

CHAPTER 2.5 PLANNED DEVELOPMENT

Section 2.5.10 - BACKGROUND

It is the intent of this chapter to establish procedures that permit flexibility in the land development process, allow for better preservation of significant natural features, and allow for innovation in site planning and architectural design.

The Planned Development process provides the mechanism for achieving greater flexibility and improved design in cases where the scope of proposed modifications to predated standards exceeds that permitted through a Lot Development Option. A Lot Development Option allows minor modifications to required specification standards on an individual lot of record. The procedures for a Lot Development Option are identified in Chapter 2.12 - Lot Development Option.

A Planned Development (PD) designation is a zone overlay that can be applied in conjunction with any other zoning designation in accordance with the provisions of Chapter 3.32 - Planned Development (PD) Zone Overlay. Although this overlay designation permits modifications to the site development standards of the underlying zone, it does not permit changes in uses specified by the underlying zone, with two exceptions:

- a. The Planned Development process may be used to modify a valid (still active) Planned Development that existed and was approved before December 31, 2000, in order to add uses permitted by the underlying zone; or
- b. The Planned Development process may be used to modify the use size limitations contained in Chapter 3.19 - Mixed Use Community Shopping (MUCS) Zone.

The procedures of this chapter apply to a property owner's request for a Planned Development concurrent with a specific project review, or to sites where a PD designation exists on the City's Official Zoning Map. Depending on the level of detail provided in a Planned Development application, a Planned Development project proposal is called a "Conceptual Development Plan," a "Detailed Development Plan," or a "Conceptual and Detailed Development Plan."

A Conceptual Development Plan provides general concepts for development on a site. A Detailed Development Plan provides the specifics for development on a site and is required following or simultaneous with approval of a Conceptual Development Plan. When a Detailed Development Plan is processed simultaneously with a Conceptual Development Plan, it is called a Conceptual and Detailed Development Plan. Upon Planning Commission approval of a Detailed Development Plan or a Conceptual and Detailed Development Plan, building permits are issued consistent with that plan.

Section 2.5.20 - PURPOSES

Planned Development review procedures are established in this chapter for the following purposes:

- a. Promote flexibility in design and permit diversification in location of structures;
- b. Promote efficient use of land and energy, and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;
- c. Preserve, to the greatest extent possible, existing significant natural features and landscape features and amenities, and use such features in a harmonious fashion;
- d. Provide for more usable and suitably located pedestrian and/or recreational facilities and other public and/or common facilities than would otherwise be provided under conventional land development procedures;
- e. Combine and coordinate architectural styles, building forms, and building relationships within the Planned Development;
- f. Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;
- g. Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures; and
- h. Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met.

Section 2.5.30 - GENERAL PROVISIONS

Planned Development is an alternative development process that provides an avenue for a developer to request variations from development standards while maintaining the purposes stated in section 2.5.20 and meeting the review criteria outlined in section 2.5.40.04.

The following procedures allow for Planning Commission review of a Conceptual Development Plan and/or Detailed Development Plan. An applicant may either elect to process a development proposal under a Detailed Development Plan when sufficient information has been submitted in accordance with section 2.5.50, or may request approval of a Conceptual Development Plan in accordance with section 2.5.40 and later apply for a Detailed Development Plan. However, prior to the issuance of any building permits, a Detailed Development Plan must be approved by the Planning Commission.

Where a Planned Development project has been approved on a site without a Planned Development overlay zoning designation on the Official Zoning Map, the Official Zoning Map shall be amended to add a Planned Development overlay designation.

Section 2.5.40 - CONCEPTUAL DEVELOPMENT PLAN REVIEW PROCEDURES

An application filed for a Conceptual Development Plan shall be reviewed in accordance with the following procedures.

2.5.40.01 - Application Requirements

When the Director deems any requirement below unnecessary for proper evaluation of a proposed application, it may be waived.

Prior to formal submittal of an application, the applicant is encouraged to participate in an informal pre-application conference with Community Development Department staff to discuss the proposal, the applicant's requirements, and the applicant's materials developed in response to the applicable Code requirements.

Applications shall be made on forms provided by the Director and shall be accompanied by:

- a. Signed consent of the owner(s) or the owners' legal representatives of the subject property(ies);
- b. Fifteen copies of the narrative, on 8.5- by 11-in. sheets, and 15 copies of the graphics at an 8.5- by 11-in. size. The Director may request additional copies of the narrative and/or the graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11- by 17-in. size if, for legibility purposes, such a size would be helpful;
- c. Six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24- by 36-in. Where necessary, an overall plan with additional detail sheets may be submitted;
- d. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;
- e. **Graphic Requirements**

A Conceptual Development Plan shall include the following information where applicable:

1. Public notice map (typically a street map at 1 in. = 800 ft.) as per the City's public notice format;
2. Zoning map (typically 1 in. = 400 ft., but up to 1 in. = 800 ft., depending on the size of the site), with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;
3. Comprehensive Plan Map (typically 1 in. = 800 ft.) with a key that identifies each land use designation on the site and within 1,000 ft. of the site as per City format;
4. Existing land use map (typically a topographic map that extends at least 1,000 ft. beyond the site). The map shall include building footprints and distinguish between single-family, multi-family, commercial, and industrial uses, as well as other significant features such as roads, drainageways, riparian areas, parks, and schools;
5. Significant natural features map(s) and a preservation plan that together identify significant natural features of the site and proposed methods of preservation, including but not limited to:
 - (a) Watercourses, floodplains, wetlands, and riparian areas. The map shall indicate boundaries, acreages, and names, where applicable. Where watercourses are involved, the map shall also show the top of existing banks and channel depth, and indicate the boundaries of any riparian areas and required drainageway dedications. Calculations used to determine the width of the drainageway dedications shall be provided, as well as cross-sections (at 50-ft. intervals) to support the calculations. The cross-sections shall show a width encompassing the watercourse and at least 20 ft. on either side of the top of banks (refer to Chapter 4.5 - Flood Control and Drainageway Provisions for additional guidance).
 - (b) Significant natural vegetation (refer to Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting for guidance). The map shall indicate species, canopies, and diameters at breast height for trees. In cases where a site contains large groves of significant vegetation that result in a single large canopy, the map may indicate the outer perimeter of the canopy of each grove, and state the species and ranges of tree diameters at breast height for each species within the grove.
 - (c) Plants, plant communities, and fish and wildlife habitat found on the site that are listed as threatened or endangered with the National Marine Fisheries Service or the U.S. Fish and Wildlife

Service, as well as significant native vegetation as defined in the Oregon National Heritage Plan (1998), which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species.

(d) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

6. Site plan(s) and other graphics shall be drawn to scale and shall contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and containing the information listed below.

Graphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries, existing structures, drainageways, riparian areas, driveways, utilities, significant natural features, and any other information that, in the Director's opinion, would assist in providing a context for the proposed development. The Director may require an applicant's graphics to include information on lands in excess of 150 ft. from a development site (e.g., as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site).

The site plan and related graphics shall include:

- (a) Existing site conditions including contours at intervals sufficient to indicate topographic conditions, watercourses, flood plains (for review in accordance with Chapter 4.5 - Flood Control and Drainage Provisions), and any significant natural features. A slope analysis shall be included on a topographic map of the site to identify slopes with a grade of less than 10 percent, 10 - 15 percent, greater than 15 percent and less than 30 percent, and in excess of 30 percent. The boundaries of the sloped areas shall be clearly identified and the areas discernable from other areas (through the use of different shade patterns, cross-hatching, etc.). Topographic contours at 2-ft. intervals shall be provided for slopes under 20 percent and at 5-ft. intervals for slopes at or greater than 20 percent;
- (b) Boundary of the proposed Planned Development and any interior boundaries related to proposed development phases or land divisions;
- (c) General location of existing and proposed structures and other improvements, including building types and gross density per acre for residential developments; and location of fire hydrants,

overhead lines in the abutting right-of-way, easements, fences, and walls. An indication of approximate building envelopes may be required to evaluate building relationships;

- (d) General location and dimensions of areas to be conveyed, dedicated, or reserved as common green area, public parks, recreational areas, school sites, and similar public and semipublic uses;
- (e) Existing and proposed general circulation system including streets, driveways, bikeways, off-street parking areas, service areas (including refuse), loading areas, direction of traffic flow, and major points of access to public rights-of-way. Illustrative cross-sections of streets shall be provided. Notations of proposed ownership (public or private) should be included where appropriate;
- (f) Existing and proposed general pedestrian circulation system, including its interrelationship and connectivity with the existing and proposed vehicular, bicycle, and pedestrian circulation systems and indicating proposed treatments of points of conflict;
- (g) Utilities plan indicating existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems;
- (h) Identification of significant natural features that were included on the significant natural features map(s) required in "5" above, to indicate the relationship of the proposal to the site's significant natural features;
- (i) Proposed topographic contours at 2-ft. intervals for slopes with a grade under 20 percent and at 5-ft. intervals for slopes with a grade at or greater than 20 percent. Where the grade of any part of the development site exceeds 10 percent or where the development abuts existing developed lots, a conceptual grading plan shall be required. The grading plan shall contain adequate information to evaluate impacts to the site and adjacent areas. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site. If a grading plan is required, it shall indicate how these objectives are met, how runoff or surface water from the development will be managed, and how the development's surface waters will be disposed;

- (j) Conceptual landscape plan drawn to scale and showing the location of existing trees and vegetation proposed to be removed from or to be retained on the site, the location and conceptual design for landscaped areas (types of plant materials as basic as trees, shrubs, and groundcover/lawn areas), and other conceptual landscape features including walls and fences;
- (k) For residential development, existing structures and trees located on land adjacent to the development that, between 9 a.m. and 3 p.m. on November 21, will reduce solar access to the subject property; and
- (l) For residential development, indication of which buildings will have solar access protection, and appropriate documentation to verify how solar access will be protected.

f. Narrative Requirements

A written statement shall include the following information:

1. Statement of planning objectives to be achieved by the Planned Development. This statement shall include a description of the proposed development, the rationale behind the assumptions and choices made, and a discussion of how the application meets the review criteria in 2.5.40.04 below, including the development standards required by this Code;
2. Quantitative data for the following where appropriate:
 - (a) Total number and type of dwelling units;
 - (b) Square footages of all structures;
 - (c) Parcel size;
 - (d) Proposed lot coverage of buildings and structures, where known;
 - (e) Gross densities per acre;
 - (f) Total square footage of green area (lands not designated for buildings or vehicle parking and maneuvering areas);
 - (g) Total number of parking spaces (compact, standard, handicapped, bicycle) and breakdown of how parking is consistent with Code requirements; and

- (h) Total square footage of nonresidential construction.
- 3. General statement outlining timing, responsibilities, and financial assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance;
- 4. For residential development, a statement or map describing existing and proposed buildings with protected solar access consistent with Chapter 4.6 - Solar Access.
- 5. Statement describing phases of project, if proposed. Phases shall be:
 - (a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, green areas, and similar physical features; and capable of substantial occupancy, operation, and maintenance upon completion of construction and development;
 - (b) Arranged to avoid conflicts between higher and lower density development;
 - (c) Properly related to other services of the community as a whole and to those facilities and services yet to be provided; and
 - (d) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Planned Development.
- 6. Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures.

2.5.40.02 - Acceptance of Application

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.5.40.03 - Staff Evaluation

The Director shall prepare a report that evaluates whether the Conceptual Development Plan complies with the review criteria below. The report shall also include a recommendation for approval or denial and, if needed, a list of conditions for the Planning Commission to consider if an approval is granted.

2.5.40.04 - Review Criteria

Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the following areas, as applicable:

- a. Compensating benefits for the variations being requested;
- b. Basic site design (the organization of uses on a site and the uses' relationships to neighboring properties);
- c. Visual elements (scale, structural design and form, materials, etc.);
- d. Noise attenuation;
- e. Odors and emissions;
- f. Lighting;
- g. Signage;
- h. Landscaping for buffering and screening;
- i. Transportation facilities;
- j. Traffic and offsite parking impacts;
- k. Utility infrastructure;
- l. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
- m. Design equal to or in excess of the types of improvements required by the standards in Chapter 4.10 - Pedestrian Oriented Design Standards¹;

¹ Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2000, are allowed pursuant to the requirements of section 4.10.70.01 - Applicability, of Chapter 4.10 - Pedestrian Oriented Design Standards.

- n. Preservation and/or protection of significant natural features and wildlife habitat, consistent with the Comprehensive Plan; and
- o. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site.

2.5.40.05 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing, the Planning Commission shall approve, conditionally approve, or deny the Conceptual Development Plan. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria.

2.5.40.06 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition in accordance with Chapter 2.0 - Public Hearings, that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any conditions of approval, and the appeal period deadline. A notice of disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

2.5.40.07 - Appeals

The decision of the Planning Commission may be appealed in accordance with the provisions of Chapter 2.19 - Appeals.

2.5.40.08 - Effective Date

Unless an appeal is filed, the decision of the Planning Commission shall become effective 12 days after the notice of disposition is signed.

2.5.40.09 - Effective Period of Conceptual Development Plan Approval

Conceptual Development Plan approval shall be effective for a 3-year period from the date of approval. If the applicant has not submitted a Detailed Development Plan for the planned development or its phases within the 3-year period, all approvals shall expire. Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period once for a period not to exceed two additional years.

Section 2.5.50 - DETAILED DEVELOPMENT PLAN REVIEW PROCEDURES

2.5.50.01 - Application Requirements

When the Director deems any requirement below unnecessary for the proper evaluation of a proposed application, it may be waived.

Prior to formal submittal of an application, the applicant is encouraged to participate in an informal pre-application conference with Community Development Department staff to discuss the proposal, the applicant's requirements, and the applicant's materials developed in response to the applicable Code requirements.

An application filed for a Detailed Development Plan shall follow the requirements specified for a Conceptual Development Plan in section 2.5.40 above and shall also include the following:

a. Graphic Requirements

In addition to the graphic requirements specified for a Conceptual Development Plan in section 2.5.40.01, a Detailed Development Plan shall include:

1. Location and floor area of existing and proposed structures and other improvements, including maximum heights, building types, and gross density per acre for residential developments; and location of fire hydrants, overhead lines in the abutting right of way, easements, fences, walls, and walkways. Where required by the applicable zone, lot coverage and green area calculations shall be provided. Parking calculations shall also be provided;
2. Typical elevations and floor plans of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development, indicate the entrance and exit points, and permit computations of parking, design, and yard requirements. The elevations shall specify building materials to be used, specifications as to type, color, and texture of proposed exterior surfaces, and information demonstrating compliance with Chapter 4.10 - Pedestrian Oriented Design Standards;
3. For residential development, the housing types within the development that satisfy the housing type variation provisions within the underlying zone. When a subdivision is processed concurrently with a Detailed Development Plan, the developer shall note, on individual lots on the plat, the housing types within the development that satisfy the housing type variation provisions within the underlying zone. Single-family detached housing need not be identified;

4. Conceptual landscape plan drawn to scale and showing the location of existing trees and vegetation proposed to be removed from or to be retained on the site, the location and conceptual design for landscaped areas (types of plant materials as basic as trees, shrubs, and groundcover/lawn areas), and other conceptual landscape features including walls and fences;
5. Detailed utilities plan indicating existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems;
6. Existing and proposed circulation system plan and dimensions including streets, driveways, sidewalks, multi-use paths, off-street parking areas, service areas (including refuse), loading areas, direction of traffic flow, and major points of access to public rights-of-way. Illustrative cross-sections of streets shall be provided. Notations of proposed ownership (public or private) should be included where appropriate;
7. Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, green area, public parks, recreational areas, school sites, and similar public and semipublic uses;
8. Exterior lighting plan indicating the location, size, height, typical design, material, color, method, and direction of illumination;
9. For residential development, location of existing and proposed structures and trees on the site that could reduce solar access to any buildable area within the development. The application shall indicate the type and location of trees to be preserved or planted, and the shadow patterns of the trees at their mature height between 9 a.m. and 3 p.m. on November 21; and
10. For residential development, the location of solar collectors on land adjacent to the development for which solar access permits have been granted.

b. Narrative Requirements

In addition to the narrative requirements specified for a Conceptual Development Plan in section 2.5.40.01 above, the Detailed Development Plan shall include:

1. Proposals for setbacks or building envelopes, lot areas where land division is anticipated, and number of parking spaces to be provided (per gross floor area or per number of units);

2. Detailed statement outlining timing, responsibilities, and assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance;
3. Proposed methods of energy conservation; and
4. Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures.

c. Tentative Plat

If a Planned Development is to be subdivided, a tentative plat may also be submitted in accordance with Chapter 2.4 - Subdivisions and Major Replats to permit simultaneous review.

2.5.50.02 - Acceptance of Application

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.5.50.03 - Staff Evaluation

The Director shall prepare a report that evaluates whether the Detailed Development Plan is consistent with the approved Conceptual Development Plan (if one has been previously approved), and evaluates whether the Detailed Development Plan complies with the review criteria in section 2.5.40.04. The Detailed Development Plan may include changes to a previously approved Conceptual Development Plan, provided the changes are clearly identified and comply with the review criteria in section 2.5.40.04. The Director's report shall include a recommendation for approval or denial and, if needed, a list of conditions for the Planning Commission to consider if an approval is granted.

2.5.50.04 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing, the Planning Commission shall approve, conditionally approve, or deny the Detailed

Development Plan. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria.

2.5.50.05 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition in accordance with Chapter 2.0 - Public Hearings, that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any conditions of approval, and the appeal period deadline. A notice of disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

2.5.50.06 - Appeals

- a. The decision of the Planning Commission may be appealed in accordance with Chapter 2.19 - Appeals.
- b. Where an appeal has been filed for a Detailed Development Plan subsequent to Conceptual Development Plan approval, an appeal shall be heard by the City Council only for those items specifically addressed by the Planning Commission for the Detailed Development Plan.

2.5.50.07 - Effective Date

Unless an appeal is filed, the decision of the Planning Commission shall become effective 12 days after the notice of disposition is signed.

2.5.50.08 - Effective Period of Detailed Development Plan Approval

- a. Detailed Development Plan approval shall be effective for a 3-year period from the date of approval. The approval shall expire if the applicant has not, within the 3-year period:
 1. Installed and/or bonded for all public improvements related to the project (or for the first phase, if the project was approved in phases); or
 2. Applied for and received foundation permits for at least one building approved as part of the project.
- b. Detailed Development Plan approval shall also expire if the applicant has not, within five years of the completion of a phase of a phased development:
 1. Installed and/or bonded for all public improvements related to the next phase of the project; or
 2. Applied for and received foundation permits for at least one building approved as part of the next phase of the project.

- c. At its discretion and without a public hearing, the Commission may extend the approval once for a period not to exceed two additional years.
- d. The Planning Commission may permit implementation of the Detailed Development Plan in phases. Such phases shall occur or be completed during the established time period discussed in "a" through "c" above.

2.5.50.09 - Review Criteria for Determining Compliance with a Detailed Development Plan

A building permit or other site development permit request shall be reviewed to determine whether the request is in substantial compliance with the approved Detailed Development Plan. It shall be deemed to be in substantial compliance if it is consistent with the review criteria in 2.5.40.04, does not involve any new modifications to Code development standards, and does not involve changes to any specific requirements established at the time of Detailed Development Plan approval. Specific requirements include conditions of approval, Code requirements, and all aspects of the applicant's proposal that were approved as part of the Detailed Development Plan.

Section 2.5.60 - MINOR PLANNED DEVELOPMENT MODIFICATION

2.5.60.01 - Purposes of a Minor Planned Development Modification

- a. Provide a limited amount of flexibility with regard to site planning and architectural design for approved Detailed Development Plans; and
- b. Provide elements within the development site that compensate for requested variations from approved Detailed Development Plans such that the intent of the original approvals is still met.

2.5.60.02 - Thresholds of a Minor Planned Development Modification

Within one calendar year, up to three factors identified in "a" through "m" below, which do not exceed the thresholds outlined in these provisions, may be proposed for modification under this section. If more than three such factors are proposed for modification within a calendar year, or if modifications are proposed that exceed the thresholds outlined in "a" through "m" below, the changes shall be processed as a Major Planned Development Modification and shall follow the procedures outlined in section 2.5.70.

No modifications to specific requirements established at the time of Planned Development approval, including conditions of approval, Code requirements, and all aspects of the Planned Development proposal, can be made as a Minor Planned Development Modification, unless they are less than the thresholds outlined in items "a" through "m" below. The thresholds for a Minor Planned Development Modification are as follows:

- a.** Change in use type, with the exception that for a valid (still active) Planned Development that existed or was approved before December 31, 2000, a modification request shall be considered as follows:
 - 1. A request to add uses permitted by the underlying zone to up to 25 percent of the total acreage within the Planned Development site shall be considered a Minor Planned Development Modification; and
 - 2. A request to add uses permitted by the underlying zone to greater than 25 percent of the total acreage within the Planned Development site shall be considered a Major Planned Development Modification;
- b.** Increase in dwelling unit density;
- c.** Decrease in dwelling unit density by more than three units for development sites 1 acre or smaller in size; or decrease in dwelling unit density by more than five units or by more than 10 percent, whichever is less, for development sites larger than 1 acre;
- d.** Change in the ratio of the different types of dwelling units;
- e.** Change in the type or location of commercial or industrial structures that would result in a less pedestrian-friendly environment (e.g., a pedestrian walk is eliminated, a parking lot is placed to separate (or further separate) a building from pedestrian facilities, etc.);
- f.** Change in the type and location of accessways and parking areas where offsite traffic would be affected or which result in a less pedestrian-friendly environment;
- g.** Increase in the number of parking spaces where such increase adversely affects significant natural features or pedestrian amenities, or is inconsistent with a condition of approval or an applicable development standard (e.g., required green area);
- h.** Increase by more than 10 percent in the floor area proposed for nonresidential use;
- i.** Decrease by more than 10 percent in the common and/or usable green area;
- j.** Increase by more than 5 percent in the total ground area proposed to be covered by structures;
- k.** Decrease by more than 25 percent in specific setback requirements;
- l.** Decrease by more than 10 percent in project amenities for pedestrians or bicycles, recreational facilities, screening, and/or landscaping provisions;

- m. Modification of architectural building elevations where any of the following occur:
 - 1. Percentage of window coverage per elevation is decreased by more than 20 percent (may affect the number and/or shape of windows); or windows are installed on a previously specified blank wall on the perimeter of the site;
 - 2. Building materials for the main walls of the facades are changed;
 - 3. Any architectural feature is reduced by more than 20 percent. Architectural features include such items as the number of windows with trim, the number of dormers, the number of columns, the number of shutters, the square footage of porches, the number of window boxes, the linear footage of porch or deck railings, and/or the linear footage and/or height of parapets, reveals, and/or cornices, etc.;
 - 4. Roof pitch is reduced;
 - 5. Building offsets or recesses are reduced by more than 20 percent; or
 - 6. Garages or carports are eliminated.

2.5.60.03 - Procedures for a Minor Planned Development Modification

- a. An applicant may petition for review of previously approved plans for purposes of modifying a Planned Development, stating reasons for the change(s).
- b. Where the Director determines that the proposed changes qualify as a Minor Planned Development Modification in accordance with the thresholds outlined in section 2.5.60.02, the Director shall administratively process the application as a Minor Planned Development Modification. The Minor Planned Development Modification may be approved, conditionally, approved, or denied by the Director. If the proposed changes exceed the thresholds outlined in section 2.5.60.02, the changes shall be processed as a Major Planned Development Modification and the applicant shall follow the procedures outlined in section 2.5.70.
- c. In reviewing the proposed modification, the Director shall follow the procedures herein required for Minor Planned Development Modification submittal and review.
- d. To determine whether to authorize a Minor Planned Development Modification, the Director shall consider the review criteria in section 2.5.40.04 and the following additional review criterion:

1. New benefits are provided that compensate for any negative effects caused by the requested variations from the original project design. New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be changed. Applicants shall provide the Director with information substantiating the value of the new elements in comparison to the value of the elements to be changed. The value information shall be developed by a qualified professional in the field relevant to the elements being exchanged.
- e. Upon finding that the application qualifies as a Minor Planned Development Modification, the Director may consider the redesign in whole or in part of any planned development, to the extent that the redesign still falls within the thresholds outlined in section 2.5.60.02.
- f. To the extent that the redesign does not exceed the thresholds outlined in section 2.5.60.02, notice for a Minor Planned Development Modification shall be provided in accordance with Chapter 2.16 - Request for Interpretation.
- g. Action on the application, the notice of disposition, appeals, the effective date, and the effective period of the Minor Planned Development Modification shall be in accordance with sections 2.12.30.07 through 2.12.30.11 of Chapter 2.12 - Lot Development Option.

2.5.60.04 - Determining Compliance with a Minor Planned Development Modification

A building permit or other site development permit request shall be reviewed to determine whether the request is in substantial compliance with any approved Minor Planned Development Modification. It shall be deemed to be in substantial compliance if it is consistent with the review criteria in section 2.5.40.04, does not involve any additional deviations from Code development standards, and does not involve changes to any specific requirements established at the time of Minor Planned Development Modification approval. Specific requirements include conditions of approval, Code requirements, and all aspects of the applicant's proposal that were approved as part of the Minor Planned Development Modification.

Section 2.5.70 - MAJOR PLANNED DEVELOPMENT MODIFICATION

2.5.70.01 - Procedures

If a modification is proposed that exceeds the thresholds outlined in section 2.5.60.02, or involves modifications to more than three factors that do not exceed the thresholds in section 2.5.60.02, but are proposed within a single calendar year, the changes shall be processed as a Major Planned Development Modification.

- a. An applicant may petition for review of previously approved plans for purposes of modifying a Planned Development, stating reasons for the change.
- b. Where the Director determines that the proposed changes qualify as a Major Planned Development Modification in accordance with the thresholds outlined in section 2.5.60.02, a hearing shall be scheduled before the Planning Commission in accordance with Chapter 2.0 - Public Hearings. The Planning Commission may approve, conditionally approve, or deny the Major Planned Development Modification.
- c. In reviewing the proposed modification, the Planning Commission shall follow the procedures herein required for Detailed Development Plan submittal and review. The Commission shall consider the review criteria in section 2.5.40.04 to determine whether to authorize a Major Planned Development Modification.
- d. Upon finding that the application qualifies as a Major Planned Development Modification, the Planning Commission may consider the redesign in whole or in part of any planned development.
- e. Notice, action on the application, the notice of disposition, appeals, the effective date, and the effective period of a Major Planned Development Modification shall be in accordance with the same provisions for a Detailed Development Plan.

2.5.70.02 - Determining Compliance with a Major Planned Development Modification

A building permit or other site development permit request shall be reviewed to determine whether the request is in compliance with any approved Major Planned Development Modification. It shall be deemed to be in compliance if it does not involve any additional deviations from Code development standards, and does not involve changes to any specific requirements established at the time of Major Planned Development Modification approval. Specific requirements include conditions of approval, Code requirements, and all aspects of the applicant's proposal that were approved as part of the Major Planned Development Modification.

Section 2.5.80 - PLANNED DEVELOPMENT NULLIFICATION

- a. Property owner(s) or their authorized agents may apply to nullify an established Planned Development designation by filing an application form provided by the Director.
- b. The burden of proof is on the applicant to justify nullification of the Planned Development designation, giving substantial evidence that:

1. Developing the property under conventional zoning standards and regulations will not create nonconforming development;
 2. Special circumstances such as building relationships, drainageways, public improvements, topographies, etc. that were to be addressed through the Planned Development process can be dealt with as effectively through conventional standards;
 3. Conditions attached by the hearing authority to the approved Planned Development can be met or are no longer necessary; and
 4. No prior commitments involving the subject property were made that would adversely affect it, related properties, or the City, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.
- c. Action on the application, the notice of disposition, appeals, and the effective date of a Planned Development nullification shall be in accordance with the same provision for a Detailed Development Plan.
- d. If the Planned Development is nullified, the PD overlay designation shall be removed from the Official Zoning Map after the appeal period has expired.

Section 2.5.90 - REFINEMENT PLAN PROCEDURES

A Refinement Plan is more detailed than a Comprehensive Plan and applies to a specific geographic area. A Refinement Plan may be legislative or quasi-judicial and is designed to do the following:

- a. Establish efficient density ranges, including a minimum and maximum density for residential uses;
- b. Establish minimum and maximum floor area ratios or site coverage requirements for nonresidential uses;
- c. Incorporate a Detailed Development Plan application and planning process as outlined in section 2.5.50; and
- d. Include land use regulations to implement the Refinement Plan.

A plan will not be classified as a Refinement Plan, unless it is specifically adopted as one in accordance with the provisions of this section (2.5.90). With the exception of the initiation procedures outlined below in section 2.5.90.01, and the public hearing process as outlined in Chapter 2.0, the procedures for both legislative and quasi-judicial Refinement Plans shall be the same.

2.5.90.01 - Initiation

a. Initiation Procedures for Legislative Refinement Plans

A Refinement Plan is considered to be a legislative act if the plan applies uniformly to a sufficiently large number of properties as determined by contemporary legal principles. Initiation procedures shall be as follows:

1. A legislative Refinement Plan may be initiated by a majority vote of the City Council or Planning Commission, upon a finding that there is sufficient cause to initiate the Plan; or
2. Property owners may petition the Planning Commission to initiate a hearing through the following procedure:
 - (a) A petition shall be considered only if it represents a majority (over 50 percent) of property owners within the area of the proposed Refinement Plan;
 - (b) A petition shall include a description of the Refinement Plan, a map of the area to be affected, and sufficient information to provide for an adequate review; and
 - (c) If the Planning Commission determines that there is sufficient cause, it shall initiate review of the Refinement Plan in accordance with Chapter 2.0 - Public Hearings.

b. Initiation Procedures for Quasi-Judicial Refinement Plans

All Refinement Plans not deemed to be legislative shall be deemed quasi-judicial. Initiation of a quasi-judicial Refinement Plan shall be accomplished by one of the following ways:

1. Filing of an application by the owner(s) of the subject property(ies); or
2. A majority vote of the City Council or Planning Commission, following the same procedures used for legislative Refinement Plans discussed above.

2.5.90.02 - Application Requirements

Application submittal requirements for Refinement Plans shall be the same as the application submittal provisions outlined in section 2.5.50 for a Detailed Development Plan, and shall be augmented with the following:

- a. Information identifying the density ranges, including the minimum and maximum density for residential uses, within the proposed Refinement Plan area;
- b. Information identifying the minimum and maximum floor area ratios or site coverage requirements for nonresidential uses;
- c. Graphics establishing lot patterns for any portions of the Refinement Plan area where an Expedited Land Division is anticipated; and
- d. Information identifying the proposed land use regulations to implement the Refinement Plan.

2.5.90.03 - Staff Evaluation

City staff shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report will include a recommendation for approval or denial and, if needed, a list of conditions for the Planning Commission to consider if an approval is granted.

2.5.90.04 - Review Criteria

A request for approval of a Refinement Plan shall be reviewed to determine the effects on City facilities and services and to ensure consistency with the purposes of section 2.5.90, the policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

The Refinement Plan application shall demonstrate compliance with the following:

- a. Establish efficient density ranges, including a minimum and maximum density for residential uses, and ensure that these density ranges are consistent with the Comprehensive Plan;
- b. Establish minimum and maximum floor area ratios or site coverage requirements for nonresidential uses;
- c. Meet the application submittal requirements outlined above in section 2.5.90.02;
- d. Include land use regulations to implement the Refinement Plan;
- e. Be specifically referred to (and ultimately adopted) as a Refinement Plan; and

- f. Demonstrate compatibility in the following areas, as applicable:
1. Compensating benefits for any variations being requested from standard Code provisions;
 2. Basic site design (the organization of uses on a site and the uses' relationships to neighboring properties);
 3. Visual elements (scale, structural design and form, materials, etc.);
 4. Noise attenuation;
 5. Odors and emissions;
 6. Lighting;
 7. Signage;
 8. Landscaping for buffering and screening;
 9. Transportation facilities;
 10. Traffic and offsite parking impacts;
 11. Utility infrastructure;
 12. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
 13. Design equal to or in excess of the types of improvements required by the standards in Chapter 4.10 - Pedestrian Oriented Design Standards²;
 14. Preservation and/or protection of significant natural features and wildlife habitat, consistent with the Comprehensive Plan; and
 15. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site.

2.5.90.05 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing, the Planning

² Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2000, are allowed pursuant to the requirements of section 4.10.70.01 - Applicability.

Commission shall make a decision to approve, conditionally approve, or deny the proposed Refinement Plan. The Commission's decision shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.5.90.06 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition in accordance with Chapter 2.0 - Public hearings, that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any conditions of approval, and the appeal period deadline. A notice of disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

2.5.90.07 - Appeals

The decision of the Planning Commission may be appealed in accordance with Chapter 2.19 - Appeals.

2.5.90.08 - Effective Date

Unless an appeal is filed, the decision of the Planning Commission shall become effective 12 days after the notice of disposition is signed. An approved Refinement Plan may be nullified in accordance with section 2.5.90.09 below, but not modified. If modifications are desired, the Refinement Plan Nullification procedures outlined in section 2.5.90.09 shall be followed and then a new Refinement Plan may be established via the procedures outlined in sections 2.5.90.01 through 2.5.90.08.

2.5.90.09 - Refinement Plan Nullification

- a. Nullification of a Refinement Plan shall be initiated consistent with the procedures outlined above in section 2.5.90.01.
- b. The Planning Commission shall hold a public hearing and provide notice of the hearing and decision in accordance with Chapter 2.0 - Public Hearings.
- c. The burden of proof is on the applicant to justify nullification of the Refinement Plan, giving substantial evidence that:
 1. Developing the property under conventional zoning standards and regulations will not create nonconforming development;
 2. Special circumstances such as building relationships, drainageways, public improvements, topographies, etc., that were addressed through the Refinement Plan process can be dealt with as effectively through conventional standards;
 3. Conditions attached by the hearing authority to the approved Refinement Plan can be met or are no longer necessary; and

4. No prior commitments involving the subject property were made that would adversely affect it, related properties, or the City, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.

Section 2.5.100 - EXPEDITED LAND DIVISION PROCEDURES

2.5.100.01 - Purposes

An Expedited Land Division pertains to the creation of three or fewer lots in a calendar year and may occur only on a development site with an approved Refinement Plan that establishes the pattern of lots for the site. An Expedited Land Division is classified as General Development and is also designed to do the following:

- a. Include land that is zoned for residential uses;
- b. Be solely for the purposes of residential use, including recreational or open space uses accessory to the residential use;
- c. Be for lands that do not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the Comprehensive Plan and in this Code for full or partial protection of natural features under the Statewide Planning Goals that protect:
 1. Open spaces, scenic and historic areas and natural resources; and
 2. The Willamette River Greenway.
- d. Satisfy minimum street or other right-of-way connectivity standards established by the Comprehensive Plan (including the Transportation Plan) and this Code; and
- e. Create a sufficient number of lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site, yet still be a total of three or fewer lots.

A filed Expedited Land Division application shall be reviewed in accordance with the procedures outlined in sections 2.5.100.02 through 2.5.100.09 below.

2.5.100.02 - Application Requirements

Application requirements shall be in accordance with section 2.14.30.01 of Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments. Additionally, the applicant of an Expedited Land Division shall include a copy of the approved

Refinement Plan and its related notice of disposition, and depict how the proposed Expedited Land Division is consistent with the approved Refinement Plan.

2.5.100.03 - Acceptance of Application

The Director shall review the Expedited Land Division application for compliance with the application requirements in section 2.5.100.02, consistency with the approved Refinement Plan, and compliance with any applicable conditions of approval for the approved Refinement Plan. If the application is incomplete, the Director shall notify the applicant within 21 days and state what information is needed to make the application complete. From the date the applicant is notified by the Director to submit additional materials, the applicant shall have 10 days to submit those materials.

2.5.100.04 - Public Notice

Public notice shall be in accordance with section 2.14.30.03 of Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments.

2.5.100.05 - Staff Evaluation

The application and any comments that have been received shall be reviewed to ensure consistency with the review criteria in section 2.5.100.06 below.

2.5.100.06 - Review Criteria

Requests for approval of an Expedited Land Division shall be reviewed to ensure:

- a. Consistency with the approved Refinement Plan and its related conditions of approval, the purposes outlined above in section 2.5.100.01, pertinent development standards of the Code, policies and density requirements of the Comprehensive Plan and this Code, and any other applicable policies and standards adopted by the City Council;
- b. Approval does not impede future development of property within the boundaries of the approved Refinement Plan; and
- c. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities, including the provision of City services and access from a public street.

2.5.100.07 - Action on Application, Notice of Disposition, Appeals, and Effective Date

Action on the application, the notice of disposition, appeals, and the effective date of the Expedited Land Division shall be in accordance with sections 2.14.30.06

through 2.14.30.09 of Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments.

2.5.100.08 - Effective Period of Expedited Land Division Approval

Approval of an Expedited Land Division shall be valid for a period of one year from the effective approval date. Upon request, the Director may approve a single 1-year time extension on the approval.

2.5.100.09 - Final Plat Review Procedures

Final Plat review procedures for an Expedited Land Division shall be in accordance with section 2.14.40 of Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments.