

ATTACHMENT 4
SECTION 5.13-100 MASTER PLANS – REVISED

Commentary. *Current Section 5.13-100 is deleted in its entirety to make room for the proposed amendments. However, the term “Master Plan” is currently mentioned In SDC Sections 3.4-215 through 3.4-225 (the Glenwood Riverfront Plan District). This current version will be placed in SDC Appendix until such time as the Glenwood Refinement Plan and the Glenwood Riverfront Plan District are updated. Text proposed to be deleted is shown as: ~~[strike through]~~. Language proposed to be added is shown as: language added.*

[Section 5.13-100 Master Plans

5.13-105 Purpose

- ~~A. A Master Plan is a comprehensive plan that allows phasing of a specific development area over several years for public, commercial, industrial or residential development. A Master Plan, in this context, is specific to this Code and is not considered to be a refinement plan or any other similar subset of the Metro Plan. By addressing public service impacts and development requirements at the time of approval of Master Plan, these impacts and requirements need not be readdressed at subsequent phases and the developer may rely on the Master Plan approval in implementing the development.~~
- ~~B. The purpose of a Master Plan is to:~~
- ~~1. Provide preliminary approval for the entire development area in relation to land uses, a range of minimum to maximum potential intensities and densities, arrangement of uses, and the location of public facilities and transportation systems when a development area is proposed to be developed in phases;~~
 - ~~2. Assure that individual phases of a development will be coordinated with each other;~~
 - ~~3. Provide the applicant an assurance of the City's expectation for the overall development as a basis for detailed planning and investment by the developer.~~
- ~~C. The Planning Commission shall approve the Master Plan prior to City approval of a related Subdivision or Site Plan application; however, the Master Plan may be reviewed concurrently with a Zoning Map amendment, Discretionary Use, Variance and/or any other application or approval sought by the applicant related to the Master Plan.~~
- ~~D. Subject to prior approval of a Master Plan, a separate Subdivision or Site Plan application shall be approved for each phase. The Master Plan shall be the basis for the evaluation of all phases of development on any issues that it addresses. Phases may be combined for consideration.~~

- E. — Approval of a Master Plan is effective for up to 7 years; however the approved Master Plan time limit may be extended pursuant to Section 5.13-135, *Modifications to the Master Plan and Schedule.*

5.13-110 Applicability

The Master Plan process applies when initiated by an applicant when the following criteria are met:

- A. — The development area is under one ownership; or
- B. — If the development area has multiple owners, then all owners of record have consented in writing to the Master Plan review process; and
- C. — The development area is 5 acres or greater.
- D. — Notwithstanding the foregoing, the Director may determine that the proposed development is inappropriate as a Master Plan and the application will not be accepted.

5.13-115 Review

- A. — Master Plans are reviewed under Type III procedure, unless the Director determines that the application should be reviewed as a Type IV decision by the City Council due to the complexity of the application.
- B. — A Pre-Application Report application as specified in Section 5.1-100 is required prior to submittal of a Master Plan application.

5.13-120 Submittal Requirements

A Master Plan shall contain all of the elements prepared in a clear and legible manner necessary to demonstrate that the provisions of this Code are being fulfilled and shall include but not be limited to the following:

- A. — The existing Metro Plan designation and zone classification.
- B. — A vicinity map drawn to scale on a street base map.
- C. — A legal description of the property together with a map drawn to scale depicting the legal boundaries of the subject property.
- D. — A topography map and narrative depicting present uses of the land, existing structures, streets, significant vegetation, wetlands, drainage ways and other relevant natural and man-made features.
- E. — A site plan showing location and type of all land uses proposed, approximate acreage and approximate number of units or square footage of uses, adjacent property uses and relevant features.
- F. — The density or intensity of proposed uses.

- G.**— ~~The maximum height and size of proposed structures.~~
- H.**— ~~A public facilities plan showing existing and proposed streets, utilities, sanitary sewer, natural and piped storm drainage system, water service, bike and pedestrian ways and transit locations.~~
- I.**— ~~Maps and narrative showing off-site public improvements necessary to serve the proposed development and/or to mitigate impacts to adjacent property or public facilities.~~
- J.**— ~~The Director may require additional information necessary to evaluate the proposed development, including, but not limited to: an ESEE analysis, geology, soils, stormwater, sanitary, tree preservation, historical, archaeological, and traffic impact. All related maps, excluding vicinity and detail maps, shall be at the same scale.~~
- K.**— ~~Provisions, if any, for reservation, dedication, or use of land for public purposes, including, but not limited to: rights-of-way, easements, parks, open spaces, and school sites.~~
- L.**— ~~An overall schedule or description of phasing; and the development to occur in each phase. If phasing alternatives are contemplated, these alternatives shall be described.~~
- M.**— ~~Where off-site or other infrastructure improvements are required, the applicant shall specify the timing and method of securing the improvement, including bond, letter of credit, joint deposit or other security satisfactory for said improvement construction.~~
- N.**— ~~Designation of responsibility for providing infrastructure and services.~~
- O.**— ~~A general schedule of annexation consistent with the phasing plan, if applicable.~~

5.13-125 Criteria

A Master Plan may be approved if the Planning Commission finds that the proposal conforms with all of the following approval criteria. In the event of a conflict with approval criteria in this Subsection, the more specific requirements apply.

- A.**— ~~The zoning of the property shall be consistent with the Metro Plan diagram and/or applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan;~~
- B.**— ~~The request, as conditioned, shall conform to applicable Springfield Development Code requirements, Metro Plan policies, Refinement Plan, Plan District, and Conceptual Development Plan policies.~~
- C.**— ~~Proposed on-site and off-site improvements, both public and private, are sufficient to accommodate the proposed phased development and any capacity~~

~~requirements of public facilities plans; and provisions are made to assure construction of off-site improvements in conjunction with a schedule of the phasing.~~

- ~~D. The request shall provide adequate guidance for the design and coordination of future phases;~~
- ~~E. Physical features, including but not limited to steep slopes with unstable soil or geologic conditions, areas with susceptibility to flooding, significant clusters of trees and shrubs, watercourses shown on the WQLW Map and their associated riparian areas, wetlands, rock outcroppings and open spaces and areas of historic and/or archaeological significance as may be specified in Section 3.3-900 or ORS 97.740-760, 358.905-955 and 390.235-240 shall be protected as specified in this Code or in State or Federal law; and~~
- ~~F. Local public facilities plans and local street plans shall not be adversely impacted by the proposed development.~~

5.13-130 Conditions

~~The Approval Authority may attach reasonably necessary conditions to minimize negative impacts as specified in this Code to ensure that the proposed development can fully meet the criteria of Section 5.13-125, and may require guarantees to ensure compliance. Additionally, the approval may contain any conditions necessary to implement the provisions of Section 5.13-120 including a schedule of fees and charges, a schedule of compliance review and the extent to which the Master Plan is assignable.~~

5.13-135 Modifications to the Master Plan and Schedule

~~Applications for phase modification approval which are in substantial conformity with an approved Master Plan shall not be deemed a modification of the plan. Modifications to the Master Plan shall be processed under the applicable procedures described below to amend the Plan:~~

- ~~A. Modifications that do not affect the basic underlying assumptions of the adopted Master Plan and which are not determined to be similar to Subsection B. or C., below shall be processed as a ministerial decision by the Director.~~
- ~~B. Modifications that are significant, but do not affect the basic underlying assumptions of the approved Master Plan, shall be processed under Type II procedure. These modifications include a request:
 - ~~1. By the applicant for a change of density allocation with in the density range allowed in the applicable zoning district;~~
 - ~~2. By the applicant for a change to the alignment of right-of-way requirements of local streets;~~
 - ~~3. By the applicant or City for a change to the sizes or location of public facilities;~~~~

4. ~~By the applicant for a change of scheduled phasing beyond the approved time limit for the phased development when the proposed change affects the construction of scheduled public improvements;~~
 5. ~~By the City based on the requirement to implement newly adopted State or Federal regulations;~~
 6. ~~By the applicant for a one time extension of the approved time limit for up to three years. The time line extension will be granted provided the applicant has made reasonable progress in the implementation of the Master Plan and public services and facilities remain available;~~
 7. ~~By the applicant to alter significant natural resources, wetlands, open space areas, archaeological and historic features beyond the scope of the approved Master Plan; or~~
 8. ~~By the applicant for other modifications to the approved Master Plan that the Director determines to be similar to the modifications specified in this Subsection.~~
- ~~C. Modifications which affect the underlying basic assumptions of the approved Master Plan or that prohibit, restrict or significantly affect its implementation shall be processed under the Type III procedure, and include:~~
1. ~~A Zoning Map amendment or Discretionary Use application initiated by the applicant;~~
 2. ~~A request for the re-alignment or re-designation of arterial or collector streets initiated by the applicant;~~
 3. ~~The inability of the City or the applicant to provide essential public infrastructure;~~
 4. ~~A request by the City based on the requirement to implement newly adopted State or Federal regulations;~~
 5. ~~A request by the applicant for extension of the time limit of the Master Plan beyond the approved time limit specified in Subsection B.6., above or the extension permitted in Section 5.13-135, but in no case shall the extension exceed 15 years from the original Master Plan approval date; or~~
 6. ~~Other changes to the final approved Master Plan as requested by the applicant that the Director determines to be similar to the modifications specified in this Subsection.~~

5.13-140 Assurance to the Applicant
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- ~~A. Approval of the Master Plan shall assure the applicant the right to proceed with the development in substantial conformity with the Master Plan, subject to any modifications as may be approved as specified in Section 5.13-135. Changes to Ordinances, policies and standards adopted after the date of approval of the Master Plan shall not apply to the development.~~

- ~~B. Phase approvals shall occur through the land division review process, as specified in Section 5.12-100, or the Site Plan review process, as specified in Section 5.17-100, as applicable.~~
- ~~C. The Master Plan shall be the basis for the evaluation of all phases of development on any issues which it addresses. Approval of development phases will be granted subject to the terms and conditions of the Master Plan, but subject to the applicable Development Code provisions and City Ordinances on issues which the Master Plan does not address.~~
- ~~D. Notwithstanding the preceding provision, the City shall not be obligated to provide public improvements affecting implementation of the Master Plan if public funds are not available.~~
- ~~E. The City shall not be required to approve development of any phase described in the Master Plan if the approval violates applicable Federal or State statues or administrative rules.~~
- ~~F. The approved Master Plan shall be recorded at Lane County Deeds and Records and the original returned to the City.]~~

Section 5.13-100 Master Plans

Subsections:

<u>5.13-105</u>	<u>Purpose</u>
<u>5.13-110</u>	<u>Applicability</u>
<u>5.13-115</u>	<u>Preliminary Master Plan – Review</u>
<u>5.13-116</u>	<u>Preliminary Master Plan – Application Concurrency</u>
<u>5.13-117</u>	<u>Preliminary Master Plan – Neighborhood Meeting</u>
<u>5.13-120</u>	<u>Preliminary Master Plan – Submittal Requirements</u>
<u>5.13-125</u>	<u>Preliminary Master Plan – Criteria</u>
<u>5.13-130</u>	<u>Preliminary Master Plan – Conditions</u>
<u>5.13-131</u>	<u>Final Master Plan – Review</u>
<u>5.13-132</u>	<u>Final Master Plan – Submittal Requirements</u>
<u>5.13-133</u>	<u>Final Master Plan – Criteria, Recordation and Effective Date</u>
<u>5.13-134</u>	<u>Final Master Plan – Phasing Implementation</u>
<u>5.13-135</u>	<u>Final Master Plan – Modifications</u>
<u>5.13-140</u>	<u>Final Master Plan – Assurance to the Applicant and City</u>
	<u>Disclaimers</u>

Commentary. *The additional, new commentary/text is color coded as follows:*

Blue = Comments/text by Satre/Farrington incorporated by staff in the October 10th staff report.

Yellow = Comments/text by Satre/Farrington incorporated after the November 12 meeting in this staff report.

Green = Comments/text by staff incorporated into this staff report.

5.13-105 Purpose

Commentary. *The “definition” of a Master Plan is clearer – the specific purpose is to allow phasing of development over time.*

A. A Master Plan allows phasing the development of a specific property over several years.

Commentary. *The current purpose statements are revised to give them more substance.*

B. The purpose of a Master Plan is to:

Commentary. *The text “large scale” was deleted (Satre)*

1. Facilitate the review of multi-phased developments that are desired to be developed for more than 3 years and ensure that individual phases will be coordinated with each other over the duration of the Final Master Plan;
2. Ensure that a full range of public facilities and services are available or will be provided for the proposed phased development and to plan the extension of necessary public infrastructure in a timely and efficient manner;

Commentary. *The text “Established” was changed to “Determine” and “intensities” to “square footage” (Satre)*

3. Determine specific land uses, a range of minimum to maximum square footage of non-residential uses and a range of minimum to maximum densities of residential uses, the arrangement of uses, and the location of public facilities and transportation systems;

Commentary. *The text was revised to define “impacts” (Satre)*

4. Identify, during the public review process, the incremental and cumulative impacts, including, but not limited to noise, shading, glare, utility capacity and traffic, raised during the review of the proposed development and consider alternatives for mitigating these impacts to affected properties and public facilities;
5. Provide the property owner an opportunity for the concurrent review of discretionary land use decisions; and
6. Provide the property owner with the assurance needed over the long term to plan for and execute the proposed development.

5.13-110 Applicability

Commentary. *The current SDC Master Plan review process implies there is a two-step process, but is not specific. The proposed review process is formalized into two distinct steps – the Preliminary Master Plan and the Final Master Plan.*

A. Approval of a Master Plan is a two-step process that includes Preliminary Master Plan Approval and Final Master Plan Approval. This process applies when the following criteria are met:

1. The property is under single ownership; or if the property has multiple owners, all owners of record consent in writing to the Master Plan review process; and

Commentary. *There is no change to the current 5 acre minimum, except that there may be situations where a person owns less than 5 acres and desires more time to develop than is currently allowed by the Site Plan Review process, which is 2 years, with up to a one year extension. There is no change to the current maximum allowable time line of 7 years, unless an extension is requested and granted as discussed in Section 5.13-135.*

- 2 The property is 5 acres or greater and the applicant desires development to be phased over a period not to exceed 7 years, unless modified as specified in Section 5.13.135.

EXCEPTION: The Director may allow an exception to the 5 acre minimum, if the applicant requests phasing for more than 3 years.

Commentary. *Originally, the Master Plan process was adopted in the 1980's to apply to MountainGate, a residential development. Most recent Master Plan applications have involved either commercial or commercial/residential mixed use. Subsection B. lists proposed development options that may occur in a number of zones or mix of zones.*

B. A Master Plan may include public, commercial, industrial or residential development, or any combination thereof.

5.13-115 Preliminary Master Plan – Review

Commentary. *There is a change proposed for the level of review for a Preliminary Master Plan. Currently, a Type III procedure (Planning Commission review) is required for all Master Plan applications. A Type II procedure is proposed because the intent of the Master Plan process is similar to a Site plan application, which is a Type II review. The difference between the two applications is that Site Plan approval is good for 2 years and the Master Plan approval is good for 7 years and the Site Plan Review application requires more specific information.*

Commentary. *When the Preliminary Master Plan may be raised from a Type II to Type III procedure is now specified (**Satre**).*

A. The Preliminary Master Plan shall be reviewed under Type II procedure.

EXCEPTIONS: The Preliminary Master Plan shall be reviewed under Type III procedure if:

1. During the Pre-Application Report process, the Director determines that the proposed development is:

- a. Complex and/or
 - b. May have potential impacts on public facilities, including, but not limited to availability and capacity, and/or other properties, including, but not limited to noise, and traffic; and/or
2. The applicant chooses to submit concurrent Type III procedure applications as may be permitted in SDC 5.13-116.B.

B. Prior to the submittal of a Preliminary Master Plan application:

Commentary. *The “Pre-Application Report” process is currently used to allow the applicant to ask staff an unlimited number of questions regarding the proposed development. No change is proposed regarding the use of this process.*

- 1. A Pre-Application Report application, as specified in Section 5.1-120.B., is required prior to the formal submittal of the Preliminary Master Plan application.

Commentary. *A Master Plan is a complex application. Requiring the Pre-Submittal Meeting application will allow staff to evaluate the Preliminary Master Plan application for completeness, prior to formal submittal by the applicant and the start of the State-mandated 120-day review time line.*

- 2. A Pre-Submittal Meeting application, as specified in Section 5.1-120.C., is required prior to the formal submittal of the Preliminary Master Plan application.

5.13-116 Preliminary Master Plan – Application Concurrency

Commentary. *Currently, there is no prohibition on concurrent Metro Plan diagram and/or text amendment applications, but past City practice has been that any required Metro Plan diagram and/or text amendment application was approved prior to the submittal of the Preliminary Master Plan application. The text in Subsection A., below continues this past practice.*

- A. If the applicant requires or proposes to change the Metro Plan diagram and/or text, the applicant shall apply for and obtain approval of a Metro Plan diagram and/or text amendment prior to the submittal of the Preliminary Master Plan application. The Metro Plan diagram and/or text amendment may also require amendment of an applicable refinement plan diagram or Plan District Map.
- B. The Preliminary Master Plan may be reviewed concurrently with other Type III applications including a Zoning Map amendment, Discretionary Use, Major Variance, or a Willamette Greenway development application.

Commentary. *Currently, SDC Section 5.13-105C. states: “The Planning Commission shall approve the Master Plan prior to City approval of a related Subdivision or Site Plan application....” This language now specifically refers to the “Final” Master Plan. There is no change to the intent of this requirement.*

Commentary. *The text “approval is granted” was changed to “approval is effective” (Satre)*

- C. Subdivision and/or Site Plan applications that initiate the various phases of proposed development shall not be submitted concurrently with the Preliminary Master Plan. These applications shall not be submitted until Final Master Plan approval is effective, as specified in Section 5.13-133.

5.13-117 Preliminary Master Plan – Neighborhood Meeting

Commentary. *During the Marcola Meadows Metro Plan diagram and Zoning Map amendment process, the applicant voluntarily provided notice and held a neighborhood meeting to explain the proposed development. This undertaking helped educate neighbors to the intent of the proposal prior to the public hearing process. This is now a requirement for Master Plan applications because it allows the public to be involved in a major development while still in its early stages and complies with/utilizes State-wide planning Goal 1, Citizen Involvement.*

Commentary. *The Neighborhood Meeting process was questioned. Additional language was added based on Corvallis’ regulations (Farrington)*

To provide the opportunity for early citizen involvement in the Master Plan review process, the applicant shall provide notice and invite citizen participation by initiating a Neighborhood Meeting. The meeting shall be scheduled after receipt of staff’s response to the Pre-Application Report application required in Subsection 5.13-117B.1., and prior to the formal submittal of a Preliminary Master Plan application. The meeting is not intended to produce complete consensus on all applications. It is intended to encourage applicants to be good neighbors. The applicant shall be responsible for scheduling and organizing the meeting, arranging the meeting place, notice and all related costs. City staff will attend the neighborhood meeting in an advisory capacity to answer questions. The notice shall provide a brief description of the proposal and shall be mailed to those property owners and residents within 300 feet of the proposed development. The meeting may be held in any public or private building capable of accommodating the proceeding. The building selected should be in the vicinity of the proposed development. The applicant shall submit a summary of the questions raised and responses made at this meeting with the Preliminary Master Plan application as required in Subsection 5.13-120N.

5.13-120 Preliminary Master Plan – Submittal Requirements

Commentary. *The submittal requirements Section is updated to incorporate certain aspects of the Site Plan Review application in order to provide more specificity to the applicant.*

Commentary. *The basis for the detail required in these submittal requirements is found in Section 5.13-140A.1., which states: “The applicant is entitled to rely on land use regulations in effect on the date the Master Plan application was submitted, in accordance with ORS 227.178(3) for the 7 year approval time limit, with a single 3 year extension, or as otherwise previously approved.” Staff needs to determine that the application of the current standards will allow for approval of the Preliminary Master Plan application. In addition, the terms: “Certified Planner” and “Civil Engineer” have been added to the design team (Satre).*

The Preliminary and Final Master Plan applications shall be prepared by a Design Team comprised, at a minimum, of a Certified Planner, Architect, Civil Engineer, and Landscape Architect. The applicant shall select a project coordinator. All related maps, excluding vicinity and detail maps, shall be at the same scale. A Preliminary Master Plan shall contain all of the elements necessary to demonstrate compliance with the applicable provisions of this Code and shall include, but not be limited to:

A. General Submittal Requirements. The applicant shall submit a Preliminary Master Plan that includes all applicable elements described below and a narrative generally describing the purpose and operational characteristics of the proposed development. The narrative shall include:

1. The existing Metro Plan designation and zoning. Where the proposed Master Plan site is within an overlay district, Plan District or Refinement Plan the applicable additional standards shall also be addressed;

Commentary. *Previous Subsection 2. regarding "land uses" was deleted and the remaining Subsections were renumbered (Satre).*

2. The location and proposed number of residential units and/or square footage of commercial, industrial and/or public uses;

3. The density or intensity of proposed uses, including applicable Floor Area Ratios (FARs); and

4. The applicant shall attach:

Commentary. *The previous "250" feet" reference was changed in Subsections a. and b. to "300 feet" (Satre/Farrington)*

a. A map depicting existing zoning and land uses within 300 feet of the proposed Master Plan boundary;

b. A Vicinity Map drawn to scale depicting existing bus stops, streets, driveways, pedestrian connections, fire hydrants and other transportation/fire access issues within 300 feet of the proposed Master Plan site; and

c. A legal description of the property within the proposed Master Plan boundary.

B. A Site Assessment of the entire proposed Master Plan site that precisely maps and delineates the existing conditions on the site. Proposed modifications to physical features shall be clearly indicated. Information required for adjacent properties may be generalized to show the connections to physical features. A Site Assessment shall contain the following information, as applicable:

1. A full size map depicting the proposed Master Plan boundary together with existing lot/parcel lines;

2. The 100-year floodplain and floodway boundaries on the proposed Master Plan site, as specified in the latest adopted FEMA Flood Insurance Rate Maps or FEMA approved Letter of Map Amendment or Letter of Map Revision;
3. The Time of Travel Zones, as specified in Section 3.3-200 and delineated on the Wellhead Protection Areas Map on file in the Development Services Department;
4. Physical features including, but not limited to significant clusters of trees and shrubs, wetlands as specified in Section 4.3-117, rock outcroppings and watercourses shown on the Water Quality Limited Watercourse (WQLW) Map and their riparian areas on file in the Development Services Department. In the latter case, the name, location, dimensions, direction of flow and top of bank shall be depicted. If the proposed Master Plan site is located within 150 feet of the top of bank of any WQLW or within 100 feet of the top of bank of any WQLW direct tributary, a Riparian Area Protection Report is required;

Commentary. *The following text was questioned: “unstable soils and/or high water table per Satre. Staff did not change – this language is found in current Sections 5.12-170F.7.(Site Plan submittal requirements) and 5.17-125I.10 (Land Division submittal requirements). This language has been in the SDC since 2002, with no known complaints (Satre).*

5. Soil types and water table information as mapped and specified in the Soils Survey of Lane County. A Geotechnical report prepared by a licensed Geotechnical Engineer shall be submitted concurrently if the Soils Survey indicates the proposed Master Plan site has unstable soils and/or a high water table; and
6. Existing elevations and contours.

Commentary. *The following text was revised: “fill thresholds/contour intervals” per Satre.*

- C. A Grading Plan which includes: existing and proposed elevations and where 2 or more feet of fill or grading is anticipated for portions of or the entire proposed Master Plan site. On hillsides, the plan shall show pad sites and their relationship to the public right-of-way with existing contours at 1-foot intervals and percent of slope. In areas where the percent of slope is 10 percent or more, contours may be shown at 5-foot intervals.
- D. A Stormwater Management Plan diagram which includes the stormwater management system for the entire proposed Master Plan site and any impacts on adjacent properties. The plan shall contain the following components:

1. Roof drainage patterns and discharge locations;
 2. Pervious and impervious area drainage patterns;
 3. The size and location of stormwater management systems components, including but not limited to: drain lines, catch basins, dry wells and/or detention ponds; stormwater quality measures; and natural drainageways to be retained and/or modified;
 4. Existing and proposed elevations, site grades and contours; and
 5. A stormwater management system plan with supporting calculations and documentation as specified in Section 4.3-110 shall be submitted supporting the proposed system. The plan, calculations and documentation shall be consistent with the *Engineering Design Standards and Procedures Manual*.
- E. A Wastewater Management Plan with maps and a narrative depicting the location and size of existing and proposed wastewater facilities with supporting calculations and documentation consistent with the *Engineering Design Standards and Procedures Manual*.

Commentary. *The following text was deleted: “with the proposed design option” (Satre)*

- F.** A Utilities Plan with maps and a narrative depicting the location and size of existing and proposed water, electrical, gas and telephone service; and the location of existing and required traffic control devices, fire hydrants, street lights, power poles, transformers, neighborhood mailbox units and similar public facilities.

Commentary. *The Landscape Plan was “conceptual” in the October 7, 2008 draft. The Landscape Plan can remain conceptual to help reduce development costs. The detailed SDC landscape standards will be required to be addressed and met during the Site Plan Review process.*

- G.** A **conceptual** Landscape Plan with maps and a narrative illustrating proposed landscaping for the entire proposed Master Plan site, including, but not limited to: where existing vegetation is proposed for preservation, especially riparian and wetland areas and trees; installation of vegetative buffering; street trees; general landscaping; and a percentage range for the total amount of required open space, broken down by the type of open space, public and private, as applicable. **A conceptual Landscape Plan is more appropriate at the Master Plan level. A detailed Landscape Plan will be required during the Site Plan Review application process required to implement the Final Master Plan.**

Commentary. *The need for an overall Site Plan and whether or not the Architectural Plan should be made conceptual has been addressed in Subsection A., above.*

However, for the purpose of reducing applicant costs and to clarify which portions of the Architectural Plan may be modified, the text has been revised. The detailed SDC design standards will be required to be addressed and met during the Site Plan Review process. (Satre/Farrington).

H. An Architectural Plan with maps, including:

- 1. Building elevations, overall commercial, industrial or public floor area, the number of dwelling units, building height, number of stories and the building location or building mass of the primary structure (as defined in this Code);**
- 2. Illustrative examples of applicable SDC design standards and building materials may be considered conceptual. In this case, this requirement, if changed in the future, will not require Final Master Plan modification as specified in Section 5.13-135; and a**
- 3. Narrative. A narrative providing sufficient information to describe the proposed Architectural Plan.**

Commentary. *The need for a parking plan and/or for the level detail required is discussed in the commentary at the beginning of this (Farrington). No revision has been made to this Subsection.*

I. A Parking Plan and Parking Study.

- 1. A Parking Plan shall be submitted for all proposed development and shall contain the following information:**
 - a. The location, dimensions and number of proposed parking spaces;**
 - b. On-site vehicular and pedestrian circulation;**
 - c. Access to streets, alleys and properties to be served, including the location and dimensions of existing and proposed driveways and any existing driveways proposed to be closed;**

Commentary. *The text was revised to require only the location and number of bicycle spaces (Satre/Farrington).*

- d. The location of and number proposed bicycle spaces;**
- e. The amount of gross floor area applicable to the parking requirements for the proposed use; and**
- f. The location and dimensions of off-street loading areas, if any.**

Commentary. *The text "if necessary" was added (Farrington).*

2. A Parking Study, for other than single family developments, with maps and a narrative depicting projected parking impacts, including, but not limited to: projected peak parking demand; an analysis of peak demand compared to, or use of, the proposed on-site and off-site supply; potential impacts to the on-street parking system and adjacent land uses; and proposed mitigation measures, if necessary.

Commentary. *The need for an onsite lighting plan and/or for the level detail required is discussed in the commentary at the beginning of this Section. The text has been revised to require the minimum information necessary. The terms “shading, glare have been deleted (Farrington).*

J. An On-site Lighting Plan depicting the location and maximum height of all proposed exterior light fixtures, both free standing and attached.

- K. A Public Right-of-Way/Easement/Public Place Map depicting the reservation, dedication, or use of the proposed Master Plan site for public purposes, including, but not limited to: rights-of-way showing the name and location of all existing and proposed public and private streets within or on the boundary of the proposed Master Plan site, the right-of-way and paving dimensions, and the ownership and maintenance status, if applicable, and the location, width and construction material of all existing and proposed sidewalks; pedestrian access ways and trails; proposed easements; existing easements; parks; open spaces, including plazas; transit facilities; and school sites.

Commentary. *The text was revised to delete “events” (Farrington).*

- L. A Traffic Impact Study, as specified in Section 4.2-105.A.4, the scope of which may be established by the Public Works Director. The Traffic Impact Study shall contain maps and a narrative depicting projected transportation impacts, including, but not limited to: the expected number of vehicle trips that may be generated by the proposed development (peak and daily); an analysis of the impact of vehicle trips on the adjacent street system; and proposed mitigation measures to limit any projected negative impacts. Mitigation measures may include improvements to the street system itself or specific programs and strategies to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, and other alternatives to single occupant vehicles.

Commentary. *The text was revised to clarify if, when and by whom a financial guarantee is required (Satre/Farrington).*

- M. A Phasing Plan. The Phasing Plan shall illustrate the proposed location of buildings, streets, utilities and landscaping. Phasing shall progress in a sequence that provides street connectivity between the various phases and accommodates other required public improvements such as wastewater facilities, stormwater management, electricity and water. The Phasing Plan shall consist of maps and a narrative with an overall schedule or description of on-/off-site phasing including, but not limited to: the type, location and timing of proposed uses, building locations; proposed public facilities including on-/off-site streets and traffic signals or other traffic control devices and utilities with the designation of construction and

maintenance responsibility; estimated start/completion dates with a proposed type of financial guarantee, including but not limited to a bond, letter of credit, joint deposit or other security in a form acceptable to the City, submitted by the property owner, a future buyer and/or a developer, to ensure planned infrastructure improvements will occur with each phase, if necessary, or when required by the City, affected local agency or the State (the formal submittal of a required guarantee typically occurs during the Final Master Plan review process and/or development implementation); a statement of the applicant's intentions with regard to the future selling or leasing (if known at the time of Preliminary Master Plan submittal) of all or portions of the proposed development (where a residential subdivision is proposed, the statement shall also include the applicant's intentions whether the applicant or others will construct the homes); and the relationship of pedestrian and bicycle connectivity and open space requirements to the proposed phasing.

N. Neighborhood Meeting Summary. The applicant shall submit a summary of issues raised at the neighborhood meeting as specified in Section 5.13-117.

O. A copy of all proposed and any existing covenants, conditions, and restrictions that may control development, if applicable.

P. Annexation. A general schedule of proposed annexation consistent with the phasing plan, if applicable.

Q. The Director may require additional information necessary to evaluate the proposed development, including, but not limited to a:

Commentary. *The text was revised to address when an ESEE analysis may be required (Farrington).*

1. ESEE analysis, as may be needed to comply with Statewide Planning Goal 5, Natural Resources for site attributes that may not be on an adopted City inventory;

2. Wetland delineation approved by the Oregon Department of State Lands shall be submitted concurrently with the Preliminary Master Plan application, where there is a wetland on the proposed Master Plan site; and

3. Historical and/or archaeological studies.

R. Any concurrent land use applications as specified in Subsections 5.13-116B.

5.13-125 Preliminary Master Plan – Criteria

Commentary. *The Preliminary Master Plan approval criteria are clearer. For example, criterion 5.13-125 B. currently states: "The request, as conditioned, shall conform to applicable Springfield Development Code requirements." This is too broad because it refers to any SDC requirement. The following Subsections now connect specific aspects of the proposed Preliminary Master Plan criteria to the applicable SDC Chapter and/or Sections. The SDC defines "Approval Authority" as the Director, Hearings Official, Planning Commission or the City Council.*

A Preliminary Master Plan shall be approved, or approved with conditions, if the Approval Authority finds that the proposal conforms with all of the applicable approval criteria.

Commentary. *The current “Metro Plan diagram” reference is deleted because either the applicant has recently applied for and obtained a Metro Plan diagram and/or text amendment, and/or the “correct” designation is already in place. Therefore, there should be no need to revisit Metro Plan policy as part of the Master Plan review process.*

A. Plan/Zone consistency. The existing or proposed zoning shall be consistent with the Metro Plan diagram and/or applicable text. In addition, the Preliminary Master Plan shall be in compliance with applicable City Refinement Plan, Conceptual Development Plan or Plan District standards, policies and/or diagram and maps.

Commentary. *This criterion specifically refers to “all applicable standards of the zoning district” which include building height, setbacks, specific design standards, etc.*

B. Zoning district standards. The Preliminary Master Plan shall be in compliance with applicable standards of the specific zoning district and/or overlay district.

Commentary. *This criterion specifically refers to the required Traffic Impact Analysis from a transportation system capacity aspect in relation to proposed phases, in addition to the transportation standards contained in SDC Chapter 4.*

C. Transportation system capacity. With the addition of traffic from the proposed development, there is either sufficient capacity in the City’s existing transportation system to accommodate the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed. Adopted State and/or local mobility standards, as applicable, shall be used to determine transportation system capacity. The Preliminary Master Plan shall also comply with any conditions of approval from a Metro Plan diagram and/or text amendment regarding transportation and all applicable transportation standards specified in SDC Chapter 4.

Commentary. *This criterion refers to current parking standards in SDC Chapter 4 Development Standards that apply to specific transportation issues.*

D. Parking. Parking areas have been designed to: facilitate traffic safety and avoid congestion; provide bicycle and pedestrian connectivity within the property and to nearby transit stops and public areas. The Preliminary Master Plan shall also comply with all applicable vehicular and bicycle parking standards specified in SDC Chapter 4.

Commentary. *This criterion refers to current ingress-egress standards in SDC Chapter 4 Development Standards that apply to specific transportation issues.*

E. Ingress-egress. Ingress-egress points have been designed to: facilitate traffic safety and avoid congestion; provide bicycle and pedestrian connectivity within the property and to adjacent residential areas, transit stops, neighborhood activity centers, and commercial, industrial and public areas; and minimize driveways on arterial and collector streets as specified in this Code or other applicable City and

State regulations. The Preliminary Master Plan shall also comply with all applicable ingress/egress standards specified in SDC Chapter 4.

Commentary. *This criterion refers to current standards in SDC Chapters 4 and 5 that apply to specific utility issues.*

F. Availability of public utilities. Existing public utilities, including but not limited to, water, electricity, wastewater facilities, and stormwater management facilities either have sufficient capacity to support the proposed development in all future phases adequately, or there will be adequate capacity available by the time each phase of development is completed. The Public Works Director or appropriate utility provider shall determine capacity issues. The Preliminary Master Plan shall also comply with applicable utility standards specified in SDC Chapters 4 and 5.

Commentary. *This criterion refers to current standards in SDC Chapter 4 Development Standards that apply to specific physical feature issues.*

G. Protection of physical features. Physical features, including but not limited to slopes 15 percent or greater with unstable soil or geologic conditions, areas with susceptibility to flooding, significant clusters of trees and shrubs, watercourses shown on the Water Quality Limited Watercourses (WQLW) Map and their associated riparian areas, wetlands, rock outcroppings and open spaces and areas of historic and/or archaeological significance as may be specified in Section 3.3-900 or ORS 97.740-760, 358.905-955 and 390.235-240 shall be protected as specified in this Code or in State or Federal law. The Preliminary Master Plan shall also comply with applicable physical feature protection standards specified in SDC Chapter 4.

Commentary. *This criterion addresses a specific phasing issue that arose during the Marcola Meadows Master Plan review process.*

Commentary. *The text was revised to address why a Phasing Plan would be required (Farrington).*

H. Phasing Plan. The Phasing Plan shall: demonstrate that the construction of required public facilities shall occur in a logical sequence, either in conjunction with, or prior to each phase, or that there are appropriate financial guarantees as specified in Subsection 5.13-120M. to ensure the phased public facilities construction will occur.

Commentary. *Compatibility and mitigation criteria are specifically addressed. The text of Subsection J. "Mitigation of off-site impacts. Potential off-site impacts including, but not limited to noise, shading, glare, utility capacity and traffic, have been identified and mitigated." was deleted because it is redundant. (Farrington).*

I. Adjacent use protection. The proposed Preliminary Master Plan contains design, elements including, but not limited to landscaping/screening, parking/traffic management, and multi-modal transportation that limit and/or mitigate identified conflicts between the site and adjacent uses.

5.13-130 Preliminary Master Plan – Conditions
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Commentary. *This text is similar to text in other SDC Sections.*

Commentary. *The text was revised to delete text “minimize identified on-site conflicts and impacts on surrounding areas raised during the public hearing process as identified by staff or this Code.” (Satre/Farrington)*

The Approval Authority may attach conditions as may be reasonably necessary to the Preliminary Master Plan in order to ensure compliance with the approval criteria in Section 5.13-125, and with all other applicable provisions of this Code. All conditions shall be satisfied prior to Final Master Plan approval. Certain conditions may require an adequate financial guarantee in a form acceptable to the City to ensure compliance.

5.13-131 Final Master Plan – Review

Commentary. *Currently, there is no formalized “Final” Master Plan process; it’s implied by past practice. This Section establishes the “Final” Master Plan review process.*

Commentary. *The text was revised to require a Type II Final Master Plan review only if the Preliminary Master Plan was raised to and reviewed under Type III procedure (Farrington)*

A. A Final Master Plan application shall be reviewed under Type I procedure. However, if the Preliminary Master Plan approval was reviewed under Type III procedure, the Director shall require the Final Master Plan to be reviewed under Type II procedure.

B. A Pre-Submittal Meeting application, as specified in Section 5.1-120.C., is required prior to the formal submittal of the Final Master Plan application.

5.13-132 Final Master Plan – Submittal Requirements

Commentary. *Currently there is no time line for Final Master Plan submittal. The one year time line is the same as the current Partition Plat submittal time line. Additionally, there is a time line extension similar to the current Partition Plat submittal process because of the complexity of most Master Plan applications. The Final Master Plan submittal packet is also described.*

Commentary. *The text was revised to add these additional comments (Satre/Farrington).*

A. Within one year of Preliminary Master Plan Approval, the applicant shall submit the Final Master Plan. The Final Master Plan shall illustrate the location of proposed buildings, streets, utilities, parking and landscape areas. The Final Master Plan shall incorporate all Approval Authority conditions of approval. The Final Master Plan application shall include:

1. A narrative that lists the conditions of approval, explains how each condition is met and references the applicable Preliminary Master Plan maps, diagrams or plan sheets that require revision:

2. The specific maps, diagrams, plan sheets or other documents have been revised and/or demonstrate conformance with the Preliminary Master Plan approval; and
3. Any other information that may be required by the Director.

EXCEPTION: The applicant may request an extension of the Final Master Plan submittal for up to one additional year. The applicant shall submit the request for the extension in writing to the Director no later than 30 days prior to the expiration of the Preliminary Master Plan effective date. The applicant shall explain why the request is necessary and demonstrate how the Final Master Plan application will be submitted within the requested extension time line. The Director may grant or amend the extension request upon determining that the applicant is making progress on the Final Master Plan application.

Commentary. *Requiring the Pre-Submittal Meeting application will allow staff to evaluate the Final Master Plan application for completeness, prior to formal submittal by the applicant.*

- B. A Pre-Submittal Meeting application, as specified in Section 5.1-120.C., is required prior to the formal submittal of the Final Master Plan application.

5.13-133 Final Master Plan – Criteria, Recordation and Effective Date

Commentary. *There are two criteria for Final Master Plan approval.*

- A. Criteria. The Approval Authority shall grant Final Master Plan approval upon finding that:
 1. The Final Master Plan substantially conforms to the provisions of the Preliminary Master Plan approval; and
 2. All approval conditions have been met or can be guaranteed to be met.

Commentary. *Staff is aware of the cost and difficulty of recording the Final Master Plan as the regulations are currently written. The recordation of a Memorandum of Final Master Plan approval will reduce costs to the applicant.*

Commentary. *The text was revised to read “all other applicable documents” as a clarification. There may be times when a deed restriction or other separate conditioned documents are required to be recorded at the same time as the Memorandum of Final Master Plan approval (Farrington).*

- B. Recordation. The applicant shall record a Memorandum of Final Master Plan Approval in a format approved by the City Attorney and any other required documents at Lane County Deeds and Records and return a recorded copy of the Memorandum of Final Master Plan Approval and all other applicable documents to the Development Services Department.

- C. Effective Date.

Commentary. *The text was revised to clarify “effective date”, not “approval date” (Satre)*

1. Final Master Plan approval is effective on the date of recordation of the Memorandum of Final Master Plan Approval, the effective date, for not more than 7 years, unless modified as specified in Section 5.13-135.

Commentary. *Currently, there is no language regarding an “end time” for Final Master Plan approval.*

2. The Final Master Plan remains in effect until the permitted development has been constructed or the plan is modified, superseded or expires.

Commentary. *The text was revised to state that notice of the Final Master Plan effective date will be mailed to the applicant (Satre).*

- D. Once the Final Master Plan effective date is established, all persons and parties, and their successors, heirs or assigns, who have or will have any interest in the real property within the Final Master Plan boundary, shall be bound by the terms and conditions of approval of the Final Master Plan and the provisions of this Section. Notice of the Final Master Plan effective date will be mailed to the applicant.

5.13-134 Final Master Plan – Phasing Implementation

Commentary. *This Subsection clarifies when a Site Plan Review or Subdivision application can be submitted to implement Master Plan phasing (Satre).*

- A. No Subdivision and/or Site Plan Review applications (phasing implementation) shall be submitted until the Memorandum of Final Master Plan has been recorded (effective date) and returned to the City.

- B. The approved Final Master Plan shall be the basis for the evaluation of all phases of proposed development, including Subdivision and/or Site Plan Review applications.

Commentary. *A Pre-Submittal Meeting application is currently required for all Subdivision and Site Plan Review applications. This is not another layer of staff review. However, it is necessary to determine Master Plan compliance and which Master Plan conditions of approval apply to a particular development phase. Not all approval conditions may apply to a particular phase.*

- C. The approved Final Master Plan and all applicable conditions of approval shall be addressed for each Subdivision and/or Site Plan Review application (phasing implementation) as part of application completeness during the Pre-Submittal Meeting application process, specified in Section 5.1-120.C.

5.13-135 Final Master Plan – Modifications

Commentary. *This Section specifically states that modifications are made to the “Final” Master Plan. The current review categories remain, but the level of review is changed from Type II/III to the proposed Type I/II because the “basic underlying assumptions”*

category has been deleted. Additionally, the permitted Master Plan amendments are now limited to those listed below in order to reduce the number of modification applications. If an applicant requests a modification of an item that is not listed, then a new Master Plan application would be required. Finally, Subsection D. is added to list those modifications for which no planning review is required.

Commentary. Also see the discussion under Section 5.13-140.

A proposed Final Master Plan modification, or a proposed modification to a Master Plan approved prior to the effective date of this regulation, shall be processed under the applicable procedures described below:

A. The following modifications to a Final Master Plan shall be processed under Type I procedure. These modifications include a request:

Commentary. As part of this additional review, staff is reevaluating all of the current and proposed Final Master Plan modification categories.

Commentary. The text has been revised because it affects only the timing of a particular a phase that does not involve the construction of public improvements (**Farrington**) (see also B.8., below).

1. By the applicant to modify the Master Plan phasing schedule for a specific phase of development when the proposed change does not affect the construction of scheduled public improvements;
2. By the City based on the requirement to implement newly adopted State or Federal regulations; or

Commentary. The text has been revised to read: “as determined by the Director to clarify “reasonable progress” and “to serve the site” clarifies “public services and public facilities.” (**Satre**).

3. By the applicant for a one time extension of the approved time limit for up to 3 years. An extension request shall be filed in writing with the Director at least 60 days prior to the expiration of the initial 7 year period. If the applicant has made reasonable progress, as determined by the Director, in the implementation of the Final Master Plan and public services and public facilities will be available to serve the site, the time line extension will be granted.

Commentary. revised text, however, the 10 percent threshold remains and those categories that require the 10 percent standard in Subsection B., below will be processed as a Type I procedure (**Staff/Farrington**).

4. By the applicant for modifications that are less than the 10 percent thresholds specified in those specific instances specified in Subsection B., below.

Commentary. This Subsection is based upon current text and adds specific thresholds in certain situations. The level of review is reduced to a Type II or Type III procedure to be consistent with the level of review for the Preliminary Master Plan application.

Commentary. *This Subsection is revised to address question “potential impacts”/“other properties (text deleted) and PC comments regarding “complexity” as unclear language (Farrington/Planning Commission).*

B. The following modifications to the Final Master Plan shall be processed under Type II procedure, unless the Director determines that the proposed modification should be reviewed as a Type III procedure for reasons including, but not limited to the size of the Master Plan site, or the potential impact on adjacent properties and/or infrastructure. These modifications include a request:

Commentary. *The text has been revised to address the “density allocation” issue (Satre/Farrington).*

1. By the applicant if a proposed permitted non-residential use for example, a church or a school, affects the approved Final Master Plan residential density;

Commentary. *The text was revised to delete the term “building footprints”. This Subsection addresses the 10 percent threshold that has been discussed above because this topic may have an impact on neighboring properties (Satre/Farrington).*

2. By the applicant for 10 percent or greater increases or decreases in the overall gross floor area of commercial, industrial or public buildings; the number of dwelling units; building height; and the location or building mass of the primary structure (as defined in this Code);

3. By the applicant for increases or decreases in the amount of approved or required parking by a factor of 10 percent or greater. The applicant shall provide a new parking analysis related to the proposal;

4. By the applicant for a Zoning Map amendment or Discretionary Use application;

Commentary. *The text was not revised because it addresses the 10 percent threshold that has been discussed above because this topic may require a new Traffic Impact analysis which may reveal potential impacts on neighboring properties (Farrington).*

5. By the applicant for proposals that would increase the number of PM peak-hour vehicular trips by 10 percent or greater, except in cases where a trip cap has been imposed on development of the property. Where such a trip cap is in effect, a modification of the land use decision that imposed the trip cap shall be required. In all cases, the applicant shall provide a Traffic Impact Analysis supporting the proposal;

Commentary. *This Subsection was not included in the 10/07 draft and is based on current street modification language, but utilizes the 10 percent threshold that has been discussed above. The term “realign” has been deleted (Farrington).*

6. By the applicant to alter the placement of interior streets by 10 percent or greater from their approved location, as long as the modification maintains the connectivity established by the approved Final Master Plan.

7. By the City or the applicant when essential public infrastructure cannot be provided;

Commentary. *This Subsection has been added to address a previous comment on phasing under Type I procedure, above (Farrington).*

8. By the applicant to modify the Master Plan phasing schedule for a specific phase of development when the proposed change affects the construction of scheduled public improvements;

9. By the applicant for extension of the Final Master Plan time limit beyond the maximum approved time limit of 7 years or the extension permitted in Subsection B.3., above. In no case shall the extension exceed 15 years from the date of Final Master Plan approval as specified in Subsection 5.13-133.C. An extension request shall be filed in writing with the Director at least 60 days prior to the expiration of the initial 7 year period or any subsequently approved extensions. The time line extension will be granted provided the applicant has made reasonable progress in the implementation of the Final Master Plan and public services and facilities remain available;

10. By the applicant for a change to the approved Final Master Plan boundary.

C. Proposed Final Master Plan modifications other than those described in Subsections A. and B., above, shall require the submittal of a new Preliminary Master Plan application.

D. The following modifications to the Final Master Plan do not require subsequent land use review and are allowed upon issuance of a building permit, if required:

1. Building interior improvements;

2. Exterior improvements associated with existing buildings that do not involve a change in floor area, subject to all applicable base zone development and design standards and relevant conditions of approval as approved in the Final Master Plan;

3. Installation of new mechanical or electrical equipment, or modification of existing equipment, subject to all applicable base zone development and design standards and relevant conditions of approval as approved in the Final Master Plan;

4. Routine maintenance of existing buildings, facilities and landscaping; and/or

E. A Pre-Submittal Meeting application, as specified in Section 5.1-120.C., is required prior to the formal submittal of the Final Master Plan modification application.

Commentary. *Criteria are established for modifications.*

F. For all Final Master Plan modification applications described in Subsections A and B, above, the applicant shall demonstrate compliance with the following:

1. Any applicable Preliminary Master Plan criteria of approval specified in Section 5.13-125; and
2. Any other applicable standard of this Code that may be required to justify the proposed modification.

Commentary. *This Subsection adds specific situations where additional Planning review of Final Master Plan modifications is not necessary.*

- G.** The Master Plan procedures in Appendix 3 of this Code regarding Master Plan Modifications and/or new Master Plans shall apply to properties within the Glenwood Riverfront Plan District, Section 3.4-200, until these regulations are updated.

5.13-140 Final Master Plan – Assurance to the Applicant and City Disclaimers

Commentary. *The specific intent of this assurance is to protect the applicant from “new” development standards for the first 7 year time line granted upon Final Master Plan approval and one 3 year extension for a total of 10 years. Final Master Plan time line extensions that are more than 10 years, and up to the 15 year maximum would be under regulations in effect at the time of submittal of this additional time line extension.*

A. Assurances to the applicant:

Commentary. *The text has been revised to add “or as otherwise previously approved” to assure applicants of previously approved Master Plans that their approvals are vested for the timelines established as approved.*

Commentary. *A question arose regarding the appropriate review regulations for existing Master Plan applications approved prior to the adoption of this proposed amendment regarding Section 5.13-135 Modifications. The current text has no specific criteria but refers to “basic underlying assumptions”, which was deleted because it is vague. Staff has proposed specific criteria of approval in Section 5.13-135F1. and 2.: “Any applicable Preliminary Master Plan criteria of approval specified in Section 5.13-125; and Any other applicable standard of this Code that may be required to justify the proposed modification.” Staff contends that the portion of Section 5.13-135 that lists the categories of Final Master Plan have had the review procedure reduced from a Type II and III to a Type I and II and have been made clearer by adding 10 percent thresholds, in some cases, but do not substantially differ from those listed in the current text. In addition, the proposed specific review criteria are the clarification of a common practice – addressing the Preliminary Master Plan criteria of approval and any applicable SDC standards. (Farrington).*

1. The applicant is entitled to rely on standards and criteria in effect on the date the Master Plan application was submitted, in accordance with ORS 227.178(3)(a) for the 7 year approval time limit, with a single 3 year extension, or as otherwise previously approved.

EXCEPTION: Any time line extension proposed for more than a combined total of 10 years shall comply with land use regulations in effect at the time

of the time line extension application submittal specified in Subsection 5.13-135.C.10.

2. The applicant shall have the right to proceed with development as long as it is in substantial compliance with the Final Master Plan and other required approvals and permits, subject to any modifications as may be approved as specified in Section 5.13-135.

Commentary. *These Subsections appear in other Sections of the current SDC.*

B. City Disclaimers:

1. The City shall not be required to approve development of any phase described in the Final Master Plan if the approval violates applicable Federal or State statues or administrative rules.
2. The City shall not be obligated to provide public improvements affecting implementation of the Final Master Plan if public funds are not available.

Commentary. Currently, SDC Section 3.4-200 Glenwood Riverfront Plan District utilizes the Master Plan if an applicant desires to modify development standards. The Glenwood Refinement Plan Update Project is now underway and will include a review of the Plan District development standard and the process for modifying those standards. These standards will remain in effect to be utilized in the Plan District until such time the Plan District is amended. These standards will be placed in SDC Appendix 3 and will be deleted upon the adoption of any amendment of the Plan District.

Appendix 3

For use with SDC Section 3.4-200 Glenwood Riverfront Plan District until amended

Section 5.13-100 Master Plans

Subsections:

<u>5.13-105</u>	<u>Purpose</u>
<u>5.13-110</u>	<u>Applicability</u>
<u>5.13-115</u>	<u>Review</u>
<u>5.13-120</u>	<u>Submittal Requirements</u>
<u>5.13-125</u>	<u>Criteria</u>
<u>5.13-130</u>	<u>Conditions</u>
<u>5.13-135</u>	<u>Modifications to the Master Plan and Schedule</u>
<u>5.13-140</u>	<u>Assurance to the Applicant</u>

<u>5.13-105</u>	<u>Purpose</u>
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- A. A Master Plan is a comprehensive plan that allows phasing of a specific development area over several years for public, commercial, industrial or

residential development. A Master Plan, in this context, is specific to this Code and is not considered to be a refinement plan or any other similar subset of the Metro Plan. By addressing public service impacts and development requirements at the time of approval of Master Plan, these impacts and requirements need not be readdressed at subsequent phases and the developer may rely on the Master Plan approval in implementing the development.

B. The purpose of a Master Plan is to:

1. Provide preliminary approval for the entire development area in relation to land uses, a range of minimum to maximum potential intensities and densities, arrangement of uses, and the location of public facilities and transportation systems when a development area is proposed to be developed in phases;
2. Assure that individual phases of a development will be coordinated with each other;
3. Provide the applicant an assurance of the City's expectation for the overall development as a basis for detailed planning and investment by the developer.

C. The Planning Commission shall approve the Master Plan prior to City approval of a related Subdivision or Site Plan application; however, the Master Plan may be reviewed concurrently with a Zoning Map amendment, Discretionary Use, Variance and/or any other application or approval sought by the applicant related to the Master Plan.

D. Subject to prior approval of a Master Plan, a separate Subdivision or Site Plan application shall be approved for each phase. The Master Plan shall be the basis for the evaluation of all phases of development on any issues that it addresses. Phases may be combined for consideration.

E. Approval of a Master Plan is effective for up to 7 years; however the approved Master Plan time limit may be extended pursuant to Section 5.13-135, *Modifications to the Master Plan and Schedule.*

5.13-110 <u>Applicability</u>

The Master Plan process applies when initiated by an applicant when the following criteria are met:

A. The development area is under 1 ownership; or

- B. If the development area has multiple owners, then all owners of record have consented in writing to the Master Plan review process; and
- C. The development area is 5 acres or greater;
- D. Notwithstanding the foregoing, the Director may determine that the proposed development is inappropriate as a Master Plan and the application will not be accepted.

5.13-115 <u>Review</u>

- A. Master Plans are reviewed under Type III procedure, unless the Director determines that the application should be reviewed as a Type IV decision by the City Council due to the complexity of the application.
- B. A Pre-Application Report application as specified in Section 5.1-100 is required prior to submittal of a Master Plan application.

5.13-120 <u>Submittal Requirements</u>
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A Master Plan shall contain all of the elements prepared in a clear and legible manner necessary to demonstrate that the provisions of this Code are being fulfilled and shall include but not be limited to the following:

- A. The existing Metro Plan designation and zone classification.
- B. A vicinity map drawn to scale on a street base map.
- C. A legal description of the property together with a map drawn to scale depicting the legal boundaries of the subject property.
- D. A topography map and narrative depicting present uses of the land, existing structures, streets, significant vegetation, wetlands, drainage ways and other relevant natural and man-made features.
- E. A site plan showing location and type of all land uses proposed, approximate acreage and approximate number of units or square footage of uses, adjacent property uses and relevant features.
- F. The density or intensity of proposed uses.
- G. The maximum height and size of proposed structures.

- H. A public facilities plan showing existing and proposed streets, utilities, sanitary sewer, natural and piped storm drainage system, water service, bike and pedestrian ways and transit locations.
- I. Maps and narrative showing off-site public improvements necessary to serve the proposed development and/or to mitigate impacts to adjacent property or public facilities.
- J. The Director may require additional information necessary to evaluate the proposed development, including, but not limited to: an ESEE analysis, geology, soils, stormwater, sanitary, tree preservation, historical, archaeological, and traffic impact. All related maps, excluding vicinity and detail maps, shall be at the same scale.
- K. Provisions, if any, for reservation, dedication, or use of land for public purposes, including, but not limited to: rights-of-way, easements, parks, open spaces, and school sites.
- L. An overall schedule or description of phasing; and the development to occur in each phase. If phasing alternatives are contemplated, these alternatives shall be described.
- M. Where off-site or other infrastructure improvements are required, the applicant shall specify the timing and method of securing the improvement, including bond, letter of credit, joint deposit or other security satisfactory for said improvement construction.
- N. Designation of responsibility for providing infrastructure and services.
- O. A general schedule of annexation consistent with the phasing plan, if applicable.

5.13-125 <u>Criteria</u>

A Master Plan may be approved if the Planning Commission finds that the proposal conforms with all of the following approval criteria. In the event of a conflict with approval criteria in this Subsection, the more specific requirements apply:

- A. The zoning of the property shall be consistent with the Metro Plan diagram and/or applicable Refinement Plan diagram, Plan District map, and Conceptual Development Plan;
- B. The request, as conditioned, shall conform to applicable Springfield Development Code requirements, Metro Plan policies, Refinement Plan, Plan District, and Conceptual Development Plan policies;

- C. Proposed on-site and off-site improvements, both public and private, are sufficient to accommodate the proposed phased development and any capacity requirements of public facilities plans; and provisions are made to assure construction of off-site improvements in conjunction with a schedule of the phasing;
- D. The request shall provide adequate guidance for the design and coordination of future phases;
- E. Physical features, including, but not limited to: steep slopes with unstable soil or geologic conditions; areas with susceptibility of flooding; significant clusters of trees and shrubs; watercourses shown on the WQLW Map and their associated riparian areas; other riparian areas and wetlands specified in Section 4.3-117; rock outcroppings; open spaces; and areas of historic and/or archaeological significance, as may be specified in Section 3.3-900 or ORS 97.740-760, 358.905-955 and 390.235-240, shall be protected as specified in this Code or in State or Federal law;
- F. Local public facilities plans and local street plans shall not be adversely impacted by the proposed development.

5.13-130 <u>Conditions</u>
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The Approval Authority may attach reasonably necessary conditions to minimize negative impacts as specified in this Code to ensure that the proposed development can fully meet the criteria of Section 5.13-125, and may require guarantees to ensure compliance. Additionally, the approval may contain any conditions necessary to implement the provisions of Section 5.13-120 including a schedule of fees and charges, a schedule of compliance review and the extent to which the Master Plan is assignable.

5.13-135 <u>Modifications to the Master Plan and Schedule</u>

Applications for phase modification approval which are in substantial conformity with an approved Master Plan shall not be deemed a modification of the plan. Modifications to the Master Plan shall be processed under the applicable procedures described below to amend the Plan:

- A. Modifications that do not affect the basic underlying assumptions of the adopted Master Plan and which are not determined to be similar to Subsection B. or C., below shall be processed as a ministerial decision by the Director.
- B. Modifications that are significant, but do not affect the basic underlying assumptions of the approved Master Plan, shall be processed under Type II procedure. These modifications include a request:

1. By the applicant for a change of density allocation with in the density range allowed in the applicable zoning district;
 2. By the applicant for a change to the alignment of right-of-way requirements of local streets;
 3. By the applicant or City for a change to the sizes or location of public facilities;
 4. By the applicant for a change of scheduled phasing beyond the approved time limit for the phased development when the proposed change affects the construction of scheduled public improvements;
 5. By the City based on the requirement to implement newly adopted State or Federal regulations;
 6. By the applicant for a 1-time extension of the approved time limit for up to 3 years. The time line extension will be granted provided the applicant has made reasonable progress in the implementation of the Master Plan and public services and facilities remain available;
 7. By the applicant to alter significant natural resources, wetlands, open space areas, archaeological and historic features beyond the scope of the approved Master Plan; or
 8. By the applicant for other modifications to the approved Master Plan that the Director determines to be similar to the modifications specified in this Subsection.
- C. Modifications which affect the underlying basic assumptions of the approved Master Plan or that prohibit, restrict or significantly affect its implementation shall be processed under the Type III procedure, and include:
1. A Zoning Map amendment or Discretionary Use application initiated by the applicant;
 2. A request for the re-alignment or re-designation of arterial or collector streets initiated by the applicant;
 3. The inability of the City or the applicant to provide essential public infrastructure;
 4. A request by the City based on the requirement to implement newly adopted State or Federal regulations;

5. A request by the applicant for extension of the time limit of the Master Plan beyond the approved time limit specified in Subsection B.6., above or the extension permitted in Section 5.13-135, but in no case shall the extension exceed 15 years from the original Master Plan approval date; or
6. Other changes to the final approved Master Plan as requested by the applicant that the Director determines to be similar to the modifications specified in this Subsection.

5.13-140 Assurance to the Applicant
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- A. Approval of the Master Plan shall assure the applicant the right to proceed with the development in substantial conformity with the Master Plan, subject to any modifications as may be approved as specified in Section 5.13-135. Changes to Ordinances, policies and standards adopted after the date of approval of the Master Plan shall not apply to the development.
- B. Phase approvals shall occur through the land division review process, as specified in Section 5.12-100, or the Site Plan review process, as specified in Section 5.17-100, as applicable.
- C. The Master Plan shall be the basis for the evaluation of all phases of development on any issues which it addresses. Approval of development phases will be granted subject to the terms and conditions of the Master Plan, but subject to the applicable Development Code provisions and City Ordinances on issues which the Master Plan does not address.
- D. Notwithstanding the preceding provision, the City shall not be obligated to provide public improvements affecting implementation of the Master Plan if public funds are not available.
- E. The City shall not be required to approve development of any phase described in the Master Plan if the approval violates applicable Federal or State statutes or administrative rules.
- F. The approved Master Plan shall be recorded at Lane County Deeds and Records and the original returned to the City.