

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 is established to allow the review and approval of Conceptual and Detailed Development Plans, to provide the mechanism for achieving greater flexibility and improved design in cases where the scope of proposed modifications to pre-stated 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. The Procedures of this Chapter are Applicable When -

1. A property owner requests a Conceptual and/or Detailed Development Plan concurrent with a specific project review; or
2. A Nonresidential or Residential Planned Development Overlay, established in accordance with the provisions of Chapter 3.32 - Nonresidential PD (Planned Development) Overlay or Chapter 3.33 - Residential PD (Planned Development) Overlay, respectively, exists on the site and is shown 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 or a 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 simultaneously 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.

b. Restrictions on Variations -

1. Development Standards -

- a) The Conceptual and Detailed Development Plan process permits modifications to the site development standards of the underlying zone; and
- b) Approval of a Detailed Development Plan for a residentially designated site must provide a clear and objective set of standards, through the approved plan and related Conditions of Approval, for development to follow.

2. Uses -

- a) The Conceptual and Detailed Development Plan process does not permit an expansion of Uses beyond those specified by the underlying zone;
- b) In cases where a property's underlying zoning designation was changed prior to December 31, 2006, and a valid (still active) Planned Development existed and was approved before December 31, 2006, the Conceptual and Detailed Development Plan process may be used to allow the Uses permitted by the new underlying zone; and
- c) The Conceptual and Detailed Development Plan process may also be used to modify the Use size limitations contained in Chapter 3.19 - Mixed Use Community Shopping (MUCS) Zone.

c. On Residentially Designated Properties - Upon approval of a Conceptual Development Plan on residentially designated land, a Residential Planned Development Overlay is placed on the site and shown on the Official Zoning Map for as long as the property owner desires to keep the Conceptual Development Plan active, up to the expiration period defined in Section 2.5.40.09. Upon approval of a Detailed Development Plan on residentially designated land, a Residential Planned Development Overlay is placed on the site and shown on the Official Zoning Map for as long as the Detailed Development Plan remains active, as defined in Section 2.5.50.09.c. In cases where an approved Conceptual and/or Detailed Development Plan is no longer active, the associated Residential Planned Development Overlay is automatically removed from the Official Zoning Map.

d. On Nonresidentially Designated Properties - Upon approval of a Conceptual Development Plan on nonresidentially designated land, a Nonresidential Planned Development Overlay is placed on the site and shown on the Official Zoning Map for as long as the Conceptual Development Plan remains active (unexpired). Upon approval of a Detailed Development Plan on nonresidentially designated land, a Nonresidential Planned Development Overlay is placed on the site and shown on the Official Zoning Map for as long as the Detailed Development Plan remains active, as defined in Section 2.5.50.09.c. In cases where an approved Conceptual and/or Detailed Development Plan is no longer active, the associated Nonresidential Planned Development Overlay is automatically removed from the Official Zoning Map.

e. Applying a Nonresidential or Residential Planned Development Overlay Without a Conceptual or Detailed Development Plan -

Without approval of a Conceptual and/or Detailed Development Plan, a Nonresidential or Residential Planned Development Overlay can only be applied through the use of Chapter 3.32 - Nonresidential PD (Planned Development) Overlay and Chapter 3.33 - Residential PD (Planned Development) Overlay, respectively.

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 or Construction Permits, a Detailed Development Plan must be approved by the Planning Commission.

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 this Code's applicable requirements.

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

- 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. Fifteen copies of the narrative, on 8.5 by 11 in. sheets, and 15 copies of graphics at an 8.5 by 11 in. size. The Director may request additional copies of the narrative and/or 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;
- d. 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;
- e. 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;
- f. **Graphic Requirements**

Graphics shall include the following information where applicable:

1. Public Notice Map - Typically a street map at one in. = 800 ft. as per the City's public notice format;
2. Zoning Map - Typically one in. = 400 ft., but up to one 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 one 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 a 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, parks, schools, and Significant Natural Features identified by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions;
5. Significant Natural Features Map(s) - Maps shall identify Significant Natural Features of the site, including but not limited to:
 - a) All information and preservation plans 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;
 - b) All Jurisdictional Wetlands not already shown as part of "a," above. While not all Jurisdictional Wetlands are locally regulated by Chapter 4.13 - Riparian Corridor and Wetland Provisions, they need to be shown so that the City can route the application to the appropriate state and federal agencies for comment; and
 - c) Archaeological sites recorded by the State Historic Preservation Office (SHPO).
6. Site Plan(s) and Other Graphics -
 - a) 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 contain the information listed in this Section and "b," below.

Graphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries; existing structures; driveways; utilities; Significant Natural Features regulated by Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions; Minimum Assured Development Area information from Chapter 4.11 - Minimum Assured Development Area (MADA), if applicable; and any other information that, in the Director's opinion, would assist in providing a context for the proposed development. The Director may require that an applicant's graphics include information on lands in excess of 150 ft. from a development site (e.g., such 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).

- b) The site plan and related graphics shall also include:
- 1) Boundary of the proposed development site and any interior boundaries related to proposed development phases or Land Divisions;
 - 2) Number of lots and their dimensions, including frontage, depth, and area in sq. ft., as applicable;
 - 3) General location and floor area of existing and proposed structures and other improvements, including maximum building 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, parking calculations, and walkways; and any proposed Use restrictions. Where required by the applicable zone, lot coverage and Green Area calculations shall be provided. An indication of approximate building envelopes may be required to evaluate building relationships;
 - 4) General location and dimensions of areas to be conveyed, dedicated, or reserved as common open spaces, common Green Area, public parks, recreational areas,

school sites, and similar public and semi-public uses;

- 5) Existing and proposed circulation system plan and dimensions including streets, driveways, bikeways, 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;
- 6) 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 for points of conflict;
- 7) Utilities plan indicating existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems;
- 8) Identification of Significant Natural Features that were included on the Significant Natural Features map(s) required in Section 2.5.40.01.f.5, above, to indicate the relationship of the proposal to the site's Significant Natural Features;
- 9) Existing and proposed topographic contours at two-ft. intervals. Where the grade of any part of the development site exceeds 10 percent and where the development site 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, consistent with Chapter 4.5 - Natural Hazard and Hillside Development Provisions. 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;
- 10) 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;

- 11) 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
- 12) For residential development, indication of which buildings will have Solar Access protection, and appropriate documentation to verify how Solar Access will be protected.

g. Narrative Requirements

A written statement shall include the following information:

1. Statement of planning objectives to be achieved by the subject 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;

- g) Total number of parking spaces (compact, standard, handicapped, bicycle) and breakdown of how parking is consistent with this Code's 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. 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;
- 5. 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. See Section 4.0.60.a; and
- 6. For residential development, a statement or map describing existing and proposed buildings with protected Solar Access consistent with Chapter 4.6 - Solar Access.
- 7. Information required by 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.

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. 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 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 areas in "a," below, as applicable, and shall meet the Natural Resource and Natural Hazard criteria in "b," below:

a. Compatibility Factors -

1. Compensating benefits for the variations being requested;
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 off-site 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 Standards¹; and
14. Preservation and/or protection of Significant Natural Features, consistent with 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. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.

b. Natural Resources and Natural Hazards Factors -

1. Any proposed variation from a standard within Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions shall provide protections equal to or better than the specific standard requested for variation; and

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Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to **December 31, 2006**, are allowed pursuant to the requirements of Section 4.10.70.01 - Applicability, of Chapter 4.10 - Pedestrian Oriented Design Standards.

2. Any proposed variation from a standard within Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions shall involve an alternative located on the same development site where the specific standard applies.

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 three-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 three-year period, all approvals shall expire.

a. Conceptual Development Plans on Residentially Designated Property -

1. If the Conceptual Development Plan pertains to residentially designated property, was established at the request of the property owner, and there is no active Detailed Development Plan on any portion of the site, the property owner may request and be granted nullification of the Conceptual Development Plan in accordance with Section 2.5.80; and
 2. Where the Planning Commission finds that conditions have not changed, at the property owner's request and at its discretion and without a public hearing, the Commission may extend the effective period once for a period not to exceed two additional years.
- b. Conceptual Development Plans on Nonresidentially Designated Property** - Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the effective 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 this Code's applicable 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, parking calculations, 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 Subdivision 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), other conceptual landscape features including walls and fences, and irrigation systems required to maintain plant materials;
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, bikeways, 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 semi-public 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 Subdivision 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. 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 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 complies with the review criteria in Section 2.5.50.04 below. The 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 - Review Criteria for Determining Compliance with Conceptual Development Plan

Request for approval of a Detailed Development Plan shall be reviewed to determine whether it is in compliance with the Conceptual Development Plan. The Detailed Development Plan shall be deemed to be in conformance with the Conceptual Development Plan and may be approved provided it is consistent with the review criteria in Section 2.5.40.04 above, provides a clear and objective set of development standards for residential Detailed Development Plans (considering the Detailed Development Plan proposal, required adherence to this Code, and Conditions of Approval), and does not involve any of the factors that constitute a major change in the Planned Development. See Section 2.5.60.02 - Thresholds that Separate a Minor Planned Development Modification from a Major Planned Development Modification.

2.5.50.05 - 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 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.

2.5.50.06 - 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.

2.5.50.07 - 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.

2.5.50.08 - 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.

2.5.50.09 - Effective Period of Detailed Development Plan Approval

Detailed Development Plan approval shall be effective for a five-year period from the date of approval. The approval shall expire if the applicant has not, within the five-year period:

- a. **Single-phase Development -**

- 1. Installed and/or bonded for all public improvements related to the

project; or

2. Applied for and received foundation permits for at least one building approved as part of the project.

b. Multi-phase Development -

1. Installed and/or bonded for all public improvements related to at least the first phase of the project; or
2. Applied for and received foundation permits for at least one building approved as part of the project.

c. An active Detailed Development Plan is defined as one that has -

1. Not expired or been nullified;
2. A Final Subdivision or Land Partition Plat filed and recorded;
3. A Property Line Adjustment filed;
4. Any Building or Construction Permits issued; or
5. Any activities associated with Development as defined in Chapter 1.6 - Definitions.

2.5.50.10 - 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 compliance with the approved Detailed Development Plan. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.5.40.04, does not involve any new modifications to this Code's 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, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Detailed Development Plan.

Section 2.5.60 - PLANNED DEVELOPMENT MODIFICATION

This Section identifies the processes by which an approved Conceptual or Detailed

Development Plan may be modified. In general, such plans may be modified in three ways, depending upon the degree of modification proposed. These include the Lot Development Option process described in Chapter 2.12 - Lot Development Option, and the Minor and Major Planned Development Modification processes described below. Within the Conceptual or Detailed Development Plan, the Lot Development Option process may only be used for modification of a specific standard at a specific location where no deviation from standards has already been approved.

2.5.60.01 - Purposes of a Planned Development Modification

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

2.5.60.02 - Thresholds that Separate a Minor Planned Development Modification from a Major Planned Development Modification

- a. The factors identified here describe the thresholds that separate a Minor Planned Development Modification from a Major Planned Development Modification.
 1. Change in Use Type, with the exception that for a valid (still active) Planned Development that existed or was approved before **December 31, 2006**, a Modification request shall be considered as follows:
 - a) 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
 - b) 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;
 2. Change in dwelling unit density of five percent, except as noted in “3,” below;

3. Decrease in dwelling unit density by more than three units for development sites one acre or smaller in size, or decrease in dwelling unit density by more than five units or by more than five percent, whichever is less, for development sites larger than one acre;
4. Change in the ratio of the different types of dwelling units;
5. Change in the type or location of commercial or industrial structures that would result in a less pedestrian-friendly environment, such as when a pedestrian walk is eliminated, a parking lot is placed to separate, or further separate, a building from pedestrian facilities, etc.;
6. Change in the type and location of accessways and parking areas where off-site traffic would be affected or which result in a less pedestrian-friendly environment;
7. 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 such as required Green Area;
8. Increase in the floor area proposed for nonresidential Use by more than 10 percent;
9. Decrease in the common and/or usable Green Area or open space by more than 10 percent;
10. Increase in the total ground area proposed to be covered by structures by more than 10 percent;
11. Change in specific setback requirements by more than 25 percent or by 15 percent for setback requirements previously reduced;
12. Decrease in project amenities for pedestrians or bicycles, recreational facilities, screening, and/or landscaping provisions by more than 10 percent;

13. Modification of architectural building elevations where any of the following occurs:
 - a) 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;
 - b) Building materials for the main walls of the facades are changed;
 - c) 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.;
 - d) Roof pitch is reduced by 20 percent or more;
 - e) Building off-sets or recesses are reduced by more than 20 percent; or
 - f) Garages or carports are eliminated; and
14. Change to any aspects of the Plan involving Natural Resources and/or Natural Hazards governed by Chapter 4.5 - Natural Hazards and Hillides, Chapter 4.11 - Minimum Assured Development Area, Chapter 4.12 - Significant Vegetation, and Chapter 4.13 - Riparian Corridors and Wetlands.
 - b.** A modification that equals or exceeds the thresholds identified in Section 2.5.60.02.a shall be processed as Major Planned Development Modification.
 - c.** A modification that falls below the thresholds identified in Section 2.5.60.02.a or that decreases the amount of variation from a standard that was previously approved shall be processed as a Minor Planned Development Modification.

- d. In addition, only three such Minor Planned Development Modifications may be processed within one calendar year for any approved Conceptual or Detailed Development Plan. If more than three such modifications are proposed within a calendar year, the modifications, or any single such modification proposed following the third, shall be processed as a Major Planned Development Modification and shall follow the procedures contained in Section 2.5.60.03.
- e. A modification to specific requirements established at the time of Planned Development approval, including Conditions of Approval, this Code's requirements, and all aspects of the Planned Development proposal, may be considered as a Minor Planned Development Modification only if it falls within the definition of a Minor Planned Development Modification described in Section 2.5.60.02.c.

2.5.60.03 - Procedures for a Major Planned Development Modification

If a modification is proposed that equals or exceeds the thresholds described in Section 2.5.60.02, or if modifications to more than three factors that fall below the thresholds identified in Section 2.5.60.02 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 change is a Major Planned Development Modification in accordance with the thresholds described 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. Upon finding that the petition is reasonable and valid, the Planning Commission may consider the redesign in whole or in part of any Detailed Development Plan.
- d. 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 2.5.50.04 to determine whether to authorize a Major Planned Development

Modification.

- e. Notice requirements, action on the application, issuance of the Notice of Disposition, processing of appeals, and establishment of the effective date and the effective period of a Major Planned Development Modification shall comply with the same provisions for a Detailed Development Plan.

2.5.60.04 - 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 is consistent with the review criteria in Section 2.5.40.04, does not involve any additional deviations from this Code's 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, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Major Planned Development Modification.

2.5.60.05 - 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 described 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 equal or exceed the thresholds identified in Section 2.5.60.02, the changes shall be processed as a Major Planned Development Modification, and the applicant shall follow the procedures described in Section 2.5.60.03.
- 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 2.5.50.04 and the following additional review criterion:

New benefits are provided that functionally 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, provided the redesign still qualifies as a Minor Planned Development Modification.
- f. Notice for a Minor Planned Development Modification shall be provided in accordance with Chapter 2.16 - Request for Interpretation.
- g. The Director's action on the application, including issuance of the Notice of Disposition, processing of appeals, establishment of 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.

2.5.60.06 - 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 compliance with any approved Minor Planned Development Modification. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.5.50.04, does not involve any additional deviations from this Code's 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, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Minor Planned Development Modification.

Section 2.5.70 - NONCOMPLIANCE WITH THE APPROVED DETAILED

DEVELOPMENT PLAN

If the Director determines that the development substantially differs from the approved plans, the Director shall notify the developer and Building Official in writing. Thereafter, the Building Official may issue orders to the developer as are within the range of discretion available to the Building Official, and upon continued noncompliance may withhold Building Permits for further construction or revoke those permits previously issued until compliance is achieved.

Section 2.5.80 - PLANNED DEVELOPMENT NULLIFICATION

a. Conceptual Development Plan Nullification for Residentially Designated Property -

1. Property owner(s) or their authorized agents may apply to nullify an active (unexpired) Conceptual Development Plan on residentially designated property by filing an application form provided by the Director and shall include the following:
 - a) Description of the land (address, lot, block, or similar description);
 - b) Map of the subject site, Comprehensive Plan Map Designation, underlying Zoning Map Designation, and Narrative addressing how the application meets the review criteria in Section 2.5.80.a.3, below;
 - c) Maps, drawings, and such other information as may be needed for an adequate review of the application;
 - d) Copies of any applicable Notices of Disposition and/or other documents that explain the background regarding the approval of the Conceptual Development Plan on the subject site and the status of any other land use approvals on the site, including whether or not there is an active Detailed Development Plan on any portion of the Conceptual Development Plan site; and
 - e) If a proposed Nullification is to include land in more than one ownership, the application must be submitted jointly by all of the owners or their authorized agents.

2. Acceptance of Application - The Director shall review the Conceptual Development Plan Nullification application for compliance with the application requirements in Section 2.5.80.a.1, above. If the application is incomplete, the Director shall notify the applicant within 10 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.
3. Review Criterion - The single review criterion for approval of a Conceptual Development Plan Nullification request on residentially designated property is that there is no active Detailed Development Plan for any portion of the Conceptual Development Plan. See Section 2.5.50.09 for definition of active Detailed Development Plan. The Director shall evaluate the proposal to ensure that it complies with this criterion.
4. Action on Application - On the basis of the review criteria in Section 2.5.80.a.3, above, the Director shall either approve or deny the application within 21 days of the completion of the application submittal. The Director's decision shall include findings that specify how the proposal has or has not complied with the above review criterion.
5. Notice of Disposition - The Director shall provide the following parties with a Notice of Disposition:
 - a) Applicant;
 - b) Owners of record of property on the most recent property tax assessment roll where such property is located within 100 ft. of the property that is subject of the notice; and
 - c) Any neighborhood or community organization recognized by the governing body and whose boundaries include the site.
6. The Notice of Disposition shall include the following information -
 - a) Nature of the application and the proposed Use or Uses which could be authorized;
 - b) Street address or other easily understood geographical reference to the subject property;
 - c) Name and phone number of staff contact person; and

- d) Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and copies can be provided at reasonable cost.
 - 7. Appeals - The decision of the Director may be appealed to the City Council in accordance with Chapter 2.19 - Appeals.
 - 8. Effective Date - Unless an appeal has been filed, the decision of the Director shall become effective 12 days from when the Notice of Disposition is signed. Once the decision is effective, the Conceptual Development Plan shall be considered nullified, and the associated residential Planned Development Overlay designation shall be removed from the Official Zoning Map.
- b. Conceptual Development Plan Nullification for Nonresidentially Designated Property and Detailed Development Plan Nullification for Both Residentially and Nonresidentially Designated Property -**
- 1. Property owner(s) or their authorized agents may apply to nullify an established Conceptual Development Plan for nonresidentially designated property or a Detailed Development Plan for either residentially or nonresidentially designated property by filing an application form provided by the Director and shall include the following information:
 - a) Information required by Section 2.5.80.a.1; and
 - b) Narrative information and supporting documents sufficient to address the review criteria in Section 2.5.80.b.2 below.
 - 2. Review Criteria - The burden of proof is on the applicant to justify Nullification of the Conceptual Development Plan for nonresidentially designated property or a Detailed Development Plan for either residentially or nonresidentially designated property, by giving substantial evidence that:
 - a) Developing the property under conventional zoning standards and regulations will not create Nonconforming Development;
 - b) Special circumstances such as building relationships, drainageways, public improvements, topography, etc., that were to be addressed through the Planned Development process can be dealt with as

effectively through conventional standards.

- c) Conditions of Approval attached by the hearing authority to the approved Planned Development can be met or are no longer necessary; and
 - d) No prior commitments involving the subject property were made that would adversely affect it, other 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.
- 3. Notice, 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 provisions for a Detailed Development Plan.
 - 4. If the Conceptual Development Plan for nonresidentially designated property or Detailed Development Plan for either residentially or nonresidentially designated property is nullified, the Planned Development 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. 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 - Public Hearings, 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 by 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. See Section 2.5.100 - Expedited Land Division Procedures; 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 shall include a recommendation for approval or denial and, if needed, a list of Conditions of Approval for the Planning Commission to consider.

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 provisions of this Code, the policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

The Refinement Plan application shall:

- a. Establish efficient density ranges that are consistent with the Comprehensive Plan and that include a minimum and maximum density for residential Uses;

- b.** Establish minimum and maximum Floor Area Ratios or site coverage requirements for nonresidential Uses;
- c.** Meet the application submittal requirements in Section 2.5.90.02, above;
- 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 requested variations from the provisions of this Code;
 - 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 off-site 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, consistent with 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. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.

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 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

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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.

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, topography, 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, Natural Resources and Natural Hazards; and
 - 2. The Willamette River Greenway.
- d. Satisfy minimum street or other right-of-way connectivity standards established by the this Code and the Comprehensive Plan, including the Transportation Plan; 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 Property 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 Property 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 this 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 Property 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 one-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 Property Line Adjustments.

