

CITY OF OREGON CITY

PLANNING COMMISSION

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KYENNE



AGENDA

**City Commission Chambers - City Hall
December 13, 1999 at 7:00 P.M.**

PLANNING COMMISSION MEETING

- 7:00 p.m. 1. **CALL TO ORDER**
- 7:05 p.m. 2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**
- 7:10 p.m. 3. **APPROVAL OF MINUTES:** November 22, 1999
- 7:15 p.m. 3. **WORKSESSION: PLANNED UNIT DEVELOPMENT**
- 8:45 p.m. 4. **OLD BUSINESS:**
- A. **WORKSESSION: Planning Commission Work Program**
- 9:15 p.m. 9. **NEW BUSINESS**
- A. **Staff Communications to the Commission**
1. **Cable Broadcast of Planning Commission Meetings**
2. **Request for Site Plan Reviews**
- B. **Comments by Commissioners**
- 9:30 p.m. 10. **ADJOURN**

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

**CITY OF OREGON CITY
PLANNING COMMISSION MINUTES
November 22, 1999**

COMMISSIONERS PRESENT

Chairperson Hewitt
Commissioner Olson
Commissioner Surratt
Commissioner Carter
Commissioner Vergun

STAFF PRESENT

Maggie Collins, Planning Manager
Tom Bouillion, Associate Planner
Sidaro Sin, Associate Planner
Marnie Allen, City Attorney
Barbara Shields, Senior Planner

COMMISSIONERS ABSENT

Commissioner Bagent

1. CALL TO ORDER

Chairperson Hewitt called the meeting to order. He reviewed the agenda stating that the person planning on giving a presentation regarding latte stands will not be attending. Also, item #4, the Worksession for the Introduction to Draft Transportation System Plan will be rescheduled to the December 8th joint workshop with the City Commission. In addition, the annexation applications scheduled for the Planning Commission meeting on December 13 have been canceled and will only be heard by the City Commission. The new annexation process will not apply to those applications that are in the process before the boundary change ordinance takes effect. The December 13 meeting will be a scheduled Worksession. The second meeting in December, December 27, is typically canceled due to the Christmas season. A motion needs to be made to cancel this meeting

Commissioner Carter moved to cancel the December 27, 1999 Planning Commission meeting due to the holiday season. **Commissioner Surratt** seconded.

Ayes: Carter, Hewitt, Olson, Surratt; Nays: None.

2. PRESENTATION: Barry Rotrock, Superintendent of Oregon City School District

Barry Rotrock handed out a "Oregon City School District Property Size and Information" data sheet. He stated that the Planning Commission hears a great deal about the School District when a project is presented to them for approval. The communication between the School District and the City has been good in the past. He is here to describe how the School District plans for growth. The handout lists their facilities and their maximum capacities. They are currently at 86-87% "capacity" within the School District as a whole. "Capacity" is an architectural term. In real terms, they have two rooms available to be converted into classrooms for next year. The District is currently growing

spend in the more affluent 1990's. Why has the State not kept up with the rate of spending on the school system? **Barry Rotrock** replied that it is a result of the changed legislature. It is important to realize that it is difficult to understand what billions of dollars look like.

Chairperson Hewitt asked how the School District can ask the public for money when there are school facilities that are closed within the City. **Barry Rotrock** explained that it costs approximately \$500,000 a year to operate one school, which is equivalent to 10 teachers. It is less expensive to use schools already in use and simply add classrooms. At some point it will be economically feasible to open the currently closed school facilities. **Chairperson Hewitt** stated that this information needs to be relayed to the public.

Barry Rotrock stated that communication has always been a challenge. They are working on an information campaign. Finally, they have used Metro's 2040 plan as a guide. As illustrated on the back page of the handout, they took the Urban Reserve Areas and listed the approximate number of homes that could be constructed in each area. A total of 16,758 homes could be constructed which could generate 11,898 students. They have used these numbers to look at future school sites. The number of students per household has diminished in recent years. The current total number of students per household is approximately 0.74 of a student. Every year, Portland State University updates the School District enrollment projections.

Commissioner Vergun stated that the School District's input is important. The Planning Commission is always concerned how their decisions affect the school system. He asked how quickly a Planning Commission approval of a new development can impact the schools. How much time does the School District have to respond to a potential shortage? Also, knowing their long-term solutions, what are some things the District can do in the shorter term to take care of enrollment impacts?

Barry Rotrock replied that there is no exact answer. It would be at least four to five years after initial approval that a new development would impact the school system. It is also important that the School District work on its long range plan in order to supply information on facility needs faster, with a quicker turnaround.

Commissioner Surratt asked if they adjust their property boundaries every year? **Barry Rotrock** replied that yes they do, although they try to avoid doing it. The District had a huge boundary change approximately five to six years ago.

Commissioner Carter asked if the City's development regulations are reasonable or if they too restrictive? **Barry Rotrock** stated that the most difficult issue is the fees. One taxing body is paying another one. Also, the long range planning as he stated before would benefit the School District and help them to move through the process quicker. The City has been very cooperative.

criteria as well as the written comments and public input. The quasi-judicial hearing procedure is set out in State Law and the Oregon City Municipal Code. The hearing procedure steps are shown on the chart displayed. He then reviewed the required hearing procedures for the applicant and the public. He asked if any of the commissioners have a conflict of interest, bias, or other statement to declare before they begin the hearings.

Commissioner Surratt stated that she attended the Gaffney Lane Neighborhood Association meeting last week, where they briefly discussed a proposed land use change, but that she has no reason for bias.

Chairperson Hewitt then reviewed the time limits for public testimony.

B. STAFF REPORT

File No. ZC 99-11 Eldon D. Schnelle; Approval by the Planning Commission of an application to change zoning following a previous annexation from "County FU-10" to City "R-8" Single Family Dwelling District; 19505 S. McVey Lane; Clackamas County Map 3S-2E-08BC Tax Lot 604

Tom Bouillion described the zone change and pointed to the subject property on a map. The subject property was annexed into the City from Clackamas County by the Metropolitan Boundary Commission, proposal #3745, on June 30, 1997. The property owner now would like to change the zoning to R-8. The 19,198 square foot parcel is located at the end of McVey Lane. The property owner intends to partition the parcel, which could potentially yield one additional building lot if rezoned. The site has no listing on an inventory of hazards or natural resources. The site is served by urban services or services could be made available. Connections to both sewer and water will require the applicant to obtain additional easements. There is currently no existing storm drainage system on site and storm water detention may be required as a condition of approval for future development. Staff recommends that the Planning Commission recommend approval of the zone change from Clackamas County "FU-10" to City of Oregon City "R-8." If the Planning Commission recommends approval tonight, the zone change will be considered for final approval by the City Commission at their meeting of December 15, 1999.

Commissioner Surratt asked whether McVey Lane is private and where the easements for water and sewer will need to be located. **Tom Bouillion** stated that yes, McVey Lane is a private road by easement and that both water and sewer may be obtained from either Gaffney Lane or Ashley Drive. **Commissioner Surratt** asked if staff foresees any difficulty in obtaining these easements. **Tom Bouillion** stated that it would be up to the applicant at the time of partition to acquire the easements. There are some easements as a part of the Deer Meadows Subdivision, which includes Ashley Lane, that may or may not be wide enough to accommodate a sewer extension.

opposition from the County regarding the issue of zoning their property as Open Space/Recreation. After discussions with the County, they appear to be receptive to staff's recommendation to create an additional policy (policy #9) as a part of the proposed "Chapter P." A fax was also received by Dan Fowler dated November 22, 1999 in support of the language of policy #9 to address open space concerns. Additional issues brought up at the last meeting were "takings", a definition of a Certified Historic District, and the question of which document would be used as a guiding document after the adoption of the Downtown Community Plan. The Comprehensive Plan would be the guiding document because adoption of the Downtown Community Plan has not changed the Comprehensive Plan or zoning as part of its contents. Finally, the staff report identifies the proposed changes to the Downtown Community Plan as recommended by the Planning Commission.

QUESTIONS OR COMMENTS FROM COMMISSIONERS

Commissioner Vergun clarified that at the last meeting he did not feel that the "takings" issue is the subject matter of this phase of the process. Rather, he anticipates this issue and others related to takings, to come up in Phase II. He wanted to encourage discussion and preparation on how to approach this issue in the future. He then asked for clarification regarding the change in language on page 18.

Chairperson Hewitt stated that at this meeting they are to make recommendations on adoption of a new chapter in the Comprehensive Plan and adoption of a document, called the Oregon City Downtown Community Plan, which makes no changes to anything in the downtown community area.

Commissioner Surratt stated that the proposed policy #9 of Chapter P should apply to all proposed possible zoning, not just open space. It is a general statement that should apply to the entire ancillary document. **Sidaro Sin** replied that staff pulled out open space specifically because they had not heard of other issues which would direct them to write a policy for all proposed designations. **Commissioner Surratt** maintained that there are other property owners with similar concerns such as those in tourist commercial areas. **Commissioner Vergun** agreed that the statement should not be limited to open space. If it were, it would somehow imply that the other designations are not general guidelines. The policy could read, "Within the Downtown Community Plan study area, proposed designations, including proposed open space designations, shall serve only as general guidelines for specific actions in Phase II of this planning process."

Commissioner Carter asked whether "Phase I" should be included in staff's recommended language on the bottom of the cover page of the Downtown Community Plan, as noted on page 5 of the staff report.

Commissioner Olson stated that she thinks "Phase I" is understood. **Commissioner Vergun** stated that whatever is technically correct should be recorded. It should read,

Lonestar area when only transportation and flood plain studies are needed and these studies are typically done during the development application process. He is suggesting a "General Commercial" designation.

Chairperson Hewitt stated that this proposal is an addition to the Comprehensive Plan and has nothing to do with the Comprehensive Plan Map. The Comprehensive Plan Map will be reviewed at the same time as the Zoning in Phase II. The colored maps as a part of this proposal are to be used as a guide.

Don Vedder replied saying that because it is a guide he does not see why it is necessary to have land designated as "Future Study Area."

Commissioner Carter agreed that the "Future Study Areas" do seem to be simply left out of the study. **Commissioner Vergun** stated that he recalled that as the Steering Committee was running out of time and there were several outstanding issues about which they could not come to a general agreement for a "proposed designation" for that area. He stated that there were economic issues that needed to be addressed and understood before the process could move forward. The "Future Study Areas" are the result of not wanting to hold the process up. However, at a certain time, after Phase I, those additional issues would be addressed.

Speaker: Steve Poyser, 1101 4th Street, Oregon City, OR 97043; Representing himself as a Steering Committee Member.

Steve Poyser stated that he has a procedural concern. He is concerned that the whole process is going to muddy the waters to the point that the original document is no longer recognizable. If the Planning Commission alters the wording of the document, it is no longer a representation of the Steering Committee. He suggested that they leave the document intact as it was presented to them. If the Commission wishes to suggest changes, then they should write an addendum to the document.

Speaker: Joe Dills, 17355 SW Boonesferry, Lake Oswego; Representing OTAK, Oregon City's consultant for the Downtown Community Plan

Joe Dills restated the earlier question of whether the Downtown Community Plan in any way limits this area to be designated as a "Regional Center." The answer is no, it does not. All options are still available to the City if they are to move forward on the action before them at this meeting and the City Commission were to, in fact, adopt the proposal under review. The designation as a "Regional Center" is coordinated between Metro and the City. The City has quite a bit of latitude and if and when that decision will be made, it will be a part of a separate process.

TESTIMONY IN OPPOSITION- None

Commissioner Vergun stated that the public, including the members of the Steering Committee, will have the opportunity to voice their opinion during the City Commission's public hearings.

Commissioner Olson asked staff if it is standard to change a document and not have it come as the original, or whether it is better to take the document to the City Commission with the changes separate. **Maggie Collins** replied that if "wholesale" changes were made and the context or meaning of the document is vastly different, it would not be appropriate to change the document. In this case, she feels that the recommendations the Commission is making are minimal, and staff will point out where the changes are proposed as part of the staff report.

Commissioner Olson then asked whether both documents, the original and the changes, will be submitted to the City Commission. **Maggie Collins** stated that yes, both the original and the changes will be included. If the Commission agrees that the list of changes are non-substantive and that on the other hand they are technical improvements to the document, then her recommendation would be to recommend one document and the staff will explain in the staff report what process took place to get from the original document to the now-melded document. **Commissioner Olson** asked if the Ordinance, which is going to Commission, would need to be changed to reflect the modifications the Planning Commission has made to the document. **Maggie Collins** replied that yes, the Ordinance would need to be modified depending on the action taken tonight.

Commissioner Vergun moved to recommend for approval the Oregon City Downtown Community Plan PZ 97-10 as modified by staff's recommended changes and as further modified by the following changes: page 11 should read, "No change in use, zoning, or plan designation will result from the adoption of Phase I of the Downtown Community Plan as an Ancillary Document to the Comprehensive Plan"; page 18 should read, "Open space is encouraged in the Clackamette Cove Area, Clackamette Park, the waterfront, and the Abernathy Creek Area"; the proposed ordinance recitals should be changed to reflect the Planning Commission's adopted motion; and goal number nine in Chapter P should read, "Within the Downtown Community Plan study area, proposed designations, including proposed open space designations, shall serve only as general guidelines for specific actions in Phase II of this planning process." **Commissioner Carter** seconded.

Ayes: Carter, Olson, Surratt, Vergun, Hewitt; Nays: None.

Chairperson Hewitt asked if there is any new business the public would like to address to the Planning Commission.

4. WORKSESSION: **Continued Worksession on the Amendment to the Draft
Planned Unit Development Ordinance**

zoning inhibits the project so that it cannot meet the minimum lot size of 5,000 square feet for single family lots.

Chairperson Hewitt asked whether it seems feasible for developers to propose a development of 115% when most of the projects coming into the City are around 80%. The incentive will be not for building a four-plex, but rather for building common wall dwellings. Is it enough incentive for developers? **Sidaro Sin** stated that with the requirement for 80% single family and 20% mixed use residential, it is one way to force them to do it.

Commissioner Carter asked whether the requirement for commercial on lots less than 6,500 square feet would be viable when there is not a large enough area or enough density in the immediate area. **Commissioner Vergun** stated that they should think of the types of commercial that could be allowed and what could be placed in a commercial development simply to meet the requirements of the PUD ordinance.

Commissioner Carter stated that at some point it becomes beneficial for the developer to put commercial within the PUD because there is enough support to make a commercial establishment viable.

Commissioner Surratt stated that the commercial would support the community as a whole not just the one development.

Commissioner Carter gave the example of businesses that move out of residential neighborhoods. **Commissioner Vergun** stated that there are two things that occur in these instances, 1) there is more traffic in the larger commercial areas, and 2) the smaller businesses are being taken over by larger chain stores. On the one hand, the commercial option can be left out, or on the other hand they can create a scheme where commercial uses are encouraged in viable areas.

Commissioner Carter stated that her personal opinion is that the commercial concept is not workable on small sized PUDs such as most of the PUD projects in Oregon City.

Chairperson Hewitt asked whether a barber shop could be viable on South End Road. **Commissioner Carter** stated that it would not be viable because people go where services are clustered most conveniently.

Chairperson Hewitt stated that the mixed use requirement is for a business with a residential space above. **Commissioner Carter** stated that this type of business could only work if the development is large enough to support a business. **Commissioner Vergun** stated that commercial should not be a mandated part of the PUD Ordinance.

The meeting was adjourned.

**Gary Hewitt, Planning Commission
Chairperson**

Maggie Collins, Planning Manager

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Memorandum

December 13, 1999

To: Planning Commission
From: Sidaro Sin, Planning Division
RE: Proposed Amendment to PUD Ordinance

At the November 22, 1999, Planning Commission work session on the proposed amendments to the PUD ordinance, I provided you with a matrix that summarized the results of the new proposed PUD language, if it were applied to past PUDs. The result, was that the new language allowed the developments to meet the minimum density requirements as well as allowed them to meet the density bonus option.

During the work session, there were several suggested changes to the proposed PUD amendment language. The following is a summary of the proposed changes.

- 1) Commercial uses should be an option, not mandated. All proposed language mandating commercial uses would be changed to make it an option.
- 2) If an applicant chooses to include commercial uses, it would allow an increase in density in the form of a 5% gross density bonus in units.
- 3) Flat density bonus is 110% (5% for mixed use and 5% doing a PUD?). The maximum density bonus allowed is 115% (5% for mixed use, 5% for doing a PUD, and 5% for commercial use).
- 4) The definition of "Neighborhood Commercial", would direct the applicant to the existing Neighborhood Commercial section of the code (OCMC 17.24). The definition in the amended PUD section would include language that would allow uses, similar to those allowed uses found in OCMC 17.24.
- 5) The end of the first sentence under 17.64.030 should read, "A development proposal may be processed as a PUD at the applicant's option, and is offered as an alternative process for residential development, provided that at least eighty percent of the gross density allowed by the underlying zone zoning district is met."
- 6) OCMC 17.64.100(E), the title should be "Water Quality Resource Area Overlay District". This amendment would make the water resources requirement consistent with the new Title 3 language.

Chairperson Hewitt (received after the work session):

- 1) Under 17.64.040(C), the fifth sentence should read:

The applicant may request, ~~and the decision-maker may approve~~, adjustments from all dimensional requirements ~~standards of the underlying zone~~ except that gross density

Chapter 17.64

Planned Development

(Current Draft Revised 11/12/99)

Sections:

17.64.010	Purpose.
17.64.020	Definitions
17.64.030	Applicant's option.
17.64.040	Permitted uses and basic PUD requirements.
17.64.050	Density bonuses and density transfers.
17.64.060	Initiation of a PUD -- Review process.
17.64.070	Preapplication conference.
17.64.080	Preliminary PUD plan application.
17.64.090	Preliminary PUD plan -- Required plans.
17.64.100	Preliminary PUD plan -- Narrative statement.
17.64.110	Preliminary PUD plan -- Tabular information.
17.64.120	Preliminary PUD plan approval criteria.
17.64.130	Preliminary PUD plan decision -- Duration and extensions.
17.64.140	Design review.
17.64.150	Final PUD plan.
17.64.160	Filing and recording of final PUD plan.
17.64.170	Control of the development after completion -- Modifications to final PUD plan.
17.64.180	Performance bond or security.
17.64.190	Expiration of final PUD plan approval.

17.64.010 Purpose. A planned unit development ("PUD") is a form of land development that allows increased flexibility in design standards, dimensional requirements and mixes of land use and structure types. ~~not allowed or available with the traditional development processes.~~ A PUD should allow for a more customized design and development through a process that involves a public hearing before the planning commission at the preliminary plan stage. The purposes of this chapter are:

A. To promote an arrangement of land uses, lot sizes, lotting patterns, housing and development types, buildings, circulation systems, open space and utilities that facilitate the efficient and economic use of land and, in some instances, a more compact, pedestrian-oriented, mixed use urban design. Specifically, this can be accomplished through the PUD process with ~~cluster developments, zero-lot-line common-wall, and townhouse type developments, and mixed use developments that integrate compatible neighborhood commercial and office uses with residential uses in a single development or with in a single building.~~ The objective of allowing a mix of residential, commercial and office uses is to provide an integrated urban community whereby ~~the day-to-day needs of residents may be met, to a large extent, by the commercial and office uses, and~~ each of the parts compliments one another to produce a cohesive whole; and

B. To preserve existing natural features and amenities and/or provide useful common open space available to the residents and users of the proposed PUD. Specifically this can be

“Public Facilities” are facilities for providing electric power, storm water management sewer, water, sewer, and ~~transportation services~~ public rights-of-way.

“Mixed-use” means the development of a tract of land, building or structure with a variety of complementary and integrated uses, such as but not limited to, residential, office ~~manufacturing~~, retail, public, or entertainment, in a compact urban form.

“Commercial Use” is an activity involving the sale of goods or services carried out for profit.

“Townhouse” means a one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire resistant walls.

Comment: Townhouses (single-family attached dwellings) usually have separate utilities, such as individual hot water and heating systems, separate electric meters, and so forth.

“Multi-Family” means a building containing three or more dwelling units, including units that are located one over the other.

Comment: Multifamily buildings include garden apartments and mid- and high-rise apartment buildings.

“Row House” means an attached dwelling separated from others in a row by a vertical unpierced wall extending from basement to roof.

Comment: see Townhouse

“Condominium” means a building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Comment: By definition, a condominium has common areas and facilities and there is an association of owners organized for the purpose of maintaining, administering, and operating the common areas and facilities. It is a legal form of ownership of real estate and not a specific building style. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements. The property is identified in a master deed and recorded on a plat with the local jurisdiction. The common elements usually include the land underneath and surrounding the building, certain improvements on the land, and such items as plumbing, wiring, and major utility systems, the interior areas between walls, public interior spaces, exterior walls, parking areas, private roads, and recreational facilities.

“Office” means a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.

“Duplex” means a building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to

B. Conditional Uses. Notwithstanding the use provisions of the underlying zone, all uses allowed outright in the neighborhood commercial zone are allowed, with appropriate conditions, as part of a PUD. A separate conditional use permit is not required for these uses so long as the applicant demonstrates that:

1. The commercial development is accessory to, and compatible with, the PUD and primarily for the convenience and benefit of the residents of the neighborhood;
2. The gross area of the PUD is at least **ten** acres in size;
3. The neighborhood commercial uses occupy no more than twenty percent of the **site net developable area**, and
4. The neighborhood commercial uses will be planned and constructed so as to support and be compatible with the entire PUD and will not alter the character of the surrounding area so as to substantially preclude, impair or limit the use of surrounding properties for the primary uses listed in the underlying district.

C. Adjustments to Dimensional Standards. All dimensional standards that would otherwise apply to a property or development may be adjusted in the context of a PUD without a separate variance application. **In all developments, the perimeter of the development shall meet the underlying zone's setbacks.** However, unless an adjustment is specifically requested and explained in the PUD application or recommended by the city, the dimensional standards of the underlying zone will be assumed to apply. The applicant may request, and the decision maker may approve, adjustments from all dimensional requirements of the underlying zone except that gross density shall not be less than eighty percent of the gross density allowed on buildable lands by the underlying planning and zoning designation. Adjustments from all other dimensional standards may be allowed if the adjustment (s), in the context of the entire PUD and in conjunction with any mitigation, better achieve the purposes **and requirements** of this chapter than would strict compliance with the dimensional standards of the underlying zone and allowing the adjustments does not significantly adversely affect adjacent properties. Adjustments granted pursuant to this section are not subject to the requirements in Chapter 17.60 of this code (i.e., variance procedures).

D. Open Space and Landscaping. ~~No particular amount of on-site open space is required for a PUD. However, the applicant should endeavor to provide at least twenty five percent of the property's total area~~ **The applicant shall provide at least twenty percent (20%) of the total gross area** as common open space for the recreational needs of the development's residents either on-site or off-site and in close proximity to the development (within one quarter mile). **The open space area may be in private ownership. A portion of the open space shall be used to as a buffer between different uses.** ~~This amount may be reduced or eliminated entirely if the applicant can demonstrate there is adequate existing public park or open space with amenities within one quarter mile of the site with good pedestrian and bicycle access. The PUD shall provide, as appropriate, for landscaping or preservation of natural features of the open space area.~~ **The open space shall provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird watching, and natural areas. Active uses include, but are not limited to playgrounds, basketball, baseball, running, and walking areas. Land area to be used for the open space area and landscaping that is required in this section, or open recreational purposes within the development shall not include streets, rights-of-way, driveways, parking spaces, or public facilities. Unless**

~~development. The mixed use portion of the net developable area shall not exceed the single family development ratio. If the subject property is less than 5 acres, 20% of the development shall be developed with residential mixed uses. If the subject property is greater than 10 acres, 20% of the development shall include residential and commercial mixed uses.~~

17.64.050 Density bonuses and density transfers. The decision maker may exercise its discretion and grant a residential density bonus ~~allowing up to~~ resulting in a maximum of ~~up to 115% of the net developable area of the allowable density~~ the gross density allowed by the underlying zone. Consideration of density bonuses shall be given for housing design, historical preservation, preservation of natural features, tree preservation, open space, and community amenities. ~~in addition to the density allowed by the underlying zone if the PUD incorporates some or all of the following design features and amenities:~~

A. ~~Housing Design.~~ The decision maker may allow a net density bonus of up to fifteen percent of the underlying zone's net density for a development proposal that includes some or all of the following housing design elements: house with front porches that are at least ten feet wide and six feet deep, alleys behind the houses, garages that are placed at least six feet back from the front face of the house, and garages smaller than two cars. ~~If any of these features are included in the PUD, the applicant must provide a suitable legal mechanism, such as deed restrictions, to ensure the design is implemented and maintained.~~

B. ~~Historical Preservation and Consistency.~~ For portions of the city within or adjacent to an historical preservation designation, the decision maker may allow a net density bonus of up to fifteen percent of the underlying zone's net density for a development proposal with a site lay out and design features that are consistent with the historical character of the area as set forth in the city's historic design criteria. ~~If any historical features are included in the PUD, the applicant must provide a suitable legal mechanism for ensuring compliance, such as deed restrictions.~~

C. ~~Preservation of Wetlands and Other Natural Features.~~ The decision maker shall allow up to a one hundred percent residential density transfer where the applicant preserves wetlands, wetland buffers and transition areas required under Chapter 17.49, and may allow up to a one hundred percent density transfer where the applicant preserves wildlife habitat or other significant natural feature. ~~Under this section, density may only be transferred to another portion of the property subject to the PUD application. The development rights to any wetland or natural feature so preserved must be conveyed to the city or to a nonprofit organization approved by the city.~~

D. ~~Tree preservation.~~ The decision maker may allow the reduction or elimination of setback requirements or a reduction in the pavement width of streets in order to preserve significant trees. ~~For purposes of this chapter, significant trees are trees larger than eight inches in diameter measured four feet from the ground. Any tree so identified must be protected from cutting or other harm by some legally enforceable means accepted to the city.~~

E. ~~Open Space and Community Amenities.~~ The decision maker may allow a residential density bonus of up to fifteen percent of the underlying zone's net density for construction of on-site or off-site community recreational facilities, including equipped community parks, playgrounds, athletic fields and facilities, swimming pools and the like. ~~If the applicant proposes to qualify for this bonus using off-site facilities, it must demonstrate good pedestrian and bicycle access between those facilities and the proposed development.~~

described in the sections that follow and ~~basically~~ involves a staff completeness check of the applicant's submission. Once the application is deemed to be complete enough to begin processing, staff reviews the application and prepares a staff report. The planning commission will hold a public hearing at which the application is reviewed, and the planning commission renders a decision on the application, either a denial, **approval**, or an approval with conditions. The final PUD plan must comply with all conditions of preliminary PUD plan approval. (Ord. 97-1024 §1 (part), 1997)

17.64.090 Preliminary PUD plan – Required plans. The preliminary PUD plan shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments unless deemed unnecessary by the planning manager. All maps and site drawings shall be at a minimum scale of one inch to fifty feet.

A. Site Plan. A detailed site development plan showing the location and dimensions of lots, streets, walkways, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, storm sewer and water facilities, and an indication of existing and proposed land uses for the site.

B. Traffic / Transportation Plan. The applicant's traffic / transportation information shall include two elements:

1) a detailed site circulation plan showing proposed vehicular, bicycle and pedestrian access points and circulation patterns, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and

2) A traffic impact study prepared by a qualified professional engineer, certified in traffic engineering, that assesses the traffic impacts of the proposed development on the existing transportation system and analyses the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development.

C. Natural Features Plan. The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and within two hundred fifty feet of the property's boundary. Features that must be illustrated shall include the following: proposed and existing street rights-of-way and all other transportation facilities, all proposed lots and tracts, all trees with a width ~~eight~~ six inches or greater **in diameter**, measured four feet from the ground, all jurisdictional wetlands (according to the Corps of Engineers Wetlands Delineation Manual, January 1987 edition), all known geologic hazards, landslides or faults, areas with a water table within one foot of the surface, the location of any state or federal threatened or endangered species, all historic areas or cultural features acknowledged as such on any federal, state or city inventory, all wildlife habitat or other natural features listed on any of the city's official inventories.

D. Topography, Preliminary Grading and Drainage Plan. The applicant shall submit a plan illustrating the topography and grade of the site before and after development using a contour interval of five feet. Illustrated features must include the approximate grades and radius of curves of all proposed streets and cul-de-sacs, the location and calculated volume of all cuts and fills, and all storm water management features. The plan shall identify the location of drainage patterns and courses on the site and within one hundred feet of the property boundaries.

E. Erosion Control Plan. The applicant shall submit an erosion control plan illustrating the measures that will be implemented throughout construction of the PUD to control erosion and sedimentation. This plan must be consistent with all applicable erosion control

historic, archeological, geological, or scenic resources on the site as well as any trees with a diameter **6 inches or greater** ~~than two feet~~ measured four feet from the ground.

G. Covenants, Conditions and Restrictions (CC&Rs). The applicant shall submit drafts of the proposed covenants, conditions and restrictions, maintenance agreements, property owners association agreements, dedications, deeds, easements, or reservations of public open spaces not dedicated to the city, and related documents for the PUD. (Ord. 97-1024 § 1 (part), 1997)

17.64.110 Preliminary PUD plan – Tabular information. In addition to the plans required in the previous section, the applicant shall also prepare and submit one or several tables that set forth the following information in an understandable format, including explanations where needed:

A. Gross area and net developable area, acreage distribution by use, percentage of acreage designated for each dwelling type and for nonresidential uses such as streets, off-street parking, parks, open space and playgrounds;

B. A description of any proposed phasing, including for each phase the timing, acreage, number of residential units, amount of area for nonresidential use, open space, development of utilities and public facilities;

C. Gross density and net density of the PUD and where different types of residential units are proposed, the density by dwelling type. (Ord. 97-1024 § 1 (part), 1997)

17.64.120 Preliminary PUD plan approval Criteria. The decision maker shall approve an application for preliminary PUD plan if the following criteria are found to be met:

- A. The proposed preliminary PUD plan is consistent with the purposes **and requirements** of this chapter set forth in Section 17.64.010 **and 17.64.040**, and any applicable goals or policies of the Oregon City comprehensive plan.
- B. The proposed preliminary PUD plan meets the applicable requirements of the underlying zoning district, any applicable overlay zone (e.g., Chapters 17.44 and 17.49) and applicable provisions of Title 16 of this code, unless an adjustment from any of these requirements is specifically allowed pursuant to this chapter.
- C. Any phasing schedule proposed by the application must be reasonable and shall not exceed five years between approval of the final PUD plan and the filing of the final plat for the last phase. Dedication or preservation of open space or natural features, in a form approved by the city, must be recorded prior to the construction of the first phase of any multi-phase PUD.
- D. The applicant has demonstrated that all public services and facilities have adequate capacity to serve the proposed development, or adequate capacity is assured to be available concurrent with development.
- E. All adjustments from any applicable dimensional requirement requested by the applicant or recommended by the city are justified, or are necessary to advance or better achieve the ~~policies~~ **purposes and requirements** of this chapter than would compliance with the dimensional requirements of the underlying zoning.

6. A relocation of buildings, proposed streets, access points onto the existing public right-of-way, utility easements, pedestrian / bicycle accessways, parking lots, landscaping, or other site improvements away from the general location shown in the preliminary PUD plan;

7. Any change that renders the PUD incompatible with surrounding lands or development or incompatible with any of the conditions of approval attached to the preliminary PUD plan.

C. No change undertaken by grant of the material deviation shall reduce the density below eighty percent of the ~~density allowed in the buildable area in the underlying plan designation and zoning district~~ **gross density allowed by the underlying zone.**

D. Increases in the amount of landscaping or open space, and any change that reduces the impacts on hillsides or unstable soils ~~shall~~ **may** not be considered a material deviation.

E. Any final PUD plan that is not consistent with the approved preliminary PUD plan, but is not so different as to be a material deviation may be approved by the planning manager through a Type II process following notice and an opportunity to comment. Any appeals of a decision by the planning manager may be appealed to the ~~planning~~ **city** commission, according to the city's Type II procedure, and the issues in that appeal shall be limited to the specific aspect of the final PUD plan that is not consistent with the approved preliminary PUD plan.

F. The planning manager shall notify in writing all persons who were parties to the preliminary PUD plan proceeding. The notice shall contain the information listed in Section ~~17.50.150~~ **17.50.090**. The planning manager's decision to approve a final PUD plan may be appealed as a limited land use decision by the applicant or any party who participated orally or in writing during the preliminary PUD proceeding, but solely for the purpose of determining whether the final PUD plan contains a material deviation from the preliminary PUD plan. Any such appeal must be filed within ~~fourteen~~ **ten (10)** calendar days of the planning manager's notice, after which the planning commission shall hold a public hearing. The sole issue on appeal shall be whether the final PUD plan contains a material deviation from the approved preliminary PUD plan. The planning commission's decision shall be final and appealable only to the land use board of appeals. (Ord. 97-1024 § 1 (part), 1997)

17.64.160 Filing and recording of final PUD plan. Following approval of the final PUD plan, the applicant shall file with the county recorder the confirmed and approved final PUD plan together with all pertinent documents approved as to form by the city attorney. (Ord. 97-1024 § 1 (part), 1997)

17.64.170 Control of the development after completion – Modifications to the final PUD plan. The final PUD plan shall continue to control once the PUD is constructed, in addition to the following:

A. After occupancy permits have been issued, no change shall be made to a PUD that is inconsistent with the approved final PUD plan without first obtaining an amendment to that plan, except that a building or structure that is substantially destroyed may be reconstructed within one year as originally approved without land use review by the city under Title 16 or 17 of this code.

B. Any changes that constitute a material deviation from an approved final PUD plan shall be reviewed by the planning commission in the same manner as for a material deviation to