



# Oregon

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

[www.lcd.state.or.us](http://www.lcd.state.or.us)

## NOTICE OF ADOPTED AMENDMENT

December 26, 2006

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Madras Plan Amendment  
DLCD File Number 011-06



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: January 8, 2007**

This amendment was submitted to DLCD for review with less than the required 45-day notice because the jurisdiction determined that emergency circumstances required expedited review. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Mark Radabaugh, DLCD Regional Representative  
Chuck McGraw, City of Madras

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**FORM 2 Notice of Adoption**

THIS FORM MUST BE MAILED TO DLCD  
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION  
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DEPT OF  
DEC 20 2006  
LAND CONSERVATION  
AND DEVELOPMENT

Jurisdiction: City of Madras Local file number: TA-06-5

Date of Adoption: 12/12/2006 Date Mailed: 12/18/06

Date original Notice of Proposed Amendment was mailed to DLCD: \_\_\_\_\_

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: \_\_\_\_\_

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

**An Ordinance amending Ordinance No. 723 (An Ordinance establishing Land use zones to regulate the location of building structures and the use of land within the city of Madras, Oregon; providing penalties for the violation thereof....)to add a new section allowing for a Master Planned Community Overlay and declaing an emergency.**

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

**N/A**

Plan Map Changed from: N/A to: N/A

Zone Map Changed from: N/A to: N/A

Location: City of Madras Acres Involved: 200

Specify Density: Previous: N/A New: 20%

Applicable Statewide Planning Goals: Goal 10

Was and Exception Adopted?  YES  NO

DLCD File No.: 011-06 (15336)

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

**Forty-five (45) days prior to first evidentiary hearing?**       **Yes**       **No**  
If no, do the statewide planning goals apply?       **Yes**       **No**  
If no, did Emergency Circumstances require immediate adoption?       **Yes**       **No**

Affected State or Federal Agencies, Local Governments or Special Districts:

**DLCD**

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Local Contact: **Chuck McGraw**      Phone: **(541) 475-3388**      Extension: \_\_\_\_\_  
Address: **71 SE D Street**      City: **Madras**  
Zip Code + 4: **97741-1685**      Email Address: **cmcgraw@ci.madras.or.us**

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### **ADOPTION SUBMITTAL REQUIREMENTS**

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:  

**ATTENTION: PLAN AMENDMENT SPECIALIST**  
**DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT**  
**635 CAPITOL STREET NE, SUITE 150**  
**SALEM, OREGON 97301-2540**
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

**ORDINANCE NO. 782**

**AN ORDINANCE AMENDING ORDINANCE NO. 723, [AN ORDINANCE ESTABLISHING LAND USE ZONES TO REGULATE THE LOCATION OF BUILDING STRUCTURES AND THE USE OF LAND WITHIN THE CITY OF MADRAS, OREGON; PROVIDING PENALTIES FOR THE VIOLATION THEREOF.....], TO ADD A NEW SECTION ALLOWING FOR A MASTER PLANNED COMMUNITY OVERLAY, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City of Madras desires to encourage the master planning of residential lands within the Urban Growth Boundary; and

**WHEREAS**, the City of Madras feels that master planning fosters the creation of complete communities with a range of land uses and residential types, permits innovative design and flexibility in development standards; and

**WHEREAS**, the proposed amendments were presented to the City of Madras Planning Commission on August 2, 2006 and to the City Council on September 12, 2006 for review through the public hearing process.

**NOW, THEREFORE**, the City of Madras ordains as follows:

**SECTION 1:** The Madras Zoning Ordinance shall be amended as provided in Exhibit 'A", and incorporated herein.

**SECTION 2:** The City of Madras' Final Decision, Findings of Fact and Conclusions of Law are hereby adopted in support of the amendments, and incorporated herein.

**SECTION 3:** **SEVERABILITY:**

The provisions of this ordinance are severable. If any section, sentence, clause, or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of the ordinance.

**SECTION 4:** **CORRECTIONS:**

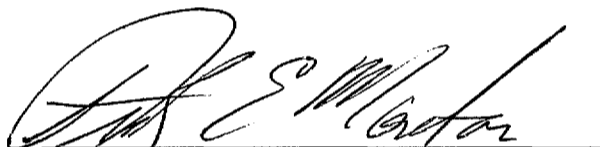
This ordinance may be corrected by order of the City Council to cure editorial and clerical errors.

**SECTION 5: EMERGENCY CLAUSE**

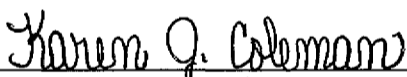
The City Council of the City of Madras, having reviewed the Comprehensive Plan of the City of Madras, and the need for enactment of ordinances to regulate land use within the City does hereby determine that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Madras and an emergency is hereby declared to exist, and this Ordinance shall become in full force and effect from and after the date it is enacted and signed by the Mayor.

ADOPTED by the City Council of the City of Madras this 12<sup>th</sup> day of December, 2006.

Ayes: 5  
Nays: 0  
Abstentions: 0  
Absent: 1  
Vacancies: 0

  
Frank E. Morton, Mayor

ATTEST:

  
Karen J. Coleman, City Recorder

**Proposed Master Planned Community Overlay Zone**

**Amendments to Zoning Ordinance No. 723**

**SECTION 3.12: MASTER PLANNED COMMUNITY (MPC) OVERLAY**

- A. **Purpose.** The purpose of the Master Planned Community Overlay is to foster the creation of complete communities with a range of land uses and housing types, permit the application of innovative designs, and to allow greater freedom in land development and flexibility in development standards than may be possible under the strict application of the applicable zoning provisions of this code. In permitting such design and development freedom, the intent is to encourage more efficient uses of land and public facilities and services, to address the community's need for a variety of housing, commercial and recreational opportunities (particularly public recreational amenities) and to maintain the highest reasonable quality living environment. An approved Master Planned Community Development Plan guides future development of the subject site. All future land use approvals and development (i.e., subdivision approval) for the subject site shall be in accordance with the guidelines established in the approved Master Planned Community Development Plan.
- B. **Applicability.** As an overlay zone, the Master Planned Community Overlay provisions may be applied in any residential, commercial or industrial zoning district, in accordance with the provisions of Section 3.12 of the Zoning Ordinance and Section 3.5 of the Subdivision and Partition Ordinance.
- C. **Uses.** Any use permitted outright or conditionally in the underlying base zone(s) is permitted outright within a Master Planned Community Development Plan. Vertical mixing of uses is permitted, such as office uses on the ground floor with residential uses on upper floors. Additionally, the following uses are permitted outright in a Master Planned Community Development Plan:
- (1) **Residential Uses**
    - (a) Single family dwellings
    - (b) Multi-family dwellings (which include apartments, triplexes, and fourplexes) and duplexes, which are located on a single lot

- (c) Attached housing on separate lots, including condominiums and townhomes

(1) Notwithstanding the definitions in Section 1.3 of the Zoning Ordinance, in the Master Planned Community Overlay district a condominium is a type of development utilizing zero lot lines, individual ownership of units and common ownership of open spaces and other facilities, and which are regulated in part by state law (ORS Chapter 100).

(2) In the Master Planned Community Overlay district, a townhome is an attached dwelling unit, located on its own lot, that shares one or more common or abutting walls (but does not share a common floor or ceiling) with one or more dwelling units.

(2) Community Uses

- (a) Public and private non-profit parks and open spaces, including developed open spaces (i.e., a golf course or park with facilities), undeveloped open spaces, community centers and recreation facilities
- (b) Public buildings, such as libraries, police stations, fire stations, museums or schools
- (c) Churches

(3) Commercial Uses

- (a) Retail trade establishments in which the operation takes place solely within an enclosed building
  - (b) Eating or drinking establishments
  - (c) Food or grocery stores
  - (d) Professional and other office or service establishments
  - (e) Fabrication or creation of goods in which the operation takes place solely within an enclosed building and off-site impacts are not created
  - (f) Recreational vehicle and equipment storage areas limited to use by the Master Planned Community's occupants
  - (g) Home Occupation, subject to the criteria in Section 3.1.2 of the Zoning Ordinance
- (4) Other uses which the city finds are designed to serve primarily the residents and visitors to the Master Planned Community or are

open to and of benefit to the general public, and are compatible to the overall design of the proposed development.

D. Development Standards. An approved Master Planned Community Development Plan shall include development standards that regulate future development on the subject site. To implement the purpose of the Master Planned Community Overlay (encouraging innovative designs and communities with a range of housing type and uses), the development standards listed below may be modified from the requirements in the underlying base zone or other applicable provisions of the Zoning Ordinance or Subdivision and Partition Ordinance. Such modifications are allowed through the Master Planned Community Development Plan approval process if the Master Planned Community Development Plan includes distinctiveness and excellence in siting, design, amenities and/or landscaping that will enhance the general area. Examples of distinctiveness and excellence include, but are not limited to: exceeding the minimum open space requirement; provision of dedication of public park space; provision of public bikeways and pedestrian ways; superior recreational amenities; respect for natural attributes of the site; provision of a mixture and variety of housing; use of distinctive architectural and styles and materials. Unless modified herein or as excepted elsewhere in the Master Planned Community Overlay designation, the applicable standards of the Zoning Ordinance and Subdivision and Partition Ordinance apply.

- (1) Minimum Master Planned Community Size. A Master Planned Community Development Plan shall be established only for parcels of land which are suitable for the proposed development and of sufficient size to be planned and developed in the manner consistent with the purposes of this section. A Master Planned Community Development Plan approved under Section 3.12 of the Zoning Ordinance and Section 3.5 of the Subdivision and Partition Ordinance shall not be established for less than two hundred (200) acres of contiguous land. Acreage split by public roads, railroad lines or rivers or streams shall count toward the acreage minimum.
- (2) Dimensional Standards. The minimum lot size, width, depth, street frontage, setback and height requirements otherwise applying to individual lots may be modified by a Master Planned Community Development Plan. An approved Master Planned Community Development Plan shall include dimensional standards for the potential uses within the Master Planned Community.
- (3) Density. The overall density of residential development allowed in a Master Planned Community Development Plan shall be calculated based upon the gross acreage of the Master Planned



Community. Density averaging is allowed, and the density allowed in a Master Planned Community may be increased by 20% from the density otherwise allowed in the base zone.

- (4) Open Space. At least 30% of the gross acreage of the Master Planned Community shall be open space, and developed open space (such as a golf course or park with facilities) is encouraged. Open space may be publicly or privately owned, and includes the use of land focusing on natural areas, areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Portions of individual residential lots, street landscaping and parking area landscaping shall not be considered open space. Examples of open space includes, but is not limited to, parks, golf courses, public squares, plazas, recreational trails, botanical gardens, and natural areas.
- (5) Streets. Traditional street design and construction standards often do not accommodate innovative development. A Master Planned Community Development Plan may include modified design and construction standards for public and/or private streets. The modified design and construction standards for public and/or private streets shall be coordinated with and approved by the Public Works Director and the Fire Marshall. Such coordination and approval shall be sought as part of the Master Planned Community Development Plan approval process. Consistent with the "New Roadways" section of the Transportation System Plan (TSP), alignments for streets proposed in the TSP may be modified through the Master Planned Community Development plan approval process.
- (6) Parking. The parking provisions of Section 8-12.4.7 of the Zoning Ordinance may be modified to allow an increase or decrease in the number of required off-street parking, and on-street parking may be included in the calculation of parking provided for a use. Shared parking may also be considered for uses with differing hours of parking need. A modification to the applicable parking provisions may be approved through either the Master Planned Community Development Plan approval process or Site Plan Approval (Section 4.8 of the Zoning Ordinance).

#### **Other Amendments to Zoning Ordinance Needed**

- Section 2.4 of the Zoning Ordinance must be amended to include the Master Planned Community Overlay Zone in the list of overlay zoning designations

- Section 9.3 of the Zoning Ordinance must be amended to include the review of a Master Planned Community Development Plan in the list of land use permits that are not administrative actions

**Amendments to Subdivision and Partition Ordinance (8-11)**

Delete

SECTION 3.5:        MASTER DEVELOPMENT PLAN  
SECTION 3.6        APPROVAL OF MASTER DEVELOPMENT PLAN  
SECTION 3.7:        DEVELOPMENT FOLLOWING APPROVAL

Replace with:

SECTION 3.5:        MASTER PLANNED COMMUNITY DEVELOPMENT PLAN  
APPROVAL PROCESS

- A. In General. The approval and implementation of a Master Planned Community consists of two steps, with a third step for uses other than single family dwellings and duplexes. The first step is approval of the Master Planned Community Development Plan, as provided in Section 3.12 of the Zoning Ordinance and 3.5 of the Subdivision and Partition Ordinance. The second step is the implementation of the Master Planned Community Development Plan through the Subdivision review process, as provided in Sections 3.9 through 3.11 and Article 4 of the Subdivision and Partition Ordinance (with phasing allowed as provided in Article 4). The potential third step is Site Plan Approval, as provided in Section 4.8 of the Zoning Ordinance, which applies to all uses except single family dwellings and duplexes.
- B. Master Planned Community Development Plan Submittal Requirements. The Master Planned Community Development Plan application shall be supported by maps and written materials that show and/or contain all required information listed below. Maps may be in schematic form, but shall be clearly and legibly drawn to a scale sufficient enough to enable the decision authority to have an adequate understanding of what is proposed.
- (1) A narrative that includes a legal description of the Master Planned Community and addresses the approval criteria in Section 3.12(D) of the Zoning Ordinance (if applicable) and Section 3.5(C) of the Subdivision and Partition Ordinance;
  - (2) The existing topographic character of the land and any important natural features of the site, including streams, rivers, wetlands, and rock outcroppings;

- (3) Schematic depiction of the Master Planned Community that includes types and general location of proposed development uses, character and overall range of density of the development, internal vehicular circulation, open space, pedestrian or recreational amenities, utility connections, and other information necessary to convey the concept of the overall Master Planned Community;
- (4) A vicinity map showing the relationship of the proposed Master Planned Community to adjoining developments, streets, storm drainage, sewer, water, and utility services;
- (5) Dimensional standards (see Section 3.12(D) of the Zoning Ordinance) for the potential uses within the Master Planned Community Development Plan;
- (6) A street plan that includes the location, width and design of streets, and the relationship of streets to any existing or proposed streets as shown in the City's Transportation System Plan;
- (7) A traffic study which addresses impacts of the build out of each phase of the Master Planned Community Development Plan on affected county, city and state road systems, and transportation improvements necessary to mitigate any such impacts (including suggested timing for construction of mitigating improvements); and
- (8) An estimated development phasing schedule indicating:
  - (a) The approximate date when construction of the project can be expected to begin; and
  - (b) The phases in which the project is expected to be built, including estimated dates of construction for each phase.
  - (c) If no specific phasing plan has been determined at the time of the application, the applicant may submit a written statement explaining why the phasing plan is not complete and when a schedule will be made available.

C. Approval Criteria. The decision authority may approve the Master Planned Community Development Plan, or approve with conditions if appropriate, if the Master Planned Community Development Plan satisfies the following criteria:

- (1) The Master Planned Community Development Plan is designed to avoid or minimize potentially adverse effects on surrounding lands (both the natural and built environment). A variety of measures can be used to accomplish this, including, but not limited to:

**Page 6 to 9 Exhibit 'A' to Ordinance No. 782**

landscaping, buffers, fencing or the arrangement of uses, structures, service facilities, open spaces or improvements within the Master Planned Community Development Plan;

- (2) Public facilities and services are adequate, or will be adequate at the time of occupancy, to accommodate the Master Planned Community Development Plan;
- (3) On balance, the Master Planned Community Development Plan complies with all applicable purpose, criteria and standards of this title, including special purpose standards such as flood hazard area regulations;
- (4) The Master Planned Community Development Plan is designed to efficiently use the land, including preserving the overall value of natural features such as streams, wetlands, wooded cover and rock outcroppings if practicable; and
- (5) If the applicant elects or the Master Planned Community is conditioned to include design guidelines adopted by the Homeowner's Association that are binding throughout the Master Planned Community, the Master Planned Community shall be exempt from City design review standards.

D. Master Planned Community Development Plan Approval Process.

- (1) The review of the Master Planned Community Development Plan by the Planning Commission shall be in accordance with Sections 9.3 and 9.5 to 9.17 of the Zoning Ordinance. Any appeal of the Planning Commission's decision shall be in accordance with Sections 9.21 to 9.23 of the Zoning Ordinance.
- (2) The approval of the Master Planned Community Development Plan shall be valid for a period of three (3) years, during which time a final plat for the Master Planned Community Development Plan shall be submitted pursuant to Section 4.1 of the Subdivision and Partition Ordinance. However, extensions to the Master Planned Community Development Plan may be approved in accordance with Section 9.26 of the Zoning Ordinance. If the Master Planned Community Development Plan will be developed in phases, only the final plat of the first phase must be submitted before the three (3) year expiration deadline. So long as subsequent phases of an approved Master Planned Community Development Plan are constructed in accordance with Section 3.6(E), the Master Planned Community Development Plan shall remain valid until all phases are complete.

- E. Phases. Master Development Plans may be developed in phases. The submitted development time schedule is an expected guideline for phases, but is not mandatory. Due to the large scale of Master Planned Community Development Plans, up to 24 months may elapse between the approval of final plat for one phase and tentative plat submittal for the next phase. Extensions to the time allowed between phases may be approved in accordance with Section 9.26 of the Zoning Ordinance.
- F. Amendments to Master Planned Community Development Plan.
- (1) Minor modifications to an approved Master Planned Community Development Plan shall be reviewed by the Planning Director using the procedure in Section 9.3 of the Zoning Ordinance. Minor modifications include:
- (a) A change in residential densities by no more than 10 percent;
  - (b) A change to the amount of acreage of open space by no more than 10 percent;
  - (c) A change in land use from one residential use to another residential use (i.e., apartment to single family);
  - (d) If approved by the Public Works Director, a change in the standards in the approved street plan (such as width, grade and radii of street curves) by no more than 15 percent;
  - (e) If approved by the Public Works Director, a change in the location of proposed streets, utility easements or other site improvements by less than 100 feet, or a change in proposed street location that does not affect collector or arterial streets;
  - (f) A change in off-street parking spaces by no more than 20 percent;
  - (g) A change in dimensional standards (as provided in Section 3.12(D) of the Zoning Ordinance) by no more than 20 percent;
  - (h) A change in the boundaries of the Master Planned Community Development Plan by no more than 10 percent, provided that Master Planned Community Development Plan continues to comply with the minimum development district size in Section 3.12.D(1) of the Zoning Ordinance; and

- (i) Changes similar to those listed in Section 3.6.F.(1), which are not likely to have an adverse impact on properties adjoining the Master Planned Community Development Plan.
  - (2) A major modification to an approved Master Planned Community Development Plan is a modification that is not listed as a minor modification in Section 3.6.F.(1). Major modifications shall be reviewed by the Planning Commission using the procedure in 9.5 to 9.17 of the Zoning Ordinance.
- G. Subdivision. The division of land within a Master Planned Community Development Plan shall be in accordance with the approved Master Planned Community Development Plan and Zoning Ordinance and Subdivision and Partition Ordinance. In the event that a standard or provision in an approved Master Planned Community Development Plan is in conflict with the Zoning Ordinance and/or Subdivision and Partition Ordinance, the standard or provision in the approved Master Planned Community Development Plan shall govern. An application for tentative plan for a phase or phases may be reviewed concurrently with the proposed Master Planned Community Development Plan.
- H. Site Plan Approval. All uses, except for single family dwellings and duplexes, are subject to Site Plan Approval, as provided in Section 4.8 of the Zoning Ordinance. All uses within a Master Planned Community Development Plan shall be in accordance with the approved Master Planned Community Development Plan. In the event that a standard or provision in an approved Master Planned Community Development Plan is in conflict with the Zoning Ordinance and/or Subdivision and Partition Ordinance, the standard or provision in the approved Master Planned Community Development Plan shall govern. An application for site plan approval may be reviewed concurrently with the proposed Master Planned Community Development Plan.

**CITY OF MADRAS**  
**FINAL DECISION, FINDINGS OF FACT AND CONCLUSIONS OF LAW**

**REQUEST:** Amend the City of Madras Zoning Ordinance – Sections 2.4, 3.12 and 9.3 and the City of Madras Subdivision and Partition Ordinance – Sections 3.5, 3.6 and 3.7

**FILE NUMBER:** TA 06-5

**APPLICANT:** The City of Madras

**HEARING DATES:** Planning Commission – August 2, 2006; City Council – September 12, 2006, October 4, 2006 (work session), October 10, 2006, October 17, 2006, October 24, 2006 (deliberations and tentative decision only), and December 12, 2006 (adopt final decision)

**APPLICABLE ORDINANCE PROVISIONS**

1. Madras Zoning Ordinance, Chapter 8 Development Regulations, Article 8 – Amendments

**Section 8.1 Authorization to Initiate Amendments** An amendment to the text of the Comprehensive Plan, this ordinance, or to the zoning and comprehensive or plan map may be initiated by either City Council, Planning Commission, or the Community Development Director in order for compliance with Oregon Revised Statutes, Oregon Administrative Rules and Statewide Planning Goals. A property owner may initiate a request for a map or text amendment by filing an application with the Community Development Director.

2. Criteria for Amendments: The burden of proof is upon the applicant. The applicant shall show the proposed change is:
  1. In conformity with all applicable state statutes.
  2. In conformity with the applicable Statewide Planning Goals; and
  3. In conformity with the Madras Comprehensive Plan, Zoning and Land Use Ordinance, and policies; and
  4. That there is a change of circumstances or further studies justifying the amendment or mistake in the original zoning.

**EXHIBITS**

Exhibit A – Text of Amendments to City of Madras Zoning Ordinance and City of Madras Subdivision and Partition Ordinance

**FINDINGS OF FACT:**

TA 06-5  
City of Madras

1. **Location:** The amendments are for an overlay zone that may be applied in any residential, commercial or industrial zoning district within the Madras City Limits.
2. **Proposal:** Amend the City of Madras Zoning Ordinance – Sections 2.4, 3.12 and 9.3 and the City of Madras Subdivision and Partition Ordinance – Sections 3.5, 3.6 and 3.7. Collectively referred to as the “amendments.” See Exhibit A.

The amendments implement concurrent amendments to the comprehensive plan (PA 06-3) that express the City’s policy to encourage livable communities by fostering a variety of housing types for all income levels. The comprehensive plan amendments recognize the existing lack of housing supply for higher income families, and note that housing for high income households typically includes amenities. Because the City seeks to provide housing for all income levels, the comprehensive plan amendments encourage the development of needed high end housing. The comprehensive plan amendments recognize that the existing code does not include tools that are suitable for accommodating the needed high income household families, and therefore creates the Master Planned Community Overlay zone (MPC). The MPC overlay zone provides greater freedom in land development and flexibility in development standards in an effort to encourage innovative designs, a range of land uses and housing types, and generous open space and amenities, which leads to the creation of complete communities.

The amendments to the code are the inclusion of the newly created MPC overlay zone in the Zoning Ordinance, amendments to the Subdivision and Partition Ordinance to include the process for approving a master planned community project, and housekeeping amendments to the Zoning Ordinance to reflect the new MPC overlay zone. The City of Madras Zoning Ordinance and City of Madras Subdivision and Partition Ordinance are referred to collectively as “the code.”

The amendments to the code and amendments to the comprehensive plan that have been approved concurrently (PA 06-3) are closely related, so the findings for PA 06-3 are incorporated herein by reference to support the amendments approved by TA 06-5.

3. **Notice, Agency and Neighbor comments.** This is a legislative action, so no notice of proposed land use action was sent to any property owners within the Madras UGB. Notice was published in the Madras Pioneer. Interested citizens participated both verbally and in writing at the public hearings. The issues raised are addressed below. Notice was also provided to the Department of Land Conservation and Development (DLCD) on June 14, 2006, but DLCD did not provide any comments.

#### **CONCLUSIONS OF LAW:**

**SECTION 8.1: AUTHORIZATION TO INITIATE AMENDMENTS** - An amendment to the text of the Comprehensive Plan, this ordinance, or to the zoning and comprehensive or plan map may be initiated by either City Council, Planning Commission, or the Community Development Director in order for compliance with Oregon Revised Statutes, Oregon Administrative Rules and Statewide Planning Goals. A property owner may initiate a request for a map or text amendment by filing an application with the Community Development Director.

**FINDING:** The amendments were initiated by the City of Madras. The amendments’ compliance TA 06-5



with applicable statutes, the statewide planning goals and implementing regulations are discussed below, and those arguments are incorporated herein.

## **SECTION 8.2: ZONE/PLAN MAP AMENDMENTS**

B. Criteria for Amendments: The burden of proof is upon the applicant. The applicant shall show the proposed change is:

1. In conformity with all applicable state statutes.

**FINDING:** The procedural requirements for a post-acknowledgement plan amendment (ORS 197.610-.625) have been satisfied. No other state statutes are applicable to the amendments to the code.

2. In conformity with the applicable Statewide Planning Goals; and

**FINDING:** Only the relevant statewide planning goals, or goals that were raised in public testimony, are addressed below. The City finds that the goals that are not addressed are not related to the amendments (i.e., Goal 7 is not relevant and not addressed below because the amendments do not affect areas subject to natural disasters and hazards).

Goal 1 (Citizen Involvement) – The amendments comply with Goal 1 because the public received notice and participated in the public hearings in which the amendments to the zoning ordinance and subdivision and partition ordinance were considered.

Goal 2 (Land Use Planning) – The amendments do not affect other governmental units, so coordination is not required. As demonstrated in the entirety of these findings and the record of the proceedings, the amendments are supported by an adequate factual base and all of the applicable statewide planning goals are met. Therefore, no goal exceptions are required. The amendments are consistent with the contemporaneously approved amendments to the comprehensive plan (PA 06-3). The amendments supplement the existing Zoning Ordinance and Subdivision and Partition Ordinance, and do not create inconsistencies within the ordinances. Therefore, the amendments comply with Goal 2.

Goals 3 (Agricultural Land), 4 (Forest Land) and 5 (Open Spaces, Scenic and Historic Areas or Natural Resources) – The City finds that the amendments are not relevant to agricultural land (Goal 3), forest land (Goal 4), or open spaces, scenic and historic areas or natural resources (Goal 5). The amendments would allow development only on land that is located within the City of Madras. The City does not include any lands protected by Goals 3 or 4 within its jurisdictional boundary, so those goals are irrelevant to the amendments. Additionally, the amendments do not affect how Goal 5 resources are protected, so Goal 5 is not relevant to the amendments.

Goal 8 (Recreational Needs) – The amendments further Goal 8 because the MPC overlay zone requires at least 30% of the site to be used as open space, and recreational facilities, such as golf courses, hiking trails and play areas are encouraged.

Goal 10 (Housing) – The MPC overlay provides a new optional planning tool that is directed at providing needed high end housing. The amendments to the code implement the

amendments to the comprehensive plan that are approved contemporaneously (PA 06-3). The findings in support of the comprehensive plan amendments, which have been incorporated by reference, explain how the comprehensive plan amendments are not an attempt to amend or create a new buildable lands inventory, housing needs projection or housing type allocation. Similarly, the amendments to the code do not amend or create a new buildable lands inventory, housing needs projection or housing type allocation.

The code amendments do not reduce the supply of land within the City's buildable lands inventory or impose limitations on uses protected by a statewide planning goal that threaten to convert those lands to uses not protected by the goal. The amendments do not undermine any of the assumptions that led to the adopted Goal 10 buildable lands inventory, housing needs projection, allocation of housing types or housing density, or otherwise interfere with the City's ability to meet its adopted projected land need. The plan amendments do not restrict or eliminate a housing type or category, whether needed housing or otherwise. The amendments do not require or dictate a particular kind of development or mix of housing type, and do not discourage or eliminate any kind of housing type. No base zones are affected and minimum density is not altered. The amendments will not leave the City unable to accommodate expected housing needs with the land that is planned and zoned for the purpose. In sum, the amendments provide an optional way to develop large tracts of land that does not affect the adopted buildable lands inventory, housing needs projection or needed housing allocation. Therefore, the Goal 10 implementing rules (OAR 660-008-0000 et al) are not triggered. Additionally, the amendments to the zoning code conform with Goal 10 because they facilitate the development of a range of housing types, and provides tools for accommodating a segment of housing need that is currently underserved.

Goal 11 (Public Facilities) – The proposal requires the orderly and efficient use of public facilities, which conforms with Goal 11.

Goal 12 (Transportation) – The amendments create a new overlay zone that could be applied in the future, at a land owner's request, to an adequately sized parcel (at least 200 acres). The amendments do not change the zoning designation of any property within the City, and therefore does not change the intensity of development that may be allowed, or otherwise change existing conditions such that new traffic will be generated. Simply establishing a new overlay zone does not significantly affect an existing or planned transportation facility, so the Transportation Planning Rule ("TPR") mitigation measures are not triggered. OAR 660-012-0060. If a property owner desires to have their property designated with the MPC overlay, the TPR will apply at that time.

Goal 13 (Energy Conservation) – The MPC overlay encourages an efficient use of the land and public facilities and services, and also encourages the provision of public bikeways and pedestrian ways, which will reduce vehicular traffic. The City finds that to the degree that Goal 13 (Energy Conservation) is applicable; the amendments comply with the goal.

Goal 14 (Urbanization) – The amendments conform with Goal 14, as amended on April 28, 2005, because the MPC overlay promotes livability and encourage the efficient use of available land and public facilities.

3. In conformity with the Madras Comprehensive Plan, Zoning and Land Use

Ordinance, and policies; and

**FINDING:** The amendments to the code conform with the amendments to the Madras Comprehensive Plan (PA 06-3), which are approved concurrently, that create the new Master Planned Community Overlay district. The amendments also conform with the Comprehensive Plan polices that encourage the development of livable housing that includes amenities. Recreational and public facilities goals within the Comprehensive Plan are also met because the MPC overlay requires the provision of recreational facilities and the efficient use of public facilities. The amendments to the code supplement the existing code and do not create any inconsistencies, so the amendments are in conformity with the Land Use Ordinance.

4. That there is a change of circumstances or further studies justifying the amendment or mistake in the original zoning.

**FINDING:** The amendments respond to a number of changes in circumstances, including: the amendments to the Comprehensive Plan that are approved concurrently (PA 06-3); the adoption of the City's wastewater system master plan; the revisions to Statewide Planning Goal 14, which encourage livability; and the increased demand for housing and recreational facilities that the new correctional facility is expected to create.

#### **OTHER ISSUES RAISED**

During the public hearings, some public testimony was provided questioning the specifics of the MPC overlay, such as the minimum site size for a master planned community, the density allowed, the ability to alter the amount of parking that is required and if the MPC is really needed in light of the planned unit development sections of the code.

The City finds that the minimum parcel size of 200 acres is necessary because a large land area is needed to achieve the goals of the MPC overlay, including a variety of housing types, at least 30% open space and other recreational amenities; all components that are necessary to create a complete community. While not required, the City has expressed a desire for a master planned community to be developed that includes a golf course. An 18-hole golf course is approximately 150 acres, so the City determined that a minimum of 50 acres of developable land would be needed to support a golf course, so the minimum site size for a master planned community should be 200 acres.

The objective of the MPC is to provide tools and flexibility that will foster innovative neighborhoods. Rather than being a prescriptive overlay zone, the intent is to provide broad guidelines that will allow for creativity in design. The City finds this level of flexibility is necessary so that a master planned community can accommodate the demands of the MPC overlay zone, such as the large open space requirement. The City's existing planned unit development code provisions (which are not altered by the amendments) are another tool that encourages open space and allows some flexibility in development, but it is more limited than the MPC overlay. For example, there is not a minimum amount of open space required in planned unit development, and the degree of innovation in design and layout is restricted because traditional street standards are required and "the minimum lot size, width, frontage, height and yard requirements otherwise applying to individual buildings in the applicable zone in which a PUD is propos[ed] still apply." Section 3.1.3.D.2.i. The City finds that in order to enable more creativity, such as new-urbanism ideals, more flexibility and discretion than is provided in the PUD section was required. Therefore,

the City created the MPC overlay.

In exchange for the flexibility provided by the MPC overlay, a master planned community will be scrutinized closely to ensure that it does not adversely affect surrounding lands or public facilities. Therefore, the City finds that while increased density may be allowed in a master planned community, the impact of that density will be carefully considered through the review process. Similarly, any reduction in required parking spaces will be closely reviewed so that adverse impacts are not created.

**CONCLUSION:**

Based on the above Findings of Fact and Conclusions of Law, the City Council concludes that the proposal to amend the text of Sections 2.4, 3.12 and 9.3 and the City of Madras Subdivision and Partition Ordinance – Sections 3.5, 3.6 and 3.7, as set forth in Exhibit A, satisfies the requirements for approving the proposal because it meets all of the applicable approval criteria.

Exhibit 'A'

**Master Planned Community Overlay Zone**

**Amendments to Zoning Ordinance (8-12)**

**SECTION 3.12: MASTER PLANNED COMMUNITY (MPC) OVERLAY**

- A. **Purpose.** The purpose of the Master Planned Community Overlay is to foster the creation of complete communities with a range of land uses and housing types, permit the application of innovative designs, and to allow greater freedom in land development and flexibility in development standards than may be possible under the strict application of the applicable zoning provisions of this code. In permitting such design and development freedom, the intent is to encourage more efficient uses of land and public facilities and services, to address the community's need for a variety of housing, commercial and recreational opportunities (particularly public recreational amenities) and to maintain the highest reasonable quality living environment. An approved Master Planned Community Development Plan guides future development of the subject site. All future land use approvals and development (i.e., subdivision approval) for the subject site shall be in accordance with the guidelines established in the approved Master Planned Community Development Plan.
- B. **Applicability.** As an overlay zone, the Master Planned Community Overlay provisions may be applied in any residential, commercial or industrial zoning district, in accordance with the provisions of Section 3.12 of the Zoning Ordinance and Section 3.5 of the Subdivision and Partition Ordinance.
- C. **Uses.** Any use permitted outright or conditionally in the underlying base zone(s) is permitted outright within a Master Planned Community Development Plan. Vertical mixing of uses is permitted, such as office uses on the ground floor with residential uses on upper floors. Additionally, the following uses are permitted outright in a Master Planned Community Development Plan:
- (1) **Residential Uses**
    - (a) Single family dwellings
    - (b) Multi-family dwellings (which include apartments, triplexes, and fourplexes) and duplexes, which are located on a single lot
    - (c) Attached housing on separate lots, including condominiums and townhomes

(1) Notwithstanding the definitions in Section 1.3 of the Zoning Ordinance, in the Master Planned Community Overlay district a condominium is a type of development utilizing zero lot lines, individual ownership of units and common ownership of open spaces and other facilities, and which are regulated in part by state law (ORS Chapter 100).

(2) In the Master Planned Community Overlay district, a townhome is an attached dwelling unit, located on its own lot, that shares one or more common or abutting walls (but does not share a common floor or ceiling) with one or more dwelling units.

(2) Community Uses

- (a) Public and private non-profit parks and open spaces, including developed open spaces (i.e., a golf course or park with facilities), undeveloped open spaces, community centers and recreation facilities
- (b) Public buildings, such as libraries, police stations, fire stations, museums or schools
- (c) Churches

(3) Commercial Uses

- (a) Retail trade establishments in which the operation takes place solely within an enclosed building
  - (b) Eating or drinking establishments
  - (c) Food or grocery stores
  - (d) Professional and other office or service establishments
  - (e) Fabrication or creation of goods in which the operation takes place solely within an enclosed building and off-site impacts are not created
  - (f) Recreational vehicle and equipment storage areas limited to use by the Master Planned Community's occupants
  - (g) Home Occupation, subject to the criteria in Section 3.1.2 of the Zoning Ordinance
- (4) Other uses which the city finds are designed to serve primarily the residents and visitors to the Master Planned Community or are open to and of benefit to the general public, and are compatible to the overall design of the proposed development.

D. Development Standards. An approved Master Planned Community Development Plan shall include development standards that regulate future development on the subject site. To implement the purpose of the Master Planned Community Overlay (encouraging innovative designs and communities with a range of housing type and uses), the development standards listed below may be modified from the requirements in the underlying base zone or other applicable provisions of the Zoning Ordinance or Subdivision and Partition Ordinance. Such modifications are allowed through the Master Planned Community Development Plan approval process if the Master Planned Community Development Plan includes distinctiveness and excellence in siting,

design, amenities and/or landscaping that will enhance the general area. Examples of distinctiveness and excellence include, but are not limited to: exceeding the minimum open space requirement; provision of dedication of public park space; provision of public bikeways and pedestrian ways; superior recreational amenities; respect for natural attributes of the site; provision of a mixture and variety of housing; use of distinctive architectural and styles and materials. Unless modified herein or as excepted elsewhere in the Master Planned Community Overlay designation, the applicable standards of the Zoning Ordinance and Subdivision and Partition Ordinance apply.

- (1) Minimum Master Planned Community Size. A Master Planned Community Development Plan shall be established only for parcels of land which are suitable for the proposed development and of sufficient size to be planned and developed in the manner consistent with the purposes of this section. A Master Planned Community Development Plan approved under Section 3.12 of the Zoning Ordinance and Section 3.5 of the Subdivision and Partition Ordinance shall not be established for less than two hundred (200) acres of contiguous land. Acreage split by public roads, railroad lines or rivers or streams shall count toward the acreage minimum.
- (2) Dimensional Standards. The minimum lot size, width, depth, street frontage, setback and height requirements otherwise applying to individual lots may be modified by a Master Planned Community Development Plan. An approved Master Planned Community Development Plan shall include dimensional standards for the potential uses within the Master Planned Community.
- (3) Density. The overall density of residential development allowed in a Master Planned Community Development Plan shall be calculated based upon the gross acreage of the Master Planned Community. Density averaging is allowed, and the density allowed in a Master Planned Community may be increased by 20% from the density otherwise allowed in the base zone.
- (4) Open Space. At least 30% of the gross acreage of the Master Planned Community shall be open space, and developed open space (such as a golf course or park with facilities) is encouraged. Open space may be publicly or privately owned, and includes the use of land focusing on natural areas, areas consisting mostly of vegetative landscaping or outdoor recreation, community gardens, or public squares. Portions of individual residential lots, street landscaping and parking area landscaping shall not be considered open space. Examples of open space includes, but is not limited to, parks, golf courses, public squares, plazas, recreational trails, botanical gardens, and natural areas.
- (5) Streets. Traditional street design and construction standards often do not accommodate innovative development. A Master Planned Community Development Plan may include modified design and construction standards for public and/or private streets. The modified design and

construction standards for public and/or private streets shall be coordinated with and approved by the Public Works Director and the Fire Marshall. Such coordination and approval shall be sought as part of the Master Planned Community Development Plan approval process. Consistent with the "New Roadways" section of the Transportation System Plan (TSP), alignments for streets proposed in the TSP may be modified through the Master Planned Community Development plan approval process.

- (6) Parking. The parking provisions of Section 8-12.4.7 of the Zoning Ordinance may be modified to allow an increase or decrease in the number of required off-street parking, and on-street parking may be included in the calculation of parking provided for a use. Shared parking may also be considered for uses with differing hours of parking need. A modification to the applicable parking provisions may be approved through either the Master Planned Community Development Plan approval process or Site Plan Approval (Section 4.8 of the Zoning Ordinance).

#### **Other Amendments to Zoning Ordinance Needed**

- Section 2.4 of the Zoning Ordinance must be amended to include the Master Planned Community Overlay Zone in the list of overlay zoning designations
- Section 9.3 of the Zoning Ordinance must be amended to include the review of a Master Planned Community Development Plan in the list of land use permits that are not administrative actions

#### **Amendments to Subdivision and Partition Ordinance (8-11)**

Delete

SECTION 3.5:        MASTER DEVELOPMENT PLAN  
SECTION 3.6        APPROVAL OF MASTER DEVELOPMENT PLAN  
SECTION 3.7:        DEVELOPMENT FOLLOWING APPROVAL

Replace with:

SECTION 3.5:        MASTER PLANNED COMMUNITY DEVELOPMENT PLAN  
APPROVAL PROCESS

- A. In General. The approval and implementation of a Master Planned Community consists of two steps, with a third step for uses other than single family dwellings and duplexes. The first step is approval of the Master Planned Community Development Plan, as provided in Section 3.12 of the Zoning Ordinance and 3.5 of the Subdivision and Partition Ordinance. The second step is the implementation of the Master Planned Community Development Plan through the Subdivision review process, as provided in Sections 3.9 through 3.11 and Article 4 of the Subdivision and Partition Ordinance (with phasing allowed as provided in Article 4). The potential third step is Site Plan Approval, as provided



in Section 4.8 of the Zoning Ordinance, which applies to all uses except single family dwellings and duplexes.

B. Master Planned Community Development Plan Submittal Requirements. The Master Planned Community Development Plan application shall be supported by maps and written materials that show and/or contain all required information listed below. Maps may be in schematic form, but shall be clearly and legibly drawn to a scale sufficient enough to enable the decision authority to have an adequate understanding of what is proposed.

- (1) A narrative that includes a legal description of the Master Planned Community and addresses the approval criteria in Section 3.12(D) of the Zoning Ordinance (if applicable) and Section 3.5(C) of the Subdivision and Partition Ordinance;
- (2) The existing topographic character of the land and any important natural features of the site, including streams, rivers, wetlands, and rock outcroppings;
- (3) Schematic depiction of the Master Planned Community that includes types and general location of proposed development uses, character and overall range of density of the development, internal vehicular circulation, open space, pedestrian or recreational amenities, utility connections, and other information necessary to convey the concept of the overall Master Planned Community;
- (4) A vicinity map showing the relationship of the proposed Master Planned Community to adjoining developments, streets, storm drainage, sewer, water, and utility services;
- (5) Dimensional standards (see Section 3.12(D) of the Zoning Ordinance) for the potential uses within the Master Planned Community Development Plan;
- (6) A street plan that includes the location, width and design of streets, and the relationship of streets to any existing or proposed streets as shown in the City's Transportation System Plan;
- (7) A traffic study which addresses impacts of the build out of each phase of the Master Planned Community Development Plan on affected county, city and state road systems, and transportation improvements necessary to mitigate any such impacts (including suggested timing for construction of mitigating improvements); and
- (8) An estimated development phasing schedule indicating:
  - (a) The approximate date when construction of the project can be expected to begin; and
  - (b) The phases in which the project is expected to be built, including estimated dates of construction for each phase.

- (c) If no specific phasing plan has been determined at the time of the application, the applicant may submit a written statement explaining why the phasing plan is not complete and when a schedule will be made available.

C. Approval Criteria. The decision authority may approve the Master Planned Community Development Plan, or approve with conditions if appropriate, if the Master Planned Community Development Plan satisfies the following criteria:

- (1) The Master Planned Community Development Plan is designed to avoid or minimize potentially adverse effects on surrounding lands (both the natural and built environment). A variety of measures can be used to accomplish this, including, but not limited to: landscaping, buffers, fencing or the arrangement of uses, structures, service facilities, open spaces or improvements within the Master Planned Community Development Plan;
- (2) Public facilities and services are adequate, or will be adequate at the time of occupancy, to accommodate the Master Planned Community Development Plan;
- (3) On balance, the Master Planned Community Development Plan complies with all applicable purpose, criteria and standards of this title, including special purpose standards such as flood hazard area regulations;
- (4) The Master Planned Community Development Plan is designed to efficiently use the land, including preserving the overall value of natural features such as streams, wetlands, wooded cover and rock outcroppings if practicable; and
- (5) If the applicant elects or the Master Planned Community is conditioned to include design guidelines adopted by the Homeowner's Association that are binding throughout the Master Planned Community, the Master Planned Community shall be exempt from City design review standards.

D. Master Planned Community Development Plan Approval Process.

- (1) The review of the Master Planned Community Development Plan by the Planning Commission shall be in accordance with Sections 9.3 and 9.5 to 9.17 of the Zoning Ordinance. Any appeal of the Planning Commission's decision shall be in accordance with Sections 9.21 to 9.23 of the Zoning Ordinance.
- (2) The approval of the Master Planned Community Development Plan shall be valid for a period of three (3) years, during which time a final plat for the Master Planned Community Development Plan shall be submitted pursuant to Section 4.1 of the Subdivision and Partition Ordinance. However, extensions to the Master Planned Community Development Plan may be approved in accordance with Section 9.26 of the Zoning Ordinance. If the Master Planned Community Development Plan will be developed in phases, only the final plat of the first phase must be submitted before the three (3) year expiration deadline. So long as

subsequent phases of an approved Master Planned Community Development Plan are constructed in accordance with Section 3.6(E), the Master Planned Community Development Plan shall remain valid until all phases are complete.

- E. Phases. Master Development Plans may be developed in phases. The submitted development time schedule is an expected guideline for phases, but is not mandatory. Due to the large scale of Master Planned Community Development Plans, up to 24 months may elapse between the approval of final plat for one phase and tentative plat submittal for the next phase. Extensions to the time allowed between phases may be approved in accordance with Section 9.26 of the Zoning Ordinance.
- F. Amendments to Master Planned Community Development Plan.
- (1) Minor modifications to an approved Master Planned Community Development Plan shall be reviewed by the Planning Director using the procedure in Section 9.3 of the Zoning Ordinance. Minor modifications include:
- (a) A change in residential densities by no more than 10 percent, but the maximum overall residential density allowed in a Master Planned Community shall not exceed the 20 percent increase in density allowed by Section 3.12.D.(3);
  - (b) A change to the amount of acreage of open space by no more than 10 percent, but the minimum amount of open space shall be no less than 30% of the gross acreage of the Master Planned Community, as required by Section 3.12.D(4);
  - (c) A change in land use from one residential use to another residential use (i.e., apartment to single family);
  - (d) If approved by the Public Works Director, a change in the standards in the approved street plan (such as width, grade and radii of street curves) by no more than 15 percent;
  - (e) If approved by the Public Works Director, a change in the location of proposed streets, utility easements or other site improvements by less than 100 feet, or a change in proposed street location that does not affect collector or arterial streets;
  - (f) A change in off-street parking spaces by no more than 20 percent;
  - (g) A change in dimensional standards (as provided in Section 3.12(D) of the Zoning Ordinance) by no more than 20 percent;
  - (h) A change in the boundaries of the Master Planned Community Development Plan by no more than 10 percent, provided that Master Planned Community Development Plan continues to

comply with the minimum development district size in Section 3.12.D(1) of the Zoning Ordinance; and

- (i) Changes similar to those listed in Section 3.6.F.(1), which are not likely to have an adverse impact on properties adjoining the Master Planned Community Development Plan.
  - (2) A major modification to an approved Master Planned Community Development Plan is a modification that is not listed as a minor modification in Section 3.6.F.(1). Major modifications shall be reviewed by the Planning Commission using the procedure in 9.5 to 9.17 of the Zoning Ordinance.
- G. Subdivision. The division of land within a Master Planned Community Development Plan shall be in accordance with the approved Master Planned Community Development Plan and Zoning Ordinance and Subdivision and Partition Ordinance. In the event that a standard or provision in an approved Master Planned Community Development Plan is in conflict with the Zoning Ordinance and/or Subdivision and Partition Ordinance, the standard or provision in the approved Master Planned Community Development Plan shall govern. An application for tentative plan for a phase or phases may be reviewed concurrently with the proposed Master Planned Community Development Plan.
- H. Site Plan Approval. All uses, except for single family dwellings and duplexes, are subject to Site Plan Approval, as provided in Section 4.8 of the Zoning Ordinance. All uses within a Master Planned Community Development Plan shall be in accordance with the approved Master Planned Community Development Plan. In the event that a standard or provision in an approved Master Planned Community Development Plan is in conflict with the Zoning Ordinance and/or Subdivision and Partition Ordinance, the standard or provision in the approved Master Planned Community Development Plan shall govern. An application for site plan approval may be reviewed concurrently with the proposed Master Planned Community Development Plan.