

# ATTACHMENT 3

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## Section 4.118. Standards Applying to all Planned Development Zones.

- (.01) *Height Guidelines.* In "S" overlay zones, the solar access provisions of Section 4.137 shall be used to determine maximum building heights. In cases that are subject to review by the Development Review Board, the Board may further regulate heights as follows:
- A. Restrict or regulate the height or building design consistent with adequate provision of fire protection and fire-fighting apparatus height limitations.
  - B. To provide buffering of low density developments by requiring the placement of three or more story buildings away from the property lines abutting a low density zone.
  - C. To regulate building height or design to protect scenic vistas of Mt. Hood or the Willamette River.
  - D. In no case shall the height of duplexes, triplexes, fourplexes, or townhouses be limited to less than the maximum height allowed for detached single-family dwellings in the same zone. In addition, in no case shall the height of triplexes, fourplexes, or townhouses be limited to less than 25 feet.
- (.02) Underground Utilities shall be governed by Sections 4.300 to 4.320. All utilities above ground shall be located so as to minimize adverse impacts on the site and neighboring properties.
- (.03) Notwithstanding the provisions of Section 4.140 to the contrary, the Development Review Board, in order to implement the purposes and objectives of Section 4.140, and based on findings of fact supported by the record may:
- A. Waive the following typical development standards:
    - 1. Minimum lot area;
    - 2. Lot width and frontage;
    - 3. Height and yard requirements;
    - 4. Lot coverage;
    - 5. Lot depth;
    - 6. Street widths;
    - 7. Sidewalk requirements;
    - 8. Height of buildings other than signs;
    - 9. Parking space configuration and drive aisle design;
    - 10. Minimum number of loading spaces;
    - 11. Shade tree islands in parking lots, provided that alternative shading is provided;
    - 12. Fence height;
    - 13. Architectural design standards, including residential design standards;
    - 14. Transit facilities;
    - 15. On-site pedestrian access and circulation standards;
    - 16. Solar access standards, as provided in section 4.137;
    - 17. Open space in the Frog Pond West Neighborhood in the Residential Neighborhood zone; and;
    - 18. Lot orientation.

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- B. The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways:
1. Open space requirements in residential areas, except that the Board may waive or reduce open space requirements in the Frog Pond West Neighborhood in the Residential Neighborhood zone. Waivers in compliance with [Section] 4.127(.09)(B)(2)(d);
  2. Minimum density standards and housing variety standards in residential zones. The required minimum density may be reduced by the Board in the Residential Neighborhood zone in compliance with [Section] 4.127(.06) B; and
  3. Minimum landscape, buffering, and screening standards.
- C. The following shall not be waived by the Board, unless there is substantial evidence in the whole record to support a finding that the intent and purpose of the standards will be met in alternative ways, and the action taken will not violate any applicable federal, state, or regional standards:
1. Maximum number of parking spaces;
  2. Standards for mitigation of trees that are removed;
  3. Standards for mitigation of wetlands that are filled or damaged; and
  4. Trails or pathways shown in the Parks and Recreation Master Plan.
- D. Locate individual building, accessory buildings, off-street parking and loading facilities, open space and landscaping and screening without reference to lot lines; and
- E. Adopt other requirements or restrictions, inclusive of, but not limited to, the following, except that no additional requirements or restrictions can conflict with established clear and objective standards for residential development or be grounds for denying a residential development proposal when the applicant has selected the clear and objective path for approval:
1. Percent coverage of land by buildings and structures in relationship to property boundaries to provide stepped increases in densities away from low-density development.
  2. Parking ratios and areas expressed in relation to use of various portions of the property and/or building floor area.
  3. The locations, width and improvement of vehicular and pedestrian access to various portions of the property, including portions within abutting street or private drive.
  4. Arrangement and spacing of buildings and structures to provide appropriate open spaces around buildings.
  5. Location and size of off-street loading areas and docks.
  6. Uses of buildings and structures by general classification, and by specific designation when there are unusual requirements for parking, or when the use involves noise, dust, odor, fumes, smoke, vibration, glare or radiation incompatible with present or potential development of surrounding property. Such incompatible uses may be excluded in the amendment approving the zone change or the approval of requested permits.
  7. Measures designed to minimize or eliminate noise, dust, odor, fumes, smoke, vibration, glare, or radiation which would have an adverse effect on the present or potential development on surrounding properties.
  8. Schedule of time for construction of the proposed buildings and structures and any stage of development thereof to insure consistency with the City's adopted Capital Improvements Plan and other applicable regulations.

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9. A waiver of the right of remonstrance by the applicant to the formation of a Local Improvement District (LID) for streets, utilities and/or other public purposes.
  10. Modify the proposed development in order to prevent congestion of streets and/or to facilitate transportation.
  11. Condition the issuance of an occupancy permit upon the installation of landscaping or upon a reasonable scheduling for completion of the installation of landscaping. In the latter event, a posting of a bond or other security in an amount equal to 110 percent of the cost of the landscaping and installation may be required.
  12. A dedication of property for streets, pathways, and bicycle paths in accordance with adopted Facilities Master Plans or such other streets necessary to provide proper development of adjacent properties.
- (.04) The Planning Director and Development Review Board shall, in making their determination of compliance in attaching conditions, consider the effects of this action on availability and cost. The provisions of this section shall not be used in such a manner that additional conditions, either singularly or cumulatively, have the effect of unnecessarily increasing the cost of development. However, consideration of these factors shall not prevent the Board from imposing conditions of approval necessary to meet the minimum requirements of the Comprehensive Plan and Code.
- (.05) The Planning Director, Development Review Board, or on appeal, the City Council, may as a condition of approval for any development for which an application is submitted, require that portions of the tract or tracts under consideration be set aside, improved, conveyed or dedicated for the following uses:
- A. *Recreational Facilities:* The Director, Board, or Council, 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 consistent with adopted Park standards and Parks and Recreation Master Plan.
  - B. *Open Space Area:* Whenever private and/or common open space area is provided, the City shall require that an association of owners or tenants be established which shall adopt such Articles of Incorporation, By-Laws or other appropriate agreement, and shall adopt and impose such Declaration of Covenants and Restrictions on such open space areas and/or common areas that are acceptable to the Development Review Board. Said association shall be formed and continued for the purpose of maintaining such open space 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 assessments levied to maintain said open space 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, and the City Council formally votes to accept such termination.
  - C. *Easements:* Easements necessary to the orderly extension of public utilities, and the protection of open space, may be required as a condition of approval. When required, such easements must meet the requirements of the City Attorney prior to recordation.
- (.06) Nothing in this Code shall prevent the owner of a site that is less than two acres in size from filing an application to rezone and develop the site as a Planned Development. Smaller properties may or may not be suitable for such development, depending upon their particular sizes, shapes, locations, and the nature of the proposed development, but Planned Developments shall be encouraged at any appropriate location.
- (.07) *Density Transfers.* In order to protect significant open space or resource areas, the Development Review Board may authorize the transfer of development densities from one portion of a proposed development to another. Such transfers may go to adjoining properties, provided that those properties are considered to be part of the total development under consideration as a unit.

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(.08) *Wetland Mitigation and other mitigation for lost or damaged resources.* The Development Review Board may, after considering the testimony of experts in the field, allow for the replacement of resource areas with newly created or enhanced resource areas. The Board may specify the ratio of lost to created and/or enhanced areas after making findings based on information in the record. As much as possible, mitigation areas shall replicate the beneficial values of the lost or damaged resource areas.

(.09) *Habitat-Friendly Development Practices.* To the extent practicable, development and construction activities of any lot shall consider the use of habitat-friendly development practices, which include:

- A. Minimizing grading, removal of native vegetation, disturbance and removal of native soils, and impervious area;
- B. Minimizing adverse hydrological impacts on water resources, such as using the practices described in Part (a) of Table NR-2 in Section 4.139.03, unless their use is prohibited by an applicable and required state or federal permit, such as a permit required under the federal Clean Water Act, 33 U.S.C. §§ 1251 et seq., or the federal Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and including conditions or plans required by such permit;
- C. Minimizing impacts on wildlife corridors and fish passage, such as by using the practices described in Part (b) of Table NR-2 in Section 4.139.03; and
- D. Using the practices described in Part (c) of Table NR-2 in Section 4.139.03.

(Ord. No. 674, 11-16-2009; Ord. No. 682, 9-9-2010; Ord. No. 719, 6-17-2013; Ord. No. 806, 7-17-2017; Ord. No. 892, § 2(Exh. A), 12-2-2024; Ord. No. 899, § 2(Exh. A), 8-4-2025)