



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

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Salem, OR 97301-2540

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[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

January 5, 2007



TO: Subscribers to Notice of Adopted Plan or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Hood River Plan Amendment  
DLCD File Number 023-06 [#8]

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 16, 2007**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Gary Fish, DLCD Regional Representative  
Cindy Walbridge, City Of Hood River

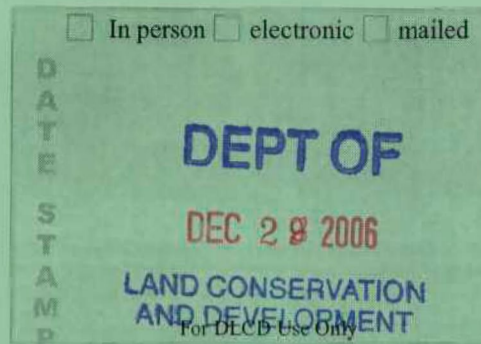
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FORM 2

# DLCD

## Notice of Adoption

THIS FORM **MUST BE MAILED** TO DLCD  
**WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION**  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **City of Hood River**

Local file number: **2006-42**

Date of Adoption: **12/11/2006**

Date Mailed: **12/26/2006**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 6/22/2006

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Deletion of the open space requirement in favor of application of the existing landscaping requirement for commercial and industrial PUD's.

Does the Adoption differ from proposal? No, no explanation is necessary

[This is a partial adoption of DLCD file # 023-06 Item #8]

Plan Map Changed from: **NA**

to: **NA**

Zone Map Changed from: **NA**

to: **NA**

Location: **NA**

Acres Involved: **0**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
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Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

DLCD # 023-06 (15766)

**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

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Local Contact: **Cindy Walbridge**

Phone: **(541) 387-5217** Extension:

Address: **P.O. Box 27**

Fax Number: **541-387-5289**

City: **Hood River**

Zip:

E-mail Address: **cindy@ci.hood-river.or.us**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and **TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 1924

(An ordinance amending Chapter 17.07—, Planned Unit Developments of the Hood River Municipal Code)

WHEREAS, the City amended its subdivision and PUD codes in 1999 to reflect current law and design concepts;

WHEREAS, the requirement for an allocation of 30% of open space to a commercial or industrial PUD over a certain acreage was included in the changes, however, the land use effect was not known;

WHEREAS, the Planning Commission agreed that the requirement for a commercial PUD over 2 ½ acres to provide 30% open space is more onerous when a similar development of 2 ½ acres or less does not have that requirement as when applied to industrial PUD's over 5 acres in size;

WHEREAS, the Planning Commission recommends deletion of the open space requirement in favor of application of the existing landscaping requirement for commercial and industrial PUD's;

WHEREAS, the following amendments are consistent with the City's Comprehensive Plan as set forth in the attached Findings of Fact and Conclusions of Law, which are approved and hereby incorporated by reference;

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Chapter 17.03 of the Hood River Municipal Code is amended to read as follows (additions shown highlighting):

**CHAPTER 17.07 PLANNED DEVELOPMENTS**

**SECTIONS:**

- 17.07.010 Purpose
- 17.07.020 Applicability
- 17.07.030 Applicable Procedures
- 17.07.040 Applicability in Commercial and Industrial Zones
- 17.07.050 Allowed Uses
- 17.07.060 Applicability of the Base Zone Development Standards
- 17.07.070 Private Streets
- 17.07.080 Preliminary Development Plan Submission Requirements
- 17.07.090 Approval Criteria
- 17.07.100 Shared Open Space
- 17.07.110 Noncompliance and Bonding

**17.07.010 Purpose**

The purposes of the planned development are:

1. To provide a means for creating planned environments that are equal or better than that resulting from traditional lot-by-lot land use development, through the application of flexible standards such as zero-lot lines, narrower streets, and other innovative planning practices;
2. To facilitate the efficient use of land;
3. To promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
4. To preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure that can relate the type and design of a development to a particular site;
5. To encourage development that recognizes the relationship between buildings, their use, open space, and access ways, and thereby maximizes the opportunities for innovative and diversified living environments; and
6. To encourage commercial and industrial development that includes a mix of uses, is designed in a manner that mitigates impacts to surrounding uses, includes well designed buildings that contribute the character of Hood River, and includes a thoughtful site plan.

**17.07.20 Applicability**

- A. **Zones.** The planned development designation is applicable to all zones.
- B. **Minimum Site Size for Residential Development.** Residential development in the R-1 zone shall have a minimum parcel size of a half (1/2) acre to apply the planned development process. There is no minimum size for R-2 and R-3.

**C. Density Calculations for a Planned Unit Development:**

\*All projects can get a 30% bonus density for affordable housing only.

SIZE	R-1	R-2	R-3
<b>Infill PUDs</b>	Total lot area divided by base zone. Infill projects are projects that do not require any roadways – public or private. <sup>1</sup>		
<b>2 acres or less</b>	Subtract 40% from total area before dividing for base density.	Subtract 30% from total area before dividing for base density.	Subtract 30% from total area before dividing for base density.

<sup>1</sup> For purposes of Infill PUDs a roadway is a road or driveway that serves more than two units.

<b>More than 2 acres</b>	Subtract 50% from total area before dividing for base density.	Subtract 40% from total area before dividing for base density.	Subtract 30% from total area before dividing for base density.
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For density calculation purposes the final number shall be rounded down to the next whole number if the calculation is .49 and rounded up to the next whole number if the calculation is .50.

\*Prior to a project being accepted for inclusion in the 30%, the applicant's justification to include a) how the units will not become second homes; b) how the units will be prevented from being resold at market value; c) how they will not be immediately "flipped" for a quick profit; d) what income range are the residents? shall be approved by the City and made part of the PUD approval.

**D. Mandatory for Commercial and Industrial Developments.** Developments with commercial uses that are greater than two and one half (2½) acres and developments with industrial uses greater than five (5) acres are required to use the planned development overlay. For projects that come under this category, the 30% open space requirement is not required.

**17.07.30 Applicable Procedures**

**A. Approval Process.**

1. Preliminary Development Plat Approval: Preliminary development plan approval shall be processed as a Quasi-Judicial Action.
2. Final Development Plan Approval: Final development plan approval shall be processed as a Ministerial Action.

**B. Concurrency with Subdivision and Partition Application.** If the application involves the division of land, the applicant shall file concurrently or file for subdivision or partition approval prior to applying for Planned Development approval. If filed concurrently, preliminary plat approval shall be processed along with preliminary plan approval, and the final development plan shall be submitted for approval and filed along with the final plat.

**C. Time Limit on Filing of Final Development Plan.** Within two (2) years after the date of the Planning Commission approval of the preliminary development plan, the owner shall prepare and file with the Planning Director a final development plan. Action on the final development plan shall be ministerial by means of a Ministerial Action using following approval criteria:

1. The Planning Director shall approve the final development plan upon finding that the plan conforms with the preliminary development plan approved, or approved with conditions, by the Commission.

**D. Preliminary development plan changes.** The applicant may request modifications to the preliminary development plan. Approval is based on the following the procedures and criteria:

1. Minor Modifications: An application for approval of a minor modification shall be reviewed as an Administrative Action, and the review shall be limited in scope to the modification requested. A minor modification shall be approved, or approved with conditions, if the preliminary development plan continues to meet the applicable standards and criteria and is not a major modification as defined below. The modification shall be processed as a minor modification(s) if the Planning Director finds that all of the following criteria are met by the proposed changes listed below:
  - a. There will be no change in land use;
  - b. There will be no increase in the number of dwelling units;
  - c. There will be no change in the type and/or location of access ways, drives or parking areas that affect off-site traffic;
  - d. There will be less than a five percent (5%) change in the floor area proposed for nonresidential use where previously specified;
  - e. There will be a less than five percent (5%) change in the area reserved for common open space and/or usable open space; and
  - f. There will be a less than five percent (5%) change to specified setback requirements, provided the minimum setback standards of the land use district can still be met.
2. Major Modification: An application for approval of a major modification shall be reviewed as a Quasi-Judicial Action, and the review shall be limited in scope to the modification requested. A major modification shall be approved, or approved with conditions, if the preliminary development plan will continue to meet all applicable criteria. All modifications to an approved development plan that are not minor modifications as provided above, shall be reviewed as a major modification.

**E. Extension.**

Extensions shall be processed as Ministerial Actions. The Planning Director shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period for the final development plan not to exceed one (1) year provided that

1. No changes have been made on the preliminary development plan as approved by the Planning Commission and as modified pursuant to the modification section above;
2. The applicant can show intent of applying for final development plan review within the one (1) year extension period; and
3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based.

**F. Phased Development.**

1. The Planning Commission may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than five (5) years without reapplying for preliminary development plan review.
2. A phased development plan proposal shall be approved subject to the following conditions:
  - a. All public facilities associated with or necessary for the phase shall be constructed in conjunction with or prior to each phase; and
  - b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or district standard.
  - c. The final phase shall be completed and ready for occupancy no later than five (5) years from the date of the final development plan approval.
3. If the final phase is not completed within the five (5) year time period, the Planned Development will be in noncompliance with this chapter.

**17.07.040 Applicability in Commercial and Industrial Zones**

- A. **By Election.** An applicant for a commercial or industrial project may elect to develop the project as a planned development, in compliance with the requirements of this chapter.
- B. **As Condition of Approval in Commercial and Industrial Developments.** An approval authority may apply the provisions of this chapter as a condition of approving any application for a commercial or industrial development.

**17.07.050 Allowed Uses**

- A. **In Residential Zones.** Planned Developments in all residential zones may contain any of the following uses subject to the density provisions of the underlying zone and the density bonus provisions of this Chapter:
  1. All uses allowed outright or by condition in the underlying zoning district
  2. Single-family detached and attached residential units
  3. Duplex residential units
  4. Multi-family residential units
  5. Manufactured homes
  6. Public and institutional uses
  7. Indoor recreation facility such as athletic club, fitness center, racquetball court, swimming pool, tennis court, or similar use
  8. Outdoor recreation facility such as golf course, golf driving range, swimming pool, tennis court, or similar use
  9. Recreational vehicle storage area, for the Planned Unit Development residents only.

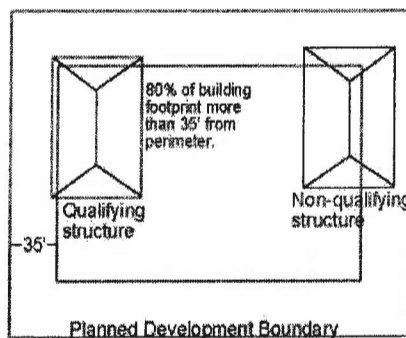


- B. **In Commercial Zones.** Planned Developments in all commercial zones may contain any of the uses permitted outright or as a conditional use in the underlying zone.
- C. **In Industrial zones.** Planned developments in industrial zones may contain any of the uses permitted outright or as a conditional use in the underlying zone.

**17.07.060 Applicability of the Base Zone Development Standards**

- A. **Compliance to specific development standards.** The provisions of the base zone are applicable as follows:
  1. **Lot Dimensional Standards:** The minimum lot size standards shall not apply. Minimum frontage standards do not apply to buildings interior to the Planned Development.
  2. **Building Height:** Qualified commercial and industrial building heights may be increased on the interior of the site when the building setback is increased. On qualified buildings, the height may be increased one (1) foot for each additional foot of setback up to a maximum of one hundred twenty percent (120%) of the base zone height standard. To qualify, a building shall have eighty percent (80%) of the building footprint more than thirty-five (35) feet from the Planned Development site boundary. See Diagram "B" below. No height increases are allowed for residential buildings.

**Diagram "B" – Planned Development Boundary**



- 3. **Structure setback provisions:**
  - a. Front yard and rear yard setbacks for structures on the perimeter of the project shall be the same as that required by the underlying zone, unless increased in the Planned Development review process.
  - b. The side yard setback provisions shall not apply except that all detached structures shall otherwise meet the Uniform Building Code requirements; and
  - c. Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that:
    - (1.) A minimum front yard setback of twenty (20) feet is required for any garage structure which opens facing a street.

- (2.) A minimum front yard setback of eight feet is required for any garage opening for an attached single-family dwelling facing a private street as long as the required off-street parking spaces are provided.

**B. Other Provisions of the Base Zone.** All other provisions of the base zone shall apply except as modified by this chapter.

**17.07.070 Private Streets**

Private streets are allowed as part of a Planned Development when they conform to the following standards:

1. Private streets shall have a minimum improved width of ten (10) feet for each lane of traffic.
2. On-street parking spaces shall be improved to provide an additional eight (8) feet of street width.

**17.07.080 Preliminary Development Plan Submission Requirements**

**A. Pre-Application Conference.** Prior to submittal of a Planned Development application, the applicant, or the applicant's representative, shall attend a pre-application conference.

**B. General Submission Requirements.** The application shall contain all of the following:

1. A statement of planning objectives to be achieved by the Planned Development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
2. A development schedule indicating the approximate dates when construction of the Planned Development and its various phases are expected to be initiated and completed. The statement should include the anticipated rate of development; the approximated dates when each stage will be completed; and the area, location, and degree of development of common open space that will be provided at each stage.
3. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the Planned Development.
4. A narrative statement documenting compliance with the applicable approval criteria contained in this Chapter.
5. A preliminary development plan.

C. **Additional Information.** In addition to the general information described in Subsection B above, the preliminary development plan, data, and narrative shall include the following information:

1. A map showing street systems, lot or partition lines, and other divisions of land for management use or allocation purposes;
2. Areas proposed to be conveyed, dedicated, or reserve for public streets, parks, parkways, playgrounds, school sites, public buildings, and similar public and semi-public uses;
3. A plot plan for each building site and common open space area, showing the approximate location of buildings, structures, and other improvements and indicating the open space around building and structures;
4. Elevation and perspective drawings of proposed structures with enough detail to shown design features;
5. The following plans and diagrams:
  - a. An off-street parking and loading plan;
  - b. A circulation diagram indicating proposed movement of vehicles, goods, and pedestrians within the Planned Development and to and from thoroughfares. Any special engineering features and traffic regulation devices shall be shown;
  - c. A landscaping and tree plan; and
6. A copy of all existing or proposed restrictions or covenants.

**17.07.090 Approval Criteria**

A. **Specific Planned Development Approval Criteria.** The following approval criteria shall apply to the planned development:

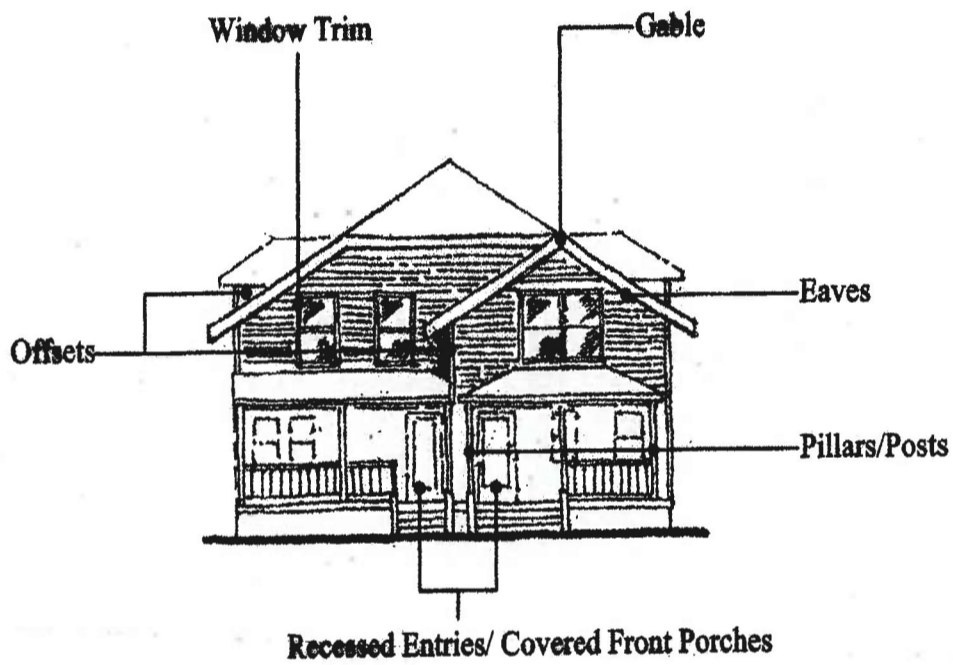
1. All the provisions of the land division provisions, Title 16, shall be met.
2. Except as noted, the Conditional Use Decision Criteria (Chapter 17.06) shall be the approval criteria. A Planned Development need not meet these requirements where a development plan provides alternative designs and methods, if acceptable to the Planning Commission, that promote the purpose of this section. In each case, the applicant must provide findings to justify the modification of the approval criteria in the *Conditional Use* chapter (Chapter 17.06). The developer may choose to provide, or the Commission may require, additional amenities, landscaping, or tree planting.
3. A minimum of thirty (30%) percent of a Planned Development site area shall be reserved as common open space. The thirty percent (30%) open space requirement shall be exempt in the Central Business district and the Heights

Business District. Open space means an area intended for common use either privately owned and maintained or dedicated to the City. This area shall be designated for outdoor living and recreation or the retention of an area in its natural state. Open space may include swimming pools, recreation courts, patios, open landscaped areas, or greenbelts with pedestrian, equestrian, and bicycle trails. Open space does not include off-street parking or loading areas.

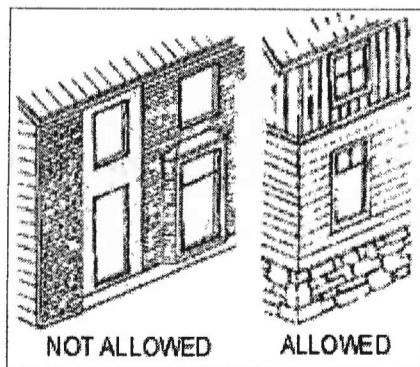
4. Unless authorized below, residential density shall be governed by the density established in the underlying zoning district. The Planning Commission may further authorize a residential density bonus not to exceed thirty-three (33%) percent as an incentive to enhance the architectural character of the development. The degree of distinctiveness and the desirability of variation achieved shall govern the amount of density increase that the Planning Commission may approve according to the following:
  - a. A maximum of ten (10%) percent is allowed for the inclusion of at least six (6) of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate.
  - b. A maximum of twenty (20%) percent is allowed for the inclusion of at least nine (9) of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate.
  - c. A maximum of thirty-three (33%) percent is allowed for the inclusion of at least twelve (12) of the architectural features listed below on all elevations, as appropriate for the proposed building type and style. Features may vary on rear/side/front elevations where appropriate. See the following Diagram "C" for examples of architectural features.
    - (1.) Dormers
    - (2.) Gables
    - (3.) Recessed entries
    - (4.) Covered porch entries
    - (5.) Cupolas or towers
    - (6.) Pillars or posts
    - (7.) Eaves (min. 18-inch projection)
    - (8.) Off-sets in building face or roof (minimum 16 inches)
    - (9.) Window trim (minimum 4-inches wide)
    - (10.) Bay windows
    - (11.) Balconies
    - (12.) Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
    - (13.) Decorative cornices and roof lines (e.g., for flat roofs)
    - (14.) Façade articulation (Siding materials should only be changed along horizontal lines)

- (15.) High quality exterior siding material. High quality means that there should be a single, clearly dominant material for all exterior walls. Brick, stucco, and stone front facades shall return at least eighteen (18) inches around sidewalls. Lap siding and shingles shall be exposed a maximum of five (5) inches. Heavier materials shall appear only below lighter appearing materials.)
- (16.) An alternative feature providing visual relief, similar to options (1)-(15) above.

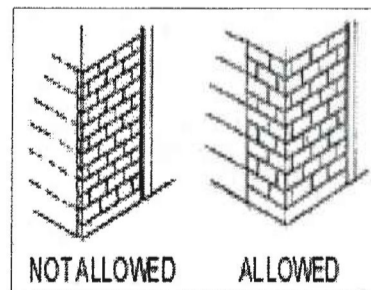
**Diagrams "C" – Examples of Architectural Features**



**Example of Façade Articulation**

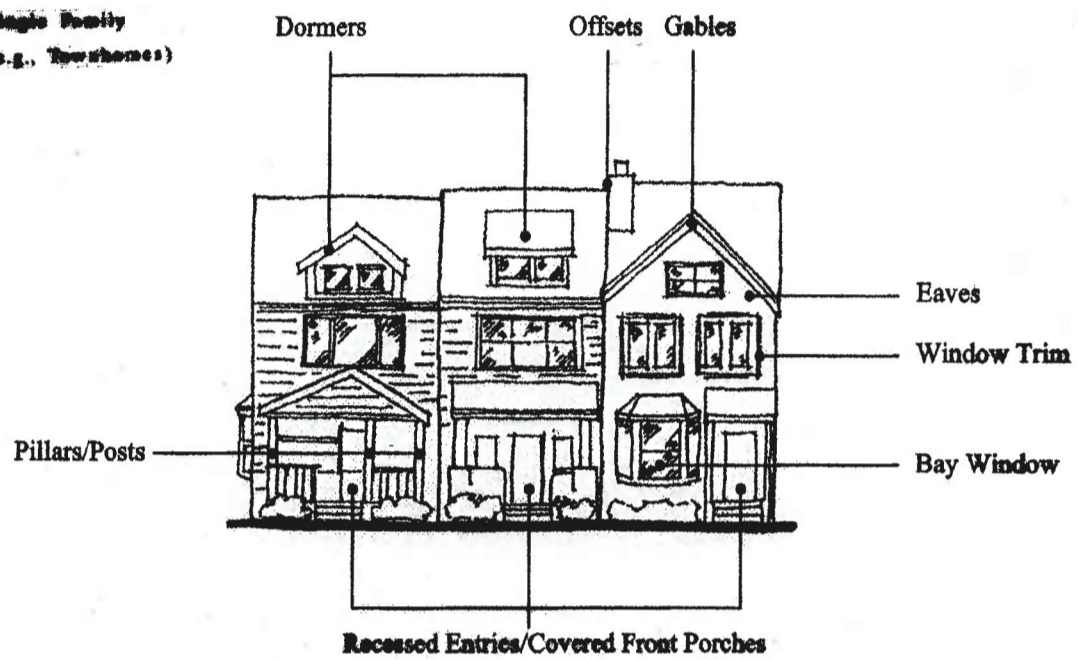


**Example of Exterior Siding Material**

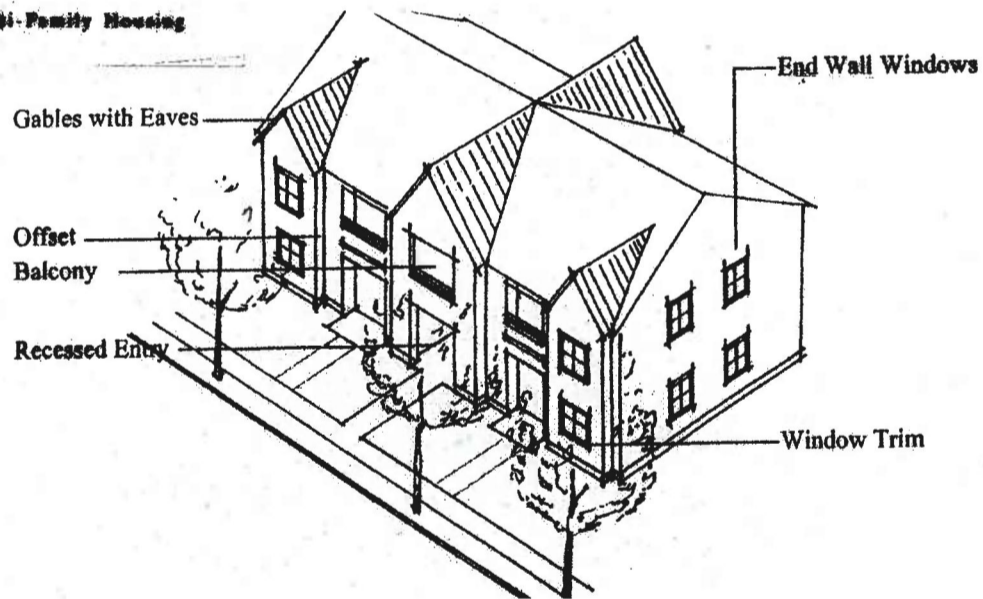


### Examples of Architectural Features

Single Family  
(e.g., Townhomes)



Multi-Family Housing



5. The following criteria shall apply to all Planned Developments unless otherwise specified as applicable only to certain specific uses:
  - a. Relationship to the natural and physical environment:
    - (1.) The streets, buildings, and other site elements shall be designed and located to preserve the existing trees, topography, and natural drainage to the greatest degree possible.

- (2.) Structures located on the site shall not be in areas subject to ground slumping and sliding.
  - (3.) There shall be adequate distance between on-site buildings and other on-site and off-site buildings on adjoining properties to provide for adequate light and air circulation and for fire protection.
  - (4.) The structures shall be oriented with consideration for the sun and wind directions, where possible.
- b. Private outdoor area – multi-family use:
- (1.) Each ground-level residential dwelling unit shall have an outdoor private area (patio, terrace, porch) of not less than forty-eight (48) square feet.
  - (2.) Wherever possible, private outdoor open spaces should be oriented toward the sun.
  - (3.) Private outdoor spaces shall be screened or designed to provide privacy for the use of the space.
- c. Shared outdoor recreation areas – multi-family use:
- (1.) Each multiple-dwelling development shall incorporate shared usable outdoor recreation areas within the development plan as follows:
    - (a.) Studio units up to and including two (2) bedroom units shall provide 200 square feet per unit.
    - (b.) Three or more bedroom units shall provide 300 square feet per unit.
  - (2.) Shared outdoor recreation space shall be readily observable from adjacent units for reasons of crime prevention and safety.
  - (3.) The required recreation space may be provided as follows:
    - (a.) All outdoor space;
    - (b.) Part outdoor space and part indoor space (e.g. an outdoor tennis court and indoor recreation room);
    - (c.) All public or common space; or
    - (d.) Part common space and part private (e.g. an outdoor tennis court, indoor recreation room, and balconies on each unit).
      - i. Where balconies are added to units, the balconies shall not be less than forty-eight (48) square feet.
- d. Parking: Up to fifty percent (50%) of required off-street parking spaces for single-family attached dwellings may be provided on one or more common parking lots within the Planned Development as long as each single-family lot contains one (1) off-street parking space.
- e. Drainage: All drainage provisions shall be subject to review and approval by the City Engineer and shall comply with all applicable provisions of the ORS and HRMC.

- f. Floodplain dedication: Where landfill and/or development is allowed within or adjacent to the one hundred (100) year floodplain, the City shall require consideration of the dedication of sufficient open land area for a greenway adjoining and within the floodplain. This area shall include portions of a suitable elevation for the construction of a pedestrian/bicycle pathway within the floodplain in accordance with the adopted pedestrian bicycle pathway plan.

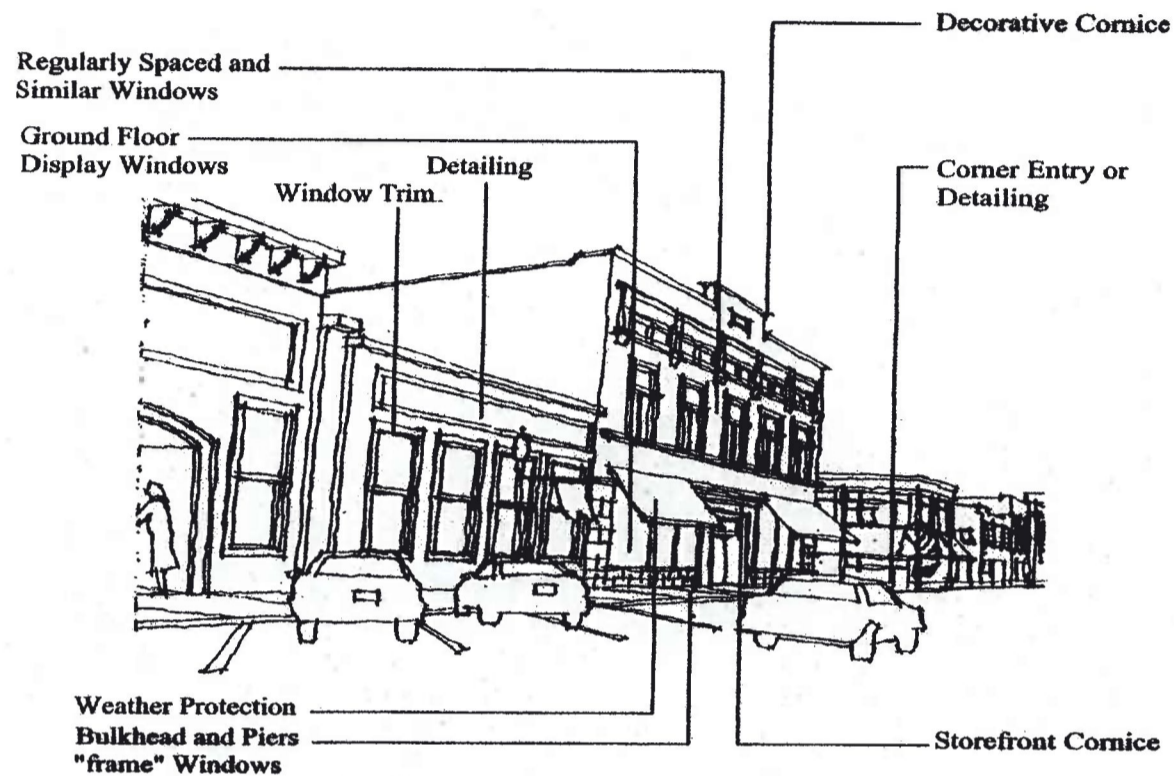
**B. Additional Criteria for Commercial and Industrial Development.** In addition to the specific Planned Development approval criteria above, Planned Developments with commercial and industrial uses shall meet the following criteria:

1. Commercial and industrial uses that abut existing residential zones shall be located on the site or be designed in a manner, to the maximum degree possible, to protect the private areas on the adjoining properties from view and noise.
2. Commercial projects are encouraged to include housing as a secondary use, as appropriate.
3. All commercial buildings shall contribute to the storefront character and visual relatedness of surrounding buildings. This criterion is met by providing all of the architectural features listed below along the front building elevation (i.e., facing the street), as applicable.
  - (1.) Corner building entrances on corner lots. Alternatively, a building entrance may be located away from the corner when the building corner is beveled or incorporates other detailing to reduce the angular appearance of the building at the street corner.
  - (2.) Regularly spaced and similar-shaped windows with window hoods or trim (all building stories).
  - (3.) Large display windows on the ground-floor (nonresidential uses only). Display windows shall be framed by bulkheads, piers, and a storefront cornice (e.g., separates ground-floor from second story, as shown below).
  - (4.) Decorative cornice at top of building (flat roof), or eaves provided with pitched roof.

*[Note: the example shown below (Diagram "D" – Building Design Elements) is meant to illustrate required building design elements and should not be interpreted as a required architectural style.]*



Diagram "D" – Building Design Elements



- d. Industrial developments shall be oriented on the site to minimize adverse impacts (e.g. noise glare, smoke, dust, exhaust, vibration, etc.) The following standards shall apply:
- (1.) Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings shall be located away from residential areas, schools, parks, and other non-industrial areas to the maximum extent practicable; and
  - (2.) A landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof), maybe required to mitigate adverse impacts that cannot be avoided through building orientation standards alone.
- e. Industrial buildings oriented to the street shall have architectural features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials, or similar features to break up and articulate large building surfaces and volumes.
- f. Industrial buildings shall have pedestrian-scale building entrances by including recessed entries, canopies, and/or similar features.

**17.07.100 Shared Open Space**

The following requirements shall apply to common open space in each planned Development:

1. The open space area shall be shown on the final development plan.
2. The open space shall be conveyed in accordance with one of the following methods:
  - a. By dedication to the City as publicly-owned and maintained as open space. Open space proposed for dedication must be acceptable to the City with regard to the size, shape, location, improvement, and budgetary and maintenance limitations; or
  - b. By leasing or conveying title (including beneficial ownership) to a corporation, home association, or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions suitable to the City Attorney for guaranteeing the following:
    - (1.) The continued use of such land for the intended purposes;
    - (2.) Continuity of property maintenance;
    - (3.) When appropriate, the availability of funds required for such maintenance;
    - (4.) Adequate insurance protection; and
    - (5.) Recovery for loss sustained by casualty and condemnation or otherwise.
  - c. By any method which achieves the objectives set forth above.

**17.07.110 Noncompliance and Bonding**

- A. **Noncompliance.** Noncompliance with an approved final development plan shall be a violation of this chapter.
  - B. **Issuance of Occupancy Permits.** The development shall be completed in accordance with the approved final development plan including landscaping and recreation areas before any occupancy permits are issued. However, when the Planning Director determines that immediate execution of any feature of an approved final development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the occupancy permit may be issued on condition that the applicant post a performance bond or other surety acceptable to the City to secure execution of the feature at a time certain not to exceed one (1) year.
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Read for the first time: November 27, 2006.

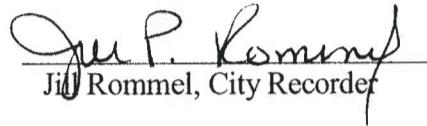
Read for the second time and passed: December 11, 2006, to become effective thirty (30) days hence.

Signed December 12, 2006.



Linda Streich, Mayor

ATTEST:



Jill Rommel, City Recorder