, partition, or Planned Development process. This chapter will be updated in a future Code Update phase. In the interim, density transfer opportunities within lands on a single development site may be pursued through the Planned Development process outlined in Chapter 2.5, provided such density transfers are not in conflict with underlying Comprehensive Plan Map designations.

### **Section 2.15.20 - PURPOSES**

This chapter establishes a mechanism that does the following:

- a. Encourages density transfer from significant hillside areas as an incentive for preservation of natural resources and open space; and
- b. Provides protection from natural hazards.

### **Section 2.15.30 - APPLICABILITY**

Owners of properties on Locke Cemetery Hill, IV Hill, or Bald Hill designated in the Comprehensive Plan as Open Space/Hillside may transfer density in accordance with this chapter.

Applicants may use the provisions for Chapter 2.5 - Planned Development, Chapter 2.4 - Subdivisions and Major Replats, Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments, or other applicable Code provisions for obtaining development approval.

### **Section 2.15.40 - PROCEDURES**

An application filed for a density transfer shall comply with the following requirements.

#### **2.15.40.01 - Application Requirements**

Applications for a density transfer consistent with Option 1 or Option 3 discussed below shall be on forms provided by the Director and shall include the following information:

- a. Name and address of the owner(s) of record;

- b. Location and use of adjacent structures within 100 ft. of property lines;
- c. Number of proposed lots and dimensions of lots, including frontage, depth, and area in sq. ft.;
- d. Type of housing or other uses to be developed;
- e. A deed restriction executed on behalf of property owners of the significant hillside areas, ensuring permanent retention of the density transfer land area as Open Space. If the application is not approved, the deed restriction shall be returned. If the application is approved, City staff shall file the deed restriction with the Benton County Recorder; and
- f. For Option 3, a survey and legal description identifying the land areas within the significant hillside area proposed for development and proposed for permanent open space.

#### **2.15.40.02 - Selection of Development Option**

The developer of hillside properties may use Options 1, 2, or 3 described below for determining maximum allowable density and applicable development standards.

##### **2.15.40.02.01 - Option 1, Density Transfer**

When density is to be transferred from an identified significant hillside area to other portions of the property, the following provisions shall apply:

- a. **Allowed Density Transfer** - Allowed density transfer of open space hillside areas is four units per acre. When density is to be transferred outside the hillside area to the remaining portion of the ownership, multiply the size of the area by four units per acre to determine the total number of residential units that can be transferred from the hillside area.
- b. **Applicable Development Standards** - Use types, minimum lot areas, setbacks, height requirements, and other development standards of the RS-9 Zone shall apply and shall be used when preparing the density transfer plan.
- c. **Condition of Approval** - A deed restriction that ensures permanent retention of the land from which density was transferred as open space shall be recorded with the Benton County Recorder within 30 days of the Director's decision.

**2.15.40.02.02 - Option 2, Development of Hillside Areas without Density Transfer**

When an identified significant hillside area is to be developed, the following provisions shall apply:

- a. **Calculate Allowed Density** - Allowed density is two units per acre. To determine total potential residential units allowed within the hillside area to be developed, multiply the size of the hillside area by two units per acre.
- b. **Applicable Development Standards** - Development standards of the underlying zone shall apply.

**2.15.40.02.03 - Option 3, Partial Density Transfer and Partial Development of Hillside Areas**

If part of a significant hillside area is proposed for development and another portion is proposed to be retained as permanent open space, the provisions of Option 1, above, shall apply to the proposed open space area and the provisions of Option 2, above, shall apply to the area proposed for development.

**2.15.40.03 - Applicable Development Standards**

All hillside density transfer proposals shall comply with Option 1 for density to be transferred and Option 2 for development within the hillside boundary area.

**2.15.40.04 - Approval of the Density Transfer Plan**

The Director shall approve density transfer plans consistent with this chapter and subject to all other approvals required in the development review process.

**2.15.40.05 - Appeals**

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with Chapter 2.19 - Appeals.

**2.15.40.06 - Effective Date**

Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the decision is signed.