

TASK FORCE DRAFT PUD CHAPTER 24 (DATE 5-26-11)
Includes proposed staff/attorney edits made in strikeout/underline format
CKERR comments in yellow

Chapter 24
 PLANNED UNIT DEVELOPMENT OVERLAY

Sections:

- 24.010 PURPOSES ~~AND INTENT~~
- 24.020 APPLICABILITY AND APPROVAL PROCESS
- 24.030 EXPIRATION OR EXTENSION OF APPROVAL
- 24.040 NON-COMPLIANCE – BOND
- 24.050 STAGED OR PHASED DEVELOPMENT
- 24.060 SUBMITTAL REQUIREMENTS
- 24.070 ALLOWABLE USES
- 24.080 ~~AUTHORIZATION~~ APPROVAL CRITERIA
- 24.090 ALTERNATIVE DEVELOPMENT STANDARDS
- 24.100 PERIMETER TRANSITIONS
- 24.110 DENSITY TRANSFER
- 24.120 USABLE OPEN SPACE REQUIRED
- 24.130 PUD AMENDMENT ~~TRIGGER~~

These sections are proposed to be edited and moved to a different location in the CDC.

24.010 PURPOSES ~~AND INTENT~~

The purposes of the Planned Unit Development Overlay (“PUD”) are as follows:

~~A. To provide a voluntary regulatory framework that can be applied voluntarily to enable encourage and promote superior, cohesive planned developments residential development~~ by allowing greater creativity in site design compared to the standard zoning and subdivision standards of the CDC. ~~(The provisions of this Chapter are not intended as an alternative to the variance procedures provided in Chapter 75 of the CDC).~~

~~A. To This chapter provides a means for creating cohesive planned developments that:~~

Comment [j1]: Intent is redundant

Comment [j2]: check to see if all of these purposes are implemented in the chapter-if not delete purposes that are not implanted

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- B. ~~pp~~ preserve, to the greatest extent possible, consistent with the applicable regulations, the existing natural and topographic features and amenities through the use of a plan that relates the type and design of the development to a particular site;
- C. ~~Enable encourage~~ development ~~that which~~ will provide a greater variety of housing types of a superior design that is in harmony with that of the surrounding area;
- D. Utilize flexibility in site design, placement of buildings, and use of open spaces to optimize the potential of the site;
- E. Allow a mixture of densities between zoning districts and plan designations when more than one district or designation is included in the development;
- F. Promote sustainable development through the use of green building technologies, reduced building footprints, pedestrian friendly streets, low-impact development practices, and measures that reduce vehicle miles traveled;
- G. Produce development that is compatible with neighboring development in terms of architecture, massing, and scale; and
- H. Implement ~~the~~ applicable goals and policies of the Comprehensive Plan and all adopted supporting plans, including, but not limited to:
 - 1) Imagine West Linn vision document,
 - 2) Sustainable West Linn Strategic Plan,
 - 3) Transportation Systems Plan,
 - 4) Parks, Recreation and Open Space Master Plan;
 - 5) Comprehensive Trails Master Plan; and
 - 6) Neighborhood Plans.

Comment [J3]: Have you reflected all of the relevant provisions in this draft? Some of these plans etc may not be consistent with one another

~~24.020 APPLICABILITY~~ 24.020 APPLICABILITY AND APPROVAL PROCESS

- A. A PUD may be requested for in sites in a any residential zoning ~~district~~ district for sites, ~~provided the overall land area included in the PUD consists of of 3 or more acres~~, except for historic districts.
- B. ~~Action on~~ the application shall be processed as provided by CDC Chapter 99 ~~CDC~~, Procedures for Decision-Making. ~~Quasi-Judicial.~~
- C. ~~The application and approval proceedings for a PUD shall be consolidated with other development applications in accordance with Section 99.070.~~

Comment [DRH4]: The City will need findings establishing why 3 acres, as opposed to 2 or 4.

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24.030 EXPIRATION OR EXTENSION OF APPROVAL

Except as provided for in CDC 24.050, a PUD is subject to the ~~same~~ expiration and extension requirements of the applicable subdivision or design review ~~approval~~ approval granted. ~~(Also see CDC Section 99.325, Extension of approval, and CDC Chapter 91, Improvement Guarantee.)~~

24.040 NON-COMPLIANCE BOND ~~(same as current code)~~

- A. Non-compliance with an approved final plat or development plan shall be a violation of this chapter.
- B. The development shall be completed in accordance with the approved final plat or development plan, ~~and any approved phasing pursuant to Section 24.050, including landscaping and recreation areas.~~ Before any occupancy permit will be issued, all work required to complete the PUD or Phase, including landscaping and recreation areas, shall be completed per approved plans, except that when the Planning Director determines that immediate execution of any feature of an approved final plat or development plan is impractical due to climatic conditions, unavailability of materials, or other temporary condition, the Director shall, as a precondition of the issuance of a required permit, require sufficient funds ~~in a form acceptable to the City, such as a cashier's check~~ to guarantee completion of the feature at a time certain not to exceed one year.

Comment [J5]: If chapter 91 is not sufficient, then modify Chapter 91 rather than duplicating provisions here. This language is also (needlessly?) duplicated in 85.100 Likewise see chapter 106 re violations.

24.060 SUBMITTAL REQUIREMENTS

~~The applicant shall provide evidence of compliance with the applicable criteria for approval.~~ In addition to the submittal requirements and responses to the approval criteria ~~for~~ for all other concurrent land use applications under review, the submittal for a PUD shall include the following:

- A. ~~A~~ Narrative ~~describing~~ discussing the proposed development and specifying how it satisfies each of the requirements in under Sections 24.080 of this chapter ~~and achieves the purpose and intent for PUD's outlined in Section 24.010.~~ The narrative statement shall substantiate how the proposed development will be superior to, be more innovative than and provide a benefit to, the public beyond a conventional development approved under the standard zoning regulations;
- B. Plans and a table showing how the proposed uses and -densities will be distributed within the project site;
- C. A map delineating Plans ~~identifying~~ all lands inventoried as Goal 5 resources, Type I and II lands, Water Resource Areas ~~Water Resource Areas, and any other environmentally sensitive lands by acreage, location and type; and other areas inventoried as Goal 5 resources on site and indicating acreage and type;~~

Comment [J6]: moved the rest to the standards

Comment [J7]: The purposes need to be implemented with clear standards in the body of the chapter. This attempts to turn the purposes directly into standards, which is inappropriate

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- D. ~~The applicant shall specifically identify~~ All code requirements proposed for modification;
- E. Any voluntary conditions of approval or covenants proposed ~~by the applicant necessary~~ to address the approval criteria ~~of this Chapter; and~~
- F. If phasing of the PUD is proposed, a PUD phasing plan ~~shall be submitted~~ which delineates the extent of development proposed for each phase and includes a schedule of required public improvements and proposed community facilities for each phase of the development ~~; and~~
- G. The Planning Director may require additional information as part of the application subject to the provisions of CDC 99.035(A).

24.070 ALLOWABLE USES

~~A. Except as provided for below, the permitted, accessory and conditional uses, and uses permitted under prescribed conditions use restrictions in for~~ a PUD shall be the same as the underlying ~~zoning~~ district. ~~In addition, the following uses are permitted in all PUDs:~~

~~with the addition of:~~

~~A. the~~ The following uses shall be permitted ~~uses: outright in a PUD where all other applicable standards are met:~~

- ~~1. Single family, Duplexes,~~ attached housing and multiple-family housing;
2. Community buildings ~~scaled to serve the needs of the development;~~
3. Indoor recreation facility, athletic club, fitness center, racquetball court, swimming pool, tennis court, or similar use ~~scaled to serve the needs of the development;~~
4. Outdoor recreation facility, golf course, swimming pool, tennis court, or similar use; ~~and~~
5. Recreation vehicle storage area; ~~and,~~
- ~~6. Minor utilities.~~

- B. Any PUD which proposes special needs housing shall be reviewed for its proximity to ~~transit and~~ existing or planned services (i.e., shopping centers, medical centers, ~~places of worship~~ churches, parks, senior centers, ~~public transit, etc.~~). ~~Such uses shall be allowed only if~~

24.080 APPROVAL CRITERIA AUTHORIZATION

- A. ~~The approval authority~~ Planning Commission shall approve a PUD only ~~after if it can it make findings that the requirements of this Chapter have been satisfied or can be satisfied by conditions of approval.~~

Comment [j8]: single family is allowed in all districts so it serves no purpose to list it

Comment [j9]: there are no criteria here, what is ok and what is not

Comment [j10]: This is covered by chapter 99 and state law in should not be duplicated here

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A. PUDs must comply. ~~The applicant must demonstrate compliance~~ with the each of the following standards:

1. Public Benefits. The PUD shall be developed so ~~that~~ it achieves compatibility with the neighboring development in terms of appearance, massing, and scale. Any adverse impacts or undesirable effects of the proposed PUD must be clearly outweighed by specifically identified public benefits. ~~to the public. The applicant shall substantiate how the proposed development will be superior to and provide a greater benefit to the public than a development approved under the standard CDC regulations.~~ Examples of public ~~these~~ benefits include, but are not limited to, the following:

- a) Community Facilities. The proposed PUD provides community facilities beyond what the City requires without a PUD. The proposed facilities may be publically or privately owned and maintained ~~proved~~ that, if a facility is to be privately owned, the City Planning commission finds that acceptable terms for the ongoing maintenance of the facility have been provided. Any facilities that are to be dedicated to the City must serve the public and be acceptable to the City. Community facilities may be located on or off-site. Examples of these facilities include, but are not limited to:

- 1) Parks or open spaces, recreational facilities such as tennis courts, active play areas and ~~or~~ swimming pools;
- 2) Infrastructure improvements that provide benefits for the community or region at-large, including storm water, utility, or other facilities;
- 3) Transit facilities, bicycle/pedestrian pathway systems or other transportation improvements. ~~or,~~

~~4) Other facilities acceptable to the City.~~

- b) Natural, cultural or historical resources. The proposed PUD preserves, enhances or rehabilitates natural, cultural or historical features of the subject property beyond what the City requires without a PUD. Examples of these resources include, but are not limited to:

- 1) Significant natural areas, viewsheds, wildlife habitats or corridors; and
- 2) ~~H~~Unique historical and ~~or~~ cultural features; ~~or,~~
- ~~3) Other special features or resources acceptable to the City.~~

- c) For phased PUD's, the proposed benefit(s) required ~~by~~ in this ~~s~~Section shall be commensurate with the level of development for each phase, as determined by the

Comment [j11]: Already say not limited to above

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- approval authority. The community benefit shall be provided either concurrent with, or prior to, the development of each phase.
2. Superior site design. The proposed PUD provides a superior site design with elements that exceed what the City requires without a PUD. Examples of elements that represent superior site design include, but are not limited to:
- a) Site design that ~~provides allows for unique~~ housing or building types to support an underserved population within the community;
 - b) Superior internal pedestrian, bicycle or vehicular circulation paths or patterns; ~~and-or,~~
 - c) Site Design that contributes to the existing surrounding natural features and is respectful of views both into and outside of the site.;
3. Superior architectural design. – The proposed PUD provides ~~superior~~ architectural features that exceed what the City requires without a PUD. Examples of elements that represent superior architectural design include, but are not limited to:
- a) High quality materials, finishes and textures;
 - b) Facades that include horizontal and vertical variations in the building silhouette consistent with single family housing; and or,
 - c) Contextual design in terms of building orientation, materials, articulation, scale and roof form. Alternative designs may be appropriate when no predominant style exists, or when unique or exceptional benefits are derived under the proposed style.
4. Sustainable design. The proposed PUD includes sustainable design features or methods that exceed what the City requires without a PUD. Examples of sustainable design features or methods include, but are not limited to:
- a) Appropriate siting and orientation of buildings, windows and landscaping, with regard to solar, shade and wind impacts;
 - b) Incorporation of universal design features, such as flat entrances or wider doors;
 - c) Onsite generation of renewable energy for heating and/or cooling such as passive or active solar, wind, or biomass ~~that does not generate adverse offsite impacts;~~
 - d) Use of high efficiency windows and insulation;
 - e) Transportation demand management (“TDM”) strategies, or transportation management systems (“TMS”);
 - f) Minimal use of impervious surface area and materials; ~~or,~~

Comment [J12]: Greater clarity re what you are trying to accomplish would help

Comment [J13]:

Comment [J14]: ??

Comment [DRH15]: Is this intended to qualify the entire list or just biomass? Either way, no impacts is a very difficult threshold to meet. Is renewable generation worth any trade-off of impacts? Could the code require minimizing or mitigation of said impact?

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- h) Use of "green streets" or "low impact development" where acceptable to the City; and
- g) Other acceptable designs or features that create resource efficiencies and decrease the impact of the development on the environment.

Comment [DRH16]: Are these terms defined? It is not necessary that they be defined in this context, but definitions could be helpful to provide an applicant with direction as to what the City wants.

5. Perimeter transitions.

This section is proposed to be relocated to this location from previous 24.100

- a) Because the provisions of this chapter allow for density transfers within the site, modifications to certain development regulations and a variety of housing types, transitions between ~~potentially conflicting~~ uses shall be provided as follows:

Comment [DRH17]: This could be interpreted as a criteria, whereby an applicant could argue that the uses are not potentially conflicting and therefore the entire section does not apply.

- 1) ~~Active recreational facilities, such as hard surface athletic courts or swimming pools, shall be located internal to the development where possible. When the applicant~~ Upon demonstration by the applicant that this is not possible, such facilities located along the perimeter of the development shall be buffered and/or screened to minimize adverse impact to neighbors.
- 2) When more than two attached housing units (e.g., a triplex) are proposed adjacent to and visible from existing dwellings within 120 feet or directly across the street and visible from an existing single-family dwelling, ~~the~~ multifamily structures shall include architectural design elements, such as building modulation and roof styles, that mimic those of single family dwellings.
- 3) ~~Additionally, all parking and access serving multi-family units shall be set back a minimum of 20 feet from the abutting property line, unless the approval authority, based upon the City Engineer's recommendation, approves a joint access between adjoining properties.~~

- b) The type and extent of ~~transitions~~ required shall be determined by the Planning Commission. The following examples may be considered by the Planning Commission as a means to satisfy the requirement for a transition, although other transitions may be proposed by the applicant for consideration:

Comment [DRH18]: Terminology. Where are "transitions" required? Is this buffering/screening, or is this all requirements under this Perimeter Transition section? Should incorporate an affirmative grant of authority to the PC to require the "transitions". Probably under sub(a).

- 1) An intervening street or driveway that is existing, platted or specifically proposed in the Transportation Master Plan and has a minimum width of 24 feet;
- 2) Natural topography, such as a drainageway or wetland, provides a horizontal separation of at least 50 feet, or a cliff or embankment that provides adequate vertical separation which shall be defined as having the PUD site at least 10 feet below the abutting non-PUD site, and which includes adequate screening. The natural topography may be on an adjoining parcel; and

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3) Manmade berms of at least five feet in height with landscaping for adequate screening a 40-foot minimum in width. This transition shall be on the subject parcel unless an easement for such purpose is provided on the adjoining parcel.

c) The transition provisions of this subsection shall not apply if the proposed residential units are setback at least 100 feet from the perimeter of the PUD.

24.090 ALTERNATIVE DEVELOPMENT STANDARDS

The applicant may propose alternatives to certain development regulations of the underlying zoning district. In a PUD, the Floor Area Ratio and lot coverage requirements of the underlying zoning district may be applied ~~with reference~~ to the total ~~area of the project area as a whole~~ rather than on a lot by lot basis. The ~~approval authority Planning Commission~~ may ~~authorize grant~~ modifications to the lot size, building setbacks, and lot dimensions of the underlying ~~district zone upon if the applicant demonstrates that the proposed PUD meets~~ all of the requirements ~~outlined in Section 24.080 are satisfied~~. However, the lot sizes along the perimeter of the PUD that abut existing single-family homes shall not be reduced to less than 75 percent of the minimum lot size permitted for a single-family dwelling ~~home~~ on the abutting lot outside the PUD. No other modifications are permitted except as provided for elsewhere in this Code. Any modifications to the ~~underlying~~ development regulations shall be shown on the approved plans, specified in the conditions of approval, and where applicable, shall be noted on the final plat or site plan.

24.100 PERIMETER TRANSITIONS

~~A. Because the PUD and the provisions of this chapter allow for density transfers within the site, modifications to certain development regulations and a variety of housing types, it may be necessary that transitions be provided between the project site and the surrounding properties. These transitions may be required to mitigate the impacts of multi-family housing next to single family housing. Transitions may be required when more than two attached housing units (e.g., a triplex) are proposed adjacent to existing single family housing. Active recreational facilities, such as hard surface athletic courts or swimming pools, located on the perimeter of the development may require additional buffering and screening in accordance with this Section.~~

~~Additionally, all parking and access serving multi-family units shall be set back a minimum of 20 feet from the abutting property line, unless the approval authority, based upon the City Engineer's recommendation, approves a joint access between adjoining properties.~~

~~B. The type and extent of transitions required shall be determined by the Planning Commission. The following examples may be considered by the Planning Commission as a means to satisfy the requirement for a transition, although other transitions may be proposed by the applicant for consideration:~~

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- ~~1. An intervening street or driveway that is existing, platted or specifically proposed in the Transportation Master Plan and has a minimum width of 24 feet;~~
 - ~~2. Natural topography such as a drainageway or wetland that provides a horizontal separation of at least 50 feet, or a cliff or embankment that provides adequate vertical separation which shall be defined as having the PUD site at least 10 feet below the abutting non-PUD site, and which includes adequate screening. The natural topography may be on an adjoining parcel;~~
 - ~~3. Manmade berms of at least five feet in height with landscaping for adequate screening a 40-foot minimum in width. This transition should be on the subject parcel;~~
- ~~C. The transition provisions of this subsection shall not apply if residential units are setback at least 100 feet from the perimeter of the PUD.~~

24.110 DENSITY TRANSFER

The PUD allows ~~the~~ residential density to be transferred within the site, subject to the requirements of this ~~c~~Chapter. The total number of dwelling units permitted is subject to the underlying zoning district and the provisions of CDC XXXX (will reference the appropriate environmentally sensitive lands section – not yet prepared).

These sections below will be relocated to other sections of the code

~~24.120 PUD AMENDMENT TRIGGER~~

~~Amendments to an approved PUD by the original approval authority shall be required when 10 percent or more of the housing type changes (e.g., from single family units to multi family units) from the approved PUD or, when the layout of streets or lots is proposed to significantly change and as provided for in CDC 99.120 A or when the Planning Director determines that the proposed change is significant and as provided for in CDC 99.120 A. Amendments shall require review per CDC 99.120.~~

~~EXPIRATION AND STAGED OR PHASED DEVELOPMENT~~

Comment [j19]: I prefer to deal with topics in one place in the code and refer to it elsewhere to avoid redundancy and conflicts, especially in the event one section is revised and the other is not. So, how about just modifying 99.120 instead of a separate section here

Comment [j20]:

Comment [j21]: I suggest-pick a term and consistently use it

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Unless otherwise stated in this chapter, PUDs are subject to the expiration and extension requirements of the applicable subdivision or design review approval. (Also see CDC Section 99.325, Extension of approval, and CDC Chapter 91, Improvement Guarantee.)

~~However, t~~he applicant may request to develop the PUD in ~~stages. A PUD may include~~ up to three (3) ~~stages, or~~ phases. Phasing may not extend beyond ~~5 years~~ from the original approval date.

[Option: or _____ years for PUDs larger than _____ acres.] -The phasing proposal shall include all improvement to be completed in each phase. Each phase shall, including all facilitates and offsite improvements needed to address the impacts of that phase. Requests to phase the PUD shall only be approved by the approval authority after reviewing a PUD phasing plan and making findings that the provisions of CDC 99.125 have been met.

Comment [j22]: this is likely too short if it were a big PUD (blue heron, maybe eventually in Stafford in 20 years

Comment [DRH23]: Whatever the final time limitation is, will need findings in support.

Comment [j24]: read together with 99.125 and make they work together or consolidate in 99.125