



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

May 29, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Coburg Plan Amendment
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: June 12, 2007

This amendment was submitted to DLCD for review 45 days prior to adoption. 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 ABOVE DATE SPECIFIED.**

Cc: Doug White, DLCD Community Services Specialist
Marguerite Nabeta, DLCD Regional Representative
Steve Oulman, DLCD Transportation Planner
Petra Schuetz, City of Coburg

<paa> ya/

FORM 2

DLCD NOTICE OF ADOPTION

DEPT OF

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

(See reverse side for submittal requirements)

MAY 24 2007

**LAND CONSERVATION
AND DEVELOPMENT**

Jurisdiction: CITY OF COBURG Local File No.: PA-01-07
(If no number, use none)

Date of Adoption: 05.08.07 Date Mailed: 05. .07
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: 02.16.07

- Comprehensive Plan Text Amendment
- Comprehensive Plan Map Amendment
- Land Use Regulation Amendment
- Zoning Map Amendment
- New Land Use Regulation
- Other: _____
(Please Specify Type of Action)

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

THE CITY OF COBURG DID NOT HAVE A MASTER PLANNING
PROCESS. THE CITY ADDED TEXT TO ARTICLE X (AS
X.1) ADMINISTRATION + ENFORCEMENT OF THE COBURG
ZONING CODE (ORD. A-200) AS ORD. A200A.

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."

THE ADOPTED AMENDMENT INCORPORATED THE 'COMMENTS'
INTO THE TEXT - NO SUBSTANTIAL CHANGE FROM
RANGE OF OPTIONS PROVIDED IN THE 'MODAL
DEVELOPMENT CODE-TGM' CHAPTER 4 SECTION FOR

Plan Map Changed from: N/A to MASTER PLANNING

Zone Map Changed from: N/A to _____

Location: N/A Acres Involved: _____

Specify Density: Previous: N/A New: _____

Applicable Statewide Planning Goals: 2

Was an Exception Adopted? Yes: _____ No: X

DLCD File No.: 001-07 (15894)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing**. Yes: No:

If no, do the Statewide Planning Goals apply. Yes: No:

If no, did The Emergency Circumstances Require immediate adoption. Yes: No:

Affected State or Federal Agencies, Local Governments or Special Districts: LANE COUNTY, ODOT, COBURG FIRE, DEQ, ODS, MUDDY CREEK IRRIGATION CHANNEL

Local Contact: PETRA SCHUETZ Area Code + Phone Number: 541-682-7858

Address: P.O. Box 8316

City: COBURG Zip Code+4: 97408

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 of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will 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 Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE A-200A

**AN ORDINANCE AMENDING THE COBURG ZONING CODE ORDINANCE (A-200)
ARTICLE X: ADMINISTRATION AND ENFORCEMENT; ADDING ARTICLE X.1
MASTER PLANNED DEVELOPMENTS**

WHEREAS, Coburg has completed Periodic Review yet continues to need a process to guide master planning applications, and thus needs to make changes to the Zoning Regulations, consistent with the updated Comprehensive Plan policies;

WHEREAS, the proposed amendments to the Coburg Zoning Ordinance have been found to comply with all applicable Statewide Planning Goals;

The City of Coburg does ordain as follows:

Section 1. Exhibit A, Findings of Compliance with Applicable Statewide Planning Goals is adopted and incorporated herein.

Section 2. ARTICLE X.1 following ARTICLE X ADMINISTRATION AND ENFORCEMENT; adds a Master Planned Developments procedure, attached as Exhibit B are hereby adopted and incorporated into the Coburg Zoning Ordinance.

Section 3. Any existing ordinances, or parts, thereof, that are in conflict with the provisions of this ordinance are hereby repealed, but only to the extent of such conflicts.

Section 4. Staff is directed to produce a single zoning ordinance document which includes the proposed amendments and existing regulations. In these actions, staff may make changes to section headings and paginations to create a single document consistent with the adopted ordinance.

This ordinance, after public notices, hearings, and council deliberations, was, upon motion and second, put to a final vote. The vote of the council was:

Yes: 5
No: 0
Abstentions: 0
Passed: X
Rejected: _____

COPY

EXHIBIT B

**Coburg Ordinance A-200, Article X.1: Administration
and Enforcement Section - Master Planned
Developments**

Sections:

- A. Master Planned Development - Purpose**
- B. Master Planned Development - Applicability**
- C. Master Planned Development - Review and Approvals Process**
- D. Master Planned Development - Modification of District Regulations and Design Standards**
- E. Master Planned Development - Overlay Zone and Concept Plan Submission**
- F. Master Planned Development - Overlay Zone and Concept Plan Approval Criteria**
- G. Master Planned Development - Administrative Procedures**
- H. Master Planned Development - Detailed Development Plan Submission Requirements**
- I. Master Planned Development - Detailed Development Plan Approval Criteria**
- J. Master Planned Development - Land Use Review, Site Design Review, Final Plat, and Building Permit Approvals**

A. Master Planned Development - Purpose

The purposes of this Section are to:

1. Implement the Comprehensive Plan and applicable land use district(s) by providing a means for master planning large development sites;
2. Encourage innovative planning that results in projects that benefit the community (i.e., through compatible mixed use development, improved protection of open spaces, transportation options and consistent application of standards in phased developments);
3. Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovative and diversified employment environments;
4. Facilitate the efficient use of land;
5. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
6. Preserve to the greatest extent possible the existing landscape features and

amenities that may not otherwise be protected through conventional development;

7. Encourage energy conservation and improved air and water quality and;
8. Assist the City in planning and building infrastructure improvements.

B. Master Planned Development - Applicability The master planned development designation is an overlay zone that may be applied over any of the City's land use districts. An applicant may elect to develop a project as a master planned development in compliance with the requirements of this Chapter. In addition, the City may require that the following types of development be processed using the provisions of this Chapter:

1. Subdivisions of large residential sites and commercial sites 1 acre and larger, in accordance with the Master Planned Development standards that shall be consistent with ARTICLE VII DISTRICT REGULATIONS, ARTICLE VIII SUPPLEMENTARY DISTRICT REGULATIONS and other applicable sections of the Coburg Zoning Code.
2. District designation for large residential sites and commercial sites undergoing annexation, in accordance with ARTICLE X.E. Annexation Procedures and Criteria.

C. Master Planned Development - Review and Approvals Process

1. Review Steps. There are three required steps to planned development approval, which may be reviewed individually or combined into one package for concurrent review:

- a. The approval of a planned development overlay zone and concept plan;
- b. The approval of a detailed development plan; and
- c. The approval of a preliminary subdivision plat(s) and/or site design review application(s).

2. Approval Process.

- a. The Master Planned Development (MPD) overlay zone and Concept Plan shall be reviewed together using a Type II procedure in ARTICLE X.B.13, the submission requirements in Section H., and the approval criteria in Section F.
- b. The detailed development plan shall be reviewed using the Type II procedure in ARTICLE X.B.13, to ensure substantial compliance with the approved concept plan.
- c. Preliminary subdivision plats and site design review applications for approved planned developments shall be reviewed using a Type II procedure, as governed by Coburg Subdivision Ordinance A-132 (adopted June 22, 1982).
- d. Steps a-c, above, may be combined in any manner, so long as the decision-making sequence follows that in Section C, above. Notification and hearings may be combined.

D. Master Planned Development - Modification of District Regulations and Design Standards

The district standards in ARTICLES VII and VIII and design standards of ARTICLES VIII may be modified through the master plan approval without the need for variances, except that the following standards shall not be modified:

1. **Public improvement standards and engineering design criteria** shall not be modified without variance to such standards approved by the City Engineer. The City may grant such variances concurrently with other Planned Development approvals;
2. **Residential densities**, as allowed under the Comprehensive Plan; and
3. **Industrial and commercial uses, if not otherwise allowed in a Residential District as, e.g. multiuse facilities**, shall not be allowed in a Residential District master plan.

E. Master Planned Development - Overlay Zone and Concept Plan Submission

1. **General Submission Requirements.** The applicant shall submit an application containing all of the general information required for a Type II procedure, as governed by ARTICLE X.B.13. In addition, the applicant shall submit the following:
 - a. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
 - b. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and completed.
 - c. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.
 - d. Narrative report or letter documenting compliance with the applicable approval criteria contained in ARTICLE X.C.3 Conditional Use Criteria.
 - e. Special studies prepared by qualified professionals may be required by the City Planning Official, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.
2. **Additional Information.** In addition to the general information described in Subsection "A" above, the concept plan, data, and narrative shall include the following exhibits and information:
 - a. Existing Conditions map, as defined in ARTICLE IX.3 Special Districts – Site Review Permit Application Submission Requirements;

F. Master Planned Development - Overlay Zone and Concept Plan Approval Criteria

The City shall make findings that all of the following criteria are satisfied when approving or approving with conditions, the overlay zone and concept plan. The City shall make findings that not all of the criteria are not satisfied when denying an application:

- 1. Comprehensive Plan.** All relevant provisions of the Comprehensive Plan are met;
- 2. Land Division Chapter.** All of the requirements for land divisions and subdivisions including Ordinance A-132, as applicable, shall be met;
- 3. ARTICLES VII and VIII Standards.** All of the land use, development, and design standards contained in ARTICLES VII and VIII are met, except as may be modified in Section D.
- 4. Open Space.** Master plans shall contain a minimum of 20 percent open space. Public open space shall be integral to residential master plans. Commercial developments may provide private or restricted open space, though public open space is encouraged in commercial developments. Plans shall emphasize public gathering places such as plazas, neighborhood parks, trails, and other publicly accessible spaces that integrate land use and transportation. Where public or common private open space is designated, the following standards apply:
 - a. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and
 - b. The open space shall be conveyed in accordance with one of the following methods:
 - (1). By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the City Planning Official with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level one environmental assessment), and budgetary and maintenance abilities;
 - (2). By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.
 - (3). The property owner may record a conservation easement with maintenance requirements to steward the landscaping and vegetation for either residential or commercial properties.

G. Master Planned Development - Administrative Procedures

1. Land Use District Map Designation. After a planned development overlay zone has been approved, the land use district map shall be amended in accordance with ARTICLE X.F & G, to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.

2. Time Limit on Filing of Detailed Development Plan. Within one year after the date of approval of the concept plan, the applicant or his or her successor shall prepare and file with the City a detailed development plan for the first phase, in conformance with Section H through I.

3. Extension. The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year provided that:

- a. No changes have been made on the original conceptual development plan as approved;
- b. The applicant can show intent of applying for detailed development plan review within the one- year extension period;
- c. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
- d. The extension request is made before expiration of the original approval period.

H. Master Planned Development - Detailed Development Plan Submission Requirements

The contents of the detailed development plan shall be determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features, prior to approval of a development permit. The detailed development plan may combine land division, development review, site design review, and/or other applications for concurrent review and approval. The detailed development plan shall be reviewed using a Type II procedure.

I. Master Planned Development - Detailed Development Plan Approval Criteria

The City shall approve the detailed development plan upon finding that the final plan conforms to the concept plan and required conditions of approval. If the detailed plan request combines other land use and development applications, as provided in Section I., those applications shall additionally be subject to the applicable approval criteria in ARTICLE X.C Minor changes to the approved concept plan may be approved with the detailed plan, when the approval body finds that the modification(s) is/are consistent with the criteria in 1-7, below. Changes exceeding those in subsections 1-8, below, must be reviewed by Planning Commission.

- 1. Increased residential densities** (overall or reallocated between development phases) by no more than 10 percent, provided such increase conforms to the

Comprehensive Plan and underlying District;

2. Increase in lot coverage or impervious surface (overall or reallocated between development phases) by no more than 10 percent over that which is approved;

3. Reduction in open space or landscaping by no more than 10 percent;

4. Increase in overall automobile parking spaces by no more than 10 percent;

5. Land use. No change in land use shall be permitted without a major modification to the concept plan;

6. Proposals to add or increase lot coverage within an environmentally sensitive areas (sensitive lands, e.g. wetlands) or areas subject to a potential hazard shall require a major modification to the concept plan;

7. Major changes in the location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements shall require a Major Modification and shall be reviewed by Planning Commission. "Major" in this subsection means by more than 100 feet, or 10 percent, relative to setbacks; and

8. Other substantial modifications not listed in 1-8, above, shall require approval of a major modification, in conformance with existing ARTICLE X.C Conditional Use permits.

J. Master Planned Development - Land Use Review, Site Design Review, Final Plat, and Building Permit Approvals

1. Land Use and Site Design Reviews. For projects requiring land use or site design review, all such approvals must be final and appeal periods expired before the City issues building permits. ARTICLE IX and X applies to site design review.

2. Land Divisions. For projects requiring a land division and subdivision, the preliminary land division plats must be final and appeal periods expired before a final plat is approved and building permits issued. ARTICLE X and Ord. No 132-A Subdivision applies to land divisions.

3. Streamlined Review Option. Applications for preliminary land division plats, land use reviews, and site design review applications that are part of an approved master planned development may be reviewed using a Type II procedure. This shall be the applicant's option. The variation from the standard procedures of Site Design Review, and Land Divisions is intended to streamline review of projects that have received master planned development approvals, since those projects have previously been subject to public review and hearings.

EXHIBIT B

[Please Note:

The section numbers (e.g. 4.5.100) refer to Smart Development references. The reason why these reference numbers were left in this draft is to allow for cross-referencing with the Coburg Zoning Code to help reduce potential inconsistencies and to provide a framework for future updates to ARTICLE X consistent with the DLCD/TGM Modal Development Code. They are placeholders identifying where connections may need to be made.]

Coburg Ordinance A-200, Article X.1: Administration and Enforcement Section - Master Planned Developments

Sections:

- A. Master Planned Development - Purpose 4.5.100**
- B. Master Planned Development - Applicability 4.5.110**
- C. Master Planned Development - Review and Approvals Process 4.5.120**
- D. Master Planned Development - Modification of District Regulations (Article 2) and Design Standards (Article 3) 4.5.130**
- E. Master Planned Development - Overlay Zone and Concept Plan Submission 4.5.140**
- F. Master Planned Development - Overlay Zone and Concept Plan Approval Criteria 4.5.150**
- G. Master Planned Development - Administrative Procedures 4.5.160**
- H. Master Planned Development - Detailed Development Plan Submission Requirements 4.5.170**
- I. Master Planned Development - Detailed Development Plan Approval Criteria 4.5.180**
- J. Master Planned Development - Land Use Review, Site Design Review, Final Plat, and Building Permit Approvals 4.5.190**

A. Master Planned Development - Purpose 4.5.100

The purposes of this Section are to:

1. Implement the Comprehensive Plan and applicable land use district(s) by providing a means for master planning large development sites;
2. Encourage innovative planning that results in projects that benefit the community (i.e., through compatible mixed use development, improved protection of open spaces, transportation options and consistent application of standards in phased developments);

3. Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovative and diversified employment environments;
4. Facilitate the efficient use of land;
5. Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
6. Preserve to the greatest extent possible the existing landscape features and amenities that may not otherwise be protected through conventional development;
7. Encourage energy conservation and improved air and water quality and;
8. Assist the City in planning and building infrastructure improvements.

B. Master Planned Development - Applicability 4.5.110

The master planned development designation is an overlay zone that may be applied over any of the City's land use districts. An applicant may elect to develop a project as a master planned development in compliance with the requirements of this Chapter. In addition, the City may require that the following types of development be processed using the provisions of this Chapter:

1. Subdivisions of large residential sites and commercial sites 1 acre and larger, in accordance with the Master Planned Development standards that shall be consistent with ARTICLE VII DISTRICT REGULATIONS, ARTICLE VIII SUPPLEMENTARY DISTRICT REGULATIONS and other applicable sections of the Coburg Zoning Code. Section 2.2.230L
2. District designation for large residential sites and commercial sites undergoing annexation, in accordance with ARTICLE X.E. Annexation Procedures and Criteria. Section 2.2.230L

C. Master Planned Development - Review and Approvals Process 4.5.120

1. **Review Steps.** There are three required steps to planned development approval, which may be reviewed individually or combined into one package for concurrent review:
 - a. The approval of a planned development overlay zone and concept plan;
 - b. The approval of a detailed development plan; and
 - c. The approval of a preliminary subdivision plat(s) and/or site design review application(s).

2. Approval Process.

- a. The Master Planned Development (MPD) overlay zone and Concept Plan shall be reviewed together using a Type II ~~Type III~~ procedure in ARTICLE X.B.13 ~~Section 4.1.400~~, the submission requirements in Section H. ~~4.5.170~~, and the approval criteria in Section F. ~~4.5.150~~
- b. The detailed development plan shall be reviewed using the Type II ~~Type III~~ procedure in ARTICLE X.B.13 ~~Section 4.1.400~~, to ensure substantial compliance with the approved concept plan.
- c. Preliminary subdivision plats and site design review applications for approved planned developments shall be reviewed using a Type II procedure, as governed by Coburg Subdivision Ordinance A-132 (adopted June 22, 1982). ~~4.2.400~~
- d. Steps a-c, above, may be combined in any manner, so long as the decision-making sequence follows that in Section C, above. ~~4.5.120.A~~ Notification and hearings may be combined.

D. Master Planned Development - Modification of District Regulations ~~(Article 2)~~ and Design Standards ~~(Article 3)~~ ~~4.5.130~~

The district standards in ARTICLES VII and VIII ~~Article 2~~ and design standards of ARTICLES VIII ~~Article 3~~ may be modified through the master plan approval without the need for variances, except that the following standards shall not be modified:

1. **Public improvement standards and engineering design criteria** shall not be modified without variance to such standards approved by the City Engineer. The City may grant such variances concurrently with other Planned Development approvals;
2. **Residential densities**, as allowed under the Comprehensive Plan; and
3. **Industrial and commercial uses, if not otherwise allowed in a Residential District as, e.g. multiuse facilities**, shall not be allowed in a Residential District master plan.

E. Master Planned Development - Overlay Zone and Concept Plan Submission ~~4.5.140~~

1. **General Submission Requirements.** The applicant shall submit an application containing all of the general information required for a Type II ~~Type III~~ procedure, as governed by ARTICLE X.B.13. ~~Section 4.1.400~~ In addition, the applicant shall submit the following:
 - a. A statement of planning objectives to be achieved by the planned development through the particular approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.
 - b. A development schedule indicating the approximate dates when construction of the planned development and its various phases are expected to be initiated and

completed.

- c. A statement of the applicant's intentions with regard to the future selling or leasing of all or portions of the planned development.
- d. Narrative report or letter documenting compliance with the applicable approval criteria contained in ARTICLE X.C.3 Conditional Use Criteria. 4.5.180
- e. Special studies prepared by qualified professionals may be required by the City Planning Official, Planning Commission or City Council to determine potential traffic, geologic, noise, environmental, natural resource and other impacts, and required mitigation.

2. Additional Information. In addition to the general information described in Subsection "A" above, the concept plan, data, and narrative shall include the following exhibits and information:

- a. Existing Conditions map, as defined in ARTICLE IX.3 Special Districts – Site Review Permit Application Submission Requirements; 4.2.500

F. Master Planned Development - Overlay Zone and Concept Plan Approval Criteria 4.5.150

The City shall make findings that all of the following criteria are satisfied when approving or approving with conditions, the overlay zone and concept plan. The City shall make findings that not all of the criteria are not satisfied when denying an application:

- 1. Comprehensive Plan.** All relevant provisions of the Comprehensive Plan are met;
- 2. Land Division Chapter.** All of the requirements for land divisions and subdivisions including Ordinance A-132, as applicable, shall be met; Chapter 4.3
- 3. ARTICLES VII and VIII Standards.** All of the land use, development, and design standards contained in ARTICLES VII and VIII Articles 2 and 3 are met, except as may be modified in Section D. 4.5.130
- 4. Open Space.** Master plans shall contain a minimum of 20 percent open space. Public open space shall be integral to residential master plans. Commercial developments may provide private or restricted open space, though public open space is encouraged in commercial developments. Plans shall emphasize public gathering places such as plazas, neighborhood parks, trails, and other publicly accessible spaces that integrate land use and transportation. Where public or common private open space is designated, the following standards apply:
 - a. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and
 - b. The open space shall be conveyed in accordance with one of the following

methods:

- (1). By dedication to the City as publicly owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the City Planning Official with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level one environmental assessment), and budgetary and maintenance abilities;
- (2). By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.
- (3). The property owner may record a conservation easement with maintenance requirements to steward the landscaping and vegetation for either residential or commercial properties.

G. Master Planned Development - Administrative Procedures 4.5.160

- 1. Land Use District Map Designation.** After a planned development overlay zone has been approved, the land use district map shall be amended in accordance with ARTICLE X.F & G, Chapter 4.7, to indicate the approved planned development designation for the subject development site. The approval of the planned development overlay zone shall not expire.
- 2. Time Limit on Filing of Detailed Development Plan.** Within one year after the date of approval of the concept plan, the applicant or his or her successor shall prepare and file with the City a detailed development plan for the first phase, in conformance with Section H through I. 4.5.170 through 4.5.180
- 3. Extension.** The City shall, upon written request by the applicant and payment of the required fee, grant a written extension of the approval period not to exceed one year provided that:
 - a. No changes have been made on the original conceptual development plan as approved;
 - b. The applicant can show intent of applying for detailed development plan review within the one- year extension period;
 - c. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
 - d. The extension request is made before expiration of the original approval period.

H. Master Planned Development - Detailed Development Plan Submission Requirements 4.5.170

The contents of the detailed development plan shall be determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-

way, building envelopes and other features, prior to approval of a development permit. The detailed development plan may combine land division, development review, site design review, and/or other applications for concurrent review and approval. The detailed development plan shall be reviewed using a Type II procedure. Type III

I. Master Planned Development - Detailed Development Plan Approval Criteria 4.5.180

The City shall approve the detailed development plan upon finding that the final plan conforms to the concept plan and required conditions of approval. If the detailed plan request combines other land use and development applications, as provided in Section I. 4.5.180, those applications shall additionally be subject to the applicable approval criteria in ARTICLE X.C Article 4. Minor changes to the approved concept plan may be approved with the detailed plan, when the approval body finds that the modification(s) is/are consistent with the criteria in 1-7, below. Changes exceeding those in subsections 1-8, below, must be reviewed as major modifications under Chapter 4.6.

- 1. Increased residential densities** (overall or reallocated between development phases) by no more than 10 percent, provided such increase conforms to the Comprehensive Plan and underlying District;
- 2. Increase in lot coverage or impervious surface** (overall or reallocated between development phases) by no more than 10 percent over that which is approved;
- 3. Reduction in open space or landscaping** by no more than 10 percent;
- 4. Increase in overall automobile parking spaces** by no more than 10 percent;
- 5. Land use.** No change in land use shall be permitted without a major modification to the concept plan;
- 6. Proposals to add or increase lot coverage within an environmentally sensitive areas (sensitive lands, e.g. wetlands) or areas subject to a potential hazard** shall require a major modification to the concept plan;
- 7. Major changes in the location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements shall require a Major Modification pursuant to Chapter 4.6.** "Major" in this subsection means by more than 100 feet, or 10 percent, relative to setbacks; and
- 8. Other substantial modifications** not listed in 1-8, above, shall require approval of a major modification, in conformance with existing ARTICLE X.C Conditional Use permits. Chapter 4.6 - to be 'major modifications section'

J. Master Planned Development - Land Use Review, Site Design Review, Final Plat, and Building Permit Approvals 4.5.190

- 1. Land Use and Site Design Reviews.** For projects requiring land use or site design review, all such approvals must be final and appeal periods expired before the City issues building permits. ARTICLE IX and X Chapter 4.2 applies to site design review.

2. **Land Divisions.** For projects requiring a land division and subdivision, the preliminary land division plats must be final and appeal periods expired before a final plat is approved and building permits issued. ARTICLE X and Ord. No 132-A Subdivision chapter 4.3 applies to land divisions.

3. **Streamlined Review Option.** Applications for preliminary land division plats, land use reviews, and site design review applications that are part of an approved master planned development may be reviewed using a Type II procedure, rather than the conventional Type III procedure. This shall be the applicant's option. The variation from the standard procedures of chapter 4.2 - Site Design Review, and chapter 4.3 - Land Divisions is intended to streamline review of projects that **have received master planned development approvals**, since those projects have previously been subject to public review and hearings.