

## 33.854 Planned Development Review

# 854

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### General

#### 33.854.010 Purpose

These regulations assign Planned Development Reviews to an appropriate procedure type. The approval criteria ensure that innovative and creative development is encouraged when it is well designed and integrated into the neighborhood.

### Review of Planned Development

#### 33.854.200 Review Procedures

- A. Concurrent reviews.** When land use reviews in addition to Planned Development Review are requested or required, all of the reviews must be processed concurrently, except for Design Review for buildings within a Planned Development site when the Planned Development bonus is being utilized (See 33.130.212.E). In this case, Design Review may be processed after the Planned Development Review.
- B. Planned Development bonus.** Proposals that are using the commercial/mixed use zones Planned Development bonus (See 33.130.212.E) are processed through a Type III procedure.
- C. All other Planned Development Reviews.**
  1. Review in conjunction with a land division. When a Planned Development is requested in conjunction with a land division, the review will be processed as follows:

- a. Type III review. Proposals in the RF through R2.5 zones that include attached duplexes, multi-dwelling structures, or multi-dwelling development are processed through a Type III procedure.
  - b. Type IIx review. All other proposals are processed through the Type IIx procedure.
2. Review not in conjunction with a land division. When a Planned Development is not in conjunction with a land division, the review will be processed as follows:
- a. Type III. Planned Developments that include any of the following elements are processed through a Type III procedure:
    - (1) Attached duplexes, multi-dwelling structures, or multi-dwelling development in the RF through R2.5 zones;
    - (2) Eleven or more units;
    - (3) Four or more units where any building location, utility, or service is proposed within a Potential Landslide Hazard Area;
    - (4) Environmental review;
    - (5) Any portion of the site is in an Open Space zone.
  - b. Type IIx. All other proposals not assigned to a Type III in Subparagraph C.2.a. are processed through a Type IIx procedure.

### **33.854.250 Supplemental Application Requirements**

In addition to the application requirements of Section 33.730.060.D, the following information is required for a Planned Development application:

- A. Supplemental application requirements for Planned Developments in commercial/mixed use zones that are proposing additional height or FAR through the Planned Development bonus (See 33.270.100.I):
  1. The boundaries of the area to be included in the Planned Development. The area must include all contiguous lots that are owned by the same person, partnership, association, or corporation. This also includes lots that are in common ownership but are separated by a shared right-of-way;
  2. An urban design and development framework plan showing:
    - a. The location of existing and proposed structures;
    - b. Proposed land uses including areas with active ground floor uses;
    - c. A three dimensional massing diagram that identifies the maximum proposed building envelope for each building site, including maximum proposed building dimensions, height, and floor area allocations;
    - d. Sections, sectional elevations, and perspectives that illustrate the relationship of existing and proposed development on the site to the urban form of the surrounding neighborhood in terms of building height and massing;

- e. The allocation of any required affordable housing if there will be more than one building;
  - f. The location, design and programming of plazas, parks or open areas; and
  - g. Relationships and transitions to adjacent properties and the neighborhood;
3. A transportation and circulation plan showing:
    - a. Proposed pedestrian, bicycle, and vehicle circulation system that meet City of Portland connectivity standards, including locations where the circulation system connects to public right-of-way outside of the site,
    - b. Transit service lines and stops within and immediately adjacent to the site;
    - c. Locations of right-of-way to be vacated or dedicated within the site; and
    - d. Vehicle and bicycle parking and any parking access points;
  4. Transportation and parking demand management strategies;
  5. If the proposed Planned Development involves the transfer of floor area, information about the location of the receiving and sending lots, the ownership of the lots, and amount of floor area to be transferred and retained at each lot must be included;
  6. A stormwater management plan;
  7. A phasing plan including proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of property awaiting development; and
  8. A Project narrative describing how the proposal meets applicable design guidelines.
- B.** Supplemental application requirements for all other Planned Developments:
1. Photographs that show the characteristics of surrounding neighborhood; and
  2. Either B2.a. or B.2.b., must be submitted with the application:
    - a. Proposed building elevations and locations with enough detail to show that all of the approval criteria are met; or
    - b. Proposed standards regulating setbacks, building coverage, landscaping, vehicle areas, materials, and design of structures. The proposed standards must be clear and objective, and specific enough to show how all of the approval criteria are met. Proposed standards may not conflict with the regulations of this Title, except where a modification is requested as part of the Planned Development application. If approved, the standards will apply, in addition to regulations of this Title to all development on the site.

### **33.854.300 Approval Criteria in General**

The approval criteria for Planned Developments are stated below. Planned Developments in all zones must meet the criteria in Section 33.854.310. Some proposals must also meet additional approval criteria, as follows:

- A. Proposals to modify site-related development standards must meet the criteria in Section 33.854.320.
- B. Proposals for commercial uses in residential zones must meet the criteria in Section 33.854.330.
- C. Proposals that do not include a land division must meet the criteria in Section 33.854.340. Proposals that are only using the commercial/mixed use zones Planned Development bonus (See 33.270.100.I) are not required to meet the criteria in Section 33.854.340.

A request for a Planned Development will be approved if the review body finds that the applicant has shown that all of the relevant approval criteria have been met.

### **33.854.310 Approval Criteria for Planned Developments in All Zones**

Criteria A through F apply to proposals for additional height or FAR in the CM2, CM3, CE, and CX zones that are taking advantage of 33.270.100.I. If the Planned Development is not proposing additional height or FAR as allowed by 33.270.100.I, then only criteria E and F apply.

- A. Urban design and development framework.**
  - 1. The proposed overall scheme and site plan provide a framework for development that meets applicable Community Design Guidelines and will result in development that complements the surrounding area;
  - 2. Scale and massing of the development addresses the context of the area, including historic resources, and provides appropriate scale and massing transitions to the adjacent uses and development specifically at the edges of the Master Plan area;
  - 3. Proposed plazas, parks, or open areas are well located to serve the site and public, and are designed to address safety and comfort of users; and
  - 4. The site plan promotes active ground floor uses on key streets to serve the development and surrounding neighborhood; and
- B. Transportation system.** The transportation and circulation system provides multimodal connections that support the development of the site, and limit impacts to adjacent neighborhoods.
- C. Stormwater Management.** The Planned Development meets the requirements of the Stormwater Management Manual or describes a phased approach to meet the requirements.
- D. Phasing Plan.** The Planned Development establishes coordinated phasing of development that demonstrates how the site will be developed over time and how any required development elements will be met.
- E. Configure the site and development to visually integrate both the natural and built features of the site and the natural and built features of the surrounding area. Aspects to be considered include:**
  - 1. Orienting the site and development to the public realm, while limiting less active uses of the site such as parking and storage areas along the public realm;

2. Preservation of natural features on the site, such as stands of trees, water features or topographical elements;
  3. Inclusion of architectural features that complement positive characteristics of surrounding development, such as similar building scale and style, building materials, setbacks, and landscaping;
  4. Mitigation of differences in appearance through means such as setbacks, screening, landscaping, and other design features;
  5. Minimizing potential negative effects on surrounding residential uses; and
  6. Preservation of any City-designated scenic resources; and
- F. Provide adequate open area on sites zoned RF through R2.5 where proposed development includes attached houses, duplexes, attached duplexes, or multi-dwelling structures. Open area does not include vehicle areas.

### **33.854.320 Additional Approval Criteria for Modifications of Site-Related Development Standards**

The following criteria apply to modifications of site-related development standards, including parking standards. These modifications are done as part of a Planned Development review and do not have to go through the adjustment process. Modifications to development standards for which adjustments are prohibited may not be considered. The modification will be approved if the following approval criteria are met:

- A. **Better meets approval criteria.** The resulting development will better meet the applicable approval criteria of Section 33.854.310; and
- B. **Purpose of the standard.** On balance, the proposal will be consistent with the purpose of the standards for which a modification is requested.

### **33.854.330 Commercial Uses in Residential Zones.**

The approval criteria of this section apply to proposals for commercial uses in Residential Zones. The approval criteria are:

- A. The area surrounding the proposed location of the commercial uses is deficient in support commercial opportunities;
- B. The proposed commercial development and uses will be primarily for the service and convenience of residents of the neighborhood; and
- C. The proposed commercial development and uses must be consistent with the purpose and regulations of the CN1 zone.

### **33.854.340 Proposals Without a Land Division**

The approval criteria of this section apply to Planned Developments that do not include a land division, except Planned Developments that are only using the commercial/mixed use zones Planned Development bonus. The approval criteria are:

**A. Services.**

1. The proposed use must be in conformance with the Arterial Streets Classifications and Policies of the Transportation Element of the Comprehensive Plan;
2. The approval criteria of Section 33.654.110, Connectivity and Location of Rights-of-Way, must be met;
3. The standards of Section 33.651.020, Water Service Standards, must be met;
4. The standard of Section 33.652.020, Sanitary Sewer Disposal Service Standard, must be met;
5. The standard of Section 33.655.100, School District Enrollment Capacity Standard, must be met; and
6. The application must show that a stormwater management system can be designed that will provide adequate capacity for the expected amount of stormwater.

**B. Tree preservation.** The proposal must meet the requirements of Chapter 33.630, Tree Preservation.

**C. Flood hazard areas.**

1. RF through R2.5 zones. In the RF through R2.5 zones, all proposed building locations must be outside of the flood hazard area.
2. RM2 through RX, C, E, I, and IR zones. In the RM2 through RX, C, E, I, and IR zones, all proposed building locations must be outside of the flood hazard area where possible. Where it is not possible to have all building locations outside of the flood hazard area, all proposed building locations must be configured to reduce the impact of flooding and to provide the greatest protection for development from flooding. Proposed building locations must be clustered on the highest ground and near the highest point of access, and they must be configured in a manner that will minimize obstruction of floodwaters.

**D. Landslide hazard areas.** Buildings, services and utilities should be located on the safest part of the site so that the risk of a landslide affecting the site, adjacent sites, and sites directly across a street or alley from the site, is reasonably limited.

Determination of whether the proposed layout and design reasonably limits the risk of a landslide will include evaluation of the Landslide Hazard Study and will take into consideration accepted industry standards for factor of safety. Alternative development options including alternative housing types and reduced density may be required in order to limit the risk to a reasonable level.

**E. Clearing, grading, and land suitability.**

1. Existing contours and drainage patterns of the site must be left intact wherever practicable. Where alteration to existing drainage patterns is proposed, it must not adversely impact adjacent properties by significantly increasing volume of runoff or erosion;

2. Clearing and grading should be sufficient for construction of development shown on the Clearing and Grading Plan;
3. Clearing and grading should be limited to areas of the site that are reasonably necessary for construction of development shown on the Clearing and Grading Plan;
4. Topsoil must be preserved on site to the extent practicable for use on the site after grading is complete;
5. Soil stockpiles must be on the site and located in areas designated for clearing and grading, if practicable;
6. The limits of disturbance and tree protection measures shown on the Preliminary Clearing and Grading Plan must be adequate to protect trees shown to be retained on the tree preservation plan; and
7. Where geologic conditions or historic uses of the site indicate that a hazard may exist, the applicant must show that the site is suitable for the proposed development. The applicant may be required to make specific improvements in order to make the site suitable for the intended uses and the provision of services and utilities.

**F. Streams, springs, seeps, and wetlands.**

1. If there is a stream, spring, seep, or wetland outside of an Environmental Overlay Zone on the site, then the stream, spring, seep, or wetland must be preserved in an easement. The edges of the easement must be at least 15 feet from the edges of the stream, spring, seep, or wetland. The edges of a seep, spring, or wetland are determined through a wetland delineation, performed by an environmental scientist, and approved by BDS. For seeps and springs, if one or more wetland characteristics are absent from the resource, the delineation will be based on the wetland characteristics present. The edges of a stream are defined as the top-of-bank where the edge of the stream, spring, seep, or wetland is less than 15 feet from the edge of the site, the easement boundary will be located along the edge of the site.
2. The following development, improvements, and activities are allowed in the easement:
  - a. Disturbance associated with discharging stormwater to the stream channel, if BES has determined that the site's storm water cannot discharge to a storm sewer and BDS has determined that on-site infiltration is not an option;
  - b. Removal of non-native invasive species with hand held equipment;
  - c. Planting of native vegetation listed on the Portland Plant List when planted with hand held equipment;
  - d. Erosion control measures allowed by Title 10 of Portland City Code;
  - e. Construction of required driveway connections or required connections to services when there is no practicable alternative to locating the driveway or service connections within the easement; and
  - f. Maintenance and repair of existing utilities, services, and driveways;

3. Public or private rights of way may cross the seep, spring, stream, or wetland easement if the following approval criteria are met:
  - a. There is no reasonable alternative location for the right-of-way;
  - b. The applicant has demonstrated that it is possible to construct street improvements within the right-of-way that will meet all of the following:
    - (1) The street improvements will not impede the flow of the stream, spring, or seep;
    - (2) The street improvements will impact the slope, width, and depth of the stream channel, spring, seep, or wetland to the minimum extent practicable; and
    - (3) The street improvements will not impede fish passage in a stream, spring, or seep that has been identified by the Oregon Department of Fish and Wildlife as fish-bearing.
4. Minimum density is waived in order to better meet the standards of paragraphs F.1-F.3, above.

**G. Transportation impacts.**

1. The transportation system must be capable of supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: safety, street capacity level of service, connectivity, transit availability, availability of pedestrian and bicycle networks, on-street parking impacts, access restrictions, neighborhood impacts, impacts on pedestrian, bicycle, and transit circulation. Evaluation factors should be balanced; a finding of failure in one or more factors may be acceptable if the failure is not a result of the proposed development, and any additional impacts on the system from the proposed development are mitigated as required by criterion G.2;
2. Measures proportional to the impacts of the proposed use are proposed to mitigate on- and off-site transportation impacts. Measures may include: transportation improvements to on-site circulation, public street dedication and improvement or private street improvements, intersection improvements, transportation and parking demand management actions, street crossing improvements, improvements to the local pedestrian and bicycle networks, and transit stop improvements;
3. Transportation improvements adjacent to the development and in the vicinity needed to support the development are available or will be made available when the development is complete or, if the development is phased, will be available as each phase of the development is completed;

**Changes to an Approved Planned Development**

**33.854.500 Types of Changes**

There are three types of changes; major, minor, and administrative.



- A. Major change.** A major change is one that will have significant impacts on the development in the PD, or on the site surrounding the PD. Major changes include:
1. An increase in the site area of more than 5 percent;
  2. Changes to the building heights or floor area allocations of more than 10 percent;
  3. In residential zones:
    - a. An increase in density, including the number of housing units;
    - b. A change in the mix of single-dwelling and multi-dwelling structures; and
    - c. An increase in the amount of land in nonresidential uses;
  4. A reduction in the amount of open space;
  5. In commercial/mixed use zones:
    - a. Changes to building locations or required plaza or park locations;
    - b. A decrease in the amount or location of required affordable housing; and
    - c. Changes to the location of additional height;
  6. Deleting or changing the purpose of flood hazard or landslide hazard easements; or
  7. Changes to the vehicular system which result in a significant change in the amount or location of streets and shared driveways, common parking areas, circulation patterns, and access to the PD; or
  8. Changes in the amount of parking by more than 20 percent.
- B. Minor change.** A minor change is a change that is neither major nor administrative.
- C. Administrative change.** An administrative change is a change to an element of a Planned Development that:
1. Is consistent with all conditions of the Planned Development approval and the conditions of any concurrent approval;
  2. Meets all development standards not modified by the Planned Development; and
  3. Does not change any quantity, dimension or area identified in the approved plans or narrative by more than 5 percent.

### **33.854.510 Review Procedures**

Requests for changes to an approved PD are processed as follows:

- A. Major changes.** Major changes are processed as follows:
1. If the original PD application was processed through a Type III procedure then the change is processed through a Type III procedure;
  2. If the original PD application was processed through a Type IIx procedure then the change is processed through a Type IIx procedure.

- B. Minor changes.** Minor changes are processed through a Type IIx procedure.
- C. Administrative changes.** Administrative changes are allowed without a land use review.

### **33.854.520 Approval Criteria**

The approval criteria for changes to a Planned Development are those used for approval of the original planned development application.

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*(Added by: Ord. Nos. 175965 and 176333, effective 7/1/02. Amended by: Ord. No. 178657, effective 9/3/04; Ord. No. 181357, effective 11/9/07; Ord. No. 182429, effective 1/16/09; Ord. No. 186053, effective 1/1/15; Ord. No. 188259, effective 3/3/31; Ord. No. 188177, effective 5/24/18; Ord. No. 188958, effective 5/24/18; Ord. No. 189488, effective 12/2/19; Ord. No. 189805, effective 3/1/20.)*