

# Coastal SC CRS Users Group Activity 420 - Open Space Preservation



August 16, 2017



## Objectives:

- (1) Prevent flood damage by keeping floodprone lands free of development, and
- (2) Protect and enhance the natural functions of floodplains.





## 422.a Open space preservation (OSP)

### Credit criteria

- (1) Parcel must be in the regulatory floodplain  
SFHA + areas regulated in the X Zone



## (2) Parcel must be “open space”

“Open space” = no buildings, storage, or filling



“Open space” does not include

- (a) Parcels not counted in the impact adjustment map (open bodies of water, federal land, etc..)



“Open space” does not include  
(b) Areas with impervious surfaces



“Open space” does not include  
(c) Areas with buildings on them



“Open space” does not include

(d) Where fill, storage, or other encroachments are allowed





“Open space” does not include

(e) Streets, railroad, levee, linear rights of way, etc..





# 420 – Open Space Preservation

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## Open Space Incentives

### Ordinances, Regulations, Plans

Maximum Credit – 250 Points

Most communities have undeveloped areas that are not preserved as open space through one of the means recognized under OSP. The CRS recognizes that there are many tools that can encourage the owners to keep the floodplain open when a site is developed. These can include

- Density transfers,
- Transfers of development rights (TDRs),
- Bonuses for avoiding the floodplain or other sensitive areas,
- Planned unit developments (PUDs),
- Cluster development,
- Greenway and setback rules, and
- Open space ratio credits for open space in the floodplain.

## **Credit Criteria for OSI**

- (1) For full credit for OSI, regulations must clearly apply to both new development and re-development, and there must be undeveloped areas within the community's regulatory floodplain. OSI credit is prorated if the regulations do not apply to redevelopment.
- (2) If a community has no vacant land suitable for a subdivision or other large development, OSI credit will be prorated. If the regulations do not clearly state that they apply to redevelopment projects, then the community must provide a statement from its attorney that the regulations apply to redevelopment projects in order to receive OSI credit.
- (3) OSI1: Credit is provided if the regulations set aside all of the regulatory floodplain in a subdivision as open space (such as drainage or flowage easements or back yards) or otherwise keep them free from development. Regulations that meet OSI1 criteria do not qualify for OSP credit. However, after a subdivision's final plat is recorded, the areas set aside could qualify for OSP credit.

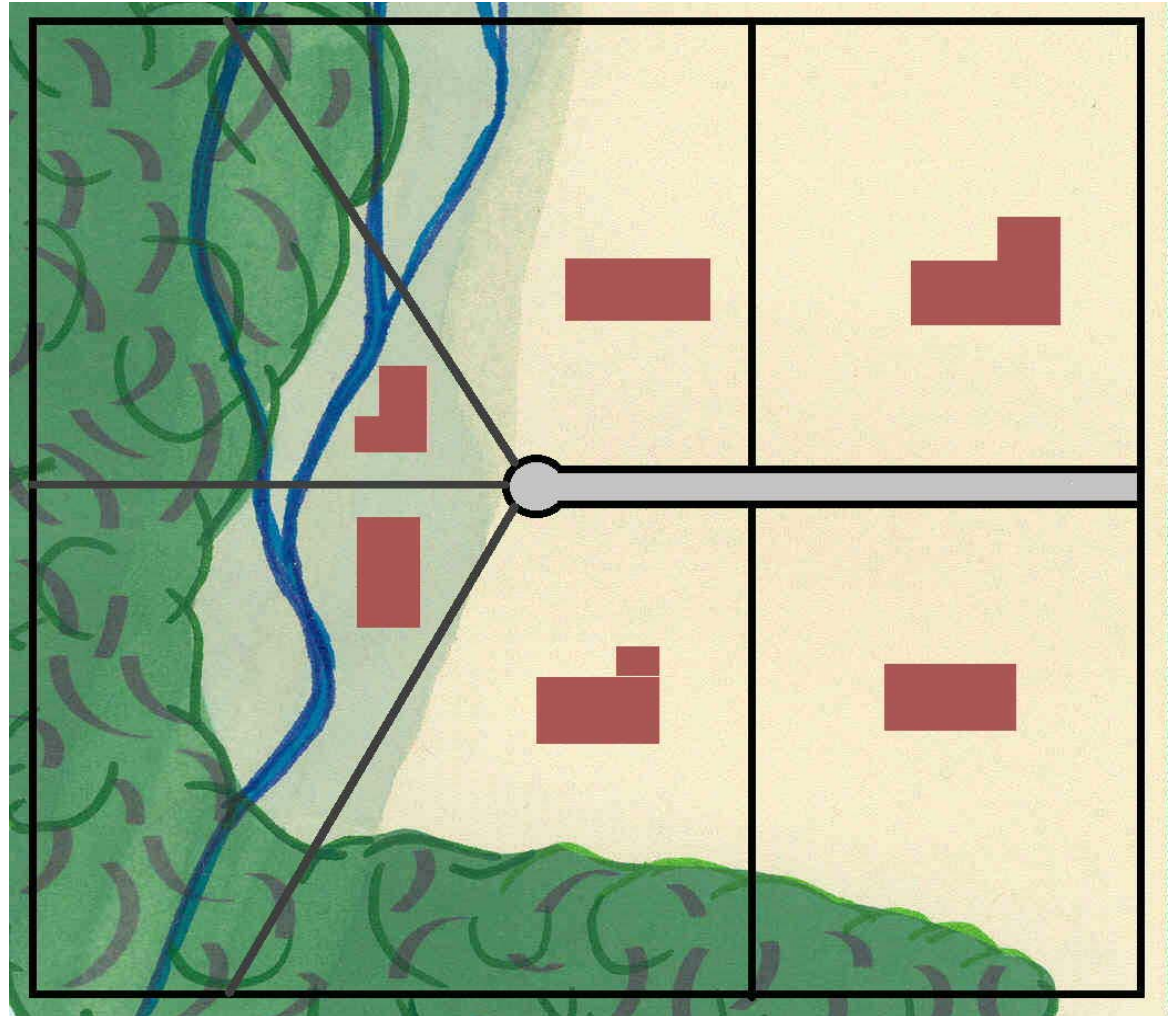
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## Conventional Subdivision

6 – 1 acre lots  
2 w/buildings  
in floodplain



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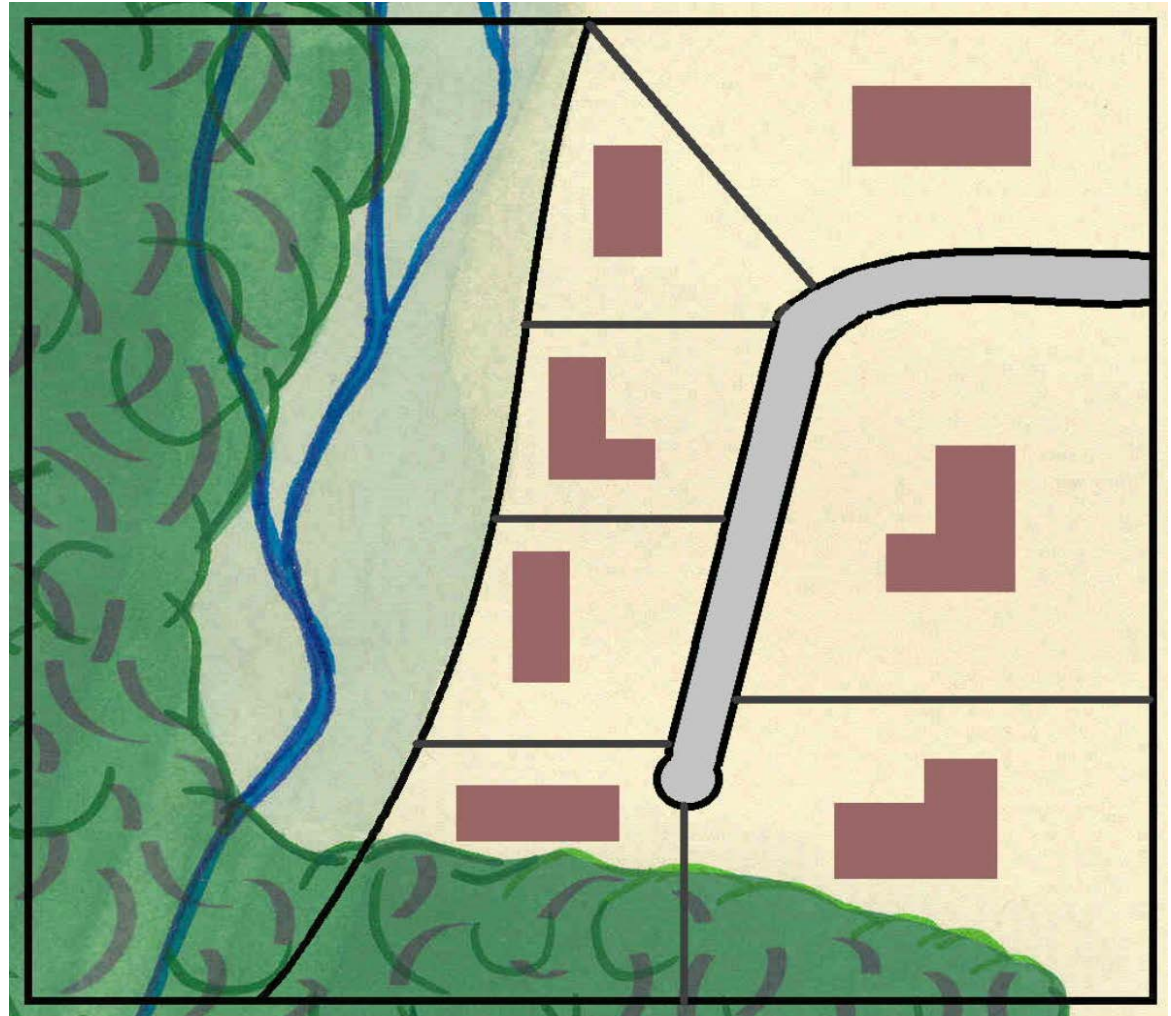


## Thoughtful Subdivision

7 – ½ acre lots

All buildings out

Open Space  
Incentives (OSI)



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## 422.3 Open space incentives (OSI)

### Credit criteria

OSI 1	Set aside all of the floodplain as open space	250
OSI 2	Provide a building site for each lot on high ground	150
OSI 3	Do OSI 2 “to the extent possible”	65
OSI 4	TDRs, etc.. to encourage staying out of the floodplain	70
OSI 5	Allow cluster development through PUDs	25
OSI 6	Tax incentives to keep land open	25
OSI 7	Land use plan recommends open space	10

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## OSI documentation

- ✓ Ordinance language
- ✓ Site plans/final plats

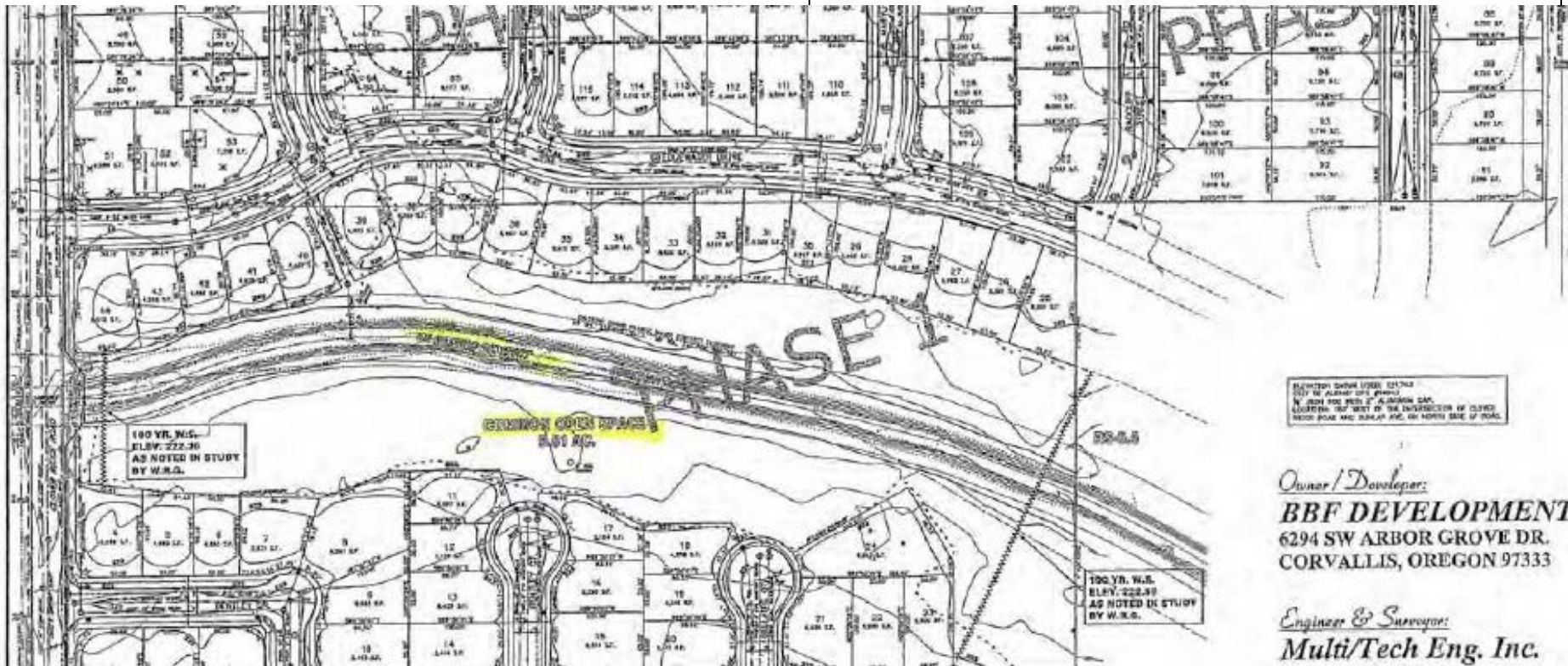
11.370 Failure to Adhere to Approved Plan, Satisfy Conditions, or Comply with Stage Development Schedule. Failure to comply with approved preliminary or final development plans, conditions of approval, or stage development schedule, shall constitute a violation of this ordinance as prescribed in Article 1.

### CONDOMINIUMS

11.380 Definition. A condominium is a building, or group of buildings, in which units are individually owned, and the structure, common areas and facilities are owned by all of the unit owners on a proportional, undivided basis.

11.390 Procedure. A proposal for new construction of a condominium is reviewed through the planned development process. A proposal for conversion of existing units into condominiums is reviewed through the conditional use process in conjunction with planned development requirements. All condominium proposals must meet the appropriate requirements of ORS Chapter 100.

### CLUSTER DEVELOPMENT



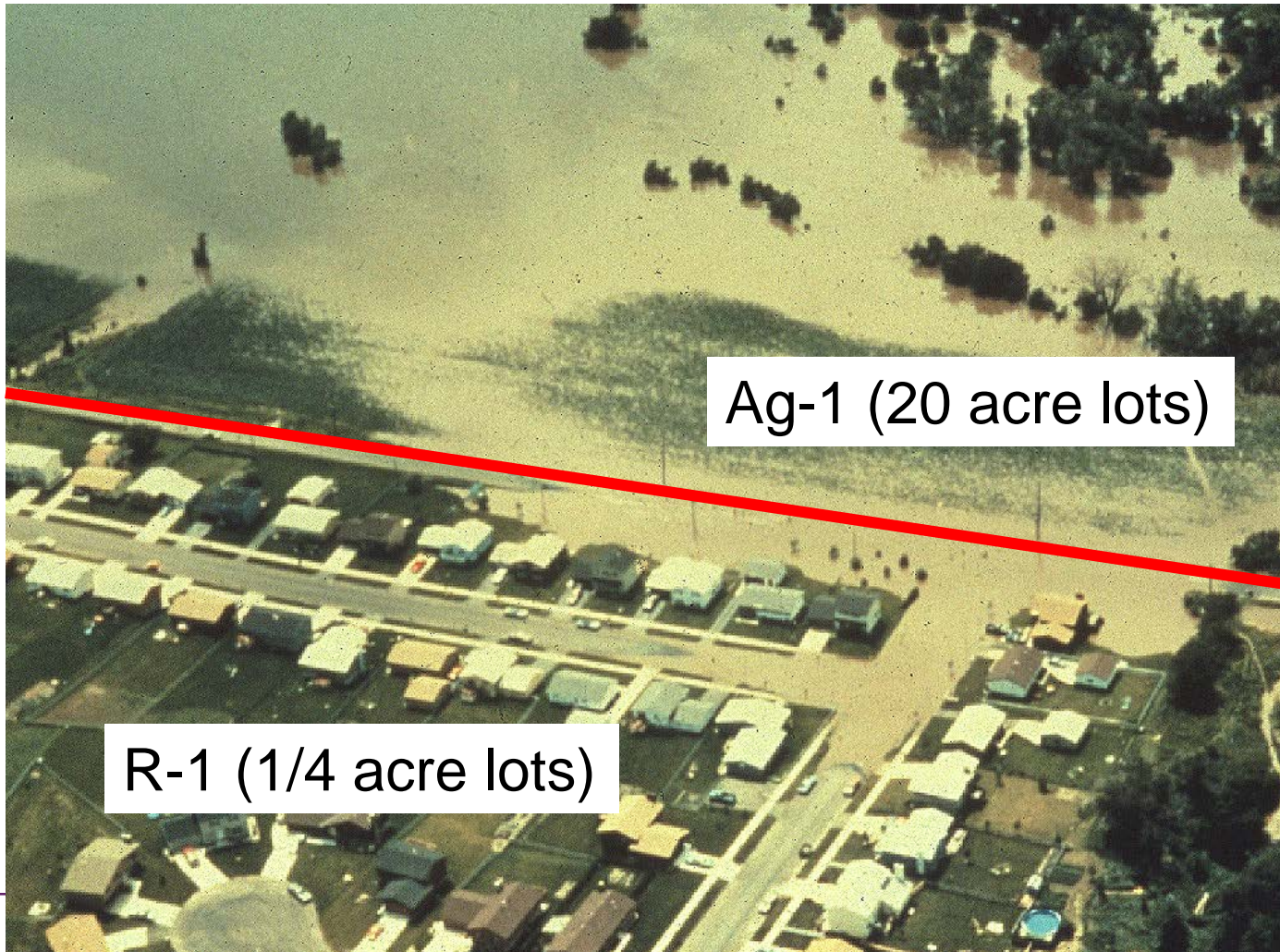
*Owner / Developer:*  
**BBF DEVELOPMENT**  
6294 SW ARBOR GROVE DR.  
CORVALLIS, OREGON 97333

*Engineer & Surveyor:*  
**Multi/Tech Eng. Inc.**



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## 422.f Low density zoning (LZ)



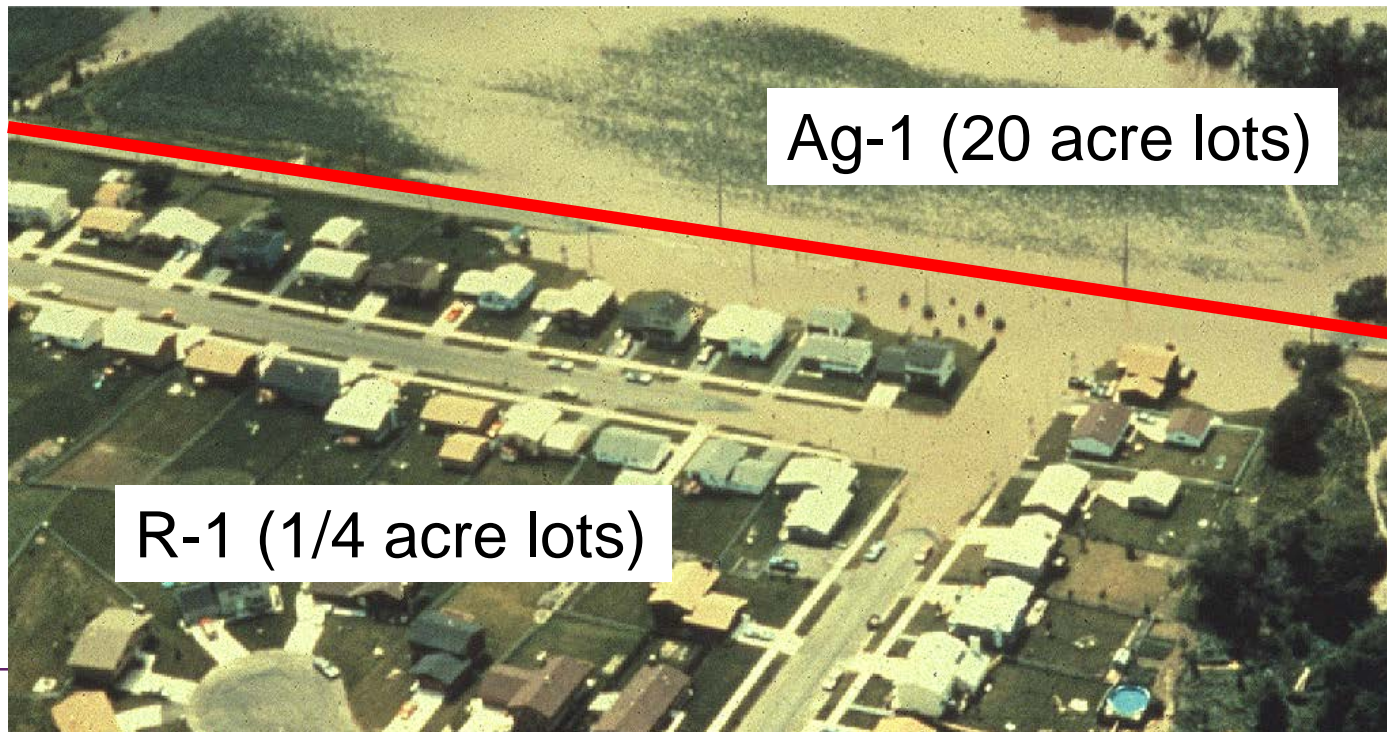
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## 422.f Low density zoning (LZ)

### Credit criteria

- (1) Zoning ordinance with densities for different zones
- (2) Area affected not receiving OSP credit



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## 422.f Low density zoning (LZ)

Credit points

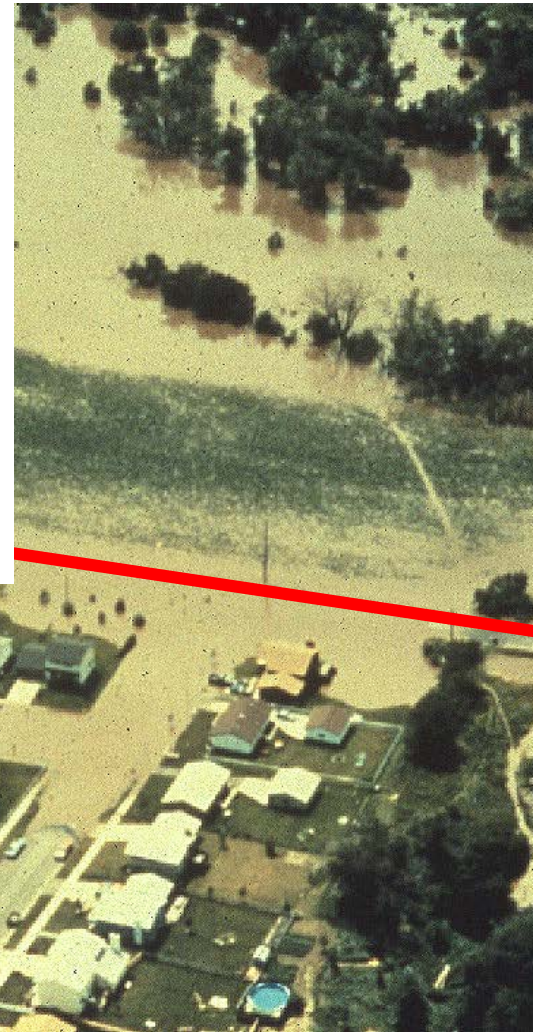
$LZs = 60 \text{ points} \times s$

$s = \text{minimum lot size (in acres)}$

5 acre minimum lot size

$LZ5 = 60 \times 5 = 300$

$cLZ5 = LZ5 \times \text{impact adjustment}$



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Is this a naturally functioning stream?



Is this a naturally functioning shoreline?



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## 422.g NSP (Natural Shoreline Protection)

Encourages preservation/protection of natural shorelines  
(May mean less protection of property along shoreline)



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## 422.g Natural shoreline protection (NSP)

- ✓ Regulations on private property
- ✓ Policy for public lands
- ✓ Programs that restore channels or shorelines



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## Credit criteria

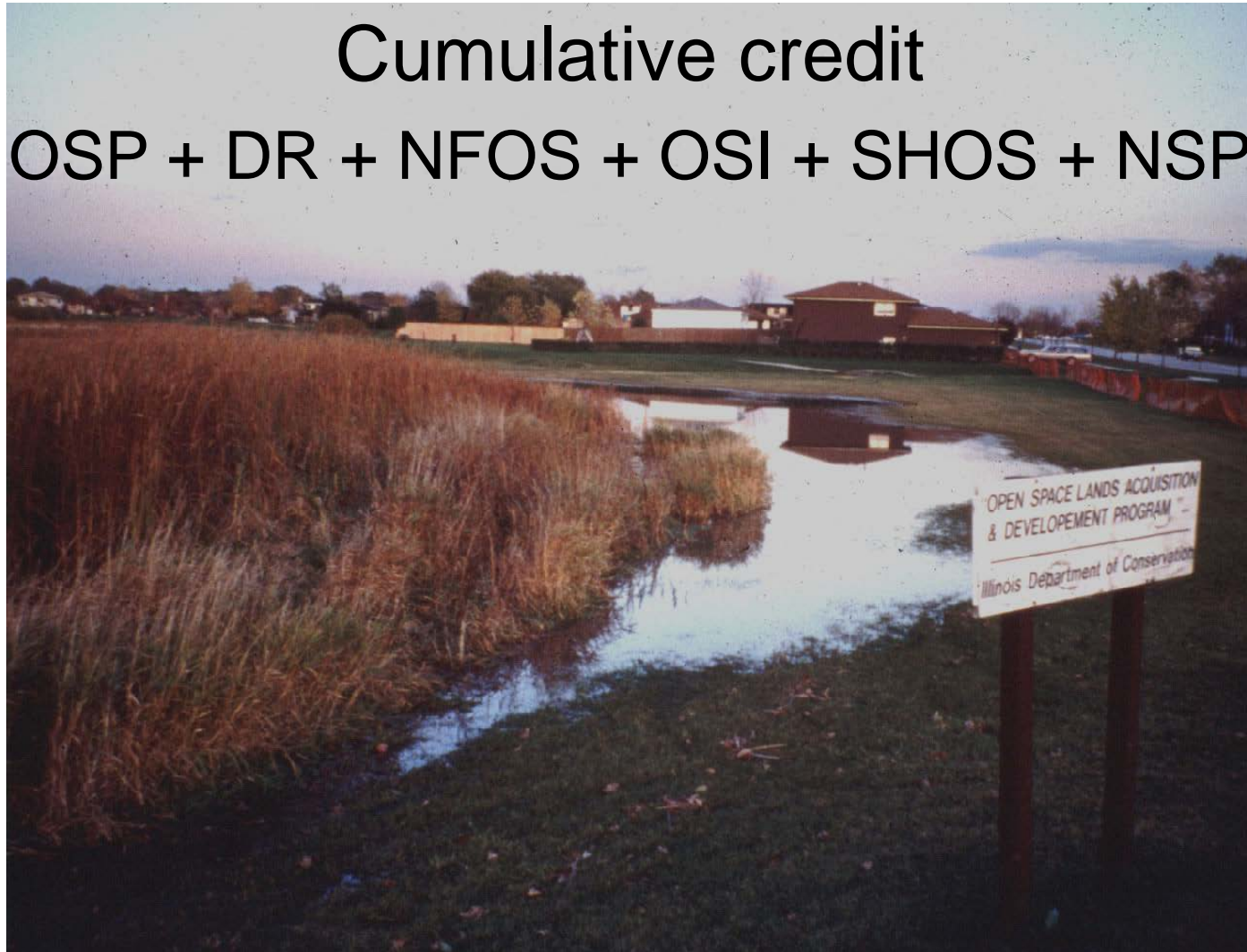
- Channels: no rip rap, dredging, filling, removal of vegetation
- Ocean shores: no dune alterations, beach nourishment, seawalls, jetties



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## Cumulative credit

OSP + DR + NFOS + OSI + SHOS + NSP





## 423 Credit Calculation

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$$c420 = (OSP \times rOSP) + (DR \times rDR) + cNFOS + cSHOS + cOSI + cLZ + (NSP \times rNSP), \text{ where}$$

$$cNFOS = (NFOS\ 1 \times rNFOS\ 1) + (NFOS\ 2 \times rNFOS\ 2) + (NFOS\ 3 \times rNFOS\ 3) + (NFOS\ 4 \times rNFOS\ 4) + (NFOS\ 5 \times rNFOS\ 5), \text{ and}$$

$$cOSI = (OSI\ 1 \times rOSI\ 1) + (OSI\ 2 \times rOSI\ 2) + (OSI\ 3 \times rOSI\ 3) + (OSI\ 4 \times rOSI\ 4) + (OSI\ 5 \times rOSI\ 5) + (OSI\ 6 \times rOSI\ 6) + OSI\ 7, \text{ and}$$

$$cLZ = \sum(LZ\ s \times rLZ\ s)$$

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(Let ISO do it)

**Keep in mind that a community may not receive credit for Activity 430 Higher Regulatory Standards in areas a community is claiming as Open Space**

- (2) Areas to be credited for a higher regulatory standard must not include areas preserved as open space (OSP) in Activity 420 (Open Space Preservation). Therefore, OSP credited areas must be shown on the impact adjustment map used for Activity 430. There is no Activity 430 credit for higher standards for fill or buildings in areas where fill and buildings are not allowed (i.e., areas preserved as open space). This is explained in Section 402.c.

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## Verification



### Two part review

1. Office review of the 10 largest sites + a sample
  - ✓ OSP/DR/NFOS: owner documentation
  - ✓ OSP/OSI/LZ/NSP: regulations and permits
2. Field check of sites
  - ✓ Check of aerial photos

Natural Floodplain Functions Form	
Property name	Pettaway County Park
Property location	1 mile northeast of Frenchford, on the Pettaway River
	Pettaway Park was created in 1954 in order to protect the area from the booming logging industry. The area

**SALMON HABITAT PROTECTION  
AND  
RESTORATION STRATEGY**



# Questions

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