

401 INTRODUCTION

In addition to all the other applicable standards of this Code the standards of this Article are applied to all proposed development authorized by Article III, unless otherwise noted. In the event standards of this Article conflict with the provisions of the primary district the standards of this Article shall prevail.

Sections 405, 408, 409, 410, 411, 418, 420, 421, 422, 424, 426, 427, 428 and 431 are applicable to proposed development authorized by Article VI, unless otherwise noted. Uses authorized by Article VII are not subject to the standards of this Article unless specifically required by Article VII.

Additionally, all development, including land divisions, shall also comply with the applicable standards and requirements of the Community Plans, the Rural/Natural Resource Plan, and the Transportation Plan listed below:

401-1 Community Plan Provisions:

- 401-1.1 General Design Elements;
- 401-1.2 Subarea Provisions, including the Design Elements and Area of Special Concern and Potential Park/Open Space/Recreation requirements;
- 401-1.3 Significant Natural Resource Designations;
- 401-1.4 Historic and Cultural Resource Designations;
- 401-1.5 Mineral and Aggregate Resource Designations (District A and B designations);
- 401-1.6 Major Transit Stop Designations;
- 401-1.7 Interim Light Rail Station Area Overlay Designations;
- 401-1.8 Transportation Circulation Designations;
- 401-1.9 Street Corridor, Arterial Access and Pedestrian System Designations;
- 401-1.10 Parking Maximum Designations; and
- 401-1.11 Local Street Connectivity Lands Designations.

401-2 Rural/Natural Resource Plan Provisions:

- 401-2.1 Significant Natural Resource Designations;
- 401-2.2 Historic and Cultural Resource Designations;
- 401-2.3 Mineral and Aggregate Resource Designations (District A and B designations);
- 401-2.4 Habitat Protection Plan; and
- 401-2.5 Implementing Strategy E of Policy 10.

401-3 Comprehensive Framework Plan for the Urban Area

401-3.1 Policy 41, Urban Growth Boundary Expansions

401-4 The Transportation Plan:

401-4.1 Policies 6, 7, 8, 10, 12, 14, 15, 22 and 23, including their implementing strategies;

401-4.2 The Functional Classification System Map;

401-4.3 The Lane Numbers Map;

401-4.4 The Special Area Streets Overlay Map;

401-4.5 The Regional Street Design Overlay Map;

401-4.6 The Transit System Map;

401-4.7 The Planned Bicycle System Map;

401-4.8 The Pedestrian System Maps; and

401-4.9 The Off-Street Trail System Maps.

401-5 General Provisions – Development Review

401-5.1 Procedures

The review of applications through the provisions of Sections 403 and 404 may be processed through a two step process consisting of a preliminary review and a final review. Preliminary review shall be through the procedure type listed in the applicable land use district. Final review shall be through a Type I procedure, unless otherwise specified by the Review Authority in the preliminary approval.

401-5.2 Expiration

Preliminary approval shall expire automatically two (2) years from the date of approval unless final approval has been granted or development has commenced pursuant to Section 201-6 or an extension, according to the provisions of Section 201-5, has been requested and approved.

401-5.3 Review Standards

A. Preliminary Review:

The proposed project shall be reviewed for compliance with the applicable provisions of this Code, including Section 401-1, 401-2, 401-3, and 401-4.

B. Final Review:

The request for final approval of a project shall be reviewed for consistency with the preliminary approval and shall comply with the standards and conditions of the preliminary approval.

401-5.4 Minor Revisions to Master Plans and Development Review Projects that have received Preliminary Approval

The purpose of minor revisions are to allow flexibility in master planning or site design in order to accommodate changes that inevitably occur between preliminary and final plans. When revisions are proposed, the original proposal must remain fundamentally intact. For example, site plans, street layouts, and lotting patterns may not be reversed (flip flopped). The Type I minor revision process only allows changes that have no off-site impacts. Therefore, only limited changes are allowed through this process.

A. Minor revisions to a preliminary approval for a Master Plan or development review project may be made through a Type I procedure for the following:

- (1) Lot dimensions;
- (2) Street locations;
- (3) Lot patterns;
- (4) Decreases in density;
- (5) Parking locations;
- (6) Changes in parking spaces;
- (7) Building locations; and
- (8) Decreases in building square footage.

B. Minor revisions shall meet the following standards:

- (1) Lot dimensions and patterns: Minor changes to lot dimensions and lot patterns may occur, but the overall-lotting pattern shall remain the same as the original;
- (2) Streets within a development that abut an adjacent property or an exterior adjacent street shall not be relocated more than one-half ($\frac{1}{2}$) the width of the right-of-way, easement or tract; or relocated so that they abut a different property from that approved in the preliminary plat approval, or as required in the primary district;
- (3) Stub streets within a development that abut an adjacent property or an exterior adjacent street shall not be changed to permanent "dead-end" streets (e.g., cul-de-sac or hammerhead) within the development;

- (4) Permanent "dead-end" streets within a development shall not be changed to a stub street which abuts an adjacent property or connected to an exterior adjacent street;
- (5) The revisions shall continue to comply with the circulation standards of this Code. However, where connections were approved as direct, they must remain direct. Where connections were approved as circuitous, they must remain circuitous. The street network must maintain the planned functional classification of new and existing roads in the area. No modification to the review standards of Section 408 is allowed;
- (6) Density decreases shall not exceed five (5) percent and must meet the minimum density standards required in the applicable land use district;
- (7) Changes in parking spaces shall meet the requirements of Section 413;
- (8) Building locations, parking areas and water quality facilities shall not be relocated in areas designated as Significant Natural Resources or relocated closer to any adjacent residential property;
- (9) No reduction to the screening and buffering standards (Section 411) are allowed;
- (10) For commercial and industrial development, no changes to the number of stories are allowed; and
- (11) Outside the UGB, the commercial and industrial uses approved through the preliminary review must remain the same. Inside the UGB, the ADT at the access point(s) must not exceed the ADT reviewed by the County as part of the preliminary approval.

C. All other revisions shall be processed as a new application and shall be subject to the standards that are in effect at the time the new application is submitted.

401-5.5 Revisions to Master Plans and Development Review Projects that have received Final Approval

Revisions to a Master Plan or a development review project that has been reviewed through Section 401-5 and has received final approval shall be processed as a new application and shall be subject to the standards that are in effect at the time the new application is submitted.

402 INTENT AND PURPOSE

It is the intent and purpose of the Development Standards to:

- 402-1** Promote site planning and design which consider the natural environment, creative and innovative project design, character of the neighborhood and the requirements of the Comprehensive Plan;
- 402-2** Maintain the required dimensional standards while promoting energy conservation, needed privacy, logical off-site development and harmony of scale, texture and color;
- 402-3** Consider use of native plant materials considering existing landscape elements, including landscaped areas along roadways and within parking lots, and to provide guidance in planting and maintenance while protecting existing trees from indiscriminate or unnecessary removal;
- 402-4** Insure the integrity of the roadway system while providing a safe and efficient transportation system which encourages alternatives such as pedestrian ways, bike paths and mass transit;
- 402-5** Protect lives and property from natural or man-made geologic, hydrologic or soils hazards through site development practices which protect and enhance the natural environment, minimizing soils erosion, sedimentation and drainage problems;
- 402-6** Provide standards which separate different land uses to eliminate or minimize potential negative impacts;
- 402-7** Improve the soil environment for vegetative growth;
- 402-8** Promote safe and efficient parking and loading areas for new development, changes of use or occupancy or enlargement of existing uses or structures;
- 402-9** Regulate the size, location and character of exterior signs, including identification of proprietor's products and services and provide for design, installation and maintenance to protect the public safety;
- 402-10** Regulate the spillover of light and glare on operators of motor vehicles, pedestrians and land uses while providing on-site direction, circulation, safety and crime inhibitors; and
- 402-11** Provide for enhanced views, improve the general living environment and prolong the economic life of a development while providing adequate services and facilities.

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403 APPLICABILITY

403-1 Compliance Permit

Prior to occupying a site approved through Development Review, a compliance permit is required. Before the compliance permit is issued, the developer shall construct or install the required improvements or shall provide the County with an approved assurance that all improvements will be carried out in accordance with the terms of the Development Review approval or the standards of this Code. The Board may, by Resolution and Order, specify acceptable assurance mechanisms and terms.

403-2 Master Plan - Minimum Requirements for all Development

At a minimum, all development, including land divisions and exemptions through Section 501-2, shall provide a Master Plan prepared in accordance with Sections 403-2.1 through 403-2.4, including necessary written findings. A Master Plan may be reviewed in conjunction with a specific development review project for all or a portion of the subject site, or it may be reviewed independently and implemented through a future development review application(s). Development review applications shall be consistent with the final approved Master Plan and shall, at a minimum, be processed through the Type I procedure. Final approval of a Master Plan shall be granted prior to the submission of a subsequent application that implements a Master Plan.

Minor revisions to a Master Plan that has received preliminary approval shall comply with the provisions of Section 401-5.4. All other revisions to a Master Plan with preliminary approval or a Master Plan with final approval shall be processed as a new application and shall be subject to the standards that are in effect at the time the new application is submitted.

403-2.1 A Master Plan in a schematic form which contains the following when determined to be applicable by the Review Authority:

- A. Proposed Uses and Densities where applicable;
- B. Structure and Building Locations and Type;
- C. Landscape and Open Space, except for one detached dwelling on a lot of record inside the UGB and all single dwellings and agriculture or forest buildings outside the UGB;
- D. Roads, Parking and Circulation; and
- E. Phasing-Development Schedule if applicable.

A development application (Master Plan or Site Analysis application) for a development shall be for the entirety of the site, including all phases of a phased development. The development application shall demonstrate compliance, or demonstrate that it is feasible, for all portions of the site to comply with the standards of the Articles III (e.g., density, setbacks, height), IV (e.g., parking landscaping, grading and drainage), V (e.g., access spacing), and VI. When a residential development will occur in phases, or the development site is divided into multiple

residential lots or parcels, each phase or lot or parcel shall develop to the density stated in the development application unless the original development application is modified consistent with the applicable density requirements and other applicable standards of this Code.

403-2.2 A statement that:

- A. The Development is permitted in the primary district; and
- B. The siting maintains all minimum dimensional requirements for the District and use.

403-2.3 Additional Evaluation Criteria

Except for detached dwelling units and their accessory structures, home occupations and agricultural uses, Master Plans for Type II and Type III uses shall also be evaluated for conformance to the following standards:

- A. Provision of facilities for the handicapped pursuant to the Uniform Building Code, 1979 Edition, if required by the Uniform Building Code;
- B. Incorporation of design features which reflect or complement the surrounding structural and architectural character through building style and materials;
- C. Use, in open space or park settings, of lines and materials (including plant materials) which blend with the natural features of the site or site background;
- D. Renovation or revitalization of existing structures identified within the Community Plan;
- E. Arrangement of structures and use areas for compatibility with adjacent developments and surrounding land uses, using the following design and siting techniques:
 - (1) Locate and design structures and uses not to obscure or degrade identified scenic views or vistas from adjacent properties and public thoroughfares, considering setbacks, building height, bulk and landscaping;
 - (2) Orient major service activity areas (e.g., loading and delivery areas) of a development away from existing dwellings;
 - (3) Contain all refuse storage areas within opaque enclosures and gates, built with the same type materials as the development. Refuse storage areas shall be located with easy access for trucks and shall be screened and buffered from residential living spaces; and
 - (4) "Street furniture" such as bus shelters, streetlights, drinking fountains, benches and mailboxes shall be similar in design and materials to the buildings of the development.
- F. For multi-family, commercial, industrial and institutional developments, lay out streets and building lots to allow buildings to maximize solar access, using techniques such as:

- (1) East-west street direction so that principal building facades will face south;
 - (2) Make configuration of lots to allow orientation of the front or rear of buildings within twenty (20) degrees of true south in order to maximize potential solar access.
- G. For multi-family developments, structures shall be located, to the extent practicable, subject to compliance with all applicable review standards, so they will not shade the buildable area of urban residential property to the north that is or will be developed with a single-family dwelling or a manufactured dwelling in order to protect solar access to these properties;
- H. For single-family dwelling development, compliance with the standards of Section 427-3 (Solar Access Standards for New Development);
- I. Design buildings conducive to energy efficiency and conservation;
- J. Design entry areas in residential developments to act as an outdoor extension of each dwelling or transition between semi-public and private areas, using such techniques as:
- (1) Changing the level, color, scale, texture or direction of a path; and
 - (2) The use of gates, fences, doors and landscaping.
- K. Design and cluster units to maximize privacy, using such techniques as:
- (1) Facing main housing areas toward garden areas, open space and exposure to sun; and
 - (2) Placement of buildings to minimize the potential of windows facing directly toward primary living areas of other units/homes.
- L. Provide for storage of articles such as bicycles, barbecues, luggage, outdoor furniture, etc. These areas shall be completely enclosed and easily accessible to dwelling units.

403-2.4 Needed Housing

Discretionary permit procedures and standards shall not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

403-3 Additional Standards Inside the UGB

In addition to the requirements of Table I, all Master Plan and Site Analysis applications shall address the requirements of Sections 404-419, 421-423, 427 and 429.

403-3.1 Type III development may be denied based on the following:

- A. The proposed development will have significant adverse impacts on property values in the area;
 - B. The proposed development will unduly conflict with the character of an area not otherwise in transition; or
 - C. The public interest is not served by permitting the proposed development to occur on the proposed site at the proposed time. Development proposed to serve significant portions of the County may be evaluated for its impacts on the entire area to be served.
- 403-3.2 Section 403-3.1 does not apply to residential Planned Developments or subdivisions in areas designated for R-6 or greater densities. Type III residential planned developments or subdivisions other than in the R-5 District are presumed to be appropriate, provided that the specific standards of this Code are met.
- A. Such development may be denied or conditioned as provided in Article V;
 - B. Conditions of approval may be imposed to mitigate adverse impacts;
 - C. The flexibility in standards and open space provisions provided under the Type III process shall be used to permit development of a variety of housing types at the designated density while protecting identified significant natural features and accomplishing the objectives of the community design elements.
- 403-3.3 Section 403-3.1 does not apply to Plan Amendments except as may be set forth in the Comprehensive Plan.
- 403-3.4 Section 403-3.1 does not apply to:
- A. Type I or II applications reviewed at a Type III proceeding; and
 - B. Type I and II uses in transit oriented districts that are Type III uses because they do not follow the design standards in Section 431.
- 403-3.5 The standards of Section 403-3.1 do not have to be addressed by the applicant in the initial application submittal.
- 403-3.6 If objections to an application for a Type III development request are raised under the criteria of 403-3.1 in a specific and factual manner by an opponent or staff, the applicant shall be afforded reasonable opportunity to develop and present factual evidence and findings which address the objection(s) under the criteria in 403-3.1. Such issues shall be raised with sufficient specificity so as to afford the Review Authority, applicant and parties, adequate opportunity to respond to each objection. The Review Authority shall state at the public hearing whether the opponent or staff has submitted factual evidence that addresses the criteria in 403-3.1.
- 403-3.7 It shall be the applicant's responsibility to provide evidence that demonstrates compliance with the specific criteria of 403-3.1 under which the objection(s) was raised.

403-4 Additional Standards Outside the UGB

In addition to the requirements of Sections 401, 402 and 403, the following standards apply to development outside an urban growth boundary.

- 403-4.1 Section 406 Building, Siting and Architectural Design - Only applicable to commercial, industrial and institutional uses, and as necessary, for Special Uses as determined by the Review Authority, not including Special Use approval for single-family dwelling units.
- 403-4.2 Section 407 Landscape Design - Only to R-COM, R-IND, MAE, Special Uses of Section 430, as required by Section 407-4, Tree Preservation and Removal and as determined by the Review Authority.
- 403-4.3 Section 408 Neighborhood Circulation - Sections 408-5.1 and 408-5.2 apply only to land divisions within an Urban Reserve Area.
- 403-4.4 Section 409 Private Streets - Only Section 409-5 - Private Driveways and Private Streets Outside the UGB.
- 403-4.5 Section 410 Grading and Drainage, for any proposed road or public transportation facility and for structures prior to issuance of a building permit.
- 403-4.6 Section 411 Screening and Buffering - R-COM, R-IND, MAE, and Special Uses as identified or as determined by the Review Authority.
- 403-4.7 Section 413 Parking and Loading as applicable to Commercial, Institutional and Industrial Uses and as necessary for Special Use Permits as determined by the Review Authority. Surfacing requirements do not apply to single detached dwellings. Maximum parking requirements in Section 413-15.2 do not apply to development outside of an urban growth boundary.
- 403-4.8 Section 414 Signs - Agricultural Sign Requirements and as required for Rural Commercial, Rural Industrial and MAE Districts and Special Uses of Section 430 as determined by the Review Authority.
- 403-4.9 Section 417 Irrigation - Only applies when 407 (Landscape Design) applies.
- 403-4.10 Section 418 Setbacks
- 403-4.11 Section 419 Height
- 403-4.12 Section 421 Flood Plain and Drainage Hazard Area Development only as it applies to land divisions, construction of structures, roads, other public transportation facilities, and other permitted alterations to the flood plain or drainage hazard area.
- 403-4.13 Section 422 Significant Natural Resources
- 403-4.14 Section 423 Environmental Performance Standards (except for farm and forest uses).
- 403-4.15 Section 424 Creation of Parcels in the EFU, EFC and AF-20 Districts
- 403-4.16 Section 425 Designation of Marginal Lands in the AF-20 District

- 403-4.17 Section 426 Erosion Control
- 403-4.18 Section 428 Forest Structure Siting and Fire Safety Standards - Only applicable to the EFC District and as otherwise specified
- 403-4.19 Type III development may be denied based on the following:
- A. The proposed development will have significant adverse impacts on property values in the area;
 - B. The proposed development will unduly conflict with the character of an area not otherwise in transition; or
 - C. The public interest is not served by permitting the proposed development to occur on the proposed site at the proposed time. Development proposed to serve significant portions of the County may be evaluated for its impacts on the entire area to be served.
- 403-4.20 Section 403-4.19 does not apply to Plan Amendments except as may be set forth in the Comprehensive Plan.
- 403-4.21 Section 403-4.19 does not apply to nonfarm dwelling applications in the EFU & AF-20 Districts.
- 403-4.22 Section 403-4.19 does not apply to Type I or Type II applications reviewed at a Type III proceeding.
- 403-4.23 The standards of Section 403-4.19 do not have to be addressed by the applicant in the initial application submittal.
- 403-4.24 If objections to an application for a Type III development request are raised under the criteria of 403-4.19 in a specific and factual manner by an opponent or staff, the applicant shall be afforded reasonable opportunity to develop and present factual evidence and findings which address the objection(s) under the criteria in 403-4.19. Such issues shall be raised with sufficient specificity so as to afford the Review Authority, applicant and parties, adequate opportunity to respond to each objection. The Review Authority shall state at the public hearing whether the opponent or staff has submitted factual evidence that addresses the criteria in 403-4.19.
- 403-4.25 It shall be the applicant's responsibility to provide evidence that demonstrates compliance with the specific criteria of 403-4.19 under which the objection(s) was raised.