

ORDINANCE No. 1231

Introduced by All Commissioners

An ordinance amending Warrenton Municipal Code Chapter 16.224

WHEREAS, Warrenton School District has requested to amend the Planned Unit Developments standards to allow a campus master plan to guide future development of a public school campus;

WHEREAS, the City of Warrenton has supported specific and targeted revisions to the Warrenton Development Code in order to facilitate a new campus for families and the larger community.

WHEREAS, the City of Warrenton has provided numerous public involvement opportunities for local residents and stakeholders to provide input and address potential neighborhood impacts;

WHEREAS, the Planning Commission held a public hearing on September 12, 2019 and recommended approval to the City Commission;

NOW, THEREFORE, the City of Warrenton ordains as follows: (Key: ~~deleted~~ OR **new**)

Section 1. Warrenton Municipal Code Section 16.224.030 Planned Unit Development, is amended as follows:

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 portion of the 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, DLCD, 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; A traffic study will be valid for four years from the Notice of Decision. Otherwise, a new traffic study shall be required to address unanticipated traffic impacts. 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.

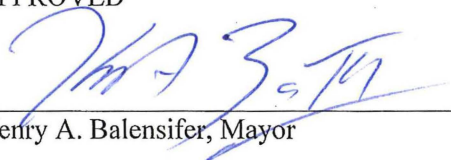
Section 2. This ordinance shall become effective 30 days after second reading

First Reading: October 8, 2019


Second Reading: December 10, 2019

ADOPTED by the City Commission of the City of Warrenton, Oregon this day 10 of December, 2019

APPROVED


Henry A. Balensifer, Mayor

Attest:


Dawne Shaw, City Recorder