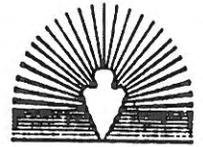




LAND USE SERVICES DEPARTMENT  
PLANNING DIVISION STAFF REPORT



HEARING DATE: February 21, 2013

AGENDA ITEM NO: 3

Project Description:

Applicant: Land Use Services Department

- A) A Development Code Amendment modifying Chapter 84.18, Planned Development Permit Standards, and Chapter 85.10, Planned Development Permits, to clarify procedures for establishing residential densities in mixed-use Planned Development projects.
- B) A General Plan Text Amendment to modify the descriptions of commercial land use districts to refer to mixed uses permitted through the Planned Development Permit process.

Community: Countywide

JCS P201300036/P201300037

Staff: Terri Rahhal

**INTRODUCTION:**

The proposed amendments to the Development Code and to the General Plan are intended to clarify the procedures for establishing residential densities in mixed-use Planned Development projects. The term "mixed-use" is defined in the General Plan to include properties on which various uses, including residential, are built on a single site in an integrated development project. (General Plan, Section XI) A "planned development" is generally considered to be a large scale development with a definable boundary and a single development entity. (General Plan, Section XI) The purpose of a planned development is to provide greater design flexibility, innovation in site planning, more affordable living environments, and more effective responses to environmental impacts. Sections 84.18.010 and 85.10.010

Development Code: Chapter 82.05 (Table 82-11) of the Development Code provides for mixed-use planned development projects, including residential uses, to be permitted subject to a Planned Development Permit in the following commercial land use districts: Office Commercial (CO), Rural Commercial (CR), Highway Commercial (CH), General Commercial (CG) and Service Commercial (CS) (Exhibit A). Chapters 84.18, *Planned Development Permit Standards* and 85.10, *Planned Development Permits* establish a permit process that provides for flexibility in the planning of site-specific development standards, subject to approval by the Board of Supervisors (Exhibit B).

Although residential land uses are permitted in commercial land use districts in mixed-use planned development projects, no residential density standards are stated in the Development Code for these commercial districts. Staff has identified sections of

Action taken by the Planning Commission on this item may be appealed to the Board. Yes  No   
Note: Recommendations to the Board of Supervisors are not appealable.

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Chapters 84.18 and 85.10 that should be amended to clarify the procedure and authority for establishing the residential densities of mixed-use planned development projects in commercial land use districts.

General Plan: In the text of the General Plan Land Use Element, the descriptions of the subject commercial land use districts state that residential land uses are not permitted, even though mixed-use projects with residential components are clearly permitted by the Development Code, and are also encouraged by various General Plan policies. The proposed General Plan Amendment would modify the text of the Land Use Element to clarify the definitions of commercial land use districts where mixed-use planned development projects are permitted.

## **ANALYSIS:**

### Existing Development Code

Text – Sections 84.18.010 and 85.10.010 – Both of these sections are titled “*Purpose*”, with 84.18.010 stating that the planned developments are intended to “promote a more efficient use of the land and to create a more desirable and affordable living environment by providing greater design flexibility than would be possible through the strict application of standard development regulations required by a land use zoning district.” Section 85.10.010 states the intent of the Planned Development Permit process as “...to allow consideration of innovation in site planning and other aspects of project design, and more effective design responses to site features, uses on adjoining properties, and environmental impacts than the Development Code standards would produce without adjustment.”

The Development Code currently provides for the density of planned residential developments to be governed by the designated density of the residential land use district. 84.18.030(b) It also specifies density based on slope categories for planned developments in hillside residential areas. 84.18.030(b) Residential units are permitted to be incorporated in mixed-use planned development projects in commercial land use districts, but no residential density is otherwise specified. However, the Planned Development Permit process allows for development of site-specific design and development standards under the authority of the Board of Supervisors. 84.18.040(a) and 85.10.030(c)

Table 82-11 – Allowed Land Uses and Permit Requirements for Commercial Land Use Zoning Districts, identifies all uses that are allowed or permitted in commercial land use districts, and specifies the permit requirement. The portion of Table 82-11 that contains residential land uses is attached as Exhibit A. Residential uses are permitted as part of mixed-use projects, subject to a Planned Development Permit, in all commercial land use districts except the Neighborhood Commercial district.

Table 85-1 – Review Authority establishes the review process and approval authority for all land use and development permits. The Board of Supervisors is the approval authority for the Planned Development Permit, with a recommendation from the Planning Commission.

Proposed Development Code Amendments – The proposed amendments provide clarification and correct inconsistencies as follows:

- Currently, subsection 84.18.040 (a) states that the Planning Commission has authority to modify Development Code standards for planned development projects. This conflicts with Table 85-1, which specifies the Board of Supervisors as the approval authority for Planned Development Permits, with the Planning Commission providing a recommendation. The proposed amendment deletes subsection 84.18.040 (a) and adds subsections (b) and (c) under Section 84.18.020, *Applicability*, to specify the advisory role of the Planning Commission and the Board of Supervisors authority to modify and establish standards in the approval of Planned Development Permits.
- Currently, subsection 84.18.030 (b) provides for the density of a planned development to be determined by the underlying land use district, while 84.18.040(a) and 85.10.030(c) indicate that planned development standards can be altered. The proposed amendment clarifies that these modifications are ultimately within the authority of the Board of Supervisors.
- In subsection 85.10.030 (c), the proposed amendment clarifies the scope of approval by the Board of Supervisors to include project size and density standards.

The full text of Development Code Chapter 84.18, *Planned Development Permit Standards*, with proposed amendments, is attached in Exhibit C. The proposed amendment to Section 85.10.030 (c), *Scope of Approval*, is attached as Exhibit D.

### Existing General Plan

Text – The following General Plan goal and policies encourage mixed-use planned developments with more intense residential components. Therefore the proposed amendments to the Development Code and General Plan are consistent with these existing goals and policies of the General Plan.

- |               |                                                                                                                                                                                                                                                  |
|---------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Goal LU 6     | Promote, where applicable, compact land use development by mixing land uses, creating walkable communities, and strengthening and directing development towards existing communities.                                                            |
| Policy LU 6.1 | Mixed-use developments will be encouraged in unincorporated areas of the County for projects that have adequate acreage to accommodate different land uses while providing buffers and other mechanisms to minimize or avoid land use conflicts. |
| Policy H11.6  | Throughout the County, continue to encourage mixed-use development through the planned development process that includes dense, multiple-family residential development, as well as clustered, single-family residential                         |

development, and other uses that provide convenient shopping and employment opportunities close to major transportation corridors.

Policy ED22.4 Promote and encourage mixed-use commercial-residential projects where appropriate.

Proposed General Plan Amendment – The Land Use Element of the General Plan text contains a general description of each land use district, including an estimate of the maximum population density average (MPDA) assumed for each district. The MPDA figures for the commercial land use districts are very low, based on the apparent premise that residential land uses are not permitted in most commercial districts. These descriptions do not account for residential uses that are permitted in conjunction with mixed-use Planned Development Permits. The proposed text amendment (Exhibit E) modifies the definitions of commercial land use districts to provide clarification of the uses that are permitted by Development Code Table 82-11. The MPDA estimates for commercial districts need not be modified because they represent the typical population densities in individual districts, whereas the demographic analysis of the General Plan is based on regional MPDA factors for the Valley, Mountain and Desert regions.

Environmental Determination – The Proposed Development Code Amendment and General Plan Amendment are exempt from the California Environmental Quality Act (CEQA) in accordance with Section 15061(b)(3) of the CEQA Guidelines, which provides: "the general rule [is] that CEQA applies only to projects which have the potential for causing a significant effect on the environment." Thus, a project may be found exempt from CEQA if "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." These amendments have no potential for causing a significant effect on the environment because they only provide clarification of the existing Development Code regulations and General Plan text. As clarifying provisions only, they do not create development opportunities that did not already exist under current regulations. The proposed amendments do not change any provisions that can result in a significant physical effect on the environment.

## **FINDINGS:**

The following findings are required to approve the proposed Development Code Amendment and General Plan Amendment:

### Development Code Amendment

1. The proposed amendment is consistent with the General Plan and any applicable community plan or specific plan. The modifications proposed in the amendment clarify the provisions for planning mixed-use planned development projects, consistent with the following General Plan policy:

Policy H11.6 Throughout the County, continue to encourage mixed-use development through the planned development process that includes dense, multiple-family residential development, as

well as clustered, single-family residential development, and other uses that provide convenient shopping and employment opportunities close to major transportation corridors.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County. The purpose of the amendment is to clarify existing provisions of the Development Code and improve internal consistency between all provisions related to mixed-use planned development projects. Therefore, the amendment would have no effect on the public health, safety or welfare. By providing clarification, the proposed amendment would serve the public interest.
3. The proposed amendment is internally consistent with other applicable provisions of the Development Code, because its purpose is to clarify existing provisions and improve internal consistency between all provisions related to mixed-use planned development projects.

#### General Plan Amendment

1. The proposed amendment is internally consistent with all other provisions of the General Plan. The amendment modifies descriptions of commercial land use districts to clarify the options for development of mixed-use planned development projects, consistent with the following General Plan policies:

Goal LU 6            Promote, where applicable, compact land use development by mixing land uses, creating walkable communities, and strengthening and directing development towards existing communities.

Policy LU 6.1        Mixed-use developments will be encouraged in unincorporated areas of the County for projects that have adequate acreage to accommodate different land uses while providing buffers and other mechanisms to minimize or avoid land use conflicts.

Policy H11.6        Throughout the County, continue to encourage mixed-use development through the planned development process that includes dense, multiple-family residential development, as well as clustered, single-family residential development, and other uses that provide convenient shopping and employment opportunities close to major transportation corridors.

Policy ED22.4       Promote and encourage mixed-use commercial-residential projects where appropriate.

2. The proposed amendment would not be detrimental to the public interest, health, safety, convenience, or welfare of the County. Because the proposed amendment is consistent with current provisions of the General Plan and the County Development Code, it will not result in any new policy for implementation. Therefore, the amendment would have no effect on the public health, safety or welfare. By providing clarification, the proposed amendment would serve the public interest.

**RECOMMENDATION:** That the Planning Commission make the following recommendations to the Board of Supervisors:

- A. ADOPT an ordinance to amend Development Code Chapters 84.18 and 85.10 to clarify procedures for establishing residential densities in mixed-use planned development projects;
- B. ADOPT a resolution to amend the text of the General Plan Land Use Element to modify the descriptions of commercial land use districts to acknowledge mixed uses permitted through the Planned Development Permit process;
- C. ADOPT the findings as contained in the staff report; and
- D. FILE a Notice of Exemption.

**ATTACHMENTS:**

- Exhibit A: Portion of Development Code Table 82-11 *Allowed Land Uses and Permit Requirements for Commercial Land Use Zoning Districts*
- Exhibit B: Development Code Table 85-1 *Review Authority*
- Exhibit C: Proposed Amendments to Development Code Chapter 84.18
- Exhibit D: Proposed Amendment to Development Code Section 85.10.030 (c)
- Exhibit E: Proposed General Plan Text Amendments

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## EXHIBIT A

**PORTION OF DEVELOPMENT CODE TABLE 82-11  
*ALLOWED LAND USES AND PERMIT  
REQUIREMENTS FOR COMMERCIAL LAND USE  
ZONING DISTRICTS***

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**Table 82-11  
Allowed Land Uses and Permit Requirements  
for Commercial Land Use Zoning Districts (continued)**

LAND USE <i>See Division 10 (Definitions) for land use definitions</i>	PERMIT REQUIRED BY DISTRICT						Specific Use Regulations
	CR	CN	CO	CG	CS	CH	
<b>RECREATION, EDUCATION &amp; PUBLIC ASSEMBLY (continued)</b>							
Meeting facility, public or private <sup>(4)</sup>	CUP	CUP	CUP	CUP	CUP	CUP	
Park, playground	M/C	—	—	—	—	—	
Places of worship	CUP	CUP	CUP	CUP	CUP	CUP	
Recreational vehicle park	M/C	—	—	—	M/C	M/C	
Rural sports and recreation	CUP	—	—	—	CUP	CUP	
School - College or university <sup>(4, 5)</sup>	M/C	—	M/C	M/C	M/C	M/C	
School - Private <sup>(4, 5)</sup>	M/C	—	M/C	M/C	M/C	M/C	
School - Specialized education/training <sup>(4)</sup>	M/C	—	M/C	M/C	M/C	M/C	
Sports or entertainment assembly	CUP	—	—	CUP	CUP	CUP	
Theater <sup>(4)</sup>	M/C	—	—	M/C	M/C	M/C	
<b>RESIDENTIAL</b>							
Accessory dwelling (caretakers residence, etc.)	P <sup>(3)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	P <sup>(3)</sup>	84.01
Accessory use or structure - Residential (conforming and non-conforming uses)	A	P <sup>(2, 3)</sup>	84.01				
Guest housing	P <sup>(2)</sup>	—	—	—	—	—	84.01
Home occupation	SUP	SUP	SUP	SUP	SUP	SUP	84.12
Homeless shelter	CUP	CUP	CUP	CUP	CUP	CUP	
Live/work unit	M/C	M/C	M/C	M/C	M/C	M/C	
Mobile home park/manufactured home land-lease community	CUP	—	—	—	—	—	84.14
Multiple dwelling, up to 19 units, attached or detached	A	—	—	—	—	—	84.16
Multiple dwelling, 20 or more units	CUP	—	—	—	—	—	84.16
Residential use only as part of a mixed use project	PD	—	PD	PD	PD	PD	84.18
Secondary dwelling unit	A	—	—	—	—	—	84.01
Single dwelling	A	—	—	—	—	—	

**KEY**

A	Allowed use (no planning permit required)	PD	Planned Development Permit required (Chapter 85.10)
P	Permitted Use; Site Plan Permit required (Chapter 85.08)	SUP	Special Use Permit required (Chapter 85.14)
M/C	Minor Use Permit required; unless a Conditional Use Permit required in compliance with Section 85.06.050 (Projects That Do Not Qualify for a Minor Use Permit)	S	Permit requirement set by Specific Use Regulations (Division 4)
CUP	Conditional Use Permit required (Chapter 85.06)	TSP	Temporary Special Events Permit required (Chapter 85.16)
MUP	Minor Use Permit required (Chapter 85.06)	TUP	Temporary Use Permit required (Chapter 85.15)
		—	Use not allowed

**Notes:**

- (1) A MUP shall be required for projects in Lucerne Valley.
- (2) Use allowed as an accessory use only, on the same site as a residential use allowed by this table.
- (3) Use allowed as an accessory use only, on the same site as a retail, service, or industrial use allowed by this table.
- (4) A MUP shall not be allowed if the use requires more than 200 parking spaces.
- (5) May require a General Plan Amendment to Institutional (IN) Land Use Zoning District.

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**EXHIBIT B**

**DEVELOPMENT CODE TABLE 85-1**  
***REVIEW AUTHORITY***

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**85.01.030 Authority for Land Use and Zoning Decisions**

Table 85-1 (Review Authority) identifies the County official or authority responsible for reviewing and making initial decisions on each type of application or land use entitlement required by this Development Code, the nature of the initial decision (i.e. issue, approve, or recommend), and the nature of the response of the subsequent review authority.

**TABLE 85-1  
REVIEW AUTHORITY**

Type of Entitlement or Decision	Applicable Citation	Director (1) (2)	Planning Commission (3)	Board of Supervisors (4)
ABC Licensing	Ch. 85.04	Issue	Appeal <sup>(5)</sup>	Appeal
Amendments (General Plan, Development Code, Community Plan, and Area Plan)	Ch. 86.12	Recommend	Recommend	Approve
Airport Comprehensive Land Use Plan and Amendments	Ch. 86.11	Recommend	Recommend	Approve
Certificates of Land Use Compliance	Ch. 85.05	Issue	Appeal	Appeal
Conditional Use Permits	Ch. 85.06	Recommend	Approve / Recommend	Approve/ Appeal
Development Agreements and Amendments	Ch. 86.13	Recommend	Recommend	Approve
Home Occupation Permits	Ch.	Approve	Appeal	—
Housing Incentives Program <sup>(6)</sup>	Ch. 83.03	Recommend	Recommend	Approve
Interpretations	Ch. 81.02	Issue	Appeal	Appeal
Major Variances	Ch. 85.17	Approve	Appeal	—
Minor Use Permits	Ch. 85.06	Approve	Appeal	Appeal
Minor Variances	Ch. 85.17	Approve	Appeal	—
Planned Development Permits	Ch. 85.10	Recommend <sup>(10)</sup>	Recommend	Approve
Revisions to an Approved Actions	Ch. 85.12	Approve	Appeal	Appeal
Sign Permits	Ch. 85.13	Issue	Appeal	Appeal
Sign Registration	Ch. 85.13	Issue <sup>(8)</sup>	Appeal	Appeal
Site Plan Permits	Ch. 85.08	Issue	Appeal	—
Special Use Permits	Ch. 85.14	Issue <sup>(7 or 8)</sup>	Appeal	Appeal
Specific Plans and Amendments	Ch. 86.14	Recommend	Recommend	Approve
Subdivision Sign Location Plans	Ch. 85.13	Issue <sup>(8)</sup>	Appeal	—
Surface Mining & Reclamation	Ch. 85.06	Recommend	Approve	Appeal
Temporary Special Event Permits	Ch. 85.15	Approve	Appeal	Appeal
Temporary Use Permits	Ch. 85.15	Issue <sup>(7 or 8)</sup>	Appeal	Appeal
Tenant Improvement Permits	Ch. 85.09	Issue <sup>(7)</sup>	Appeal	Appeal
Wind Energy Systems Permit	Ch. 85.18	Approve	Appeal	—

**Notes:**

- (1) The Director may defer action and refer any permit or approval application to the Commission for final determination.
- (2) All decisions of the Director are appealable to Commission, and then to the Board, in compliance with Division 11, Article 6 (Appeals), except for those decisions addressed in Note (3).
- (3) The Commission may refer consideration of an appeal to the Board, except for those decisions involving only a Variance, determination as to the completeness of an application, the determination to approve or deny a Home Occupation Permit, an Accessory Wind Energy Permit, a Subdivision Sign Location Plan, or the requirement

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**EXHIBIT C**

**PROPOSED AMENDMENTS TO DEVELOPMENT  
CODE CHAPTER 84.18**

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## CHAPTER 84.18 PLANNED DEVELOPMENT STANDARDS

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### Sections:

- 84.18.010 Purpose
- 84.18.020 Applicability
- 84.18.030 Development Standards
- 84.18.040 Design Standards

### 84.18.010 Purpose

The purpose of this Chapter is to provide standards for applicants that desire to develop under the provisions of Planned Development Permits (Chapter 85.10). The standards in this Chapter are intended to promote a more efficient use of the land and to create a more desirable and affordable living environment by providing greater design flexibility than would be possible through the strict application of standard development regulations required by a land use zoning district.

Adopted Ordinance 4011 (2007)

### 84.18.020 Applicability

- (a) Compliance with the General Plan.** The provisions in this Chapter apply to development in any land use zoning district in compliance with the application requirements identified in Chapter 85.10 (Planned Development Permit). Strict compliance with the purpose and intent of the General Plan shall be required. Only uses allowed in the land use zoning district for which the planned development is proposed shall be allowed.
- (b) Authority of the Commission to Recommend Alteration to Standards.** The Planning Commission may recommend alteration of adopted standards in the Preliminary Development Plan, for approval by the Board of Supervisors.
- (c) Authority of the Board to Alter Standards.** Unless specifically changed within this Chapter, adopted County ordinances, standards and policies shall apply to a planned development project, including those identified in this Development Code and the General Plan. The Board of Supervisors may alter adopted standards in the Preliminary Development Plan, where the Board finds that the altered standards would more adequately serve the purpose and intent of the planned development provisions of the Development Code. Any alterations to these standards must be made consistent with the findings required in Section 85.10.050 (b).

Adopted Ordinance 4011 (2007), Amended

**84.18.030 Development Standards**

- (a) **Size.** A minimum site of five acres shall be required for a residential, commercial, industrial, and/or mixed-use development.
- (b) **Density.** Unless modified by the Board as described in Subsection 84.18.020 (c), the total density of a planned development shall be determined by the land use zoning district applicable to the subject property. Increased densities may be granted by the review authority through the bonus density or transfer of density authorized by the General Plan and implemented by this Development Code under the Housing Incentives Plan in Chapter 83.03 (Affordable Housing Incentives - Density Bonus), or a Specific Plan. However, density increases shall not be granted for that portion of a planned development for which only a Preliminary Development Plan has been approved. Parcel sizes smaller than those required by the land use zoning district may be approved for a Planned Development provided the overall parcel density is not exceeded, except as otherwise allowed by this Development Code and/or the General Plan. The maximum unit allowable dwelling densities shall be as follows:

Maximum Unit Allowable Dwelling Density*	Average Slope
4.0 Dwelling Units/Acre	0% - less than 15%
2.0 Dwelling Units/Acre	15% - less than 30%
1.0 Dwelling Units/3 Acres	30% - less than 40%
1.0 Dwelling Units/10 Acres	40% or greater
*The density shall not be more than the maximum allowed by the land use zoning district.	

- (1) **Transfer of density.** A 100 percent transfer of the density indicated on the General Plan official land use zoning district shall be allowed within a planned development project, provided all other performance criteria are met. The maximum allowable density transfers shall be determined by the table above. This transfer of density may include a transfer of density from adjacent property for which development restrictions in favor of the planned development project have been obtained.
  - (A) To be eligible for density transfer, adjacent private lands shall meet the following criteria:
    - (I) Private lands from which the density is being transferred shall be free of hazards or other physical constraints that prohibit the construction of residential dwellings.

- (II) Private lands from which the density is being transferred shall be shown on the General Plan as developable for residential dwellings.
  - (B) Open space within the project that has been created as a result of a density transfer shall be common open space. However, in those circumstances when it is infeasible or impracticable for a private organization to adequately maintain and preserve the land as open space, the land may be dedicated to the public for open space purposes.
  - (C) Transferable density on slopes in within a Fire Safety Overlay shall be determined by the formulas in Section 82.13.060 (FS1, FS2, and FS3 Development Standards).
- (2) Bonus density.**
- (A) An additional bonus in dwelling-unit density, up to 10 percent above that indicated in the General Plan Land Use Zoning District for the area, may be granted by the review authority provided one of the following criteria is met:
    - (I) A publicly valuable resource is provided, preserved, or enhanced that would otherwise require the expenditure of public monies.
    - (II) A public or quasi-public feature is provided above and beyond the normal expectations.
    - (III) An amenity, convenience, or excellence in design is provided above and beyond normal expectations.
  - (B) The granting of density bonuses shall further the purpose and intent of the planned development provisions of this Development Code and the General Plan.
- (c) Accessory uses in planned residential developments (PRD's).**
- (1) Accessory uses allowed in the RS (Single-Family Residential) land use zoning district shall be allowed in a planned residential development, provided that the accessory uses are compatible with the approved PRD development plan.
  - (2) When the underlying land use zoning district allows the keeping of horses, and where the density of a planned residential development project does not exceed four dwelling units per acre, horses shall be allowed in a PRD project as follows:
    - (A) On parcels 20,000 square feet or greater subject to the regulations of the RS (Single-Family Residential) land use zoning district.
    - (B) Where parcels are less than 20,000 square feet, horses shall be allowed subject to the following conditions:

- (I) Horses shall be clustered onto common parcels.
  - (II) The maximum density of horses shall not exceed four horses per gross acre of common parcel area.
  - (III) Standards and regulations of the Environmental Health Services Division shall apply.
  - (IV) Maintenance and management of the clustered facilities shall be provided by the property owners' association.
- (d) **Phased development.** In a phased development, safeguards shall be required in the form of easements or bonds or other commitments for open space requirements that will protect the integrity of the total project.
- (e) **Subdivision.** When a tentative subdivision map is filed with a planned development project, before recordation of the final subdivision map, the following items shall be filed with the appropriate agency:
- (1) Documentation of easements, covenants, deeds, and Property Owner Association by-laws, restrictions, and articles of incorporation.
  - (2) Sureties and performance bonds covering open space areas, dedicated public improvements, and other items as determined by the review authority. The amount of the performance bonds shall be reviewed annually by the appropriate agency.

Adopted Ordinance 4011 (2007); Amended Ordinance 4043 (2008)

#### 84.18.040 Design Standards

~~(a) **Authority of Commission to alter standards.** Unless specifically changed within this Section, adopted County ordinances, standards, and polices shall apply to a planned development project, including those identified in this Development Code and the General Plan. The Commission may alter adopted standards, where, in the Commission's opinion, the altered standards would more adequately serve the purposes and intent of the planned development provisions of this Development Code.~~

#### **(ba) Circulation and parking.**

- (1) **Vehicular circulation pattern.** The vehicular circulation pattern shall be designed to:
  - (A) Provide adequate vehicular access to and within the project, in compliance with adopted County standards.

- (B) Coordinate with external transportation networks in terms of location and loads.
  - (C) Integrate with the natural landscape and, where possible, parallel the natural drainage system.
  - (D) The noise levels from vehicular traffic shall comply with the standards outlined in Section 83.01.080 (Noise).
  - (E) The planned development project, and each phase of the project, shall have two points of vehicular ingress and egress from surrounding streets, one of which may be emergency only. Where the applicant can show that this is a physical impossibility, the appropriate fire authority may modify this requirement.
  - (F) Private streets are acceptable if they are built to County standards and are inspected by the County. However, rights-of-way shall not be accepted by the County nor shall private streets be accepted as part of the County maintained road system.
- (2) **Pedestrian circulation pattern.** The pedestrian circulation pattern shall be designed so that:
- (A) It is separated from vehicular traffic where possible and it discourages pedestrian crossing of the vehicular network, except at controlled points that are designed for pedestrian safety.
  - (B) Hard-surfaced, safely lighted pedestrian access to common open space, recreational areas, community facilities, and other logical terminal points shall be provided.
- (3) **Common off-street parking areas.** Common off-street parking areas shall be designed so that:
- (A) They provide adequate, convenient, well-marked, and safely lighted parking.
  - (B) With the exception of enclosed parking structures, they shall contain appropriate landscaping to minimize the effect of large areas of asphalt or concrete.
- (4) **Parking spaces required per unit.** Two parking spaces per dwelling unit shall be provided. Tandem parking shall not be allowed except in mountain areas. Guest parking, either on-street or in common parking areas, shall be provided at a ratio of one space per two dwelling units.

**(eb) Open space.**

- (1) **Open space defined.** For the purposes of this Chapter, open space within a planned development shall be the total area of land or water within the boundaries of a planned development, designed and intended for use and enjoyment as open space areas.
  - (A) Open space within a planned development shall include the following:
    - (I) Area of the site not covered by structures, paved areas or accessory structures, except recreational structures.
    - (II) Land that is accessible and available to all occupants of the development for which the space is intended.
  - (B) Open space within a planned development shall not include:
    - (I) Proposed and existing street rights-of-way and private streets.
    - (II) Open parking areas, driveways.
    - (III) School sites.
    - (IV) Commercial, industrial, or office areas, and their structures, accessory structures, parking, and loading facilities.
- (2) **Minimum open space required for planned development.** A residential planned development project shall have a minimum of 40 percent private and common open space, not including balcony area.
- (3) **Minimum open space required for each dwelling unit.** Each dwelling unit shall have a minimum contiguous private open space area as follows:
  - (A) Ground Floor. 225 square feet.
  - (B) Upper-story dwelling without ground floor. 60 square feet.
- (4) **Management of common facilities.** Provisions for the maintenance and management of the common open space and common facilities shall be reviewed and approved by the Commission. The approval shall be based on the following criteria:
  - (A) The applicant shall establish a property owners' association before the selling of a parcel or the occupancy of a dwelling unit.

- (B) The property owners' association by-laws, restrictions, and articles of incorporation shall include the necessary regulations required by the Federal Housing Administration. Other standards shall be approved by the reviewing County Housing Authority.

**(dc) Site resource utilization.**

- (1) The planned development shall be designed and developed to minimize the cutting of trees, disturbance of ground cover, cut and fill work, drainage alteration, and hillside development. Removal of trees shall be in compliance with County permit procedures.
- (2) New earthwork and exposed slopes shall be suitably stabilized in compliance with Chapter 83.08 (Hillside Grading). Scarred and erosion prone areas shall be stabilized with appropriate planting.

**(ed) Site and structure relationship.**

- (1) The spacing of structures shall be governed by the requirements for adequate light and air, proper access, fire regulations, and the need for visual and auditory privacy.
- (2) Whenever possible, dwelling units shall be arranged to take advantage of views and vistas with consideration given to "micro" (subsections of the planned development) elements (e.g., climate control, pleasing relationships of structure, mass, etc.).
- (3) The planned development shall be designed to minimize the likelihood of criminal activity by:
  - (A) Minimizing those areas that are neither clearly private nor public.
  - (B) Planting landscaping to ensure that maximum observation is obtained while providing the desired degree of aesthetics.
- (4) Structure height, bulk, and "micro" coverage are regulated only to the extent that ensures that they meet the performance criteria identified in this Subsection E.
- (5) Structures for human habitation shall not be placed in an environmentally hazardous, fragile, or unique area.

**(fe) Perimeter.**

- (1) Adjacent properties to the planned development shall be protected from adverse influences of traffic, land use, structure scale, and density by the combined use of screening, setbacks, and land use location.

- (2) Perimeter planning and coordination are required to ensure continuity in the community facilities and services. The applicant shall demonstrate that the development proposal can be adequately served by community facilities and services without undue public expenditure.
- (3) Planned development projects that are within Fire Safety (FS) Overlay shall develop perimeter areas in compliance with Section 82.13.060 (FS1, FS2, and FS3 Development Standards)

Adopted Ordinance 4011 (2007), Amended

**EXHIBIT D**

**PROPOSED AMENDMENT TO DEVELOPMENT  
CODE SECTION 85.10.030(c)**

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Adopted Ordinance 4011 (2007)

#### 85.10.030 Procedures

- (a) **Application review.** Each Planned Development Permit application shall be analyzed by the Director to ensure that the application is consistent with the purpose and intent of this Chapter.
- (b) **Public hearing.** The review authority shall conduct a public hearing on an application for a Planned Development Permit before the approval or disapproval of the Permit. Notice of the public hearing shall be provided, and the hearing shall be conducted in compliance with Chapter 86.07 (Public Hearings).
- (c) **Scope of approval.** Planned Development Permit approval may adjust or modify, where determined by the review authority to be necessary and justifiable, any applicable **development** standard of this Development Code (e.g., **size, density,** height, parking, setbacks, street layout, etc.); provided, the approval shall not authorize a land use that is not allowed in the applicable land use zoning district by Division 2 (Land Use Zoning Districts and Allowable Land Uses).

Adopted Ordinance 4011 (2007)

#### 85.10.040 Review Authority

- (a) **Initial review by the Development Review Committee (DRC).** The DRC shall review all applications for preliminary or final development plans before their review by the Director, Commission, and Board.
- (b) **Commission and Board action required.** The Commission shall review and recommend and the Board shall act upon all initial applications for preliminary development plans and significant revisions to previously approved preliminary development plans for Planned Development Permits.
- (c) **Recommendation for disapproval.** A disapproval action by the Commission shall terminate any application for a Planned Development Permit, unless it is appealed in compliance with Chapter 86.08 (Appeals).
- (d) **Preliminary and final development plans required.** When an applicant chooses to file a final development plan for a project that has not had a preliminary development plan previously approved, the applicant shall file the preliminary and final development plans concurrently.
- (e) **Director to review and act upon all final development plans.** The Director shall review and act upon all applications for final development plans for a Planned Development Permit; provided, the plans have been determined to be non-controversial and are consistent with the approved preliminary development plans.

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**EXHIBIT E**

**PROPOSED GENERAL PLAN TEXT  
AMENDMENTS**

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- Areas adjacent to a major arterial street or any road intersection.
- Areas with less than 20 percent slopes.

### 3. MAXIMUM POPULATION DENSITY AVERAGE (MPDA)

Residential uses, except social residential care facilities and residential uses in mixed-use planned developments, are not permitted in commercial districts. MPDA for this type of district is 1,000 persons per square mile.

## H. OFFICE COMMERCIAL (CO)

### 1. PURPOSE

- To provide office and space for professional groups in community centers and civic areas.
- To allow for public and quasi-public uses that are compatible with a centralized urban location or a transitional area.
- To provide for the concentration of office uses for their mutual benefit and convenience as well as convenience to the general public.
- To establish areas for the conduct of business in a manner that will minimize conflicts and adverse impacts on other land uses.
- To encourage conversion and renovation of historic or architecturally significant buildings located in office and professional areas.

### 2. LOCATIONAL CRITERIA

- Areas set aside to support concentration of office uses, making office and professional activities more visible and easily accessible to the public.
- Peripheral areas of central business districts near commercial and public uses.
- Areas between a residential district and a major highway or more intensive commercial or industrial districts.



- Areas of mixed, non-residential uses compatible with business activities.
- Areas with primary access from a major arterial or collector, avoiding the use of local residential streets for services and deliveries.
- Areas adjacent to a major arterial, major divided highway, or freeway and/or that are within one-half (0.5) mile of a public transit route.
- Areas with full urban services and infrastructure facilities.

### 3. MAXIMUM POPULATION DENSITY AVERAGE (MPDA)

Residential uses, except social residential care facilities and residential uses in mixed-use planned developments, are not permitted in commercial districts. Except as permitted in residential care facilities and mixed-use planned developments, MPDA for this type of district is 640 persons per square mile.

## I. RURAL COMMERCIAL (CR) LAND USE ZONING DISTRICT

### 1. PURPOSE

To provide sites in rural areas where a range of commercial services intermixed with residential uses can be established which are limited in scope and intensity and meet the needs of the remote population and the traveling public.

### 2. LOCATIONAL CRITERIA

- Rural areas that have a low concentration of population not exceeding 500 people per square mile.
- Areas along major remote thoroughfares or intersections.
- Areas where a mixture of uses can coexist without conflict and there is no need to use multiple commercial districts to separate land uses.
- Areas where there is no competing commercial core.





- Areas where special design considerations are not necessarily required to ensure compatibility with surrounding land uses and the community.
- Areas not within any city sphere of influence.

### 3. MAXIMUM POPULATION DENSITY AVERAGE (MPDA)

The Rural Commercial Land Use Zoning District allows primary residential uses to be intermixed with commercial uses. Except as permitted in residential care facilities and mixed-use planned developments, MPDA for this type of district is 500 persons per square mile.

## J. HIGHWAY COMMERCIAL (CH) LAND USE ZONING DISTRICT

### 1. PURPOSE

To provide suitable locations for retail and service commercial establishments intended to meet the daily convenience needs of the traveling public.

### 2. LOCATIONAL CRITERIA

- Areas occupied or intended to be occupied by a relatively contiguous grouping of businesses that provide transient services to travelers on major highways.
- Areas designed to preserve a block of land for the use of small, somewhat isolated transient commercial uses along major highways.

### 3. MAXIMUM POPULATION DENSITY AVERAGE (MPDA)

Residential uses, except social residential care facilities and residential uses in mixed-use planned developments, are not permitted in commercial districts. Except as permitted in residential care facilities and mixed-use planned developments, MPDA for this type of district is 1,000 persons per square mile.

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## K. GENERAL COMMERCIAL (CG) LAND USE ZONING DISTRICT

### 1. PURPOSE

Provide appropriately located areas for stores, offices, service establishments, and amusements offering a wide range of commodities and services scaled to meet neighborhood and community needs.

### 2. LOCATIONAL CRITERIA

- Concentrated retail business and service areas that supply daily community commercial needs.
- Areas of retail commercial uses in central business districts providing local and regional trade services.
- Areas adjacent to a major arterial street, highway, or freeway or at the intersection of two major arterial streets.
- Areas with full urban services and infrastructure facilities.



### 3. MAXIMUM POPULATION DENSITY AVERAGE (MPDA)

Residential uses, except social residential care facilities and residential uses in mixed-use planned developments, are not permitted in commercial districts. Except as permitted in residential care facilities and mixed-use planned developments, MPDA for this type of district is 1,500 persons per square mile.

## L. SERVICE COMMERCIAL (CS)

### 1. PURPOSE

- To provide suitable areas for a mixture of commercial and industrial uses, including manufacturing uses, where they will not adversely affect surrounding properties.

- To provide suitable locations for retail, wholesale, intensive commercial, and service establishments.

## 2. LOCATIONAL CRITERIA



- Areas normally characterized by heavy commercial, service, and small-scale industrial uses.
- Areas where uses generally serve occasional needs rather than day to-day needs.
- Areas that will not create incompatible land use mixtures with the intended uses of this district.
- Areas located to promote infill and restructuring of existing heavy and service commercial areas and discourage proliferation of scattered service uses.
- Areas appropriate for developments using planned development concepts where unified landscaping, signing, building design, service capabilities, and adequate circulation can be ensured.
- Areas with access from major streets and/or major arterial streets to avoid use of residential streets for access or deliveries.
- Areas that are either at the intersection of two major arterial streets or adjacent to a major arterial street, major divided street, or freeway, or served by railroad access.

## 3. MAXIMUM POPULATION DENSITY AVERAGE (MPDA)

Residential uses, except social residential care facilities and residential uses in mixed-use planned developments, are not permitted in commercial districts. Except as permitted in residential care facilities and mixed-use planned developments, MPDA for this type of district is 1,500 persons per square mile.

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