

**IN AND FOR THE CITY OF BROOKINGS
STATE OF OREGON**

**In the Matter of an Ordinance Amending)
Ordinance 89-0-446, An Ordinance)
Creating the Land Development Code to) Ordinance 03-O-446.PP
add Section 70 titled Master Plan)
Development (MPD) District.)**

Sections:

- Section 1. Ordinance identified.
- Section 2. Amendment to add Section 70.

The City of Brookings ordains as follows:

Section 1. Ordinance Identified. This ordinance amends Ordinance No. 89-0-446, enacted April 10, 1989 entitled, the Land Development Code.

Section 2. Amendment to add Section 70 Ordinance No. 89-O-446, Section 70 is hereby added to read as follows:

Title Master Plan Development (MPD) District

Sections

- 70.010 Purpose
- 70.020 General Provisions
- 70.030 Allowed Uses
- 70.040 Master Plan of Development (MPoD) Review Procedures
- 70.050 Acceptance of Application
- 70.060 Staff Evaluation
- 70.070 Review Criteria
- 70.080 Action by Planning Commission
- 70.090 Action by the City Council
- 70.100 Notice of Decision
- 70.110 Effective Date and Assurance
- 70.120 Effective Period of Master Plan of Development (MPoD) Approval
- 70.130 Modification of a Master Plan of Development (MPoD)
- 70.140 Detailed Development Plan (DDP) Review Procedures
- 70.150 Acceptance of Application
- 70.160 Staff Evaluation
- 70.170 Review Criteria for Determining Compliance with Master Plan of Development (MPoD)
- 70.180 Action by the Planning Commission
- 70.190 Effective Date
- 70.200 Effective Period of Detailed Development Plan (DDP) Approval
- 70.210 Modification(s) of a Detailed Development Plan (DDP)

70.220 Determining Compliance

70.010 Purpose The Master Planned Development (MPD) zone is a land use district. The Master Planned Development zone may be applied on sites that are 50 acres or greater in size. The MPD zone shall implement the MP Comprehensive Plan designation, which shall be placed on all land requiring a “Master Plan of Development” in the Urban Growth Management Agreement, (UGMA) adopted by the City and the County. Upon or subject to annexation into the City, the MP Comprehensive Plan designation shall be applied to all land that is required to adopt a “Master Plan of Development” (MPoD) in the Urban Growth Boundary. In addition, the City may apply the MPD designation to other lands within the City.

The MPD zone is to be implemented through the approval of a MPoD that describes in detail, as outlined in this section, how the development of the property will occur and how the development will implement applicable goals and policies of the City’s Comprehensive Plan, and applicable provisions of the Land Development Code. The MPoD will assess and minimize, to an acceptable level, the impacts of the development on the City’s services, infrastructure, transportation systems and neighboring properties. As the MPD zone is implemented through an approved MPoD, no development shall be allowed until applicable requirements of Section 70 are met. Compliance with applicable plan goals and policies is deferred until the MPoD review.

Master Planned Development review procedures are established in this chapter for the following purposes:

- A. Promote flexibility in design and permit diversification in location of structures;
- B. Promote efficient use of land and energy and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;
- C. Preserve to the greatest extent possible existing landscape features and amenities, and utilize such features in a harmonious fashion;
- D. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures;
- E. Combine and coordinate architectural styles, building forms and building relationships within the Planned Development;
- F. Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;
- G. Promote and encourage energy conservation; and
- H. Provide greater compatibility with surrounding land uses than what may occur with a conventional project.

70.020 General Provisions Development within a Master Planned Development (MPD) zone is governed by the approval of a MPoD which can be developed in a single phase or in multiple phases. Prior to development a MPoD must be approved and prior to construction

of any phase a Detailed Development Plan (DDP) must be approved. On sites where a MPD designation exists on the City's Official Zoning Map the provisions of Section 70 shall apply. The following procedure allows for Planning Commission review of a MPoD and Detailed Development Plan. An application to apply the MPD zone to specific properties may be submitted and reviewed concurrent with MPoD approval. The applicant may either select to process the development proposal under a DDP concurrent with approval of the MPoD or may request only approval of a MPoD in accordance with Section 70.050 and later apply for a DDP for an individual phase or phases of the project. However, prior to issuing any building permits a DDP must be approved by the Planning Commission.

An applicant for MPoD approval may propose one or more alternative development standards for all or any specific areas within the plan boundaries, which supersede corresponding development regulations or standards otherwise applicable to the project area through existing regulations. Such alternative standards shall be clearly and specifically identified within the plan submittals, and shall include an explanation and/or drawings, which demonstrates that such alternative standards equally or better meet the purpose of the existing regulations.

70.030 Allowed Uses The following uses area allowed outright when they are included in an approved MPoD.

- A. All uses allowed outright and conditionally in the R-1, R-2, R-3 zones;
- B. All uses allowed outright and conditionally in the C-1, C-2, C-3 and C-4 zones.
- C. All uses allowed outright in the I-P and M-2 districts.

70.040 Master Plan of Development (MPoD) Review Procedures An application filed for a MPoD shall be reviewed in accordance with the following procedures.

Application Requirements

Applications shall be made on forms provided by the City. The person filing the application must be the owner or a person having an interest in the land to be included in the MPoD. If the MPoD is to include land in more than one ownership, the application must be submitted jointly by all of the owners or persons having an interest in each of the separately owned properties to be included.

The application shall be accompanied by the following:

- Three copies of the narrative on 8.5 in. by 11 in. sheets;
- Four sets of full-scaled black line drawings of the MPoD graphic(s), with sheet size not to exceed 30 in. by 42 in. Where necessary, an overall plan with additional detail sheets may be submitted; and
- One set of the graphics shall be reduced to fit on 8.5 in. by 11-in. sheets of paper. Graphics, and related names/numbers must be legible on this sheet size.

A. Graphic Requirements

A MPoD shall include the following information where applicable:

1. Public Notice map including properties within 250 feet of the boundary of the MPoD.
2. Existing land use map (typically a topographic map that extends at least 300 ft. beyond the site. The map includes existing building footprints and makes a distinction between single-family, multi-family, commercial and industrial uses, as well as other significant features such as roads, drainageways, parks, and schools);
3. Site plan(s) and other graphics drawn to scale and containing a sheet title, date, north arrow, and legend - placed in the same location on each sheet and containing the following:
 - (a) Existing site conditions including contours at intervals sufficient to indicate topographic conditions, watercourses, flood plains, and any unique natural features;
 - (b) Slope Analysis for any area containing or adjacent to a fault zone, sinkhole, unstable soils, steep slopes, high water table, or other geologic hazard.
 - (c) Boundary of the Proposed MPoD and any interior boundaries related to proposed development phases or land divisions;
 - (d) Land use areas identified as dedicated to residential use within the MPoD, shall be identified as such and indicating the type of residential use, the number of units within the area and resulting density.
 - (e) General location and size of areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic uses;
 - (f) Existing and proposed general vehicle and pedestrian circulation system including bikeways, sidewalks, off-street parking areas, street standards, service areas, loading areas, and major points of access to public rights-of-way. Notations of proposed ownership (public or private) should be included where appropriate;
 - (g) Existing and proposed preliminary utility systems including sanitary sewer, storm sewer, drainageways, and water, where appropriate;
 - (h) Sufficient information on land areas within at least 150 ft of the subject property to indicate their relationships with the proposed development including land uses, lot lines, circulation systems, public facilities, and unique natural features of the landscape;
 - (i) Location of natural resource, historic and cultural resources as identified on adopted City and County inventories.
4. The City Planner may also require additional information to evaluate the proposal.

B. Narrative Requirements A written statement shall include the following information:

1. Statement of planning objectives to be achieved by the project. This statement should indicate a description of the character of the proposed development, and a discussion indicating how the application meets the review criteria in Section 70.080.
2. Statement addressing how the project is in compliance with the applicable goals and policies of the Comprehensive Plan.
3. Quantitative data for the total concept development plan for the following where appropriate:
 - (a) Total number and type of dwelling units;
 - (b) Parcel size;
 - (c) Proposed lot coverage of buildings and structures where known;
 - (d) Gross densities per acre;
 - (e) Approximate allocation and amount of open space (lands not designated for buildings or vehicle parking and maneuvering areas);
 - (f) General type and location of land committed to nonresidential construction uses. The applicant may specify a list of allowable uses within the master plan area which may not include all uses allowed in the underlying zone.
4. General statement of intentions concerning timing, responsibilities, and assurances for all public and non-public improvements, such as irrigation, private roads and drives, landscape, and maintenance;
5. Statement describing project phasing, if proposed. Phases shall be:
 - (a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development;
 - (b) Properly related to other services of the community as a whole and to those facilities and services yet to be provided; and
 - (c) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the MPoD.
 - (d) Phasing plan including timing for construction and provision of dwelling units, parcel sizes and open space by phase.
6. Traffic Impact Study consistent with Phasing Plan.

70.050 Acceptance of Application

- A. The City Planner shall review the application in accordance with Section 4, Development Permit Procedures.
- B. After accepting a complete application the City Planner shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Section 84, Public Hearing Notice Procedures.

70.060 Staff Evaluation The City Planner shall prepare a report that evaluates whether the MPoD complies with the review criteria. The report shall also include a recommendation for approval or denial and, if needed, a list of conditions for the Planning Commission to consider if an approval is granted.

70.070 Review Criteria The Planning Commission shall approve an application for MPoD upon finding that the following approval criteria be met:

- A. The proposed MPoD is consistent with the purposes identified in Section 70.010 and the intent of the MPD zone;
- B. The proposed phasing schedule, if any, is reasonable and does not exceed 10 years between commencement of development on the first and last phases unless otherwise authorized by the Planning Commission either at the time of approval of the MPoD or by a modification to the MPoD. If at the end of 10 years the project is not built out, the Planning Commission shall review the MPoD and shall have the ability to require changes to or rescind the plan based on existing conditions.
- C. The proposed MPoD will demonstrate that adequate utilities and infrastructure are available or can reasonably be made available at each phase. The proposed MPoD will further demonstrate that existing utility services and water supplies for adjacent properties will not be negatively affected at each phase.
- D. The proposed MPoD will demonstrate that the plan respects the physical characteristics of the site.
- E. The applicant demonstrates that all deviations from the development standards are warranted.
- F. The circulation proposed MPoD will demonstrate that adequate transportation facilities are available, and the plan promotes the most economic, safe and efficient movement of traffic.
- G. The proposed MPoD meets the applicable requirements of the Urban Growth Boundary Joint Management Agreement.

70.080 Action by Planning Commission The Planning Commission shall conduct a public hearing in accordance with Section 144.040. Following the close of the hearing the Planning Commission shall recommend the approval, conditional approval or denial of the MPoD. The recommendation shall be reported to the City Council by filing said recommendation with the City Recorder. The Commission's recommendation shall include findings that specify how the application has or has not complied with the above review criteria.

70.090 Action by the City Council

- A. Upon receipt of said report from the Planning Commission or upon the expiration of such 90 days as aforesaid, a public hearing is automatically set for the next regular City Council meeting following the receipt of the report; provided, however, that the Council may, by motion, set the date of such public hearing at such other time or at such other place it desires.
- B. At the conclusion of the public hearing, the Council may enact an ordinance granting approval of the MPoD, approval of the MPoD with conditions, or may, by motion, deny the granting of the MPoD.

70.100 Notice of Decision The City Planner shall provide the applicant with a notice of decision in accordance with Chapter 4 – Development Permit Decisions and other applicable legal requirements, that includes a written statement of the City Council decision, a reference to findings leading to it, any conditions of approval, and appeal period deadline. A notice of decision shall also be mailed to persons who presented testimony orally or in writing at the public hearing.

70.110 Effective Date and Assurance The decision of the City Council shall become effective 15 days from when the Notice of Decision is mailed.

Approval of the MPoD shall assure the applicant the right to proceed with the development in substantial conformity with the Plan and approval of the DDP, subject to such modifications as may be authorized. Changes to zoning ordinances, policies and standards adopted after the date of approval of the Plan shall not apply to the development during the duration of the Plan.

70.120 Effective Period of Master Plan of Development (MPoD) Approval If the applicant has not submitted a DDP for the Planned Development or the first phase within four years from the date of approval, the MPoD shall expire. Where the Planning Commission finds that conditions have not changed, the Commission may, at its discretion, extend the period for two additional years per extension, subject to applicable hearing and notice requirements. If after the approval of the first DDP, construction has not been started or at any time construction has lapsed for a period of three (3) years, the MPoD will expire.

70.130 Modification of a Master Plan of Development (MPoD) An applicant may request modification of an approved MPoD subject to the review criteria set forth above as applicable to the initial approval of the Plan and subject to the following review procedures (all modifications within Section 70, relating to a change in traffic trip generation shall be based on the most recent edition of the Institute of Transportation Engineers {ITE} manual):

- A. A modification shall qualify for a minor review if the proposed modification request results in an increase in traffic generation trips equal to or less than 10 percent of the total peak hour trips anticipated in the MPoD, as approved. The City Planner shall make the determination as to whether a proposed modification is major or minor. A minor modification may be approved conditionally, approved, or denied by the City Planner. If the City Planner determines that the proposed minor modification has significant impacts of a magnitude equivalent to those of a major modification, the City Planner may refer the matter to the Site Plan Committee to determine if the application should be referred to the Planning Commission for

decision. The following notice and appeal requirements apply to a decision by the City Planner to allow, allow conditionally, or deny:

1. Application. The applicant must submit an application on the appropriate form and accompanied by the correct fee. The application must contain all of the information required by 70.140, modification of a MPoD.
 2. Notice of a request. Within 7 days of receiving the complete application the City Planner will mail a notice of the request to all property owners within 250 feet of the lot and to persons on record as interested parties.
 3. Processing time. A twenty (20) calendar day written comment period shall be provided from the time notice is mailed to provide interested persons with an opportunity to submit written comments about the proposed modification before the City Planner makes a decision on the request.
 4. Decision. Upon close of the comment period the City Planner shall review all written comments actually received by the Department within the comment period and the applicant's response to the comments. The City Planner shall then issue a decision. The Notice of the Decision shall be mailed to the applicant and those provided notice.
 5. Appeal. The decision of the City Planner shall be final. Within 15 days of the mailing of the Notice of Decision, an appeal may be made to the Planning Commission.
- B. A modification shall qualify for a major review if the proposed modification results in an increase in traffic trips greater than 10 percent of the total peak hour trips anticipated in the approved MPoD. In reviewing a major modification request, the Commission shall follow the procedures required for a MPoD submittal.
- C. In all modifications, review shall be limited to the area proposed for modification and the impacts attributed to the proposed change.

70.140 Detailed Development Plan (DDP) Review Procedures The applicant can request that each phase or a portion of a phase be reviewed in accordance with the DDP review procedures, so long as each detailed development plan is in substantial conformance with the MPoD.

Application Requirements An application filed for a DDP shall address the requirements specified for a MPoD above and include the following additional information:

- A. **Graphic Requirements** In addition to the graphic requirements specified for a MPoD, a DDP shall include:
1. Topographic contours at 2-ft minimum intervals for slopes under 20 percent and at 5-ft. minimum intervals for slopes at or greater than 20 percent. Where the grade exceeds 15 percent or where the development site abuts existing developed lots, a grading plan shall be required. If a grading plan is required, it shall conform to the standards established in Section 100, unless alternative standards are proposed at the time of the DDP approval.

2. For all buildings except single family and duplex homes, the location of existing and proposed structures and other improvements, including maximum heights, building types, and gross density per acre (for residential developments) and location of fire hydrants, existing overhead lines in the abutting right of way, easements and walkways;
 3. Typical elevations of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development for all buildings except single family and duplex residential;
 4. Landscape plan drawn to scale showing location of existing trees and other significant vegetation proposed to be removed from or to be retained within the area of the site to be developed, location and design of landscaped areas, varieties and sizes of trees and plant materials to be planted, other landscape features including walls and fences, and irrigation systems proposed to maintain plant materials. Identification of trees shall be in compliance with Section 176.060.B.16 of the Brookings Land Development Code;
 5. Utilities plan indicating how sanitary sewer, storm sewer, drainage, and water systems will function and how negative impacts to existing sanitary sewers, storm sewers, drainage and water systems of adjacent properties will be avoided;
 6. Circulation plan showing street, driveway, parking area, service area, loading area, pedestrian way, and bikeway improvements and their dimensions;
 7. Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic areas;
 8. Exterior lighting plan indicating the location, size, height, typical design, material, color, and method and direction of illumination;
 9. Types and locations of trees to be preserved or planted.
- B. Narrative Requirements In addition to the narrative requirements specified for a MPoD above, the DDP shall include:
- a. Proposals for setbacks or approximate building envelopes, lot areas where a concurrent land division is proposed and number of parking spaces to be provided (in ratio to gross floor area or number of units);
 - b. Updated statement outlining timing, responsibilities, and assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance; identify any changes since approval of MPoD.
 - c. Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures;

- d. Statement demonstrating consistency with adopted traffic impact study and the Transportation Plan.
- C. Tentative Plat If a MPoD is to be partitioned or subdivided, a tentative plan or plat shall also be submitted as part of a MPoD or DDP submittal in accordance with Section 176, Land Divisions, to permit simultaneous review.

70.150 Acceptance of Application

- A. The City Planner shall review the application in accordance with Section 4 – Development Permit Procedures.
- B. After accepting a complete application the City Planner shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Section 4, Development Permit Procedures.

70.160 Staff Evaluation The City Planner shall prepare a report that evaluates whether the DDP complies with the review criteria below. The report should include a recommendation for approval or denial and, if needed, a list of conditions for the Planning Commission to consider if an approval is granted.

70.170 Review Criteria for Determining Compliance with Master Plan of Development (MPoD)

- A. Request for approval of a DDP shall be reviewed to determine whether it is in substantial conformance with the MPoD. The DDP shall be deemed to not be in substantial conformance with the MPoD if it results in any of the following types of changes from the MPoD.
 - 1. Increase in development density and/or intensity that results in a peak hour trip generation of greater than 10 percent of the total approved in the MPoD.
 - 2. Increase in the floor area proposed for nonresidential use by more than 10 percent from what was previously specified;
 - 3. Reduction of more than 10 percent of the area reserved for common open space and/or usable open space from what was previously specified;
 - 4. Increase in the total ground area proposed to be covered by structures by more than 5 percent from what was previously specified;
 - 5. Reduction of specific setback requirements by more than 25 percent where previously specified; and
 - 6. Reduction of project amenities provided such as recreational facilities, screening, and/or landscaping provisions by more than 10 percent from what was previously specified.
 - 7. If subdivision or partition, the application does not meets the applicable requirements of Section 176 of this code.
- B. All deviations within the limits set by the criteria in “A” above from those of the approved MPoD shall be justified and explained either in the required graphic or narrative materials.

70.180 Action by the Planning Commission The Planning Commission may approve, conditionally approve, or deny the DDP. The Planning Commission's decision shall include findings that specify how the DDP is or is not in substantial conformance with the MPoD.

70.190 Effective Date The decision of the Planning Commission shall become effective 15 days from when the Notice of Decision is mailed unless an appeal is filed.

70.200 Effective Period of Detailed Development Plan (DDP) Approval

- A. Approval of a DDP shall be valid for a 3-year period from the date of initial approval. If the applicant has not begun construction within this time frame, the approval shall expire. At its discretion and without a public hearing, the Commission may extend the approval one time for a period not to exceed 2 additional years per extension.
- B. The Planning Commission may permit implementation of the DDP in phases.

70.210 Modification(s) of a Detailed Development Plan (DDP) This section identifies the processes by which an approved DDP may be modified. Such modifications are necessary to the extent that final building and construction plans are not in substantial compliance with the adopted DDP. In general, such plans may be modified in two ways, depending upon the degree of modification proposed. These include:

- A. Changes that modify the approved plan but do not increase traffic trips by more than 10 percent of traffic trips generated by the development approved in the MPoD may be approved, approved with conditions, or denied by the City Planner pursuant to applicable public notice and hearing opportunity requirements. If the proposed changes do not increase traffic trips by more than 10 percent but the changes have significant impacts of a magnitude equivalent to a 10 percent traffic increase, the City Planner may refer the matter to the Site Plan Committee to determine if the application should be referred to the Planning Commission for decision.
- B. Those changes which cause an increase in the traffic trips greater than 10 percent of those generated by the development approved in the MPoD, may be approved, approved with conditions or denied by the Planning Commission in accordance with Section 70.090. (Major Development Plan Modification).

In a modification, review shall be limited to the area proposed for modification and the impacts attributed to the proposed change.

70.220 Determining Compliance A building permit or other site development permit request shall be in substantial compliance with DDP and all modifications.

First reading: July 14, 2003
Second reading: July 14, 2003
Passage: July 14, 2003
Effective date August 13, 2003

Signed by me in authentication of its passage this _____ day of _____, 2003.

Original signed by Bob Hagbom
Bob Hagbom
Mayor

ATTEST:

Paul Hughes, Finance Director/Recorder