

C. Matt S.
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BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

ORDINANCE # 367

Relating to land use planning; amending LCC 1.1380; and declaring an emergency.

The Lincoln County Board of Commissioners ordains as follows:

SECTION 1.

LCC 1.1380 is repealed and the following is enacted in lieu thereof:

1.1380 Planned Development (PD)

(1) Purpose:

The purpose of the planned development procedure is to encourage and promote creativity and innovation in site planning, design and development through the application of flexible land development standards. Application of the planned development procedure is intended to:

(a) Allow for and encourage development designs which provide suitable recognition of the physical, topographic, cultural, historical and natural resource values and constraints present on a particular site;

(b) Permit greater flexibility in the siting of buildings and other physical improvements and in the mixing of housing types and other compatible non-residential uses in order to accomplish desirable design objectives; and

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1 (c) Ensure that development occurs in a manner consistent with the intent and
2 purpose of the goals and policies of the comprehensive plan.

3 **(2) General Requirements:**

4 **The following requirements shall govern planned developments:**

5 **(a) A planned development may be established in any zone other than a T-C**
6 **zone or an A-C zone.**

7 **(b) Notwithstanding the provisions of the applicable use zone or zones, on land**
8 **subject to an approved planned development, only those uses, structures and other**
9 **forms of development which have been set forth and authorized in a preliminary**
10 **development plan approved in accordance with the provisions of this section may be**
11 **established.**

12 **(c) A planned development may include any uses permitted outright or**
13 **conditionally in any zone, except that uses permitted only in an I-P, or M-P zone shall**
14 **not be permitted in an R-1, R-2, R-3, R-4, C-1, C-2, C-T, or M-W zone.**

15 **(d) Overall residential density shall be as provided for in the applicable use zone**
16 **or zones. Density shall be computed based on the total gross land area of the subject**
17 **property, excluding area devoted to commercial or other nonresidential uses.**

18 **(e) No building shall exceed a height of 45 feet.**

19 **(f) For a planned development in a residential zone, the total land area devoted**
20 **to industrial and commercial uses, including required off street parking, other than**
21 **hotel, motels, trailer parks, resorts, and similar accommodations, shall not exceed five**

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1 **percent of the total land area of the development. Any commercial and industrial uses**
2 **shall be directly related in purpose and function to the remainder of the planned**
3 **development.**

4 **(g) In a residential zone, where commercial or industrial uses are being**
5 **developed in conjunction with residential uses, construction of the commercial or**
6 **industrial uses shall not be initiated until 25 percent of the residential units have been**
7 **developed.**

8 **(h) Yards, setbacks, lot area, lot coverage and similar dimensional requirements**
9 **may be reduced, adjusted or otherwise modified consistent with the design objectives**
10 **of the proposed development.**

11 **(i) In the event of a conflict between any applicable use zone provision and the**
12 **allowances, limitations or requirements of an approved preliminary plan, the approved**
13 **preliminary plan shall control.**

14 **(3) Preliminary Plan:**

15 **The initial step in the establishment of a planned development shall be the**
16 **submission of a preliminary plan, which shall be reviewed and acted upon in**
17 **accordance with the provisions of this section:**

18 **(a) Preliminary Plan Review Procedure: The procedure for application and**
19 **review of a preliminary plan of a planned development shall be as set forth in LCC**
20 **1.1210 (3).**

1 **(b) Content of the Preliminary Plan:** Application for preliminary plan
2 approval of a planned development shall include, in addition to the forms prescribed
3 by the division, a preliminary plan consisting of the following:

4 **(A) A site plan map or maps depicting all proposed residential and**
5 **nonresidential land uses, including typical architectural detail, and also including**
6 **location of all proposed lot or parcel boundaries, if the proposal involves a division of**
7 **land, all proposed roads and pedestrian access, location of significant natural features**
8 **such as wetlands, stream courses, environmental hazards, and fish and wildlife habitat**
9 **areas, location of any proposed open space, recreation areas or other common**
10 **elements, and approximate topography with contour intervals of not more than 10 feet.**

11 **(B) A written narrative describing the character of the proposed development,**
12 **the manner in which it has been designed to conform to the purpose of the planned**
13 **development procedure, including detailed discussion of how the proposal conforms to**
14 **the requirements of paragraph (c) of this subsection, proposed methods of providing**
15 **sewer, water and other utility services, the method proposed for ownership and**
16 **maintenance of private common areas, buildings, structures, roads or other facilities,**
17 **proposed covenants, restrictions and bylaws of any homeowners association, and the**
18 **proposed time schedule of development, including plans for phasing, if any.**

19 **(C) Other maps or narrative materials needed to determine compliance with**
20 **any applicable provisions of this chapter, as determined by the division.**

1 **(c) Preliminary Plan Approval Criteria:** Approval by the planing commission
2 of a preliminary plan of a planned development shall be based on findings that the
3 following criteria are satisfied:

4 **(A) All of the applicable general requirements in LCC 1.1450(2) are met;**

5 **(B) The proposed development will not be inconsistent with the comprehensive**
6 **plan provisions or zoning objectives for the area;**

7 **(C) The proposed development will provide the following amenities or**
8 **protections at a higher level than would otherwise be provided under conventional land**
9 **development procedures: Protection of significant natural and cultural features and**
10 **resources, such as historical, scientific and cultural resources, fish and wildlife habitats,**
11 **stream corridors, riparian areas, and wetlands; maintenance, enhancement or**
12 **establishment of natural vegetation, especially indigenous plant communities;**
13 **protection of scenic and aesthetic qualities; and creation of a high quality built**
14 **environment which harmonizes with the natural and physical features of the site and**
15 **includes design features such as suitably located open space, recreation facilities, and**
16 **other public and common facilities, and also includes pedestrian oriented development**
17 **which reduces reliance on automobile travel, provision of solar access or similar**
18 **measures to promote energy conservation, or avoidance of risks and costs associated**
19 **with environmental hazards.**

20 **(D) In acting to approve a preliminary plan, the commission may impose any**
21 **conditions or limitations it finds necessary to achieve compliance with any provisions of**

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1 **this chapter.**

2 **(d) Time Limit on Preliminary Plan Approval: Approval of a preliminary plan**
3 **in accordance with this section is valid for a period of two years, unless a longer period**
4 **of time is specifically authorized by the commission.**

5 **(e) Time Extension on Preliminary Plan Approval: Approval of a preliminary**
6 **plan of a planned development may be extended beyond the two year or other**
7 **approved period upon request. Requests for time extensions shall be made to the**
8 **division on a form prescribed by the division. Requests for time extensions shall be**
9 **considered and acted upon in accordance with LCC 1.1210(1). In considering a request**
10 **for a time extension, the director or commission may consider to what extent any**
11 **required improvements have been constructed or completed, whether there have been**
12 **any changes in circumstances or in applicable code or statutory requirements which**
13 **could have affected the original approval, and whether additional conditions or**
14 **requirements could be imposed on the preliminary plan approval which would**
15 **satisfactorily address any deficiencies resulting from changed circumstances or code or**
16 **statutory requirements. In granting a request for a time extension, the director or the**
17 **commission may impose such additional conditions or requirements as are considered**
18 **appropriate. A time extension shall be for a period of one year. Not more than three**
19 **time extensions of a preliminary plan approval may be granted.**

20 **////**

1 **(4) Final Plan:**

2 **Upon completion of all conditions and requirements of a preliminary plan of a**
3 **planned development, application may be made for final plan approval, in accordance**
4 **with the provisions of this section:**

5 **(a) Final Plan Review Procedure: The procedure for application and review of**
6 **a request for final plan approval of a planned development shall be as set forth in LCC**
7 **1.1210(1).**

8 **(b) Certifications Required for Final Plan Approval: Requests for final plan**
9 **approval of a planned development shall be accompanied by the following**
10 **certifications:**

11 **(A) A copy of all covenants and restrictions.**

12 **(B) Copies of legal documents required for dedication of public facilities or for**
13 **the creation of a homeowner's association.**

14 **(C) The certification, performance agreement or statement regarding the**
15 **availability of water and sewerage services.**

16 **(D) As-built certifications for all required roads and utilities unless otherwise**
17 **guaranteed by a performance agreement.**

18 **(E) If the planned development involves a division of land, the certifications**
19 **required by LCC 1.1337(7).**

20 **(F) Other certifications required as a condition of the preliminary plan**
21 **approval.**

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1 **(c) Final Plan Approval Criteria: The director or commission shall approve a**
2 **final plan of a planned development, provided that:**

3 **(A) The submitted final plan is in substantial conformance with the approved**
4 **preliminary plan; and**

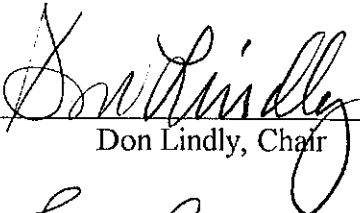
5 **(B) All of the certifications required by paragraph (b) of this subsection have**
6 **been submitted in proper form.**

7 **SECTION 2.**

8 This Ordinance being necessary for the immediate preservation of the public peace, health
9 and safety, an emergency is declared to exist and this Ordinance shall take effect upon its passage.

DATED this 30th day of April, 1997.


LINCOLN COUNTY BOARD OF COMMISSIONERS



Don Lindly, Chair



Jean Cowan, Commissioner



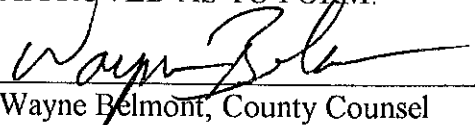
Nancy E. Leonard, Commissioner

ATTESTED TO:



Susan Kays, Recorder

APPROVED AS TO FORM:



Wayne Belmont, County Counsel

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