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**TO:** Jessica Numanoglu, Planning Manager

**CC:** Johanna Hastay, Senior Planner

**FROM:** Evan Boone, Deputy City Attorney

**SUBJECT:** Density Requirements in the WLG RMU and WLG R-2.5

**DATE:** December 29, 2017

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**Question:** Is the 2,500 s.f. lot area/unit requirement for residential attached with office use in the WLG RMU zone a minimum or maximum density?

**Answer:** It is a maximum density

**Discussion:**

Jesscia's research:

I did some research for a different WLG standard in the WLG RMU zone (formerly the OC/R-2.5 zone) and there is some info from that research that is useful in answering this question. See page 9 of the document at the link, below. It talks about residential density in the OC/R-2.5 zone. I interpret the commentary to mean that the intent was to limit the # of "high density apartment style units" on the site and that the 2.500 s.f. lot area/unit requirement is intended to be the max density; however, I am confused by the use of the term "net density". The commentary suggests that by adding "net density" it somehow communicates better the intent to prevent high density style apartments. I am not seeing that. I interpret the word "net" to mean you calculate the number of lots after deducting ROW. Why didn't they just say maximum density instead of net density?

[https://www.ci.oswego.or.us/sites/default/files/fileattachments/cityattorney/webpage/15953/west\\_lake\\_grove\\_rmu\\_5000\\_8000\\_sf\\_limitation.f.pdf?t=1513729655875](https://www.ci.oswego.or.us/sites/default/files/fileattachments/cityattorney/webpage/15953/west_lake_grove_rmu_5000_8000_sf_limitation.f.pdf?t=1513729655875)

Evan's Review and Conclusion:

Based on the legislative research, I agree that "net density" was supposed to be mean a maximum density in the WLG zones unless stated otherwise.

In terms of townhouses in the WLG R-2.5, net density was used in lieu of a lot size requirement of 2500 sq. ft per townhouse. When we use a lot size requirement, that is a minimum lot size, so for townhouses, they were thinking that net density there would mean a minimum lot area of 2500 sq ft. per townhouse. I guess that has the same effect of a maximum density, reducing the number of units per area, since a person could have bigger townhouse units but not more units (maximum density per du).

### Residential Density in the OC/R-2.5, R-2.5 and R-2.5/W Zones

The zoning standards propose to allow residential uses within Office Buildings in any proportion. Staff recommends that a net density address the Task Force's concern that high-density apartment s developed within the Design District. Therefore, it is proposed state, "Residential uses at a net site density of 2,500 square f in conjunction with office uses within the same building." This of residential units on a development site.

Page 20, 21, 24, 2524 (48.19.410, 1a, 3a, 4a,) Instead of using 2,500' sq. ft. per unit for town home development staff has prop standard be applied of, one unit per every 2,500 sq. ft. of site a irregular site configuration of the design district might prevent into buildable 2,500 square foot lots. In addition, it is more fea home units under a net density requirement in light of landscap preservation requirements. Especially important is that this wo to preserve trees.

Conclusion:

In the WLG RMU zone, density must be 1 du per 2500-5000 sq. ft.

[Alternative Means of expressing to same end: Minimum density is Net Developable Area / 5000; Maximum density is Net Developable Area / 2500]

- residential use is to be at R-5 density (1 unit per 5,000 sq. ft.) OR GREATER : (Table 50.03.002-2)
- At a net [maximum] site density of 2,500 sq. ft./lot area per unit area allowed in conjunction with office uses in the same building. (Table 50.03.002-2, tn 1)
- ~~But for attached townhomes, the minimum net density is 2500 (LOC 50.03.003.1.a.i(1)) and each townhouse has to be constructed on its own lot (LOC 50.03.003.1.a.i(3)).~~ [the standard applies to attached residential townhouses in WLG, but with the requirement in the WLG RMU zone that the residential use is allowed only in conjunction with an office use, that is not a townhouse, so the minimum net density for townhouses at 2500 sq. ft. does not apply.]

In the WLG R-2.5 zone, the townhomes have to be on lots of less than 2500, in order to achieve a minimum density of 2500 (1 du per 2000 would be a greater density than 1 du per 2500), and in this case the requirement that residential density be at R-5 or greater isn't a factor because a minimum at 2500 is a greater density than 1 du per 5000:

- residential use is to be at R-5 density OR GREATER: (Table 50.03.002-2)
- Only attached townhomes allowed (Table 50.03.002-2, tn 2)
- But for attached townhomes, the minimum net density is 2500 (LOC 50.03.003.1.a.i(1)) and each townhouse has to be constructed on its own lot (LOC 50.03.003.1.a.i(3)).
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