

ATTACHMENT 7 PRELIMINARY MASTER PLAN REVIEW PROCEDURE DISCUSSION

Background.

At the Planning Commission work session on the proposed SDC amendments held on September 16, 2008 staff was asked to prepare a discussion regarding the level of review of the Preliminary Master Plan application. The current initial review procedure is Type III. Under this procedure, the Director has the discretion to raise the application to a Type IV review. Staff proposes an initial Type II review procedure for the reasons cited below. Under this procedure, the Director has the discretion to raise the application to a Type III review, an option that currently applies to all Type II SDC applications.

Justification for the initial Type II Review Procedure.

The proposed text (Section 5.13-116A.) states that if a Metro Plan amendment is required (Type IV Review), that application must be processed prior to the submittal of a Master Plan application. During the review process for the Metro Plan amendment, in order to comply with applicable State-wide Planning Goals, Metro Plan policies and Oregon Revised Statutes, staff evaluates the big picture items such as whether there are public facilities available to serve the property, transportation capacity issues, etc. Then, once the plan designation and zoning are in compliance, an applicant is entitled to submit a development application to the City. However, if a Metro Plan amendment is not required, then those issues have already been addressed. The primary development applications, Site Plan Review and land division are Type II applications, which the Director can raise to a Type III review procedure.

The purpose of the Master Plan is to allow for phased development to occur for at least 7 years, with the possibility of timeline extensions. The Site Plan Review process also allows for phased development. However the Site Plan approval is applicable for a period of two years, with the possibility of a one year extension. Aside from the approval timeline, the other major difference between the Site Plan Review and Master Plan applications is that in the case of the Master Plan, the SDC standards in effect at the time of the Preliminary Master Plan application submittal apply during the life of the Master Plan.

The City has processed 6 Master Plan applications since these regulations were added to the SDC in 1994. All of these applications were processed under the Type III or in some cases, Type IV review procedure. However, Peace Health Riverbend and Marcola Meadows both required Metro Plan amendments. Both these and MountainGate all impacted adjacent residential properties and if these applications were to be processed under the proposed amended regulations, the Director would raise the level of review from Type II to Type III, due to impacts on adjacent properties, complexity, etc.

Additionally, in proposed Section 5.13-110, the submittal of Master Plan applications for 3-5 acres would be allowed because staff became aware of the need of a non-profit to require a longer approval timeline than the 2 years permitted under the Site Plan Review process to accomplish their development goals. In this case, the current 5 acre minimum development area would not allow this non-profit to utilize the Master Plan Review process. Whether a Type II or Type III review procedure would be required is unknown at this time.

Finally, in addition for the potential for additional Master Plan applications due to the proposed reduced development areas, there may be cases where the development area may be within an

entirely commercial or industrial zoned area and the proposed development may have limited impact on the adjacent properties, utilities, etc. These applications would be reviewed under the initial Type II procedure.

Review of the Type I –Type IV Review Procedure Process.

SDC 1.2-120 states: *“All applications required by the Springfield Development Code are decided by using Type I, II, III, and IV review procedures. The procedure “type” assigned to each application governs the decision-making process for that application.*

Type I Decisions. *These staff decisions are made without public notice and or a public hearing. A mailed notice of decision is sent to the applicant.*

Type II Decisions. *These staff decisions are made after public notice, but without a public hearing, unless there is an appeal.*

- *Mailed notice is sent to the applicant and all property owners within 300 feet of the proposal and applicable neighborhood associations. Notice is posted on the affected property.*
- *Any noticed property owner or person may present written comments to the City which addresses the relevant criteria of approval. The comments must be received by the City within 14 calendar days from the date on the notice to give the commenter “standing” for an appeal.*
- *A preliminary decision is made based on the information presented and conditions may be imposed. A mailed notice of preliminary decision is sent to the property owner and all parties who responded to the public notice.*
- *Any person with standing and the applicant may appeal the decision to the Planning Commission or the Hearings Official.*
- *Some Type II decisions, for example, Site Plan Review and land divisions (Partitions and Subdivisions), require a separate application for final approval.*

Type III Decisions. *Planning Commission (city limits) or Hearings Official (urban services area) quasi-judicial decisions are made after public notice and a public hearing.*

- *Mailed notice is sent to the applicant and all property owners within 300 feet of the proposal and applicable neighborhood associations. Newspaper notice is published. Notice is posted on the affected property.*
- *The Planning Commission or Hearings Official is responsible for implementing the Metro Plan, the Springfield Development Code and other applicable planning documents through the review and approval of discretionary applications for land development, or when the Director elevates a Type II review to a Type III review. At the public hearing, any property owner or person may present oral or written comments which address the relevant criteria and standards. When granting approval of an application, the Planning Commission or Hearings Official may attach conditions beyond those necessary for compliance with the Springfield Development Code.*

- *A mailed notice of decision is sent to all those who participated in the public hearing. Any person with standing and the applicant may appeal the Planning Commission decision to the City Council or the Hearings Official decision to the Land Use Board of Appeals.*

Type IV Decisions. *City Council legislative decisions are made after public notice and a recommendation by the Planning Commission to the City Council (2 public hearings).*

- *Mailed notice is sent to the applicant and all property owners within 300 feet of the proposal and applicable neighborhood associations. Newspaper notice is published. Notice is posted on the affected property.*
- *At the Planning Commission public hearing, interested persons may present evidence and testimony relevant to the proposal. The Planning Commission will make findings for each of the applicable criteria and make a recommendation to the City Council.*
- *At the City Council public hearing, the staff will review the Planning Commission's recommendation and provide other pertinent information for the City Council's consideration. Interested persons will be given the opportunity to present testimony and information relevant to the proposal. The City Council will make findings for each of the applicable criteria and in doing so may uphold, modify or reverse a finding of the Planning Commission. When granting approval of an application, the City Council may attach conditions beyond those necessary for compliance with the Springfield Development Code. The City Council's decision will become effective by passage of an ordinance or resolution.*
- *A mailed notice of decision is sent to all those who participated in the public hearing. Any person with standing and the applicant may appeal the City Council decision to the Land Use Board of Appeals."*

In summary, the notice requirement for both the Type II and Type III review procedures are the same. Under the Type II review procedure, those who submit written comments have standing, are noticed of the decision and can appeal the decision. Under the Type III review procedure, those who submit written comments as well as testify at the hearing have standing, are noticed of the decision and can appeal the decision. The appeal of the Type II procedure goes to the Planning Commission. The appeal of the Type III procedure goes to the City Council.

Fees.

The fee structure for the various Master Plan applications within the city limits is as follows:

Preliminary Master Plan Approval Type III	\$18,814+634/acre*
Master Plan Amendment Type I	\$ 2,631
Master Plan Amendment Type II	\$ 5,297
Master Plan Amendment Type III	\$ 9,672
Final Master Plan Approval	The fee is 10 percent of the paid Preliminary Master Plan approval fee.

* Currently, there is no differentiation between a Type II or Type III Preliminary Master Plan approval review process.

The Preliminary Site Plan Review application fee is \$4,222 plus an additional fee based on the proposed square feet of impervious surface.

Question: Should there be a reduced Preliminary Master Plan application fee for a Type II application? If the Planning Commission opts for a Type II Preliminary Master Plan application fee, it would require City Council approval by separate resolution.

Recommendation/Action Requested.

Discuss this item and recommend to staff to either: keep the Type II process as the initial review as proposed; or keep the existing Type III review process.