

ARTICLE 4

OVERLAY DISTRICTS

10.4.000 OVERVIEW OF ARTICLE 4

This Article includes procedures and requirements related to zoning overlay districts. Properties with an overlay designation will also have an underlying zoning. Provision of the overlay district may add or modify requirements of the underlying zoning district. Forest Grove has two overlay districts:

- Master Plan
- Planned Developments

The purpose of the Master Plan Zone is to promote and facilitate the coordinated development of larger-scale institutional facilities through adoption of a master plan. This Article also includes procedures and standards for Planned Developments (PD). The PD procedures are established to provide greater flexibility in the development of land for residential, commercial or industrial purposes than allowed outright by the base zones.

MASTER PLAN ZONE

10.4.100 PURPOSE

The purpose of the Master Plan Zone is to promote and facilitate the coordinated development of larger-scale institutional facilities through adoption of a master plan. Submittal requirements and criteria for approval of a master plan are outlined. When a master plan is approved, the Official Zoning Map shall be amended to identify the Master Plan Zone, and the approved master plan shall provide the standards for development within the Master Plan Zone.

Forest Grove has traditionally regulated uses such as Pacific University and the Hospital as conditional uses in residential or commercial zones. Each new building or modification of an existing building or use required approval of a separate conditional use permit. This approach has not provided an efficient framework for long-term development of institutional facilities or a comprehensive review of development impacts.

The Master Plan Zone provides a better tool to assure the community that impacts on adjacent properties or the Forest Grove community are addressed through the review and adoption of the Master Plan. After adoption of the Master Plan, the institution has the assurance that new development within the Master Plan Zone will be reviewed for consistency with the master plan through a Type I process and will not require discretionary land use review.

10.4.105 APPLICABILITY

The Master Plan Zone is provided as an option for a limited number of larger-scale institutional uses. The following uses may apply for the Master Plan Zone designation:

- A. Hospitals and related medical facilities;
- B. Government complexes;
- C. Public high school facilities; and
- D. Colleges or universities.

The Master Plan Zone is not required for the institutional uses listed above and the conditional use permit option will still be available for development of these uses in residential and commercial zones.

10.4.110 PROCEDURE

The Master Plan Zone will be reviewed through the Type IV legislative process, with public hearings before the Planning Commission and the City Council. After the Master Plan Zone is approved, future development projects that are consistent with the master plan shall be reviewed through a Type I administrative process. Projects not envisioned at the time of Master Plan approval, or projects that depart from the Plan, shall be reviewed under a Type II or Type III process, as described under Section 10.4.125.

10.4.115 SUBMITTAL REQUIREMENTS

In addition to general application requirements outlined in Section 10.1.225, an application for the Master Plan Zone shall include the following:

A. Master Plan Boundaries

The application shall include a map of all land proposed to be included within the Master Plan Zone. The land need not be contiguous and more than one sub-area may be included in the Master Plan Zone. The application shall include the signatures of all property owners included within the proposed Master Plan Zone.

B. Narrative

The application shall include a narrative that provides:

1. A general description of the institution's development plans for the duration of the master plan (ten-to-twenty (10 – 20) years); and
2. A description of present and proposed uses, including information as to the general amount and types of uses such as offices, classrooms, recreation areas, dormitories, etc. The current and projected number of students, employees, visitors, or special events must be described in the narrative.

C. Master Plan

The application shall include a Master Plan showing, to an appropriate level of detail, the following information:

1. Buildings and other structures;
2. The circulation system (auto, pedestrian and bicycle);
3. Parking areas; and
4. Open space.

The Master Plan shall clearly indicate what existing improvements are expected to remain and what new improvements are planned.

D. Development and Design Standards

The application may propose standards that will control future development within the Master Plan Zone, including standards to address building heights, setbacks, lot coverage, landscaping requirements, parking requirements, and building design. The proposed standards may be modified through the Type IV hearing and adoption process for the Master Plan Zone.

E. Transition Areas

The Master Plan shall identify transitions between sub-areas, and address the perimeter of these parcels to ensure a sufficient transition between the institutional facilities and the surrounding neighborhood. Appropriate standards to address transitions between the sub-area's development and neighboring parcels shall include, but are not limited to: setbacks, heights, signs, fences, walls, landscaping, screening, and location of parking areas. Given the potential for a variety of uses and sub-areas, more than one set of transition standards can be included in the Master Plan.

F. Transportation Analysis

The Master Plan shall include a transportation analysis that describes trip generation and parking demand for the proposed uses. The transportation analysis shall focus on "net" new trips associated with the projected development under the Master Plan and shall also address major changes in access and circulation that affect the surrounding community. The transportation analysis shall describe impacts and whether mitigation is needed. Mitigation of transportation impacts may be tied to phasing of Master Plan improvements.

G. Parking Plan

The Master Plan shall include a parking plan that includes projected average daily peak parking need, a comparison with existing off-street parking supply, and potential impacts to parking on the adjacent street system.

The parking plan shall demonstrate how the institution intends to meet projected parking needs, utilizing both the on- and off-street supply of parking spaces, and the time frame for addressing the projected needs. The parking plan shall include consideration of a variety of ways to meet the projected parking needs, including shared parking, permit programs, enforcement programs, and use of leased sites.

H. Phasing Plan

The Master Plan shall describe and illustrate if phased development is proposed. Each proposed phase of development shall comprise a logical increment of the overall master plan. It is expected that development phases and activities may overlap, depending on availability of financing for improvements.

10.4.120 REVIEW CRITERIA

The Master Plan shall be approved if findings are made that each of the following criteria are satisfied:

- A. The Master Plan Zone complies with the review criteria for a zone change set forth in Section 10.2.770;
- B. The master plan provides adequate open space, landscaping, circulation and parking to accommodate the planned uses;
- C. The development and design standards ensure that adverse impacts of the proposed development on the surrounding neighborhood and community are addressed and mitigated;
- D. The master plan ensures that no land will be used for any purpose which creates or causes to created any public nuisance, including but not limited to air, land, or water degradation, noise, glare, heat, vibration or other conditions which may be injurious to public health, safety and welfare; and
- E. The master plan complies with the purpose and requirements of the Master Plan Zone.

10.4.125 PROCEDURE FOR REVIEWING DEVELOPMENT PROJECTS UNDER APPROVED MASTER PLAN

- A. Type I Review. The Director shall approve a development project through a Type I process if it is found that:
 - 1. It is consistent with the approved Master Plan and relevant conditions; and
 - 2. The design of public and private streets and utilities is in conformance with specifications of the City Engineer and City Code standards; and
- B. Type II or Type III Review. Projects not qualified for Type I review (above) shall be reviewed under the Type II process. The Director has the discretion under Section 10.1.510 to elevate the review of a Master Plan development project from a Type II to a Type III review under and of the following instances:
 - 1. The development project involves a land use or activities that were not envisioned as part of the approved Master Plan;
 - 2. The development project involves:
 - a. a substantial increase in the nature, function or impact of a project element, including changes in noise, air quality, light, glare, stormwater drainage, or the design of the circulation system; or

- b. a substantial increase (more than 20%) in the size of a building or building coverage, the number of vehicle trips or required parking, beyond what was proposed when the Master Plan was approved; or
3. Any other changes that, in the judgment of the Director, have a substantial impact on adjacent properties beyond those impacts identified in the approval of the Master Plan; or
4. The project, in the judgment of the Director, has potential for neighborhood or community concern.

10.4.130 AMENDMENTS TO AN APPROVED MASTER PLAN

An application for an amendment to an approved Master Plan shall address all of the relevant elements of the submittal requirements as outlined in Section 10.4.115. The amendment shall be reviewed for consistency for the review criteria under the Type IV procedure. The amendment shall be limited to the area of the proposed amendment and shall not include a reconsideration of the Master Plan Zone as a whole.

10.4.135 DURATION OF AN APPROVED MASTER PLAN

An approved Master Plan shall remain in effect until development allowed by the Master Plan has been completed or the approved Master Plan is amended or superceded.

PLANNED DEVELOPMENTS

10.4.200 PURPOSE

The purpose of the Planned Development (PD) provisions is to provide greater flexibility in the development of land for residential, commercial or industrial purposes than allowed by the conventional standards of the Development Code. The PD provisions are intended to:

- A. Promote flexibility and innovation in site design and permit diversity in the location of structures;
- B. Promote efficient use of land and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities when compared with conventional development patterns;
- C. Preserve to the greatest extent possible existing landscape features and amenities, and incorporate such features into the design of the PD;
- D. Combine and coordinate architectural styles, building forms and building relationships within the PD; and
- E. Provide the applicant with reasonable assurance of ultimate approval before requiring detailed design and engineering, while providing the City with assurances that the project will retain the character envisioned at the time of approval.

10.4.205 PROCEDURES

A planned development is reviewed through a two-step process.

- A. Preliminary plan. The preliminary plan is reviewed under Type III procedures. The preliminary plan review examines the PD plan with respect to items such as density, including the number, type, and location of dwelling units; parking; impacts on surrounding areas; adequacy of services; and conceptual plan for service improvements. Preliminary plan approval will only be granted when there is a reasonable certainty that the PD will fulfill all applicable requirements of the City Codes.
- B. Final plan. The final plan for the PD is reviewed under Type II administrative procedures. The applicant must submit the detailed and technical information necessary to demonstrate that all applicable City standards, requirements, and conditions have been met. Approval will only be granted if the final plan is in substantial conformance with the preliminary plan.
- C. Concurrent land division. A PD may be filed and processed concurrently with a partition or subdivision application. All of the submittal requirements and review standards of Article 6 will apply to a concurrent PD/land division request. The tentative plat will be combined with the preliminary PD review and the final plat will be combined with the final PD review.

- D. Site development/design review. The PD approval may remove the requirement for subsequent site development or design review of individual buildings, if the PD includes building elevations and sufficient information to demonstrate compliance with the applicable site development/design review standards. The PD decision shall expressly state whether individual buildings within the PD (such as commercial or multifamily buildings) require site development or design review approval.

10.4.210 PROFESSIONAL DESIGN TEAM REQUIRED

The PD applicant must certify, in writing, that a member of each of the following professions will be used in the planning and design process for the proposed PD:

- A. A licensed architect or professional urban designer.
- B. A licensed landscape architect, a certified nurseryman, or landscape designer approved by the Director.
- C. A registered civil engineer or land surveyor.

One of the above professionals shall be designated by the applicant to act as a liaison between the Community Development Department, the design team, and the applicant during the two-step PD review process. The Planning Commission or City Council may require the expertise of other professionals on the design team if it is determined that the site merits special consideration to unique or adverse features or conditions.

10.4.215 PD DEVELOPMENT STANDARDS

- A. Base Zone Standards. The development standards of the base zone apply unless they are superseded by the standards of this section or the PD approval.
- B. Site Size. There are no minimum or maximum size limitations for a PD.
- C. Calculation of Density. The number of dwelling units allowed in residential zone PDs shall be calculated on the basis of Table 3-2 in Article 3. All residential development shall be at a minimum of 80% of the target density for the parent zone. A request for incentive density may be approved for the PD, based on the criteria in Section 10.3.130 E.
- D. Multiple Base Zones. When a proposed PD site includes more than one base zone, the uses may be allocated throughout the site without regard to zoning boundaries.
- E. Lot Sizes. There are no required minimum lot sizes.
- F. Housing Types Allowed. Housing types in zones that allow residential uses are not restricted in the PD.
- G. Height. The height limits of the base zone apply.

- H. Building Setbacks. Building setbacks are established as part of the preliminary development plans approval.
- I. Open Space. In residential zones, at least 40% of the PD not in streets and driveways must be devoted to open space. In nonresidential zones, at least 20% of the PD not in streets and driveways must be devoted to open space. At least half of the open space in all zones must be in common ownership and at least half of that space be contained in one tract. The tract's configuration shall be 45% of the site's overall length and width with a minimum dimension of 20 feet.
- J. Parking. The base zone parking requirements apply. Common parking and maneuvering areas must be set back at least twenty (20) feet from the boundary of the PD.
- K. Water Features. Water features such as streams or ponds must be left in a natural state unless altered to improve the natural values of the water feature or to improve stormwater drainage. Water features and their edges should be kept in common ownership.
- L. Facilities and Services. It is the responsibility of the applicant to provide all service facilities necessary for the functioning of the PD. Service facilities such as streets, water supply facilities, sanitary sewers, and storm water detention facilities must be dedicated to the public if they are to provide service to any property not included in the PD. However, the review body may approve private service facilities with the consent of the appropriate service provider.
- M. Underground Utilities. All service facilities must be placed underground except those that by their nature must be on or above ground, such as fire hydrants and open water courses. The applicant is responsible for making the necessary arrangements with utility companies and other appropriate entities when installing all service facilities.
- N. Construction to Standards. All service facilities dedicated to the public must be constructed to City standards.

All private service facilities must be designed by a qualified civil engineer to City standards or comparable design life as determined by the City Engineer.
- O. Building Size Standards. For areas designated as Planned Shopping Center by the Comprehensive Plan, commercial retail is limited to 20,000 square feet and commercial office is limited to 10,000 square feet.

10.4.220 PRELIMINARY PLAN REVIEW

- A. Procedure. Preliminary plan reviews are processed through a Type III procedure.
- B. Submittal Requirements. Applications for a preliminary plan review must contain the information stated below in addition to that required by Section 10.1.225.
1. General statement. A statement of how the purpose of Section 10.4.200 will be achieved by the proposed PD. The statement should include sketches or illustrations of the proposed character of the development, a description of how the PD will relate to surrounding land uses and whether other land use reviews are requested.
 2. Summary report. A summary report identifying the different land uses, including the amount of land for housing, non-residential uses, open areas, streets and parking; the number and type of housing units; the amount and type of commercial or industrial areas, if any; and a statement of how necessary services will be provided and whether the services will be publicly or privately owned and operated.
 3. Drawings of existing site conditions. A drawing or drawings must be submitted which display and inventory existing site conditions including the items listed below.
 - a. Ground elevations shown with contour lines at two (2) -foot intervals or less.
 - b. Areas of moderate or severe landslide potential, as identified on City maps or documented by an engineering geologist or geotechnical engineer.
 - c. General soil types as identified on City maps or as documented by an engineering geologist or soils engineer.
 - d. Existing natural features, including rock outcroppings, trees and tree groves, fish and wildlife habitats, ponds, wetlands, and watercourses.
 - e. Existing on-site or abutting sanitary sewage, storm drainage, and water supply facilities. If such facilities are not on or abutting the site, indicate the direction and distance to the nearest ones.
 - f. Width, location, and purpose of all existing easements of record on or abutting the site.
 - g. A description of the traffic circulation system on or abutting the site, including street sizes, level of improvements, and condition of the streets.

- d. Names, addresses, and telephone numbers of the owner, applicant, and design team;
 - e. Appropriate identification of the drawing as a preliminary plan.
- C. Approval Criteria. The preliminary plan will be approved if the review body finds that the applicant has shown that all of the following approval criteria are met:
- 1. The plan fulfills the purpose for PDs stated in Section 10.4.200;
 - 2. The plan meets the submittal requirements of Section 10.4.220 B;
 - 3. Adequate public services exist or can be provided to serve the proposed PD; and
 - 4. Where a tentative subdivision plat is requested, the requirements of Article 8 are met.
- D. Time Limit. Preliminary plan approval is valid for three (3) years and may not be extended. The three (3)-year period will not begin until any appeals beyond the jurisdiction of the City are completed. Within the three (3) year time period, the applicant must submit a final development plan for the entire site, or for the first phase if the PD has been approved for phased development. The applicant must submit final development plans for any subsequent phases within the time limit specified for the phases.

10.4.225 FINAL PLAN REVIEW

- A. Final Plan Submittal. The applicant must present detailed plans, which meet the public facility standards of the City. The applicant must present other plans or studies required by the preliminary approval, such as a grading plan, soils engineer report, or detailed landscaping plans.
- B. Procedure. The final plan is reviewed under Type II procedures.
- C. Requirements. The final development plan will be approved if it meets the requirements stated below and is in substantial conformance with the approved preliminary plan and any conditions of the approval.
- 1. Drawing quality. The final development plan must be drawn clearly and legibly at a size and scale that clearly shows all required information. The plan must be identified as the final PD plan.
 - 2. Additional information on the final plan. In addition to the information required on preliminary drawings or otherwise specified by law, the following information must be shown:
 - a. Reference points of identified existing surveys by distances and bearings, and referenced to field book or map, including stakes, monuments, or

- other evidence found on the ground and used to determine the boundaries of the PD;
- b. The location and width of streets and easements intercepting the boundary of the PD;
 - c. Easements and stormwater drainage reserves must be clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearing, and sufficient ties to locate the easement within the PD must be shown. If the easement is being dedicated by the plan, it must be properly referenced in the owner's certificates of dedication; and
 - d. Identification of land to be dedicated to the public.
3. Additional certificates or drawings. The items stated below may be combined where appropriate.
- a. A certificate signed and acknowledged by all parties having any recorded title interest in the land and consenting to the preparation and recording of the PD.
 - b. A certificate signed and acknowledged as above, dedicating the land intended for public use, if any.
 - c. A title report issued by the title insurance company verifying ownership by the applicant of real property that is to be dedicated to the public.
 - d. A certificate with the seal of, and signed by, the surveyor responsible for the survey.
 - e. Other certificates required by law.
 - f. A copy of any deed restrictions applicable to the PD.
4. Detailed design plan for the PD site. A detailed design plan for the PD is required and must include the items stated below.
- a. The location of proposed buildings and structures, parking areas and, where applicable, the location of allowable building areas of individual lots.
 - b. All building setback lines and height limits that are to be made part of the PD restrictions.
 - c. The location and type of proposed buildings, structures, or improvements in common open areas.

- d. The location and design information for all proposed streets as required by Article 8.
 - e. A plan for water mains and fire hydrants.
 - f. A plan for sanitary sewage disposal.
 - g. A plan for storm water drainage.
 - h. A plan for additional improvements such as walkways and street lighting.
 - i. Required solar-related information if the PD is also subject to the solar regulations for new subdivisions.
5. Landscaping. A landscaping plan for common open areas, the perimeter of the PD, and other landscaped areas is required.
- a. The plan must show areas that the applicant proposes to retain in natural vegetation. The plan must show the areas, sizes, numbers, and types of plant and other materials to be used for all landscaped areas.
 - b. The plan must address the revegetation of common open areas and perimeter areas disturbed during construction.
 - c. The plan must include a proposed schedule for required perimeter landscaping. A performance guarantee is required if the landscaping cannot be completed prior to the occupancy of buildings, or cannot be completed when required by the conditions of approval.
6. Geotechnical engineer's report. A geotechnical engineer's report consistent with the requirements of Section 10.8.310 must be submitted if the PD is in a moderate or severe landslide area, or if the report was required as a part of the preliminary approval. The City Engineer or the Building Official must approve the report.
7. CC & Rs. The Declaration of Covenants, Conditions, and Restrictions (CC & Rs) for the PD must be submitted. In addition, any other legal instruments for the protection and maintenance of common open areas, private streets, and private utilities if any, must be submitted. These legal instruments must be approved by the City Attorney to ensure that the City's interests are protected.
8. Concurrent subdivision approval. Simultaneous final plat approval is permitted.