

**CITY OF WARRENTON
PLANNING AND BUILDING DEPARTMENT**

1. **REZONE** (To be accompanied by a map showing the subject property, a copy of property deed and Letter of Authorization, if applicable)
2. **COMPREHENSIVE PLAN TEXT OR MAP AMENDMENT**
3. **DEVELOPMENT CODE TEXT AMENDMENT**

OFFICE USE ONLY	
FILE #	<u>DCR-19-3</u>
FEE	\$2,000 \$1,500
RECEIPT #	<u>879777</u>
DATE RECEIVED	<u>8/1/19</u>

Legal Description of the Subject Property (if applicable):


Township	Range	Section	Tax Lot
_____	_____	_____	_____

Street address of the property (if applicable): _____

I/WE, THE UNDERSIGNED APPLICANT OR AUTHORIZED AGENT, AFFIRM BY MY/OUR SIGNATURE(S) THAT THE INFORMATION CONTAINED IN THE FOREGOING APPLICATION AND ASSOCIATED SUBMISSIONS IS/ARE TRUE AND CORRECT.

APPLICANT:

Printed Name: Winterbrook Planning - Alex Pichacz / Greg Winterowd


Signature:  Date: 7/29/2019

Address: 610 SW Alder St. Suite 810 Phone: 503-827-4422

City/State/Zip: Portland, OR 97205 Fax: _____

PROPERTY OWNER (if different from Applicant)

Printed Name: Warrenton-Hammond School District

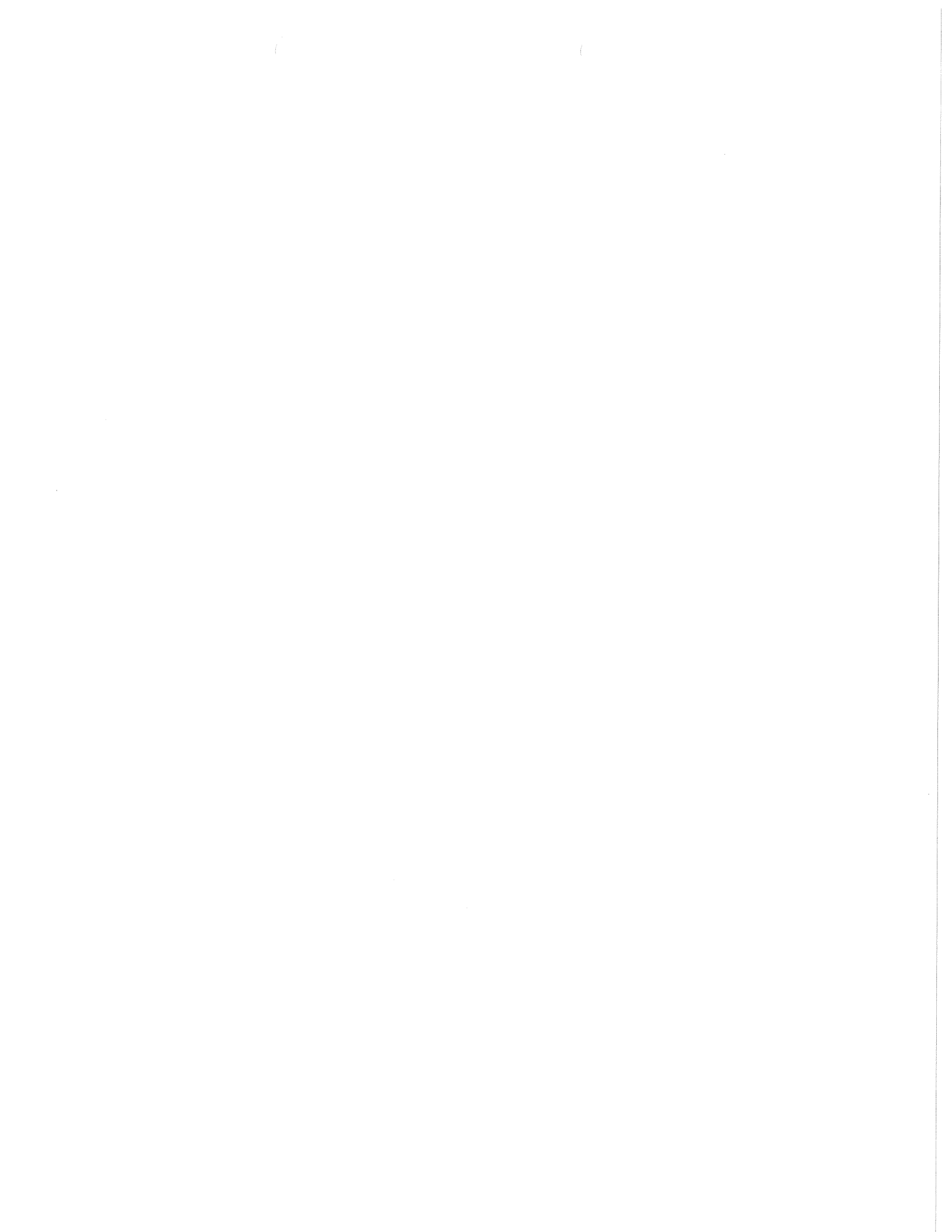
Signature:  Date: 8/1/19

Address: 820 SW Cedar Phone: 503-861-2281

City/State/Zip: Warrenton, OR 97146 Fax: _____

Place an "x" on applicable request(s):

- | | |
|---|---|
| <input type="checkbox"/> Rezone | <input type="checkbox"/> Comprehensive Plan Text amendment |
| <input type="checkbox"/> Comprehensive Plan Map amendment | <input checked="" type="checkbox"/> Development Code text amendment |



3. Does the proposal conform to the Statewide Planning Goals? Yes _____ No _____

If yes, please list the applicable Statewide Planning Goals and how this proposal conforms to the Goals.

If no, please describe:

4. Does the proposal conform to Warrenton Comprehensive Plan and Development Code? Yes _____ No _____

If yes, please explain.

If no, please explain.

5. Is there a change of circumstances or further studies justifying the amendment or mistake in the original zoning.

DEVELOPMENT CODE TEXT AMENDMENT

1. Which chapter and section of the Warrenton Development Code is this request for?

Chapter 16.224 Planned Unit Developments

2. Does the proposal conform to the applicable Oregon State Statutes? Yes No

If yes, please explain _____

The purpose of the proposed code amendments is to provide more clarity to the approval process of a planned unit development / master plan, as it pertains to allowed institutional uses. No new types of land uses are proposed.

If no, please explain. _____

3. Does the proposal conform to the Statewide Planning Goals? Yes No

If yes, please list the applicable Statewide Planning Goals and how this proposal conforms to the goals.

Goals 1, 2, 8, 9, & 11 are affected by this application. A detailed description of compliance with all applicable Statewide Planning Goals is included in Part II of the application narrative.

If no, please describe why the proposal does not or will not conform to the Statewide Planning Goals.

4. Does the proposal conform to the Comprehensive Plan and Development Code? Yes No

If yes, please explain.

No applicable comprehensive plan text or policies could be found relating to school planning or development.

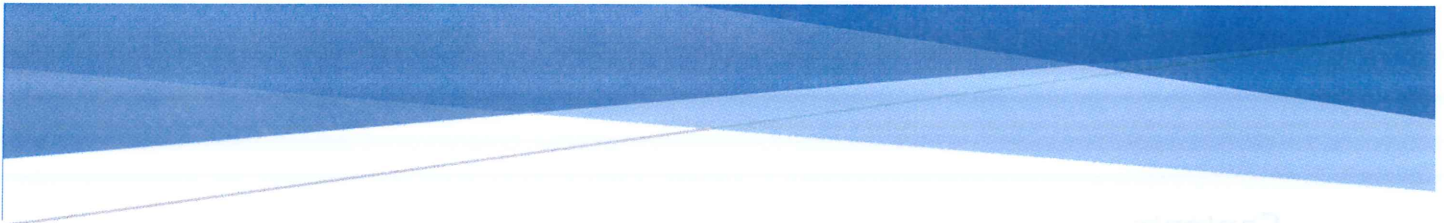
If no, please explain. _____

5. Is there a change of circumstances, or further studies justifying the amendment or mistake in the original zoning. _____

There is currently no master plan provision in the development code. These code amendments will allow for institutional master plans to be implemented in a phased manner similar to the existing residential PUD code criteria.

Return Application To: City of Warrenton
Planning and Building Department
PO Box 250
225 S. Main Street
Warrenton, Oregon 97146

Phone: 503-861-0920
Fax: 503-861-2351



WARRENTON-HAMMOND SCHOOL DISTRICT Proposed Amendments to Planned Unit Development Regulations

Warrenton Development Code Chapter 16.224
Planned Unit Development

Summary

The application includes proposed amendments to the Planned Unit Development (PUD) Chapter of the Warrenton Development Code (WDC) to specifically authorize “institutional master plans” (IMPs) that can be implemented in phases over a 10-year period.

Prepared by Winterbrook Planning | Submitted July 29, 2019

RECEIVED
AUG 01 2019

BY: _____
CITY OF WARRENTON

Contents

Part I: Introduction.....	2
Reason for Proposed Warrenton Development Code Amendments	2
Summary of Proposed Chapter 16.224 Amendments	2
Review Procedure for Legislative Code Amendments.....	3
Part II: District’s Consideration of Applicable Review Factors.....	4
Comments from Affected State and Federal Agencies and Compliance with Applicable Statewide Planning Goals.....	4
Applicable Intergovernmental Agreements.....	6
Applicable Comprehensive Plan Policies	6
Applicable Warrenton Development Code Provisions	6
Part III: Proposed Chapter 16.224 PUD Amendments	7
16.224.010 Planned Unit Developments (PUD).....	7
16.224.015 Definitions.....	7
16.224.020 Purpose	7
16.224.030 Permitted Building and Uses.....	7
16.224.040 Development Standards	8
16.224.050 Procedure—Preliminary Development Plan or Institutional Master Plan	11
16.224.060 Procedure—Final Development Plan.....	12
16.224.070 Adherence to Approved Plan and Modification Thereof.....	14

Appendices

Appendix 1: Completed Application Form, Pre-Application Conference Summary

Part I: Introduction

In November 2018 the Warrenton-Hammond School District passed a \$38.5 million bond measure to, among other things, (1) purchase the Warrenton Fiber property off Dolphin Road for a new school campus, (2) construct a new middle school and related facilities on this campus, and (3) enhance job training spaces and equipment for high school programs. The 58-acre campus site is located outside the tsunami inundation zone, which is critical to ensure the safety of students over the long term. The new middle school will relieve over-crowding in the existing K-8 school. The District's schedule calls for breaking ground in the spring of 2020 – in time for middle school opening in the fall of 2021.

For the last several months, the District has been actively engaged with the community in planning for the new campus and designing the middle school. In January of 2020, the District anticipates submitting a land use application to the City of Warrenton for review for (a) a 10-year school campus master plan (showing the middle school and future elementary and high schools) in conjunction with (b) a specific development plan for the new middle school and supporting facilities.

The District plans to implement the school campus master plan in three phases (Phases 2 and 3 depend on voter approval of future bond measures):

- Phase 1 – Middle School
- Phase 2 – High School
- Phase 3 – Elementary School

Reason for Proposed Warrenton Development Code Amendments

The City's existing Planning Unit Development (PUD) regulations are found in **WDC Chapter 16.224**. The PUD Chapter provides the most appropriate vehicle for City review of the District's plans for two reasons: first, because **Section 16.224.030.E** permits schools which are allowed conditionally in the applicable High Density Residential (R-H) zone; and second, because **Section 16.224.050.9** allows final development plans to be executed in stages, consistent with the approved "preliminary development plan."

Although the PUD Chapter is generally well-suited to accommodate phased master planned development, **Section 16.224.010** seems to contemplate primarily residential PUDs and there is a lack of clarity in later sections regarding how school master plans would be reviewed. The proposed amendments clarify these issues and also make it clear when Code standards may be adjusted through the PUD review process and when a formal variance is required.

Summary of Proposed Chapter 16.224 Amendments

To provide better procedural clarity, the District proposes several amendments to **Chapter 16.224** related to "institutional master plans" (IMPs):

- **Draft Section 16.224.010** makes it clear that the PUD Chapter is intended to provide for IMPs as well as residential development.
- **Draft Section 16.224.015** defines "institutional master plan" (IMP).
- **Draft Section 16.224.040.M** clarifies that if an IMP application adequately identifies and mitigates development impacts, the Planning Commission may grant one or more

“adjustments” to relevant code standards through the PUD review process (**Section 16.224.050.B.1**) rather than apply for separate variances under other WDC sections. The provision provides the flexibility and diversification of code standards authorized by **Section 16.224.020 Purpose**.

- **Draft Section 16.224.050.A.12** clarifies standards for City review of IMP applications.
- **Draft Section 16.224.050.B** would expressly allow the District to apply for an IMP for the entire school campus site (that includes the high, middle, and elementary schools) concurrently - along with a final development plan for the middle school. Without such a provision, it would be extremely difficult for the District to begin construction in the spring of 2020 as planned.
- **Draft Section 16.224.050.B.4** clarifies that an IMP may be approved for a 10-year period consistent with the approved IMP. This time period provides needed certainty for the District in planning for high school and elementary school improvements.
- **Draft Section 16.224.060.C** allows the Planning Commission (without a separate and additional public hearing before the City Commission) to approve a final development plan for an institutional use. This provision already applies to residential uses.
- **Draft Section 16.224.070.A** allows the Community Development Director to approve grading and utility plans for the entire school campus site based on the approved IMP. This provision is necessary to allow the District to grade and extend sewer and water facilities to serve the entire school campus site, rather than waiting for each final development plan to be approved. This approach would also facilitate working with DSL and USACE to identify and mitigate for wetland impacts for the entire school site.
- **Draft Section 16.224.070.C** mirrors state law by recognizing that an applicant may rely on code requirements that applied when the preliminary development plan or IMP was submitted when final development plans are submitted in the future.

The proposed **Chapter 16.224** PUD changes are found in Part III of this narrative.

[Review Procedure for Legislative Code Amendments](#)

WDC 16.232.020 Legislative Amendments recognizes that:

Legislative amendments are policy decisions made by the City Commission. They are reviewed using the Type IV procedure in Section 16.208.060 and shall conform to Section 16.232.060, as applicable.

WDC 16.208.060 Type IV Procedure explains how legislative code amendments are noticed, processed, and decided upon.

- **Section 16.208.060.A and B** require a pre-application conference and describe application requirements. **Appendix A** includes the notes from the pre-application conference held on July 24, 2019, and a completed application form; this narrative explains how the proposed amendments satisfies applicable approval criteria.
- **Section 16.208.060.C** sets forth notification requirements for legislative code amendment applications. A minimum of two public hearings are required – one before the Planning

Commission and one before the City Commission. Newspaper, agency, and neighborhood notice is required. The Department of Land Conservation and Development (DLCD) must be notified at least 35 days before the initial public hearing before the Planning Commission.

- **Section 16.208.060.D** describes the public hearing process and procedural requirements. The Planning Commission's recommendation and the City Commission's decision must consider comments from state and federal agencies, applicable intergovernmental agreements, and applicable Comprehensive Plan policies and code provisions that implement the Comprehensive Plan. **Chapter 16.232** compliance is required. **Part II of this application demonstrates how the District considered these requirements in the preparation of the proposed Chapter 16.224 PUD amendments.**
- **Sections 16.208.060.G and H** describe what the Planning Commission must do when making a recommendation to the City Commission, and what the City Commission must do when deciding on the application.
- **Sections 16.208.060.I and J** describe notice requirements for the City Commission's decision and requires adoption of any code amendment by ordinance.
- **Section 16.208.060.L** describes the City's obligation to maintain records of Planning Commission and City Commission proceedings.

Part II: District's Consideration of Applicable Review Factors

The following narrative is a response to the relevant review factors for legislative code amendments.

Comments from Affected State and Federal Agencies and Compliance with Applicable Statewide Planning Goals

Since this proposal does not involve any Coastal Goals and will not limit U.S. Army Corps of Engineers wetland review, it is doubtful whether any federal agency would have an interest in the proposed PUD chapter amendments – most of which are procedural in nature.

Winterbrook will be contacting Lisa Phipps, the Regional Representative for the Oregon Department of Land Conservation and Development (DLCD) regarding the proposed post-acknowledgement plan amendment (PAPA) application well in advance of the public hearing before the Planning Commission. The City of Warrenton will be sending notice to DLCD of the proposed amendments at least 35 days before the Planning Commission's first public hearing, as required by **WDC Section 16.208.060.C**.

We provide the following preliminary findings related to the statewide planning goals below:

- **Statewide Planning Goal 1 (Citizen Involvement)** is adequately addressed by the City's conformance with **WDC 16.208.060** public notice requirements for public hearings before the Planning Commission and City Commission.
- **Statewide Planning Goal 2 (Land Use Planning)** is met because the proposed PUD Chapter amendments more effectively carry out the intent of the PUD Chapter, by providing "a more desirable environment through the application of flexible and diversified land development standards following an overall comprehensive site development plan" for schools and other institutional development, as called for by the purpose section of the PUD Chapter (**Section 16.224.020 Purpose**).

- Compliance with **Statewide Planning Goal 5 (Natural Resources)** is not affected by the proposed PUD Chapter amendments. Proposed PUD chapter amendments require a balancing of wetland protection and development objectives. Compliance with Goal 5 is already assured because potential impacts on inventoried Goal 5 wetlands are already addressed by **WDC Chapter 16.156 Wetlands and Riparian Corridor Development Standards**.
- Compliance with **Statewide Planning Goal 6 (Air, Land and Water Resource Quality)** is not affected by the proposed PUD Chapter amendments. Compliance with Goal 6 is adequately addressed by **Chapters 16.140 Stormwater and Surface Drainage, 16.152 Grading, Excavating and Erosion Control, and 15.192 Large Scale Developments**.
- Compliance with **Statewide Planning Goal 7 (Natural Hazards)** is not affected by the proposed PUD Chapter amendments. However, one reason for the proposed amendments is to provide a local review process that will facilitate relocation of the W-HSD campus outside the tsunami inundation zone, which is consistent with this goal.
- **Statewide Planning Goals 8 (Parks and Recreation) and 9 (Economic Development)** are not directly affected by the proposed PUD Chapter amendments. However, the proposed school playgrounds and athletic facilities will provide indoor and outdoor recreational opportunities for the District's student population; and new middle and high school vocational training opportunities will support the region's economic growth for years to come.
- Compliance with **Statewide Planning Goal 10 (Housing)** is not affected by the proposed PUD Chapter amendments. Although the District proposes to construct its new school campus on land that is designated for High Density Residential use, master planned developments that include schools are permitted in the zone. Moreover, recent housing need and buildable land studies (Johnson Economics, April 2019) show a substantial surplus of residential land in general (178 buildable residential acres) and R-H zoned buildable land in particular (119 R-H acres) within the existing Warrenton UGB.
- **Statewide Planning Goal 11 (Public Facilities and Services)** will be furthered by the proposed PUD Chapter amendments, because they will facilitate the approval of a phased development plan for a needed public facility – schools. Moreover, proposed **Section 16.224.050.A.12** specifically requires that adequate public facilities, including sanitary sewer, domestic water and stormwater drainage be provided to serve institutional master planned development.
- Compliance with **Statewide Planning Goal 12 (Transportation)** will not be affected by the proposed PUD Chapter amendments because no new uses will be allowed as a result of these amendments and the intensity of allowed uses will not change. However, the proposed amendments further the implementation of Goal 12 because **Section 16.224.050.B.6** clarifies that a determination of adequate street capacity must be based on based on a traffic impact study consistent with **WDC Chapter 16.256**.
- Compliance with **Statewide Planning Goals 13 (Energy Conservation) and 14 (Urban Growth Boundaries)** is not affected by the proposed PUD Chapter amendments. However, relocating the school campus inside the existing UGB with major street access will reduce vehicle miles traveled when compared with other locational options considered by the District – including less expensive property located further from the town center outside the existing Warrenton UGB.

- Compliance with **Coastal Goals 16-19** will not be affected, because WDC chapters necessary to assure compliance with these goals will not be changed as a result of the proposed PUD Chapter amendments.

In summary, there is no reason to believe that compliance with any statewide planning goal or rules would be implicated because no new uses are proposed in the PUD Chapter amendment package. The PUD process simply provides an alternative mechanism for the comprehensive review of uses *already* allowed outright or conditionally in Warrenton's Residential zones. Unlike the standard design review and conditional use processes, the PUD Chapter allows for approval of phased master development plans.

Applicable Intergovernmental Agreements

There do not appear to be any intergovernmental agreements (IGAs) that apply to this legislative code amendment.

Applicable Comprehensive Plan Policies

Winterbrook has reviewed Volumes I-IV of the Warrenton Comprehensive Plan and found no text or policies related to school planning or development.

At the July 24, 2019 pre-application conference, Winterbrook specifically asked if there were applicable comprehensive plan policies. Kevin Cronin, Planning Director for the City of Warrenton, confirmed that there are no specific references to schools in the Warrenton Comprehensive Plan.

Applicable Warrenton Development Code Provisions

Procedural requirements for code amendments cited above **WDC 15.208.060 Type IV Procedure** will be addressed by the City of Warrenton by meeting Type IV procedural notice and public hearing requirements.

The District's proposal is to amend the PUD regulations (**Chapter 16.224**) to clarify how master plan developments for institutional campuses will be reviewed through the PUD process. The proposed "institutional master plan" amendments would apply to specified institutions (including schools) where permitted outright or conditionally in the applicable base zone.

For context, all Residential zones in Warrenton allow schools and "master planned development" either outright or conditionally. The District has purchased land in the High Density Residential (R-H) zone. WDC 16.36.020 Permitted Uses reads in relevant part:

The following uses and their accessory uses are permitted in the R-H zone if the Community Development Director determines that the uses conform to the standards in Sections 16.36.040 through 16.36.050, applicable Development Code standards, and other City laws:

...

L. Master planned development with a minimum lot size of three contiguous acres, subject to the provisions in Chapter 16.224.

Conclusion: Since the proposed amendments merely clarify how a permitted use (school master planned development) will be reviewed through the PUD process – and will not allow any uses that are not already permitted outright or conditionally in the relevant base zone – there is no reason to believe that the proposed code amendments will in any way be contrary to statewide planning

goals or rules, Warrenton Comprehensive Plan text or policies, or any provision of the Warrenton Development Code.

The proposed amendments are provided in legislative format in Part III, below.

Part III: Proposed Chapter 16.224 PUD Amendments

Warrenton-Hammond School District's Proposed Legislative Amendments to the Planned Unit Development Chapter of the Warrenton Development Code (July 30, 2019)

- Existing text is quoted directly from the Warrenton Development Code and formatted like text in the existing WDC.
- **Proposed text amendments are underlined and presented in bold font.**
- *[District Commentary is shown in italic font between brackets.]*

Chapter 16.224 PLANNED UNIT DEVELOPMENTS

16.224.010 Planned Unit Developments (PUD)

This is intended to provide for developments incorporating a single type or variety of housing types and related uses, **or institutional master plans (IMPs)** which are planned and developed as a unit. Such developments may consist of individual lots or of common buildings sites. Commonly-owned land which is an essential and major element of the plan should be related to and preserve the long-term value of the homes and other developments. **This chapter also is intended to foster the establishment and growth of schools, colleges, hospitals and other major public or semi-public institutions through long-term institutional master planning where such uses are allowed in the applicable base zone.**

16.224.015 Definitions.

Institutional Master Plan (IMP): A conceptual development plan that applies to all land under the control of an institution. An IMP identifies proposed uses, the general location and height of proposed structures, and the general location of areas devoted to open space, landscaping, parking and circulation, and public infrastructure. An IMP focuses on impacts that would likely result from institutional development during the life of the plan (up to 10 years) and must identify effective mitigation measures.

[District Commentary: This definition could also be put in the Definitions section of the code. However, the Definitions section does not include definitions for "preliminary development plan" or "final development plan". The existing PUD Chapter is focused on residential development – but permits uses allowed outright or conditionally in the base zone. The new text clearly recognizes and encourages institutional master plans and focuses on addressing potential impacts from such plans.]

16.224.020 Purpose

The purpose is to provide a more desirable environment through the application of flexible and diversified land development standards following an overall comprehensive site development plan.

16.224.030 Permitted Building and Uses

The following buildings and uses may be permitted as hereinafter provided. Buildings and uses may be permitted either singly or in combination provided the overall density of the planned development does not exceed the density of the zoning district as provided by Section 16.224.040.

- A. Single-family dwellings.
- B. Duplexes, triplexes, and multifamily dwellings.
- C. Accessory buildings and uses.
- D. Commercial uses only when supported mainly by the planned development and only when economic feasibility can be shown.
- E. Buildings or uses listed as permitted outright or conditionally in the zone on which the planned development is located.

[District Commentary: Per Subsection E and as documented in Part II above, "master planned developments of at least three acres" are permitted in the R-H zone; schools are permitted conditionally in the R-H zone.]

- F. Recreational vehicle (RV) parks when the applicant provides findings of fact that demonstrate consistency with applicable provisions of the Comprehensive Plan and this Code and the location has been approved by the Planning Commission. Where PUD standards differ from standards found elsewhere in this Code, the more stringent requirement shall apply.
- G. Campgrounds when the applicant provides findings of fact that demonstrate consistency with applicable provision of the Comprehensive Plan and this Code and the location has been approved by the Planning Commission.

16.224.040 Development Standards

- A. **Minimum Site Size.** Planned unit developments shall be established only on parcels of land which are suitable for the proposed development and are no smaller than the minimum lot size established in the zoning district. The minimum lot size for RV parks and campgrounds shall be five acres. **The minimum lot size for IMPs shall be 10 acres.**

[District Commentary: Recognizing that institutional uses typically require large sites and may have external impacts that require spatial buffers, the District suggests that IMPs should have at least 10 acres.]

- B. **Open Space.** In all PUDs at least 40% of the total area shall be devoted to open space. Up to 25% of this open space may be utilized privately by individual owners or users of the planned development; however, at least 75% of this area shall be common or shared open space.

1. For institutional development, open space may include natural areas, outdoor athletic fields, planted areas and hardscapes such as plazas and playgrounds.

[District Commentary: Institutions typically don't have "private open space" but usually do have plazas. Schools usually have outdoor playgrounds and athletic fields as well as landscaped areas and protected wetlands that should count towards meeting the 40% open space requirement.]

- C. **Density.** The density of the planned development shall not exceed the density of the zone in which it is located. Minimum space size for RV parks is 700 square feet (see Chapter 16.176 for additional standards; where PUD standards differ from standards found elsewhere in this Code, the more stringent requirement shall apply). The Planning Commission shall review density allowances

for campgrounds on a case-by-case basis using the criteria of Section 16.220.030 as a minimum standard for approval.

D. Subdivision Lot Sizes. Minimum area, width, depth and frontage requirements for subdivision lots in a planned unit development may be less than the minimums set forth elsewhere in this Code, provided that the overall density is in conformance with Section 16.224.040 and the lots conform to the approved preliminary development plan.

E. Off-Street Parking. Parking areas shall conform to all provisions of Chapter 16.128.

1. Pursuant to Section 16.224.040.M, the Planning Commission may adjust minimum parking requirements for institutional development based on a parking impact study provided by the applicant.

[District Commentary: Because the school campus will have share facilities that can be used by both middle school and high school students, and students in different schools on the same campus will sometimes ride together, the District will be preparing a traffic impact and parking study to ensure that the campus has enough – but not too much – parking for students, teachers, staff and visitors.]

F. Signs. All signs of any type within a planned unit development are subject to review and approval of the Planning Commission. The Commission shall consider each sign on its merits based on its aesthetic impact on the area, potential traffic hazards, potential violation of property and privacy rights of adjoining property owners, and need for said sign.

G. Setbacks and Yard Requirements. No structure shall be located closer than 20 feet from any public street within a planned unit development unless otherwise approved by the Planning Commission. Other setbacks are to be determined by the Planning Commission where they are considered essential to the public health, safety or welfare. These setbacks required by the Planning Commission shall be recorded as part of the protective covenants as required by Section 16.224.060.

H. Height Limits. Height limits in a planned unit development are the same as in the zoning district, except that the Planning Commission may further limit heights when necessary for the maintenance of the public health, safety or welfare.

1. The Planning Commission may approve institutional buildings of up to 50 feet in height, provided that any structure that exceeds the base height of the zone must be set back a proportional distance (one foot increase in setback for each additional foot above the maximum height allowed in the base zone).

[District Commentary: Institutions such as hospitals and schools may require taller buildings on a smaller footprint. For example, gymnasiums and auditoriums may need to exceed the 35' height limitation that is typical in residential districts. Potential impacts from taller buildings would be mitigated by having a proportional increase in building setback.]

I. Streets, Sidewalks and Roads. Necessary streets, sidewalks, and roads within the planned unit development shall be constructed to City standards and dedicated to the public. See Division 3 for applicable standards. A private roadway, or a private road network, may be permitted if adequate

provisions for access and circulation have been provided in accordance with Chapter 16.120 and facilities have been approved and installed in accordance with Chapter 16.136.

1. Pursuant to Section 16.224.040.M, the Planning Commission may adjust Chapter 16.120 and 16.136 standards through the PUD process.

J. Dedication and Maintenance of Facilities. The Planning Commission or, on appeal, the City Commission, may as a condition of approval for a planned unit development require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:

1. Recreation Facilities. The Planning Commission or City Commission, as the case may be, may require that suitable area for parks or playgrounds be set aside, improved or permanently reserved for the owners, residents, employees or patrons of the development.

2. Common Areas. Whenever a common area is provided, the Planning or City Commission may require that an association of owners or tenants be created into a non-profit corporation under the laws of the State of Oregon, which shall adopt such articles of incorporation and by-laws and impose such declaration of covenants and restrictions on such common areas that are acceptable to the Planning Commission. Said association shall be formed and continued for the purpose of maintaining such common area. Such an association, if required, may undertake other functions. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levied to maintain said common area for the purposes intended. The period of existence of such association shall be not less than 20 years and it shall continue thereafter and until a majority vote of the members shall terminate it. **This provision does not apply to IMPs.**

3. Easements. Easements necessary to the orderly extension of public utilities may be required as a condition of approval.

K. Approvals. Prior to Planning Commission (or City Commission approval upon appeal), written consent for the development shall be received from the City-appointed Engineer, Fire Chief, and any other department or agency (i.e., County Sanitarian, DEQ, ODOT, Division of Health, ODF&W, DSL, DLCDC, etc.) that can demonstrate that they have legal authority or jurisdiction over the proposal [or part(s) of the proposal].

L. Other Requirements. The Planning Commission may establish additional requirements which it deems necessary to assure that any development conforms to the purpose and intent of this section.

M. Adjustments. When consistent with Section 16.224.040.K and when the Planning Commission determines that identified impacts from IMP development have been adequately mitigated pursuant to Section 16.224.050.B.3, the Planning Commission may approve adjustments to Code standards through the PUD review process set forth in Section 16.224.050.B.1. In such cases, the applicant need not address variance procedures that apply to non-PUD development proposals.

N. Architectural Design Standards. Commercial development shall adhere to the design standards found in Section 16.116.030. For an Institutional Master Plan, the applicant shall

develop a thematic plan for the design of structures to be adhered to in all future final development plans.

16.224.050 Procedure—Preliminary Development Plan or Institutional Master Plan

A. The applicant shall submit four copies of a preliminary development plan to the Planning Commission prior to formal application for approval. This plan and any written statements shall contain at least the following information:

1. Proposed land uses and densities.
2. Location, dimensions and heights of structures.
3. Plan of open or common spaces.
4. Map showing existing features of site and topography.
5. Proposed method of utilities service and drainage.
6. Road and circulation plan, including off-street parking areas.
7. Relation of the proposed development to the surrounding area and the Comprehensive Plan.
8. Lot layout.
9. A schedule, if it is proposed that the final development plan will be executed in stages, including the schedule for providing public infrastructure improvements for all proposed phases.
10. Information deemed necessary by the Community Development Director.

11. Required application fee.

12. An IMP application shall identify potential impacts of future institutional development within 500 feet of the institutional site and recommend effective mitigation measures. The IMP application shall address impacts related to transportation, natural hazards, significant streams and wetlands, coastal resources, public facilities (sanitary sewer, domestic water and stormwater drainage) and lighting.

[District Commentary: Identifying what impacts must be addressed and establishing an impact area clarifies the applicant's mapping and mitigation responsibilities, neighborhood expectations and Commissioners' review authority. The 500-foot impact area approach worked well in the city of Seaside.]

B. Applications for planned unit development preliminary approval shall be reviewed by the Planning Commission using a Type III procedure as specified in Section 16.208.050. **An applicant may apply concurrently for an institutional master plan and one or more final development plans.** The Planning Commission shall determine whether the proposal conforms to Section 16.224.040. In addition, in considering the plan, the Planning Commission shall seek to determine that:

[District Commentary: The PUD Chapter currently doesn't anticipate the possibility that an applicant may wish to apply concurrently for preliminary plan / IMP and final plan approval. Without allowing concurrent applications, it would be impossible for the District to meet its construction deadline of April 2020 and its middle school opening deadline of August 2021.]

1. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure (if any) from the standard Code requirements.
2. Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area.
3. The proposed development will be in substantial harmony with the surrounding area. **Proposed institutional development shall demonstrate that impacts related to transportation, natural hazards, significant streams and wetlands, coastal resources, public facilities (sanitary sewer, domestic water and stormwater drainage) and lighting have been adequately identified and mitigated. If phasing is proposed, mitigation of impacts may be limited to those impacts associated with an individual phase at the time the phase is approved.**
4. The plan can be completed within a reasonable period of time. **An IMP may be approved for a period of up to 10 years and may include one or more phases. The Community Development Director may allow an extension of up to 5 additional years for good cause.**

[District Commentary: Institutional master plans often are phased and depend on public funding. By establishing a 10-year planning horizon, it is possible to prepare transportation impact studies that address all phases of development at the same time, to phase in the provision of public facilities, and to account for off-site improvements in future bond measures. Many jurisdictions allow for 10-20 years master plans for this reason.]

5. Any proposed commercial development can be justified economically.
6. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area **based on a traffic impact study consistent with Chapter 16.256; however, the Transportation Planning Rule (OAR 660-012-060) does not apply to PUD applications that involve uses permitted outright or conditionally in the base zone. If phasing is proposed, mitigation of impacts may be limited to those impacts associated with an individual phase at the time the phase is approved.**

[District Commentary: This addition simply makes it clear that a TIS will be necessary and where to look in the Code to find TIS standards and that TPR (Section 060) compliance is not triggered by any land use application for uses that are already allowed in the applicable base zone.]

7. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
- C. The Planning Commission shall notify the applicant whether the foregoing provisions have been satisfied and, if not, whether they can be satisfied with further plan revision(s).

16.224.060 Procedure—Final Development Plan

- A. Within one year after preliminary approval or modified approval of a preliminary development plan **or an IMP**, the applicant shall, at the next regularly scheduled meeting, file with the Planning Commission a final plan for the entire development or, when submission in stages has been authorized, for the first unit of the development. The final plan shall conform in all major respects

with the approved preliminary development plan **or an IMP**. The final plan shall include all information included in the preliminary plan, plus the following:

[District Commentary: Note that concurrent applications for an IMP with a final Phase 1 plan could be approved sequentially – but at the same Planning Commission meeting.]

1. Contour map of the site showing at least two-foot contour intervals.
 2. Grading plan for the site showing future contours if existing grade is to be changed more than two feet.
 3. Existing and proposed utility lines (storm and sanitary sewer, gas, etc.).
 4. Preliminary subdivision plat meeting the requirements of Section 16.216.040 if property is to be subdivided.
 5. Location and dimensions of pedestrian ways, roads, malls, common open spaces, recreation areas and parks.
 6. Location, dimensions and arrangement of automobile off-street parking spaces including width of aisles, spaces and other design criteria.
 7. Preliminary architectural plans and elevations of typical structures.
 8. Preliminary planting and landscaping plan for the site.
 9. The applicant shall also submit drafts of appropriate deed restrictions or protective covenants to provide for the maintenance of common areas and to assure that the objectives of the planned unit development shall be followed.
- B. Upon receipt of the final development plan, the Planning Commission shall examine such plan and determine whether it conforms to all applicable criteria and standards, and whether it conforms in all substantial respects to the previously-approved preliminary development plan **or IMP**; or the Commission shall require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards. In so doing, the Planning Commission may permit the applicant to revise the plan and resubmit it as a final development plan within 60 days.
- C. After final development plan approval by the Planning Commission, the planned development application will be sent to the City Commission for consideration and final approval. A Type III review procedure shall be used. If the PUD is a residential subdivision **or institutional use allowed in the base zone**, with no commercial, RV, or campground amenities, review by the City Commission is not required; however, final subdivision plat approval in accordance with Section 16.216.070 is required.

[District Commentary: It makes sense to require City Commission review when a PUD allows uses that are not allowed in the base zone – such as a commercial use in a Residential district. Since an IMP may only be applied for if the relevant institution is allowed in the base zone, there is no need for City Commission review. Note that schools are allowed conditionally in the R-H zone.]

16.224.070 Adherence to Approved Plan and Modification Thereof

A. Grading permits and building permits in a planned unit development shall be issued only on the basis of the approved final development plan. Any changes in the approved plan shall be submitted to the Planning Commission for processing in accordance with Chapter 16.228. **However, the Community Development Director may approve a grading and utility plan for the entire institutional site consistent with an approved institutional master plan.**

[District Commentary: The District plans on submitting a grading plan for the entire campus site when applying concurrently for its IMP and Phase 1 final plan. This approach also facilitates the District's application for wetland fill and removal permits from the Department of State Lands and the U.S. Army Corps of Engineers.

B. A performance bond may be required, in an amount to be determined by the Planning Commission, to insure that a development proposal is completed as approved and within the agreed-upon time limits.

C. An applicant is entitled to rely on land use regulations in effect on the date its preliminary development plan or IMP was initially submitted, pursuant to ORS 227.178(3), when seeking approval of a final development plan so long as the applicable preliminary development plan or IMP is in effect when the final development plan is submitted. At its option, an applicant may request that a final development plan be subject to the land use regulations in effect on the date its final development plan is initially submitted.

Winterbrook Proposed Legislative Amendments to the Planned Unit Development Chapter of the Warrenton Development Code

July 30, 2019 (Amended by City of Warrenton CD Director August 20, 2019)

- Proposed **District text amendments in bold and underlined.**
- Proposed *CDD housing edits in bold and italicized.*

CHAPTER 16.224 PLANNED UNIT DEVELOPMENTS

16.224.010 Planned Unit Developments (PUD)

This is intended to provide for developments incorporating a single type or variety of housing types and related uses, **or institutional master plans (IMPs)** which are planned and developed as a unit. Such developments may consist of individual lots or of common buildings sites. Commonly-owned land which is an essential and major element of the plan should be related to and preserve the long-term value of the homes and other developments. **This chapter also is intended to foster the establishment and growth of schools, colleges, hospitals and other major public or semi-public institutions through long-term institutional master planning where such uses are allowed in the applicable base zone.**

16.224.015 Definitions.

Institutional Master Plan (IMP): A conceptual development plan that applies to all land under the control of an institution. An IMP identifies proposed uses, the general location and height of proposed structures, and the general location of areas devoted to open space, landscaping, parking and circulation, and public infrastructure. An IMP focuses on impacts that would likely result from institutional development during the life of the plan (up to 10 years) and must identify effective mitigation measures.

16.224.020 Purpose

The purpose is to provide a more desirable environment through the application of flexible and diversified land development standards following an overall comprehensive site development plan.

16.224.030 Permitted Building and Uses

The following buildings and uses may be permitted as hereinafter provided. Buildings and uses may be permitted either singly or in combination provided the overall density of the planned development does not exceed the density of the zoning district as provided by Section 16.224.040.

- A. Single-family *detached and attached* dwellings.
- B. Duplexes, triplexes, *courtyard cottages* and multifamily dwellings.
- C. Accessory buildings and uses.
- D. Commercial uses only when supported mainly by the planned development and only when economic feasibility can be shown.

E. Buildings or uses listed as permitted outright or conditionally in the zone on which the planned development is located. ***Drive thrus are prohibited.***

F. Recreational vehicle (RV) parks when the applicant provides findings of fact that demonstrate consistency with applicable provisions of the Comprehensive Plan and this Code and the location has been approved by the Planning Commission. Where PUD standards differ from standards found elsewhere in this Code, the more stringent requirement shall apply.

G. Campgrounds when the applicant provides findings of fact that demonstrate consistency with applicable provision of the Comprehensive Plan and this Code and the location has been approved by the Planning Commission.

16.224.040 Development Standards

A. Minimum Site Size. Planned unit developments shall be established only on parcels of land which are suitable for the proposed development and are no smaller than the minimum lot size established in the zoning district. The minimum lot size for RV parks and campgrounds shall be five acres. **The minimum lot size for IMPs shall be 10 acres.**

B. Open Space. In all PUDs at least 40% of the total area shall be devoted to open space. Up to 25% of this open space may be utilized privately by individual owners or users of the planned development; however, at least 75% of this area shall be common or shared open space.

1. For institutional development, open space may include natural areas, outdoor athletic fields, planted areas and hardscapes such as plazas and playgrounds.

C. Density. The density of the planned development shall not exceed the density of the zone in which it is located. Minimum space size ***for individual spaces within*** RV parks is 700 square feet (see Chapter 16.176 for additional standards; where PUD standards differ from standards found elsewhere in this Code, the more stringent requirement shall apply). The Planning Commission shall review density allowances for campgrounds on a case-by-case basis using the criteria of Section 16.220.030 as a minimum standard for approval.

D. Subdivision Lot Sizes. Minimum area, width, depth and frontage requirements for subdivision lots in a planned unit development may be less than the minimums set forth elsewhere in this Code, provided that the overall density is in conformance with Section 16.224.040 and the lots conform to the approved preliminary development plan.

E. Off-Street Parking. Parking areas shall conform to all provisions of Chapter 16.128.

1. Pursuant to Section 16.224.040.M, the Planning Commission may adjust minimum parking requirements for institutional development based on a parking impact study provided by the applicant.

F. Signs. All signs of any type within a planned unit development are subject to review and approval of the Planning Commission. The Commission shall consider each sign on its merits based on its aesthetic impact on the area, potential traffic hazards, potential violation of property and privacy rights of adjoining property owners, and need for said sign.

G. Setbacks and Yard Requirements. No structure shall be located closer than 20 feet from any public street within a planned unit development unless otherwise approved by the Planning Commission. Other setbacks are to be determined by the Planning Commission where they are considered essential to the public health, safety or welfare. These setbacks required by the Planning Commission shall be recorded as part of the protective covenants as required by Section 16.224.060.

H. Height Limits. Height limits in a planned unit development are the same as in the zoning district, except that the Planning Commission may further limit heights when necessary for the maintenance of the public health, safety or welfare.

1. The Planning Commission may approve institutional buildings of up to 50 feet in height, provided that any structure that exceeds the base height of the zone must be set back a proportional distance (one foot increase in setback for each additional foot above the maximum height allowed in the base zone).

I. Streets, Sidewalks and Roads. Necessary streets, sidewalks, and roads within the planned unit development shall be constructed to City standards and dedicated to the public. See Division 3 for applicable standards. A private roadway, or a private road network, may be permitted if adequate provisions for access and circulation have been provided in accordance with Chapter 16.120 and facilities have been approved and installed in accordance with Chapter 16.136.

1. Pursuant to Section 16.224.040.M, the Planning Commission may adjust Chapter 16.120 and 16.136 standards through the PUD process.

J. Dedication and Maintenance of Facilities. The Planning Commission or, on appeal, the City Commission, may as a condition of approval for a planned unit development require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:

1. Recreation Facilities. The Planning Commission or City Commission, as the case may be, may require that suitable area for parks or playgrounds be set aside, improved or permanently reserved for the owners, residents, employees or patrons of the development.

2. Common Areas. Whenever a common area is provided, the Planning or City Commission may require that an association of owners or tenants be created into a non-profit corporation under the laws of the State of Oregon, which shall adopt such articles of incorporation and by-laws and impose such declaration of covenants and restrictions on such common areas that are acceptable to the Planning Commission. Said association shall be formed and continued for the purpose of maintaining such common area. Such an association, if required, may undertake other functions. It shall be created in such a manner that owners of property shall automatically be members and shall be subject to assessment levied to maintain said common area for the purposes intended. The period of existence of such association shall be not less than 20 years and it shall continue thereafter and until a majority vote of the members shall terminate it. **This provision does not apply to IMPs.**

3. Easements. Easements necessary to the orderly extension of public utilities may be required as a condition of approval.

K. Approvals. Prior to Planning Commission (or City Commission approval upon appeal), written consent for the development shall be received from the City-appointed Engineer, Fire Chief, and any other department or agency (i.e., County Sanitarian, DEQ, ODOT, Division of Health, ODF&W, DSL, DLC, etc.) that can demonstrate that they have legal authority or jurisdiction over the proposal [or part(s) of the proposal].

L. Other Requirements. The Planning Commission may establish additional requirements which it deems necessary to assure that any development conforms to the purpose and intent of this section.

M. Adjustments. When consistent with Section 16.224.040.K and when the Planning Commission determines that identified impacts from IMP development have been adequately mitigated pursuant to Section 16.224.050.B.3, the Planning Commission may

approve adjustments to Code standards through the PUD review process set forth in Section 16.224.050.B.1. In such cases, the applicant need not address variance procedures that apply to non-PUD development proposals.

N. Architectural Design Standards. Commercial development shall adhere to the design standards found in Section 16.116.030. For an Institutional Master Plan, the applicant shall develop a thematic plan for the design of structures to be adhered to in all future final development plans.

16.224.050 Procedure—Preliminary Development Plan or Institutional Master Plan

A. The applicant shall submit four copies of a preliminary development plan to the Planning Commission prior to formal application for approval. This plan and any written statements shall contain at least the following information:

1. Proposed land uses and densities.
2. Location, dimensions and heights of structures.
3. Plan of open or common spaces.
4. Map showing existing features of site and topography.
5. Proposed method of utilities service and drainage.
6. Road and circulation plan, including off-street parking areas.
7. Relation of the proposed development to the surrounding area and the Comprehensive Plan.
8. Lot layout.
9. A schedule, if it is proposed that the final development plan will be executed in stages, including the schedule for providing public infrastructure improvements for all proposed phases.
10. Information deemed necessary by the Community Development Director.
11. Required application fee.

12. An IMP application shall identify potential impacts of future institutional development within 500 feet of the institutional site and recommend effective mitigation measures. The IMP application shall address impacts related to transportation, natural hazards, significant streams and wetlands, coastal resources, public facilities (sanitary sewer, domestic water and stormwater drainage) and lighting.

B. Applications for planned unit development preliminary approval shall be reviewed by the Planning Commission using a Type III procedure as specified in Section 16.208.050. **An applicant may apply concurrently for an institutional master plan and one or more final development plans.** The Planning Commission shall determine whether the proposal conforms to Section 16.224.040. In addition, in considering the plan, the Planning Commission shall seek to determine that:

1. There are special physical conditions or objectives of development which the proposal will satisfy to warrant a departure (if any) from the standard Code requirements.
2. Resulting development will not be inconsistent with the Comprehensive Plan provisions or zoning objectives of the area.

3. The proposed development will be in substantial harmony with the surrounding area. **Proposed institutional development shall demonstrate that impacts related to transportation, natural hazards, significant streams and wetlands, coastal resources, public facilities (sanitary sewer, domestic water and stormwater drainage) and lighting have been adequately identified and mitigated. If phasing is proposed, mitigation of impacts may be limited to those impacts associated with an individual phase at the time the phase is approved.**
 4. The plan can be completed within a reasonable period of time. **An IMP may be approved for a period of up to 10 years and may include one or more phases. The Community Development Director may allow an extension of up to 5 additional years for good cause.**
 5. Any proposed commercial development can be justified economically.
 6. The streets are adequate to support the anticipated traffic and the development will not overload the streets outside the planned area **based on a traffic impact study consistent with Chapter 16.256; however, the Transportation Planning Rule (OAR 660-012-060) does not apply to PUD applications that involve uses permitted outright or conditionally in the base zone. If phasing is proposed, mitigation of impacts may be limited to those impacts associated with an individual phase at the time the phase is approved.**
 7. Proposed utility and drainage facilities are adequate for the population densities and type of development proposed.
- C. The Planning Commission shall notify the applicant whether the foregoing provisions have been satisfied and, if not, whether they can be satisfied with further plan revision(s).

16.224.060 Procedure—Final Development Plan

- A. Within one year after preliminary approval or modified approval of a preliminary development plan **or an IMP**, the applicant shall, at the next regularly scheduled meeting, file with the Planning Commission a final plan for the entire development or, when submission in stages has been authorized, for the first unit of the development. The final plan shall conform in all major respects with the approved preliminary development plan **or an IMP**. The final plan shall include all information included in the preliminary plan, plus the following:
1. Contour map of the site showing at least two-foot contour intervals.
 2. Grading plan for the site showing future contours if existing grade is to be changed more than two feet.
 3. Existing and proposed utility lines (storm and sanitary sewer, gas, etc.).
 4. Preliminary subdivision plat meeting the requirements of Section 16.216.040 if property is to be subdivided.
 5. Location and dimensions of pedestrian ways, roads, malls, common open spaces, recreation areas and parks.
 6. Location, dimensions and arrangement of automobile off-street parking spaces including width of aisles, spaces and other design criteria.
 7. Preliminary architectural plans and elevations of typical structures.
 8. Preliminary planting and landscaping plan for the site.

9. The applicant shall also submit drafts of appropriate deed restrictions or protective covenants to provide for the maintenance of common areas and to assure that the objectives of the planned unit development shall be followed.

B. Upon receipt of the final development plan, the Planning Commission shall examine such plan and determine whether it conforms to all applicable criteria and standards, and whether it conforms in all substantial respects to the previously-approved preliminary development plan **or IMP**; or the Commission shall require such changes in the proposed development or impose such conditions of approval as are in its judgment necessary to insure conformity to the applicable criteria and standards. In so doing, the Planning Commission may permit the applicant to revise the plan and resubmit it as a final development plan within 60 days.

C. After final development plan approval by the Planning Commission, the planned development application will be sent to the City Commission for consideration and final approval. A Type III review procedure shall be used. If the PUD is a residential subdivision **or institutional use allowed in the base zone**, with no commercial, RV, or campground amenities, review by the City Commission is not required; however, final subdivision plat approval in accordance with Section 16.216.070 is required.

16.224.070 Adherence to Approved Plan and Modification Thereof

A. Grading permits and building permits in a planned unit development shall be issued only on the basis of the approved final development plan. Any changes in the approved plan shall be submitted to the Planning Commission for processing in accordance with Chapter 16.228. **However, the Community Development Director may approve a grading and utility plan for the entire institutional site consistent with an approved institutional master plan.**

B. A performance bond may be required, in an amount to be determined by the Planning Commission, to ensure that a development proposal is completed as approved and within the agreed-upon time limits.

C. An applicant is entitled to rely on land use regulations in effect on the date its preliminary development plan or IMP was initially submitted, pursuant to ORS 227.178(3), when seeking approval of a final development plan so long as the applicable preliminary development plan or IMP is in effect when the final development plan is submitted. At its option, an applicant may request that a final development plan be subject to the land use regulations in effect on the date its final development plan is initially submitted.