

**Chapter 230**  
**PLANNED UNIT DEVELOPMENTS**

- 230.01 Purpose and General Concept**
- 230.02 Authorization**
- 230.03 Application Contents and Procedure**
- 230.04 Conditional Uses Permitted Through a Type III Procedure**
- 230.05 General Standards**
- 230.06 Special Landscaping Standards**
- 230.07 Special Standards for Manufactured Homes**
- 230.08 Common Open Space Standards**
- 230.09 Minimum Lot Sizes**
- 230.10 Dwelling Unit Density**
- 230.11 Findings for Project Approval**
- 230.12 Approval of Preliminary Development Plan**
- 230.13 Approval of Final Development Plan**
- 230.14 Changes Subsequent to Completion**

**230.01 Purpose and General Concept.** Traditional zoning establishes zone boundaries and sets forth permitted uses of land within the various zones and general conditions for such uses which are intended to apply to individual lots and standard minimum-sized parcels. Acknowledging that land may be more effectively developed in planned building groups for residential, commercial, or a mixture of those uses by application of imaginative site design techniques, and recognizing the applicability of the objectives set forth in this Chapter, the Planning Commission intends:

- A. To consider Planned Unit Development proposals within a framework of defined land use policies and objectives.
- B. To provide flexibility in the application of the general zoning provisions of this Ordinance.
- C. To encourage developments which provide flexibility of design in the placement of buildings and open spaces, off-street parking areas, street alignments, and other facilities.
- D. To promote the economy of shared community services and facilities.
- E. To ensure the creation of attractive, helpful, and efficient environments for housing and commerce.
- F. To best utilize the potential of sites characterized by special features of geography, topography, size or shape.
- G. To permit flexibility that will encourage a more creative approach to the development of land and will result in a more efficient, aesthetic, and desirable use of open space while at the same time harmonizing with adjoining development and maintaining population densities which are consistent with the transportation facilities and utilities available and with the public health and safety standards of the County, and which do not adversely impact neighboring development.

**230.02 Authorization.** The Planning Commission may authorize Planned Unit Developments as Conditional Uses, per the requirements of Chapter 210, in the Rural Residential (RR5), Recreational Residential (RR2), Industrial and all Commercial Zones.

A Planned Unit Development, as authorized, shall be subject to all conditions imposed by the Planning Commission and shall be excepted from other provisions of this Ordinance only to the extent specified in the authorization. An application requiring a Zoning Amendment shall be subject to the procedures of Chapter 260.

### **230.03 Application Contents and Procedure**

- A. Before submitting development plans or surveys for approval, an applicant proposing a Planned Unit Development shall confer with the Planning Department to obtain general information, guidelines, procedural requirements, and advisory opinions on the project concept.
- B. Following this consultation, the applicant may prepare a preliminary development plan and submit the application to the Planning Department. In addition to the general requirements of the Baker County Zoning Ordinance, the preliminary plan shall contain the following elements, if applicable:
  1. Development proposal outline consisting of:
    - a. General schematic maps which depict:
      - i. The existing topography of the site, percent of slope, and contour map drawn at intervals appropriate for the steepness of the terrain.
      - ii. Existing land use adjacent to the site, including major roads, current designed capacity, and proposed future capacity.
      - iii. Location of public uses, including schools, parks, playgrounds, and other open spaces, on the proposed site or nearby area, which are needed to serve the development.
      - iv. A written description of the proposed development and its impact on public facilities available.
      - v. A written statement which is part of the development proposal outline shall contain:
        - a) Explanation of the character of the Planned Unit Development and the manner in which it has been planned to take advantage of the special provisions contained in this Chapter.
        - b) A financial capability report indicating prospective sources of funds.
        - c) Evidence of ownership or control of the parcel proposed for development, including location by legal description of the property, addresses of the applicants, owners, and designers of the development.
        - d) A general indication of the expected development schedule.
        - e) Method, capacity, operation, and maintenance proposals for water supply, sewage disposal, fire protection (if any), open space and recreation, and area maintenance and drainage.

- f) Environmental and/or economic impact studies as may be required by the Planning Commission.
2. A tentative plat or map as required by Chapter 280 or Chapter 290 of this Ordinance.
3. Where re-platting is required, the site plan shall be superimposed upon a drawing which depicts all property lines, lot numbers, utility lines, and easements or streets of the original plan now being re-platted.
4. A plot plan, if any, showing the approximate location and height of buildings, structures and other improvements and indicating the open spaces around buildings and structures and existing trees to be preserved or destroyed.
5. Location and design of off-street parking or loading facilities showing points of ingress and egress from the site, numbers of stalls and arrangement.
6. The location, direction and bearing of any major physiographic features such as streams, irrigation ditches, or shorelines.
7. Elevation and perspective drawings of proposed structures may be submitted at the option of the applicant.
8. A development schedule indicating:
  - a. The approximate date when construction of the project will begin.
  - b. The phases in which the project will be built and approximate starting dates for each phase, if any.
  - c. The area, location and degree of development of common open space that will be provided at each phase if the development is completed in phases.
9. Agreements, provisions or covenants which govern the use, maintenance, and continued protection of the Planned Unit Development in any of its open space areas.
10. The following plans and diagrams are required:
  - a. A circulation plan indicating proposed circulation of vehicles, goods and pedestrians within the Planned Unit Development and to/from access roads. Any special engineering features and/or traffic regulation devices needed to facilitate or ensure the safety of this circulation pattern will be shown.
  - b. A schematic landscape plan.
  - c. A preliminary drainage and grading plan for the collection and transmission of run-off water.

#### **230.04 Conditional Uses Permitted Through a Type III Procedure**

- A. The following are Conditional Uses in Planned Unit Developments:

1. A Conditional Use in the primary zone in which the development is located.
2. Varied use and mixing of housing types including single-family dwellings, duplexes, townhouses, multi-family dwelling groups, and accessory buildings and uses.
3. Temporary offices for real estate sales and development of the project, per the requirements of Chapter 250.
4. Commercial service supported mainly by the residents of the development.
5. Manufactured home developments, provided:
  - a. The standards for manufactured home parks contained in Oregon Statutes are satisfied; and
  - b. Manufactured homes shall not be occupied until all construction has been completed and certified by the Oregon Department of Commerce.
6. A Planned Unit Residential Development which includes commercial uses and dwellings shall be permitted only if the design ensures adequate design features to protect dwellings within and adjacent to the development from traffic, noise, and similar adverse influences associated with commercial uses. Dwellings may be situated above commercial uses.

B. The following uses are allowed in Planned Unit Developments:

1. A use permitted outright or conditionally in the primary zone.
2. Varied arrangement and location of building types and designs.
3. Single, duplex or multiple-family dwellings if designed with adequate buffering.

### **230.05 General Standards**

- A. The perimeter setback requirements established for the zone shall apply to the Planned Unit Development except when otherwise increased or decreased by the Planning Commission.
- B. Design features shall provide light and solar access, ventilation, privacy, and other characteristics equivalent to that obtained from the normal setback requirement of the zone.
- C. All electrical, telephone, or cable television utilities shall be located underground.
- D. Off-street parking and/or loading facilities for a Planned Unit Development shall not be less than the sum of the required parking and/or loading facilities for the various uses computed separately.
- E. Spacing of buildings or permitted setback reduction shall not create access problems for fire-fighting equipment.

### **230.06 Special Landscaping Standards**

- A. When parking areas are proposed within required yards, adequate landscaping of such parking areas shall be provided. Such landscaping shall be provided in a manner which generally screens vehicles from view but provides adequate traffic visibility at all intersections and points of ingress/egress.
- B. Special consideration may be given to developments where little, if any, landscaping is possible, as well as other developments where the nature of the development makes landscaping difficult or inappropriate. The Planning Commission may waive landscaping requirements when determined to be appropriate. Special consideration can also be given to sites with existing vegetation in determining areas of landscaping.
- C. A Planned Unit Development shall be comprised of 25% landscaping. The minimum landscaping standard may be increased by the Planning Commission as required to buffer adjacent uses or interior mixed uses within the Planned Unit Development.
- D. There shall be specified minimum areas of open space for usable recreation areas within the duplex and/or multiple family residential developments, and such open space shall be considered as part of the required landscaping.
- E. A landscape plan shall be prepared.
- F. All required setback areas abutting public streets shall be landscaped, including parking facilities. Such areas will be included in area computation. Trees and landscaping shall be placed randomly throughout parking areas/lots.
- G. All open areas between the property line and the public street shall be landscaped and shall be included in the maintenance requirement.
- H. All trash receptacles shall be fully screened from public view. The location of trash receptacles shall take into consideration the noise impact on adjacent properties.

**230.07 Special Standards for Manufactured Homes.** In addition to general location and landscaping standards, manufactured home planned unit developments shall satisfy the requirements of this Section. Manufactured homes shall be placed on permanent foundations under either of the following situations:

- A. Foundations shall be excavated to below ground level to allow placement of the manufactured home at grade level, and the tongue, axle(s) and wheels must be removed; or,
- B. The tongue, axle(s) and wheels shall be removed and the entire exterior of the manufactured home shall be skirted from the ground up to the bottom of the unit.

### **230.08 Common Open Space Standards**

- A. A minimum of 25% of the site, excluding roads, parking areas or commercial uses, set aside, dedicated, or reserved as common open spaces. This percentage may be considered part of the landscaped area required in Section 230.06.
- B. No open area may be accepted as common open space within a Planned Unit Development unless it meets the following requirements:

1. The location, size and character of the common open space is suitable for the planned development.
  2. The common open space is for amenity or recreational purposes and the uses authorized are appropriate to the scale and character of the Planned Unit Development considering its size, density, expected population, topography, and the number and type of dwellings provided.
  3. Common open space will be suitably improved for its intended use, except that common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are appropriate to the uses authorized for the common open space and will conserve and enhance the amenities of the open space having regard for its topography and unimproved condition.
  4. No more than one-half of the common open space requirement may be met with land having slopes exceeding 25% or with submerged, marshy or boggy land.
  5. The development schedule which is part of the development plan shall coordinate the improvement of the common open space and the construction of buildings and other structures in the common open space with the construction of residential dwellings in the Planned Unit Development.
  6. If building structures or other improvements are to be made in the common open space, the developer shall post a bond or other adequate assurance that the buildings, structures and improvements shall be completed. The Planning Department shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan.
- C. Land shown on the final development plan as common open space shall be conveyed to an association of owners or tenants created as a non-profit corporation under the laws of the State, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the County Legal Counsel as providing for the continuing care of the open space. Such an association shall be formed and continued in perpetuity for the purpose of maintaining the common open space.
- D. No common open space may be put to a use not specified in the final development plan unless said plan is first amended to permit the use. However, no change of use may be considered a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved by Baker County.
- E. Deed restrictions shall be placed on Planned Unit Development lots and the remaining land:
1. To commit the open land and resource land to continued management and preservation of such use; and
  2. To acknowledge that the development rights to the common open space land have been utilized and no further developments may occur beyond the allowable density established by this Ordinance; and
  3. The governing body of Baker County shall be a party to these restrictions; and

4. Any Amendment to these restrictions may only occur with the consent of all parties including the Baker County Board of Commissioners.

**230.09 Minimum Lot Sizes.** A Planned Unit Development may not be established on less than five acres of contiguous land unless the Planning Commission finds that the property is suitable due to its unique location, character, topography, or other natural features and is of sufficient size to be planned and developed in a manner consistent with the concept of a Planned Unit Development.

**230.10 Dwelling Unit Density.** Dwelling unit density per gross site/acre shall not exceed that allowed within the requirements of the primary zone where the Planned Unit Development is located. Where commercial uses are contained within a Planned Unit Development, in addition to residences, the land area occupied by such uses and streets shall not be included in the land area used to calculate the permitted number of dwelling units.

**230.11 Findings for Project Approval.** A Planned Unit Development shall be approved only if it satisfies the following standards, along with the requirements of Chapter 210:

- A. The proposed Planned Unit Development is an effective and unified treatment of the development possibilities on the project site, while remaining consistent with the Baker County Comprehensive Plan, and makes appropriate provisions for the preservation of natural features in a manner that benefits the general public sufficiently to justify necessary exceptions to the specific requirements of the zone in which the Planned Unit Development is proposed to be located.
- B. The proposed Planned Unit Development meets the minimum standards specified in this Chapter for such development.
- C. The existing and natural features of the land have been considered in the plan of the development and important features utilized for open space and common areas.
- D. The development will not have a substantial adverse effect upon the area surrounding the project site in terms of air and water quality, public facilities, natural hazards, or scenic qualities.
- E. The development will be planned and constructed to ensure a high degree of safety for users of the development and neighboring areas.
- F. The development will be planned and constructed to provide adequate circulation facilities to, in and around the project such that future development is not impeded nor are areas of undue congestion created.
- G. The development will not require roads, streets or County services beyond those required by a typical lot-by-lot development. In cases where increased services are required, compensation for these services will be paid by the developer.
- H. There are adequate provisions for the maintenance of open space and common areas that, if developments are to occur in phases, the early phases have the same or higher ratio of amenities as proposed in later phases of the development.
- I. Where applicable, consideration is given to the following items:

1. The quality of the development in general, and the use of open space and recreational areas are such that they provide a high degree of livability for its residents; and
2. Such developments are efficient and well-organized with adequate access to service and storage.

### **230.12 Approval of Preliminary Development Plan**

- A. The procedures for review of a tentative plat as specified in Chapter 280 or Chapter 290 of this Ordinance shall be followed.
- B. In addition, the following procedures shall be adhered to:
  1. The Staff Report shall discuss the desirability of the Planned Unit Development in terms of the degree to which the proposal conforms or fails to conform to standards and criteria specified in this Chapter and any recommended conditions required to be met by the proposed development.
  2. A preliminary development plan may be submitted, reviewed and approved in stages not to exceed six months for the total review, once the development proposal outline has been approved by the Planning Commission.
  3. The Planning Commission may approve, approve with modifications, or deny the Planned Unit Development based upon standards and criteria listed in this Chapter. Modifications or conditions which may be imposed include, but are not limited to, the following:
    - a. Require view-obscuring shrubbery, walls or fences along property lines and around unsightly areas such as trash and equipment storage areas and heavy commercial activities.
    - b. Require the retention of and clearances from specified trees, rocks, water ponds, or water courses and other natural features; such retained features to be considered as landscape areas, pursuant to Section 230.06.
    - c. Require dedicated rights-of-way for streets and pedestrian ways and easements for utilities and waterways.
    - d. Require the applicant to make an irrevocable offer of dedication of any right-of-way area needed for public use.
    - e. Restrict heights to less than 35 feet and/or increase setbacks.
    - f. Require a certain type and placement of lights for outdoor circulation and parking facilities. Such lighting shall not directly shine or reflect upon adjoining properties.
  4. The hearing may be continued for information upon a motion of the Planning Commission or the applicant.
  5. The applicant shall notify the County in writing if the proposal is to be abandoned prior to the final approval of the Planned Unit Development.

### **230.13 Approval of Final Development Plan**

- A. Within 12 months following approval of the preliminary development plan, the applicant shall file with the Planning Commission a final development plan containing, in final form, the information required by the preliminary plan and conditions which may have been imposed by the Planning Commission, and a final plat as required by Chapter 290.
- B. If the Planning Commission finds evidence of a material deviation from the preliminary development plan, the applicant shall be advised to submit an application for Amendment of the Planned Unit Development. An Amendment shall be considered in the same manner as the original application.
- C. Any and all improvement work, including the construction and inspection of County roads by the Road Department, shall be the responsibility of the applicant prior to submittal of a final plat or map to divide the property. Where the applicant intends to post a bond or provide other assurances in lieu of completing the improvements, such bond or assurances shall be to the satisfaction of the Planning Director or other official of the County or utility company as a condition of final approval by the Planning Commission.
- D. In the event that construction has not commenced within one year after final approval is granted, or, having been commenced, has been discontinued for one year, no development or further development shall take place on the site without the approval of the Planning Commission. However, the Planning Commission may grant an extension of one year if deemed appropriate.

### **230.14 Changes Subsequent to Completion**

- A. The final development plan shall continue to control the Planned Unit Development after it is completed, and the following shall apply:
  - 1. The Planning Director, issuing a Certificate of Completion of the Planned Unit Development, shall maintain a record of such Certificate.
  - 2. After the Certificate of Completion has been issued, the use of the land and the construction, modification, or alteration of a building or structure within the Planned Unit Development shall be governed by the approved final development plan.
  - 3. After the Certificate of Completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an Amendment to the plan, except as follows:
    - a. Minor modifications of existing buildings or structures may be authorized by the Planning Director if they are consistent with the purposes and intent of the final plan and do not significantly increase the square footage of the building or structure.
    - b. A building or structure that is totally or substantially destroyed may be reconstructed without approval of an Amended Planned Unit Development if it is in compliance with the purpose and intent of the final development plan.
  - 4. An Amendment to a completed Planned Unit Development may be approved if it is required for the continued success of the Planned Unit Development; if it is appropriate because of changes in conditions that have occurred since the final development plan was approved; or because there

have been changes in the development policy of the community as reflected by the Baker County Comprehensive Plan or related Land Use regulation.

5. No modification or Amendment to a completed Planned Unit Development is to be considered as a waiver of the covenants limiting the use of the land, buildings, structures and improvements within the area of the Planned Unit Development; and all rights to enforce these covenants against any change permitted by this Chapter are expressly reserved by the County.