

## 33.665 Planned Development Review

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### Sections:

#### General

33.665.010 Purpose

#### Review of Planned Development

33.665.200 Review Procedures

33.665.250 Supplemental Application Requirements

33.665.300 Approval Criteria in General

33.665.310 Approval Criteria for Planned Developments In All Zones

33.665.320 Additional Approval Criteria for Modifications of Development Standards

33.665.330 Commercial Uses in Residential Zones

33.665.340 Proposals Without a Land Division

#### Changes to an Approved Planned Development

33.665.500 Types of Changes

33.665.510 Review Procedure

33.665.520 Approval Criteria

### General

#### 33.665.010 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

#### 33.665.200 Review Procedures

- A. Concurrent reviews required.** When land use reviews in addition to Planned Development Review are requested or required, all of the reviews must be processed concurrently.
- B. 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:
  1. 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, but with the additional steps required under Section 33.700.025, Neighborhood Contact.
  2. Type IIx review. All other proposals are processed through the Type IIx procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact.
- C. 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:

1. Type III. Planned Developments that include any of the following elements are processed through a Type III procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact:
  - a. Attached duplexes, multi-dwelling structures, or multi-dwelling development in the RF through R2.5 zones;
  - b. Eleven or more units;
  - c. Four or more units where any building location, utility, or service is proposed within a Potential Landslide Hazard Area;
  - d. Environmental review;
  - e. Any portion of the site is in an Open Space zone.
2. Type IIx. All other proposals not assigned to a Type III in Paragraph C.1, above, are processed through a Type IIx procedure, but with the additional steps required under Section 33.700.025, Neighborhood Contact.

### **33.665.250 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. Photographs that show the characteristics of surrounding neighborhood; and
- B. Either B.1 or B.2, below, must be submitted with the application:
  1. Proposed building elevations and locations with enough detail to show that all of the approval criteria are met; or
  2. 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.

### **33.665.300 Approval Criteria in General**

The approval criteria for Planned Developments are stated below. Planned Developments in all zones must meet the criteria in Section 33.665.310. Some proposals must also meet additional approval criteria, as follows:

- A. Proposals to modify site-related development standards must meet the criteria in Section 33.665.320.
- B. Proposals for commercial uses in residential zones must meet the criteria in Section 33.665.330.
- C. Proposals that do not include a land division must meet the criteria in Section 33.665.340.

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

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

Configure the site and design development to:

- A.** 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
- B.** Provision of 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.

### **33.665.320 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. The modification will be approved if the following approval criteria are met:

- A. Better meets approval criteria.** The resulting development will better meet the approval criteria of Section 33.665.310, above; 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.

### **33.665.330 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.

### **33.665.340 Proposals Without a Land Division**

The approval criteria of this section apply to Planned Developments that do not include a land division. 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; and,
5. 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. R1 through IR, C, E, and I zones. In the R1 through IR, C, E, and I 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, seep, or wetland;
    - (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.** The transportation system must be capable of safely supporting the proposed development in addition to the existing uses in the area. Evaluation factors include: street capacity and performance standards; vehicle access and loading; on-street parking impacts; the availability of transit service and facilities and connections to transit; impacts on the immediate and adjacent neighborhoods; and safety for all modes. A Traffic Impact Study may be required by the City Engineer in order to determine if the criterion is met. In addition, mitigation measures approved by the City Engineer may be included in the proposal as a way to meet this criterion.

### **Changes to an Approved Planned Development**

#### **33.665.500 Types of Changes**

There are two types of changes; major and minor. 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:

- A.** An increase in the site area of more than 5 percent;
- B.** An increase in density, including the number of housing units;
- C.** In residential zones, a change in the mix of single-dwelling and multi-dwelling structures;
- D.** An increase in the amount of land in nonresidential uses;

- E. A reduction in the amount of open space;
- F. Deleting or changing the purpose of flood hazard or landslide hazard easements; or
- G. 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.

#### **33.665.510 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.

#### **33.665.520 Approval Criteria**

The approval criteria for changes to a Planned Development are those used for approval of a Development Plan.

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