

## **CHAPTER 2.13**

### **PLAN COMPATIBILITY REVIEW**

#### **Section 2.13.10 - BACKGROUND**

Each zone is intended for a predominant type of land use. Certain other Uses are permitted, but the intensity and characteristics of those Uses require review to ensure their compatibility with the site and with nearby land uses. For example, any of the following may indicate the need for an individual review of the circumstances of development:

- a. Building's size in relation to other buildings in the area;
- b. Residential, commercial, or industrial aspects of a proposed development;
- c. Character of surrounding development;
- d. Traffic capacity of adjacent streets; and
- e. Potential environmental effects.

Uses requiring Plan Compatibility Review are specified for each zone. For such Uses, Plan Compatibility Review is required before a Building Permit can be issued.

#### **Section 2.13.20 - PURPOSES**

Procedures and review criteria for Plan Compatibility Review are established for the following purposes:

- a. Encourage originality, flexibility, and innovation in site planning and development, including architectural, engineering, and landscaping design;
- b. Protect neighboring property owners and residents by ensuring reasonable provisions have been made regarding surface water drainage; suitable sound and sight buffers; preservation of views, light, and air; and other aspects of design that may have substantial effects on neighboring land uses;
- c. Preserve the City's natural beauty and the quality of its visual character by ensuring proposed structures or improvements are compatible with the terrain and existing development; by preventing unnecessary and inappropriate destruction or blighting of natural landscapes or existing improvements; and by requiring that proper attention be given to the exterior appearance of structures, signs, parking areas, landscaping, and other improvements;

- d. Protect and ensure adequacy and usefulness of public and private facilities and services as they relate to each other and to the neighborhood or area;
- e. Maintain and improve the qualities of and relationships among individual buildings, structures, and physical improvements that best contribute to the amenities and attractiveness of a neighborhood or area; and
- f. Promote and encourage energy conservation .

### **Section 2.13.30 - PROCEDURES**

When an application is filed for a Plan Compatibility Review, it shall be reviewed in accordance with the following procedures.

#### **2.13.30.01 - Application Requirements**

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

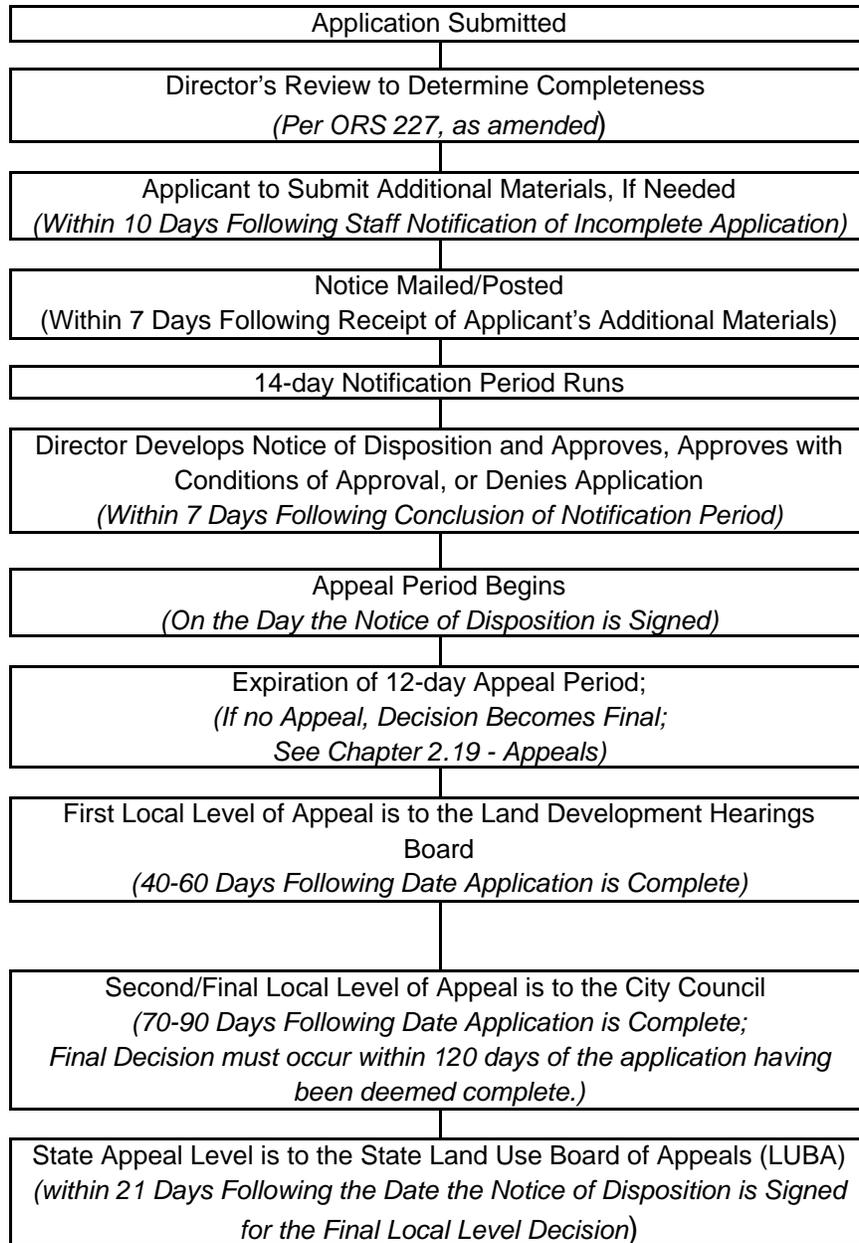
An application for Plan Compatibility Review shall include the following:

- a. Location and description of the subject property(ies), including all of the following, as relevant: address; tax assessor map and tax lot number; parcel number; written description of the boundaries of the proposal; and one set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;
- b. Signed consent by the subject property's owner(s) and/or the owner's legal representative(s). If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City. The owner's name(s) and address(es), and the applicant's name, address, and signature shall also be provided;
- c. Narrative addressing all aspects of the requested variation(s) and describing how the application meets the review criteria in Section 2.13.30.05, below; and
- d. One set of plans no larger than 24- by 36-in. and one set of plans reduced to no larger than 11- by 17-in. Where necessary, additional detail sheets shall be provided. 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 show existing and proposed:

1. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways;
  2. Lot line dimensions;
  3. Location of structures;
  4. Vehicle and pedestrian access points and accessways;
  5. General location of vegetated areas;
  6. Utility service areas;
  7. Fences and walls;
  8. Parking, maneuvering, loading, and refuse areas;
  9. Direction of traffic flow on the property;
  10. Drainage controls; and
  11. Modifications to existing grades.
- e.** Exterior lighting plan, which may be shown on the site plan, indicating location, size, height, typical design, material, color, and method of illumination;
- f.** Plans and elevations of structure(s) drawn to scale indicating:
1. Heights of structures;
  2. Entrances and exits of proposed structures; and
  3. Architectural drawings or sketches, including floor plans, in sufficient detail to permit computation of yard requirements.
- g.** Landscape plan drawn to scale showing:
1. Location of existing trees and shrubs over three ft. in height proposed to be removed or retained on the site;
  2. Location and design of landscaped areas;

3. Proposed varieties and sizes of trees and plant materials;
  4. Other pertinent landscape features, including irrigation systems required to maintain plant materials.
- h.** Data indicating:
1. Square footage of site and structures;
  2. Building coverage (as a percentage of the site);
  3. Square footage of the site to be landscaped;
  4. Landscape coverage (as a percentage of the site);
  5. Number of parking spaces provided;
  6. Building materials to be used; and
  7. Specifications as to type, color, and texture of exterior surfaces of proposed structures.
- i.** Information required by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions, as applicable;
- j.** Any additional information that the Director may require for proper evaluation of the proposed site plan. Such additional information shall be required only where its need can be justified on the basis of special and/or unforeseen circumstances; and
- k.** 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.

**Figure 2.13-1**  
**Typical Time Frame for Plan Compatibility Review**  
 (Total length of time per ORS 227, as amended)



**2.13.30.02 - Acceptance of Application**

- a. Per ORS 227, the Director shall review the Plan Compatibility Review application for compliance with the application requirements in Section 2.13.30.01, above. If the application is incomplete, the Director shall notify the applicant and state what information is needed to make the application

complete. The applicant shall have 10 days from this notification to submit additional materials.

- b. After an application is accepted as complete, any revisions to it 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.

### **2.13.30.03 - Public Notice**

- a. The Director shall notify affected parties that an application for a Plan Compatibility Review has been filed.
- b. Affected parties shall mean any owner and occupants of property within 100 ft. of the subject property and any persons whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.
- c. The notice shall state that all comments concerning the proposed Plan Compatibility Review must be submitted in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:
  - 1. Street address or other easily understood geographical reference to the subject property;
  - 2. Applicable criteria for the decision;
  - 3. Place, date, and time comments are due;
  - 4. Statement that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
  - 5. Name and phone number of staff contact person;
  - 6. Statement that a Notice of Disposition shall be provided to the applicant and any person who submits comments;
  - 7. An explanation of appeal rights; and
  - 8. A summary of the local decision-making process.

#### **2.13.30.04 - Staff Evaluation**

The application and any written comments that have been received shall be reviewed to ensure consistency with the review criteria in Section 2.13.30.05 below.

#### **2.13.30.05 - Review Criteria**

Uses requiring Plan Compatibility Review shall be reviewed to ensure compatibility with existing and potential Uses on nearby lands. The following factors shall be considered:

- a. The proposed development shall be in conformance with the purposes of this Chapter;
- b. Neighboring property owners and residents shall be protected through reasonable provisions regarding surface water drainage; suitable sound and site buffers; preservation of views, light, air; and other aspects of design that may have substantial effects on neighboring land uses;
- c. The proposed development shall not adversely affect traffic, parking, and access; and
- d. Where Significant Natural Features are involved, the proposed development shall not adversely impact Significant Natural Features regulated by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

#### **2.13.30.06 - Action on Application**

Based on the review criteria above and any written comments received from affected parties, the Director shall review the proposed development and either approve, conditionally approve, or deny the application after the completion of the 14-day comment period.

#### **2.13.30.07 - Revisions of Proposed Plan**

Any revisions of a proposed plan shall be made prior to Building Permit approval.

### **2.13.30.08 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition that includes a written statement of the decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. The Notice of Disposition shall also be mailed to persons who provided written comment on the mailed notice. The Notice and all applicable information shall be available in the Development Services Division of the Community Development Department.

### **2.13.30.09 - Appeals**

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

### **2.13.30.10 - Effective Date**

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

### **2.13.30.11 - Effective Period of Approval**

Plan Compatibility Review approval shall be effective for a two-year period from date of approval. If the applicant has not begun the development within the two-year period, the approval shall expire.