

**ORDINANCE NO. 717**

An Ordinance relating to land use and amending the Title 17 Index (page 191); and adding a new chapter (17.81) to Title 17 of the Scappoose Municipal Code.

**THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:**

**Section 1.** That Scappoose Municipal Code Title 17 be amended as follows:

Amend Title 17 LAND USE AND DEVELOPMENT (page 191) by adding the following:

Title 17

LAND USE AND DEVELOPMENT

Chapters:

17.81 Planned Development Overlay

Chapter 17.81

PLANNED DEVELOPMENT OVERLAY (PD)

Sections:

- 17.81.010 Purpose.
- 17.81.020 Applicability.
- 17.81.030 Permitted uses.
- 17.81.040 Dimensional Standards.
- 17.81.050 General Requirements.
- 17.81.060 Procedure
- 17.81.070 Approval Criteria.
- 17.81.080 Tentative Plan.
- 17.81.090 Final Plan.
- 17.81.100 Changes and Modifications.
- 17.81.110 Application of Development Standards: Conflict of Planned Development Standards and Zoning District Standards.

17.81.010 Purpose. The purpose of this district is to provide more flexibility in the development of land; encourage variety and creativity in the development pattern of the community; conserve natural land features; facilitate aesthetic and efficient use of open space; create public and private open space; encourage the application of new

techniques and technology to community development which contribute to superior living or development patterns; use land efficiently in order to reduce the costs of housing, maintenance, street systems, and utility networks; promote energy conservation and crime prevention; and relate development to the natural environment and its users.

A planned development shall be considered as an overlay to an existing zone, and the development of said property shall be in accordance with that zone's requirements, except as may be specifically allowed by the Planning Commission. For purposes of implementing these objectives, two means are available:

A. The property owner or his or her representative may apply for a planned development to overlay an existing zone and shall submit an acceptable plan and satisfactory assurances that it will be carried out in accordance with the procedures set forth in Section 17.81.060; or

B. The property owner of a particular parcel, the Planning Commission, or the City Council may apply for a planned development designation to overlay an existing zone without submitting any development plans; however, no development of any kind may occur until a final plan has been submitted and approved. A planned development overlay initiated by the Commission or Council shall address itself to the purposes set forth herein.

1. A planned development overlay may be approved under these circumstances for a property that has unique characteristics (for example, having geological, ecological, or archeological significance), and the development of which may have a significant impact upon the surrounding area or the city as a whole due to its scope, potential housing or employment density, and anticipated traffic generation. However, the Commission and Council shall set forth the reasons for approval and the areas of concern that must be addressed when final plans are submitted.

#### 17.81.020 Applicability

A. Commercial, Industrial, and Residential. The Planned Development process may be applied in any zone to all commercial and industrial uses, and all residential uses for site-constructed housing, subject to requirements of the underlying district, the land division regulations, and sections 17.81.040 and 17.81.050 of this chapter.

B. Manufactured Homes. The Planned Development process may also be applied to manufactured home subdivisions in the MH and A-1 residential districts, subject to the requirements of the underlying district and this code.

17.81.030 Permitted Uses.

- A. For Residential Districts.
  - 1. Uses permitted in the underlying district.
  - 2. Housing concepts may include, but are not limited to, single-family residences, duplexes, row houses, townhouses, cluster units, multiple-family dwellings, or manufactured homes.
  - 3. Related commercial uses as part of the development.
  - 4. Related public lands uses designed to serve the development.
  - 5. Accessory buildings and uses, not to exceed 25 percent of the lot area of the principal use.
  
- B. For Commercial and Industrial Districts.
  - 1. Uses permitted in the underlying district.
  - 2. Public lands uses.
  - 3. Other uses approved as part of the general plan.
  - 4. Accessory buildings and uses, not to exceed 25 percent of the lot area of the principal use.

17.81.040 Dimensional Standards.

- A. Lot Width, Depth, and Frontage Requirements. Minimum lot size, width, depth, and frontage requirements for lots in a Planned Development may be less than the minimums specified in the underlying district if in accordance with the approved general plan and the density standards of this section.
  
- B. Minimum Site Size. A Planned Development shall be established on a parcel of land that is suitable for the proposed development, and shall not be established on less than four acres of contiguous land, unless the Planning Commission finds that property of less than four acres is suitable as a Planned Development by virtue of its unique character, topography, or natural features, or by virtue of its qualifying as an isolated problem area as determined by the Planning Commission.

17.81.050 General Requirements.

- A. Compatibility with Neighborhoods.
  - 1. The Planned Development shall present an organized arrangement of buildings, facilities, open spaces, and improvements such as recreation facilities, landscaping, and fencing to ensure compatibility with the Comprehensive Plan and the area in which it is to be located.
  - 2. Peripheral yards of a Planned Development site shall be at least as deep as those required by the yard regulations of the adjoining district, unless the Planning Commission finds that equal protection will be accorded through specific features of the approved plan.

B. Open Space.

1. Open space in a Planned Development means the land area to be used for scenic landscaping, or open recreational purposes within the development. It shall not include street right-of-ways, driveways, or open parking areas.
2. Open space shall be provided for the recreational and leisure use of the individuals occupying the Planned Development, and designed to enhance the present and future value of the development.
3. To the maximum extent possible, natural features of the land shall be preserved and landscaping provided.
4. In order to assure that open space will be permanent, dedication of development rights to the City for other than open space use may be required.
5. Instruments guaranteeing the maintenance of open space shall be reviewed and approved by the Planning Commission. Documents dedicating development rights and provisions for maintenance of open space shall be approved as to form by the City Attorney.
6. The Planning Commission may require that instruments of conveyance provide that in the event the open space is permitted to deteriorate, or is not maintained in a condition consistent with the approved plan, the City may, at its option, cause such maintenance to be done and assess the costs to the affected property owners.

C. Residential Density.

1. In a residential Planned Development, the density permitted is the same as that of the underlying district or districts. In a mixed-use Planned Development, the number of allowable units is based on net residential area. The net residential area for a Planned Development shall be calculated by taking the total area of the development less streets, commercial, industrial, public lands, and other non-residential uses. Recreational trails and areas, and open space, etc., shall be included in the net residential area. The number of dwelling units permitted in a Planned Development shall be calculated by dividing the net residential area by the minimum lot size required in the underlying residential district or districts. In a Commercial or Expanded Commercial district, multi-family densities shall be permitted where limited residential use is determined to be appropriate by the Planning Commission.
2. Greenways, streams, and steep topography areas will be counted as contributing to the density only to the extent that it can be shown, through a Planning Commission review, that a typical development could be accommodated on the site with realistic street configuration, grades, and standard lot sizes. The number of dwellings yielded from such a tentative subdivision review process shall be used as a base in determining the overall density for the site.

3. An increase of up to 25% in the number of dwelling units may be permitted upon a finding by the Planning Commission that such increased density will contribute to:
  - a. Satisfaction of the need for additional urban area housing of the type proposed;
  - b. The provision of housing which is convenient to commercial, employment, and community services and opportunities;
  - c. The creation of a land use pattern that is complementary to the community and its identity, and to the community design process;
  - d. The conservation of energy;
  - e. The efficient use of transportation facilities; and
  - f. The effective use of land and available utilities and facilities.

D. Employment Density.

1. In a commercial or industrial Planned Development, the employment density permitted for full-time equivalent (FTE) employees per acre may be limited by the ability of the City's infrastructure and available residential inventory to accommodate projected water and sanitary sewer loads, traffic generation, and projected jobs to housing ratios. In a commercial or industrial Planned Development, the number of FTE's per acre is based on net developable area.

The net developable area for a commercial or industrial Planned Development shall be calculated by taking the total area of the development less streets, public lands, and other non-employment generating uses. Recreational trails and facilities, and open space, etc., shall be included in the net developable area.

The number of FTE's per acre within an employment district Planned Development shall be determined to be appropriate by the Planning Commission.

E. Staging.

1. The applicant may elect to develop the site in successive stages in a manner indicated in the general plan. Each such stage shall be substantially complete within itself.
2. The Planning Commission may require that development be done in stages if public facilities are not adequate to service the entire development initially.

17.81.060 Procedure. An application for a Planned Development overlay shall be heard and approved under the public hearing procedures set forth in Chapter 17.162 of Title 17 of the Scappoose Municipal Code. A Planned Development, quasi-judicial zone change, and as necessary, a quasi-judicial Comprehensive Plan Map amendment, may be processed concurrently. The fee charged for initiating a Planned Development Overlay shall be equal to that charged for zone changes.

17.81.070 Approval Criteria. An application may be approved, approved with conditions, or denied based upon substantial conformance with the following criteria:

- A. The proposed development complies with the Comprehensive Land Use Plan and is compatible with the surrounding area or its proposed future use.
- B. That exceptions from the standards of the underlying district are warranted by the design and amenities such as usable common open space, cluster development, etc.
- C. That the proposal include designs and construction standards in compliance with city code and that all completed infrastructure be approved by the city and ownership of all infrastructure and public utilities deeded to the city upon completion.
- D. That the development can be designed so as to provide for adequate access to and efficient provision of services to adjoining parcels.
- E. That streets are adequate to support anticipated traffic, and the development will not overload the streets outside the planned area (as supported, when necessary, by a formal Traffic Impact Analysis).
- F. That proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
- G. That the proposed development can be substantially completed within a reasonable period of time.

17.81.080 Tentative Plan.

- A. Submission Requirements. The proponent shall submit an application with applicable fees to the Planning Commission for approval in principal. The tentative plan shall consist of 20 copies of all plans, maps, and diagrams drawn in sufficient detail to indicate the nature of the plan elements and a written narrative description.
- B. Procedures.
  - 1. The Planning Commission shall review the tentative plan at a regular meeting and may recommend approval, approval with modifications, or denial of the application. Such recommendation shall be based upon the Comprehensive Plan, this code, other regulations, and the suitability of the proposed development in relation to the character of the area.
  - 2. The City Council shall consider the tentative plan and program at a public hearing and take action based upon action recommended by the Planning Commission.

3. Approval of the tentative plan shall be limited to the tentative acceptability of the land uses proposed and their interrelationships and shall not be construed to endorse precise location of uses nor engineering feasibility.

4. Tentative Plan Expiration Date. Within one year following the effective date of approval of a tentative plan, the general plan and program shall be submitted, and shall incorporate any modification or condition required by approval of the tentative plan. The Planning Services Manager may, upon written request by the applicant, grant an extension of the expiration date of up to six months, upon a written finding that the facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing of the tentative plan, and after finding that no other development approval would be affected.

C. Submission Materials. The tentative plan need not be a finished drawing, but it should present all relevant graphic data, and be drawn to an engineering scale. The information shall include, but is not limited to, the following:

1. Proposed land uses, building locations, housing unit densities, and estimated employment densities.
2. Existing and proposed contour map or maps of the site to a scale commensurate with the size of the development.
3. Location, widths, and names of all existing or platted streets or other public ways, railroad and utility right-of-ways, parks or other public open spaces, and land uses within 500 feet of the boundaries of the development.
4. Existing sewers, water mains, and other underground facilities within and adjacent to the development and their certified capacities.
5. Proposed sewers or other disposal facilities, water mains, and other underground utilities.
6. A tentative subdivision plan if the property is proposed to be divided.
7. Proposed grading and drainage pattern.
8. Areas proposed to be dedicated or reserved for interior circulation, public parks, playgrounds, schools sites, public buildings, or other uses dedicated or reserved to the public, if any.
9. Open space that is to be maintained and controlled by the owners of the property and the proposed uses thereof.
10. A traffic flow map showing the circulation pattern within, and adjacent to, the proposed development.
11. Location and dimensions of pedestrian walkways, malls, trails, or easements.
12. Location, arrangement, number, and dimensions of automobile garages and parking spaces, width of aisles, bays, and angle of parking, if any.
13. Location, arrangement, and dimensions of truck loading and unloading spaces and docks, if any.

14. Tentative architectural plans and elevations of typical buildings and structures, indicating the general height, bulk, appearance, and number of dwelling units, if applicable.

15. A tentative tree planting and landscaping plan including areas of groundcover and approximate finished grades, slopes, banks, and ditches. All existing trees over six inches in diameter and groves of trees shall be delineated. Trees to be removed by development shall be so marked.

16. The approximate locations, height, and materials of all walls, fences, and screen plantings. Elevation drawings of typical walls and fences shall be included.

17. The stages, if any, of the development construction. Such stages shall be clearly marked on the general development plan.

18. Narrative statement of the goals and objectives of the Planned Development.

19. A completed professional market analysis, if required by the Planning Commission.

20. Evidence of resources available to develop the project.

21. Tables showing the total number of acres, the distribution of area by use, the percentage designated for each dwelling type, off-street parking, streets, parks, playgrounds, schools, and open spaces as shown on the proposed development plan.

22. Tables showing the overall residential density of a proposed residential development, and overall employment density of a proposed commercial or industrial development, including any proposals for the limitation of density.

23. Drafts of appropriate restrictive covenants and documents providing for the maintenance of any common open space, required dedications or reservations, public open spaces, and any dedications of development rights.

D. Approval of General Plan and Program. The City Council may approve the general plan with or without modifications as recommended by the Planning Commission.

E. Expiration. If substantial construction or development, as determined by the Director, has not taken place within four years from the date of approval of the general plan, the Planning Commission shall review the Planned Development permit at a public hearing to determine whether or not its continuation in whole or in part is in the public interest, and if found not to be, shall remove the Planned Development designation on the subject.

17.81.090 Final Plan. Following approval of the general plan by the City Council, the applicant shall prepare a final plan which shall be submitted to the Planning Services Manager to check for compliance with the approved general plan.



A. If the final plan is found to be in compliance, it shall be so certified by the Planning Services Manager. The final plat with all documents relating to dedications, improvements, agreements, restrictions, and associations which shall constitute the final plan shall be recorded at Columbia County.

B. Land division regulations shall be met if the property is to be divided or streets are to be dedicated.

C. All public site dedications, development rights to open spaces, or other dedications for the entire site or approved staged portion shall be recorded prior to the issuance of any building permit.

D. Final copies of all approved articles governing operation and maintenance shall be placed on file with the Planning Division prior to the issuance of any building permit.

E. An approved PD shall be identified on the Zoning Districts Map in addition to the existing underlying district. For example, if a PD is approved in an area zoned R-4, the symbol identifying the PD area shall be shown as R-4PD on the Zoning Map.

#### 17.81.100 Changes and Modifications.

A. Major Changes. Major changes in the general plan after adoption shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this section.

B. Minor Changes.

1. Minor changes in the general plan may be approved by the Planning Services Manager, provided that such changes:


- a. Do not increase residential or employment densities.
- b. Do not change boundaries.
- c. Do not change any use.
- d. Do not change the location or amount of land devoted to specific land uses.

2. Such changes may include minor shifting of the location of buildings, proposed streets, public or private ways, utility easements, parks, public open spaces, or other features of the plan.

17.81.110 Application of Development Standards: Conflict of Planned Development Standards and Zoning District Standards. In cases of conflict between standards of the underlying district and the Planned Development, the standards of the Planned Development shall apply.

**PASSED AND ADOPTED** by the City Council this 15<sup>th</sup> day of April, 2002, and signed by me in authentication of its passage.

**CITY OF SCAPPOOSE, OREGON**

  
Glenn E. Dorschler, Mayor

First Reading: April 1, 2002

Second Reading April 15, 2002

Attest:   
Debi G. Schmit, City Recorder