

Welcome to the Community Development Department

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Land Development Code Update, Ph. I & II



Phase II of the Corvallis Land Development Code Update

The Corvallis Planning Commission has held four worksessions addressing items for update of the Land Development Code (LDC). The primary purpose of this effort is to develop interim protection regulations for wetlands and streams while more complete information is accumulated through the [Natural Features Inventory \(NFI\)](#) project. The State refers to these interim measures as "safe harbor" protection and they are to be used until the full State-mandated Planning Goal 5 process is completed. The full process will include the need to balance the protection of environmental features with the need to provide land for economic development and housing needs.

In addition to the interim wetland and stream protection standards currently being developed, several policies from the new Corvallis Stormwater Master Plan are being implemented. Incentives for removal of structures and impervious surface from within the 100-yr floodplain are being developed as are standards for stream shading.

Finally, work is being done to clarify processes for modifications to planned developments and to create the opportunity to modify conditional developments and subdivision tentative plats under specific circumstances.

For more information, contact Fred Towne, Senior Planner, at: 541-766-6908, [e-mail](#).

Office Location: City Hall, Upper Level, 501 SW Madison Avenue
Mailing Address: City of Corvallis, Planning Division, P.O. Box 1083, Corvallis, OR

97330



Background Information Regarding Land Development Code Update, Phase I:

In December, 2000, the City Council approved [a revised draft of the Land Development Code](#) (the City's Zoning Ordinance), as well as the associated Zoning Map changes, and amendments to the Corvallis Comprehensive Plan Text and Map. The changes are intended to implement the adopted 1998 Comprehensive Plan. The proposed changes apply Citywide. The Oregon Land Conservation and Development Commission reviewed the City's revised Land Development Code in June, 2001. For further information about the status of the proposed Land Development Code, contact the City's Planning Division at 541-766-6908.

Available Documents:

- Notice of Disposition, including associated findings and conclusions and approved changes to "Draft D":
 -  [Notice of Disposition \(Order 2000-132\)](#)
 -  [Ordinance 2000-38 - Comprehensive Plan Amendment \(CPA00-00007\)](#)
 -  [Ordinance 2000-42 - Comprehensive Plan and Comprehensive Plan Map Amendment \(CPA00-00007\)](#)
 -  [Ordinance 2000-43 - Land Development Code Text Amendment and Zoning Map Amendment \(LDT00-00002, ZDC00-00009\)](#)
- [Draft E of Proposed Land Development Code - Includes Staff Report to City Council](#)
- [Zoning and Comprehensive Plan Map Changes](#)
- City Council hearing minutes (excerpts relating to LDC Update):
 -  [November 20, 2000](#)
 -  [November 29, 2000](#)
 -  [December 4, 2000](#)
 -  [December 11, 2000](#)
 -  [December 18, 2000](#)

Other Background Information:

-  [Self-Guided Tour of Pedestrian-Oriented Development Standards \(8341 KB\)*](#)
-  [Code Update Case Studies \(3719 KB\)*](#) - These case studies tested the feasibility and cost impacts of the proposed new Code requirements.

*Note: These are both large files which may take awhile to load on your computer.



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• **Draft E**

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Draft Code Language



[Draft E](#) of all approved changes to the Land Development Code is available. Draft E has been approved by the State Department of Land Conservation and Development; however, the revised Code currently is subject to a legal challenge and is not yet in effect. For further information about the legal status of the revised Code, contact the Planning Division at (541) 766-6908. Copies of Draft E also are available for review at the City/County Public Library (645 NW Monroe Avenue) and at the Planning Division (501 SW Madison Avenue).





Staff Report Information for Draft Land Development Code:

Note: Some of these are large files which may take awhile to load on your computer.



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-  [November 9, 2000 Cover Memo to City Council for November 20 Public Hearing from Ken Gibb, Community Development Director](#)
-  [Draft Proposed Zoning & Comprehensive Plan Map Changes \(November 8 Version for November 20 City Council Public Hearing\)](#)
-  [Planning Commission Notice of Disposition](#)
-  [Miscellaneous Additional Testimony Received During and After the October, 2000 City Council Work Sessions](#)
-  [Minutes from the October, 2000 City Council Work Sessions](#)
-  [October 26, 2000 Memo to City Council from Ken Gibb, Community Development](#)

[Director](#)

-  [October 24, 2000 Memo to City Council from Kathy Seeburger, Associate Planner \(re: additional property owner mapping requests\)](#)
-  [October 24, 2000 Memo to City Council from Kathy Seeburger, Associate Planner \(re: letter from Bert Meyer\)](#)
-  [October 19, 2000 Memo to City Council from Kelly Schlesener, Planning Manager](#)
-  [October 17, 2000 Handout with Additional Testimony](#)
-  [October 16, 2000 Memo to City Council from Fred Towne, Associate Planner, and Kelly Schlesener, Planning Manager](#)
-  [Cover Memo to City Council Outlining Agendas and Meeting Format for October Work Sessions](#)
-  [Attachment I - Planning Commission Minutes for September 20, 2000 Meeting](#)
-  [Attachment II - Written Testimony Submitted After September 20, 2000 Planning Commission Deliberations](#)
-  [Attachment III - Planning Commission Minutes for September 13, 2000 Meeting](#)
-  [Attachment IV - Supplemental Staff Memo to Planning Commission dated September 13, 2000 \(re: additional written testimony\)](#)
- Attachment V - Supplemental Staff Memo to Planning Commission dated September 12, 2000:
 -  [Attachment A - Additional Discussion Items Identified for the September 13, 2000 Planning Commission Deliberations & Commercial Technical Review Group \(CTRG\) Meeting Minutes Regarding the Development of the Mixed Use Community Shopping \(MUCS\) & Mixed Use General Commercial \(MUGC\) Zones](#)
 -  [Attachment B - Written Testimony Submitted at September 6, 2000 Planning Commission Public Hearing and Between Then and Deadline of September 11, 2000](#)
 -  [Attachment C - Matrix of All Discussion Items for Planning Commission Deliberations of September 13 & 20, 2000 \(taken from written and verbal testimony received through September 11, 2000, e-mails, etc.\)](#)
-  [Attachment VI - Planning Commission Minutes for September 6, 2000 Public Hearing](#)
-  [Attachment VII - Supplemental Staff Memo to Planning Commission dated September 6, 2000 \(re: additional testimony\)](#)
-  [Attachment VIII - Supplemental Staff Memo to Planning Commission dated September 6, 2000 \(re: additional discussion items\)](#)
- Attachment IX - August 25, 2000 Staff Report to the Planning Commission:
 -  [Executive Summary/Overview for Readers of the Land Development Code Staff Report](#)

-  [Introduction & Part I - Evaluation of Legislative Amendment to the Land Development Code \(LDT00-00002\)](#)
-  [Part II - Evaluation of Comprehensive Plan Amendment \(CPA00-00007\)](#)
-  [Part III - Evaluation of District \(Zoning\) Map Change \(ZDC00-00009\)](#)
-  [Part IV - Statewide Planning Goal Analysis](#)
- Attachments A - C (Maps):
 -  [Attachment A - Draft Proposed Zoning & Comprehensive Plan Map Changes \(September 28 Version to Planning Commission\)](#)
 -  Attachment B - Existing Zoning Map
 -  [Attachment C - Existing Comprehensive Plan Map](#)
-  [Attachments D - P:](#)
 - Attachment D - Proposed Comprehensive Plan Text Amendments to Article 40
 - Attachment E - Table of Comprehensive Plan Map Designations & Corresponding Zones
 - Attachment F - Tables Outlining Proposed Zone Changes by Acreage
 - Attachment G - Timberhill Area Mapping Corrections Information
 - Attachment H - North Campus Area Plan Map
 - Attachment I - Central Park Neighborhood Association Mapping Information
 - Attachment J - Legal Issues Associated with Supply of Vacant Residential Land
 - Attachment K - Written Testimony Received Regarding Specific Map Change Requests
 - Attachment L - Written Testimony Received Regarding Specific Land Development Code Text Change Requests
 - Attachment M - Written Comments - General
 - Attachment N - Work Order RE: Periodic Review and DLCD Letter Approving Comprehensive Plan
 - Attachment O - Table Showing Proposed Uses By Zone

Contacts for More Information: If you have any questions, please contact Planning Manager Kelly Schlesener or Senior Planner Fred Towne at the City of Corvallis Planning Division at (541) 766-6908 or send an [e-mail](#).

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Land Development Code Map Changes



As part of the Land Development Code Update process, the City has approved changes to the Zoning Map that implement the new Comprehensive Plan and Comprehensive Plan Map. Some limited changes to the Comprehensive Plan Map also were approved. These map changes addressed the following objectives:



- Implement changes reflected in the 1998 adopted Comprehensive Plan Map on the Zoning Map.
- Implement subsequent mapping recommendations from the Commercial and Neighborhood Technical Review Groups.
- Correct existing inconsistencies with the Comprehensive Plan and/or Zoning Maps.

All Zoning and Comprehensive Plan Map changes have been consolidated onto one map (see below). This map reflects what was approved by the City Council on December 18, 2000 following a public hearing. [Further information about the Council's decision and implementation of the new Land Development Code and associated map changes.](#)


If you have any questions about the map changes, please contact Planning Manager Kelly Schlesener or Associate Planners Fred Towne and Kathy Seeburger at the City of Corvallis Planning Division at (541) 766-6908 or send an [e-mail](#).

The following Comprehensive Plan and Zoning Map files are available for review:

-  [Zoning & Comprehensive Plan Map Changes \(1565 KB\)](#)

-  [New Comprehensive Plan Map Adopted in 1998 \(2255 KB\)](#)
-  [Existing Zoning Map \(1808 KB\)](#)

Note: These are all large map files which may take awhile to load on your computer. Once the file is open, you can use the magnifying glass to view specific sections of the map in more detail.

 denotes Adobe Acrobat "PDF" file: these documents must be viewed with Adobe Acrobat Reader software which is available free from Adobe Systems. [Download Adobe Acrobat Reader software](#) now!

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Draft
E



LAND DEVELOPMENT CODE UPDATE - DRAFT E

[Article I: General Provisions](#)

[Article II: Administrative Procedures](#)

[Article III: Development Districts](#)

[Article IV: Development Standards](#)



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[Article I: General Provisions](#)

-  [Chapter 1.0 - Introduction](#)
-  [Chapter 1.1 - The City Council and Its Agencies and Officers](#)
-  [Chapter 1.2 - Legal Framework](#)
-  [Chapter 1.3 - Enforcement](#)
-  [Chapter 1.4 - Nonconforming Development](#)
- Chapter 1.5 - Reserved
-  [Chapter 1.6 - Definitions](#)

Article II: Administrative Procedures

-  [Chapter 2.0 - Public Hearings](#)
-  [Chapter 2.1 - Comprehensive Plan Amendment Procedures](#)
-  [Chapter 2.2 - Development Zone Changes](#)
-  [Chapter 2.3 - Conditional Development](#)
-  [Chapter 2.4 - Subdivisions and Major Replats](#)
-  [Chapter 2.5 - Planned Development](#)
-  [Chapter 2.6 - Annexations](#)
-  [Chapter 2.7 - Extension of Services Outside the City Limits](#)
-  [Chapter 2.8 - Vacating of Public Lands and Plats](#)
-  [Chapter 2.9 - Historic Preservation Provisions](#)
-  [Chapter 2.10 - Major Neighborhood Center Master Site Plan Requirements](#)
- Chapter 2.11 - Reserved
-  [Chapter 2.12 - Lot Development Option](#)
-  [Chapter 2.13 - Plan Compatibility Review](#)
-  [Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments](#)
-  [Chapter 2.15 - Hillside Development and Density Transfer](#)
-  [Chapter 2.16 - Request for Interpretation](#)
- Chapter 2.17 - Reserved
-  [Chapter 2.18 - Solar Access Permits](#)
-  [Chapter 2.19 - Appeals](#)













Article III: Development Districts

-  [Chapter 3.0 - Use Classifications](#)
-  [Chapter 3.1 - RS-3.5 \(Low Density\) Zone](#)
-  [Chapter 3.2 - RS-5 \(Low Density\) Zone](#)
-  [Chapter 3.3 - RS-6 \(Low Density\) Zone](#)
-  [Chapter 3.4 - RS-9 \(Medium Density\) Zone](#)

-  [Chapter 3.5 - RS-9U \(Medium Density - University\) Zone](#)
-  [Chapter 3.6 - RS-12 \(Medium-High Density\) Zone](#)
-  [Chapter 3.7 - RS-12U \(Medium-High Density - University\) Zone](#)
-  [Chapter 3.8 - RS-20 \(High Density\) Zone](#)
-  [Chapter 3.9 - MUR \(Mixed Use Residential\) Zone](#)
- Chapter 3.10 - Minor Neighborhood Center Master Site Plan Requirements (Reserved)
-  [Chapter 3.11 - P-AO \(Professional and Administrative Office\) Zone](#)
-  [Chapter 3.12 - \(SA\) \(Shopping Area\) District - Proposed to be Deleted](#)
-  [Chapter 3.13 - \(SAU\) \(Shopping Area-University\) District - Proposed to be Deleted](#)
-  [Chapter 3.14 - CS \(Community Shopping\) District - Proposed to be Deleted](#)
-  [Chapter 3.14 - Neighborhood Center \(NC\) Zone](#)
-  [Chapter 3.15 - LC \(Linear Commercial\) District - Proposed to be Deleted](#)
-  [Chapter 3.15 - RF \(Riverfront\) Zone](#)
-  [Chapter 3.16 - CB \(Central Business\) Zone](#)
-  [Chapter 3.17 - CBF \(Central Business Fringe\) Zone](#)
-  [Chapter 3.18 - RSC \(Regional Shopping Center\) District - Proposed to be Deleted](#)
-  [Chapter 3.19 - SSD \(Special Shopping District\) District - Proposed to be Deleted](#)
-  [Chapter 3.19 - MUCS \(Mixed Use Community Shopping\) Zone](#)
-  [Chapter 3.20 - MUC \(Mixed Use Commercial\) District - Proposed to be Deleted](#)
-  [Chapter 3.20 - MUGC \(Mixed Use General Commercial\) Zone](#)
-  [Chapter 3.21 - MUT \(Mixed Use Transitional\) Zone](#)
-  [Chapter 3.22 - LI-O \(Limited Industrial-Office\) Zone](#)
-  [Chapter 3.23 - LI \(Limited Industrial\) Zone](#)
-  [Chapter 3.24 - GI \(General Industrial\) Zone](#)
-  [Chapter 3.25 - II \(Intensive Industrial\) Zone](#)
-  [Chapter 3.26 - RTC \(Research Technology Center\) Zone](#)
-  [Chapter 3.27 - MUE \(Mixed Use Employment\) Zone](#)
- Chapter 3.28 - Reserved
- Chapter 3.29 - Reserved

-  [Chapter 3.30 - WRG \(Willamette River Greenway\) Zone Overlay](#)
-  [Chapter 3.31 - HPO \(Historic Preservation Overlay\) Zone](#)
-  [Chapter 3.32 - PD \(Planned Development\) Zone Overlay](#)
- Chapter 3.33 - Reserved
- Chapter 3.34 - Reserved
- Chapter 3.35 - Reserved
-  [Chapter 3.36 - OSU \(Oregon State University\) Zone](#)
-  [Chapter 3.37 - AG-OS \(Agriculture-Open Space\) Zone](#)

Article IV: Development Standards

-  [Chapter 4.0 - Improvements Required With Development](#)
-  [Chapter 4.1 - Parking, Loading and Access Requirements](#)
-  [Chapter 4.2 - Landscaping, Buffering, Screening and Lighting](#)
-  [Chapter 4.3 - Accessory Development Regulations](#)
-  [Chapter 4.4 - Land Division Standards](#)
-  [Chapter 4.5 - Flood Control and Drainageway Provisions](#)
-  [Chapter 4.6 - Solar Access](#)
-  [Chapter 4.7 - Corvallis Sign Regulations](#)
-  [Chapter 4.8 - Manufactured Dwelling Facility Standards](#)
-  [Chapter 4.9 - Additional Provisions](#)
-  [Chapter 4.10 - Pedestrian Oriented Design Standards](#)
-  Preliminary Code Graphics

Contacts for More Information: If you have any questions, please contact Associate Planners Kelly Schlesener or Fred Towne at the City of Corvallis Planning Division at (541) 766-6908 or send an [e-mail](#).

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**CORVALLIS CITY COUNCIL
NOTICE OF DISPOSITION**

ORDER 2000-132

CASE: **Land Development Code Update Project** - Comprehensive Plan Map and Text Amendment (CPA00-00007); Land Development Code Text Amendment (LDT00-00002); and Zoning Map Change (ZDC00-00009)

REQUEST: Consider adoption of major revisions to the Corvallis Land Development Code and Development District (Zoning) Map that implement requirements of the City's recently acknowledged Comprehensive Plan. In addition, consider several revisions to the Comprehensive Plan Map and Text.


APPLICANT: City of Corvallis
 Community Development Department
 P.O. Box 1083
 Corvallis, OR 97339

LOCATION Citywide

The Corvallis City Council reviewed the proposed Comprehensive Plan Map and Text Amendment (CPA00-00007); Land Development Code Text Amendment (LDT00-00002); and Zoning Map Change (ZDC00-00009) at a public hearing on November 20, 2000, and conducted deliberations on November 29, 2000 and December 4, 2000. At the December 11, 2000 meeting, the City Council unanimously adopted an ordinance relating to the part of CPA00-00007 that amends Comprehensive Plan Article 51.5. At that same meeting, the Council also approved a first reading of the ordinance addressing the remainder of CPA00-00007 and a first reading of the ordinance addressing LDT00-00002 and ZDC00-00009. At the December 18, 2000 meeting, the City Council approved second readings and adopted these last two ordinances. These last two ordinances approved the requests, subject to the review and adoption of a final implementation order by the City Council. This final implementation order will be developed following Land Conservation and Development Commission approval of the requests. The City Council adopted findings of fact addressed in the ordinances.

Due to the cost of printing the large sets of findings associated with the ordinances referenced above, these documents have not been attached to this Notice of Disposition. However, the Findings and Conclusions, staff report, and hearing minutes may be viewed at the Planning Division office at 501 SW Madison Avenue or on the City's web site at www.ci.corvallis.or.us.

If you wish to appeal the decision regarding the portion of CPA00-00007 that amends Comprehensive Plan Article 51.5, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of the decision. The decision regarding the remainder of CPA00-00007, and the decisions regarding LDT00-00002 and ZDC00-00009 have not been implemented yet via a final order and, therefore, are not appealable.



Mayor Helen Berg
City of Corvallis

ORDINANCE 2000 - 38

AN ORDINANCE RELATING TO LAND USE, AMENDING A COMPREHENSIVE PLAN FOR THE CITY OF CORVALLIS, ESTABLISHING FINDINGS, AMENDING ORDINANCE 98-53, AND STATING AN EFFECTIVE DATE (CPA00-00007)

WHEREAS, Article 51.5 of the Comprehensive Plan is a policy that outlines how the Comprehensive Plan is to be used between its adoption and the completion and State Land Conservation and Development Commission acknowledgment of an updated Land Development Code that implements the Plan's many policies; and

WHEREAS, at the time of the Comprehensive Plan adoption via Ordinance 98-53, the date of January 1, 2001 was identified as the "sunset" date for the bridge language in Article 51.5; and

WHEREAS, this January 1, 2001 sunset date was selected to indicate the City Council's intent to complete the Land Development Code update within a 2-year window; and

WHEREAS, with the approval of the proposed documents associated with the Land Development Code Update Project, and specifically, the Legislative Amendment to the Land Development Code (LDT00-00002), the City Council will have completed this task; and

WHEREAS, it must also be recognized that the new Land Development Code will not take effect until it is approved by the State Land Conservation and Development Commission and then implemented via a final order by the City Council; and

WHEREAS, the process of getting the Land Development Code acknowledged by the State Land Conservation and Development Commission and then implemented via a final order by the City Council will be at least a number of months beyond January 1, 2001; and

WHEREAS, the Planning Commission conducted, after proper legal notice, a public hearing on September 6, 2000, and deliberations on September 13, 2000 and September 20, 2000, concerning proposed changes to the Comprehensive Plan associated with CPA00-00007, and interested persons and the general public were given an opportunity to be heard. The Planning Commission has reviewed all matters presented and has provided its recommendations to the City Council; and

WHEREAS, the City Council conducted, after proper legal notice, a public hearing on November 20, 2000, and deliberations on November 29, 2000 and December 4, 2000,

concerning the proposed changes to the Comprehensive Plan, and interested persons and the general public were given an opportunity to be heard; therefore,

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. The following revisions to Article 51.1:

51.5. Land Development Code Update

Following the adoption of this Comprehensive Plan Revision, the City will update various implementing ordinances, including amendments to the Land Development Code. During the period of time between adoption of this Revised Comprehensive Plan and adoption of Land Development Code amendments fully implementing this Plan, ~~or on January 1, 2001, whichever is earlier~~ and acknowledgment of the Land Development Code amendments by the Land Conservation and Development Commission and implementation of the Land Development Code amendments by a final order of the City Council, along with the resolution of any appeals of that acknowledgment and that final City Council order, conflicts between the policies of the adopted Comprehensive Plan and the existing Land Development Code shall be resolved in the following fashion:

51.5.a Discretionary Land Use Decisions. Policies from this Comprehensive Plan shall be used in evaluating Comprehensive Plan Amendments, District Zone Changes, and Annexation requests filed after the effective date the City Recorder has received written acknowledgment of ~~this~~ the revised Comprehensive Plan adoption by the Land Conservation and Development Commission. ~~Also, w~~Where the current Land Development Code refers to Comprehensive Plan policies as review criteria for land use applications, whether by general reference to the Comprehensive Plan or by a reference to a specific policy, the appropriate hearing authority ~~decision maker~~ shall use applicable policies from this Comprehensive Plan. In the case of a specific reference to a policy within an earlier Comprehensive Plan, the appropriate hearing authority shall determine what policies from this Comprehensive Plan address the same policy issues as the referenced policy from an earlier Comprehensive Plan. Specifically, policies from this Comprehensive Plan shall be used as part of the appropriate review criteria for Planned Development, Conditional Development, Lot Development Option, Extension of Service, Appeals, and Vacation applications. Once the Land Development Code is revised to implement this Comprehensive Plan; ~~or on January 1, 2001, whichever~~ and is earlier acknowledged by the Land Conservation and Development Commission and implemented via a final order by the City Council, this policy will no longer be in effect.

51.5.b Maps. Until such time as the Land Development Code Development District Zoning map is revised to implement the Comprehensive Plan map, the existing development ~~districts~~ zones shall apply. Once the Land

Development Code Development District Zoning map is revised to implement this Comprehensive Plan, ~~or on January 1, 2001, whichever is earlier~~ acknowledged by the Land Conservation and Development Commission and implemented via a final order by the City Council, this policy will no longer be in effect.

51.5.c Non-Discretionary Decisions. Non-discretionary land use decisions shall be made using applicable existing Land Development Code provisions. Where the standards of a specific existing Land Development Code provision conflict with an updated Comprehensive Plan Policy, the specific Land Development Code provision will prevail until the relevant section of the Land Development Code is revised or amended, ~~or on January 1, 2001, whichever is earlier~~ and acknowledged by the Land Conservation and Development Commission and implemented via a final order by the City Council. Once the Land Development Code is amended or revised to implement this Comprehensive Plan, this policy will no longer be in effect.

51.5.d Repealer. Once the Land Development Code is amended to implement this Comprehensive Plan, and acknowledged by the Land Conservation and Development Commission and implemented via a final order by the City Council, this policy will no longer be in effect, ~~or on January 1, 2001, whichever is earlier.~~

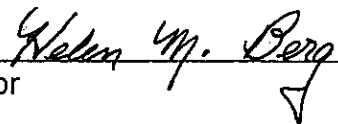
Section 2. Ordinance 98-53 is hereby amended.

Section 3. Emergency Clause. The earliest imposition of the provisions of this ordinance is necessary to preserve the peace, health, and safety of the public. Accordingly, an emergency is declared, and this ordinance will take effect immediately upon its passage by the Council and approval by the Mayor.

PASSED by the Corvallis City Council this 11th day of December, 2000.


APPROVED by the Mayor this 11th Day of December, 2000.

EFFECTIVE this 11th Day of December, 2000.



Mayor

ATTEST:



City Recorder

ORDINANCE 2000 - 42

AN ORDINANCE RELATING TO LAND USE, AMENDING A COMPREHENSIVE PLAN AND COMPREHENSIVE PLAN MAP FOR THE CITY OF CORVALLIS, ESTABLISHING FINDINGS, AMENDING ORDINANCE 98-53, AS AMENDED, AND STATING AN EFFECTIVE DATE (CPA00-00007)

WHEREAS, a two-year community planning process was initiated in January, 1996, and continued until December, 1998 that focused on revising the Corvallis Comprehensive Plan as mandated by the State of Oregon Department of Land Conservation and Development in a process known as Periodic Review; and

WHEREAS, the Department of Land Conservation and Development approved the City of Corvallis' periodic review work program that included an update of the Land Development Code to implement the Comprehensive Plan; and

WHEREAS, in the process of updating the Land Development Code to implement the Comprehensive Plan several needed revisions to the Comprehensive Plan and Comprehensive Plan Map were determined; and

WHEREAS, these needed revisions to the Comprehensive Plan and Comprehensive Plan Map were developed during a 1.5-year community planning process to update the Land Development Code; and

WHEREAS, a number of citizens, Planning Commissioners, and City Councilors working in technical review groups related to various subject areas were appointed by the Mayor. These technical review groups reviewed policy issues, documents, maps, and other information sources; conducted research; reviewed consultant and staff-recommended drafts of the Land Development Code implementing the Comprehensive Plan, needed revisions to the Comprehensive Plan, and needed revisions to the Comprehensive Plan Map; solicited community input; solicited input from all property owners affected by the proposed Comprehensive Plan Map revisions; and recommended policy and map changes to the Planning Commission; and

WHEREAS, the Planning Commission conducted, after proper legal notice, a public hearing on September 6, 2000, and deliberations on September 13, 2000 and September 20, 2000, concerning proposed changes to the Comprehensive Plan and Comprehensive Plan Map associated with CPA00-00007, and interested persons and the general public were given an opportunity to be heard. The Planning Commission has reviewed all matters presented and has provided its recommendations to the City Council; and

WHEREAS, the City Council conducted, after proper legal notice, a public hearing on November 20, 2000, and deliberations on November 29, 2000 and December 4, 2000, concerning the proposed changes to the Comprehensive Plan and Comprehensive Plan Map, and interested persons and the general public were given an opportunity to be heard; and

WHEREAS, the City Council developed detailed findings in support of the proposed Comprehensive Plan and Comprehensive Plan Map changes, attached as Exhibit A to this ordinance; therefore,

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. The following revision of Article 40 regarding Neighborhood Centers:

40.4.17 Neighborhood Centers

The Neighborhood Centers denote commercial areas that are designed with a pedestrian orientation and serve the general community and/or surrounding neighborhood. Neighborhood Centers may be designed to incorporate a mixture of uses. The dots denote the conceptual location of the Neighborhood Centers and the circles represent a 1/4-mile distance from the Centers, which is considered to be a comfortable walking distance. ~~The shaded circles depict possible Minor Neighborhood Centers for which further study is needed.~~

Section 2. The following revision of Article 50 regarding the definition for Neighborhood Centers:

Neighborhood Centers:

Major - A mixed use commercial center designed with a pedestrian orientation which serves the general community and/or surrounding neighborhood. Typically located along major arterial roadways.

Minor - A mixed use commercial center designed with a pedestrian orientation which serves the surrounding neighborhood. Typically located along a collector or arterial roadway.

Study Areas - Areas of the City that are more than 1/4-mile from an existing Neighborhood Center (Major or Minor), with density sufficient to support a Neighborhood Center.

Section 3. The following revisions to Article 40 to add definitions:

40.3.2 Limited Industrial - Office

Refers to establishments primarily engaged in the on-site production of goods by hand manufacturing, which involves only the use of hand tools or light mechanical equipment, and the incidental direct sale to consumers of only those goods produced on-site with no outside open storage permitted, and compatible accessory activities. Refers also to the development of the large-scale office industry (rather than small scale, single use, stand alone office buildings) and related uses. Impacts on neighboring properties resulting from limited industrial operations are expected to be minimal.

40.3.3 Mixed Use Employment

These areas will provide for a variety of employment opportunities by allowing for primarily limited industrial uses but also will allow for some commercial, civic, and residential uses that are compatible with the predominant industrial uses, while maintaining the City's supply of industrially-designated lands.

40.4.1 Public/Institutional

Lands in public or semi-public ownership such as the Oregon State University Campus, existing and known future District 509J school sites, City reservoirs, Linn Benton Community College, Good Samaritan Hospital and portions of the Corvallis Municipal Airport.

40.4.2 Open Space - Agriculture

All predominantly agricultural lands within the Urban Growth Boundary, including areas in food production, tree farms, animal husbandry, and agricultural and forestry research.

40.4.3 Open Space - Conservation

All predominantly open spaces reserved for general community use, including parks, preserves, and general drainageway corridors. Under the Open Space - Conservation designation, limited development may be permitted on private lands provided that the the development does not create a hazard or interfere with the drainage function of the streams.

40.4.4 Intensive Development Sector

Areas in which more intensive development will be permitted after annexation. Uses include residential development in excess of six units per acre and neighborhood or community commercial development.

40.4.5 Research - Technology Center

A campus-like complex designed to accommodate educational, scientific, industrial, and business research, development, planning, testing, and training activities and non-polluting manufacturing activities.

40.4.6 Urban Growth Boundary

A line that circumscribes the Urban Fringe and the City limits, denoting the area in which urban development is planned to occur.

Section 4. The following revisions to Policy 3.2.7:

3.2.7 All ~~special developments, lot development options, intensifications, changes or modifications of nonconforming uses,~~ Comprehensive Plan amendments, Zone Changes, Conditional Developments, Subdivisions and Major Replats, Planned Developments, Refinement Plans, and Annexations other than Health Hazard Annexations, ~~changes, and district changes~~ shall be reviewed to assure compatibility with less intensive uses and potential uses on surrounding lands. Impacts of the following factors shall be considered:

- A. Basic site design (i.e., the organization of uses on a site and its relationship to neighboring properties);
- B. Visual elements (i.e., scale, structural design and form, materials, etc.);
- C. Noise attenuation;
- D. Odors and emissions;
- E. Lighting;
- F. Signage;
- G. Landscaping for buffering and screening;
- H. Transportation facilities; and
- I. Traffic and off-site parking impacts.

Section 5. The replacement of the term "Central Business District" by the term "Central Business" in the Comprehensive Plan and on the Comprehensive Plan Map.

Section 6. Exhibit A, a detailed set of findings regarding the Comprehensive Plan and Comprehensive Plan Map changes, which by reference is incorporated in and made part of this ordinance.

Section 7. Exhibit B, a map containing Comprehensive Plan Map changes, which by reference is incorporated in and made a part of this ordinance.

Section 8. Exhibit C, a map containing an additional Comprehensive Plan Map change, which by reference is incorporated in and made a part of this ordinance. This map change modifies the Comprehensive Plan Map designation for the property at 727 SW 10th Street from Mixed Use Commercial to High Density Residential.

Section 9. Ordinance 98-53, as amended, is hereby amended.

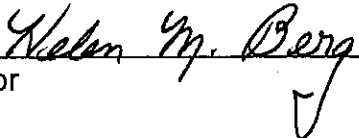
Section 10. The general welfare of the public will be promoted if this ordinance takes effect following the adoption of a final implementation order by the City Council, and the expiration of any lawful appeal period or appeals of the Council's final implementation order decision. The general welfare of the public will also be promoted if the adoption of this final implementation order by the City Council takes place following receipt by the City of acknowledgment of the revised Land Development Code by the State of Oregon Land Conservation and Development Commission, and the expiration of any lawful appeal period or appeals of the body's decision. Therefore, implementation of the revised Comprehensive Plan and Comprehensive Plan Map and this ordinance shall take effect following first: the receipt by the City Recorder of written acknowledgment of the revised

Land Development Code by the State Land Conservation and Development Commission and the expiration of any lawful appeal period, or the resolution of lawful appeals pursuant to ORS 197; and second: the adoption of a final implementation order by the City Council, and the expiration of any lawful appeal period or lawful appeals of the Council's final implementation order decision.

PASSED by the Corvallis City Council this 18th day of December, 2000.

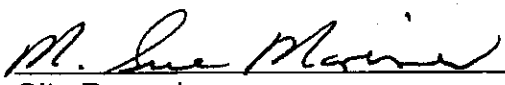
APPROVED by the Mayor this 18th Day of December, 2000.

EFFECTIVE upon the receipt by the City Recorder of written acknowledgment of the revised Land Development Code by the State Land Conservation and Development Commission and the expiration of any lawful appeal period, or the resolution of lawful appeals pursuant to ORS 197; and upon the adoption of a final implementation order by the City Council, and the expiration of any lawful appeal period or lawful appeals of the Council's final implementation order decision.



Mayor

ATTEST:



City Recorder

EXHIBIT A

BEFORE THE CITY COUNCIL OF THE CITY OF CORVALLIS

In the Matter of City Council decision to, subject to the)
review and approval of a final order, **approve a**) CPA00-00007
Comprehensive Plan Amendment to: (A) amend)
Articles 40 and 50 to modify and augment the)
definitions and change the terminology for Central) FINDINGS AND
Business District, and revise Policy 3.2.7; and (B)) CONCLUSIONS
amend the Comprehensive Plan Map to address)
proposed changes)

INTRODUCTION

The matter before the City Council is a decision regarding a Comprehensive Plan Amendment, subject to the review and approval of a final order, to:

- A. Amend the text of the Comprehensive Plan as follows:
1. Article 40 of the Comprehensive Plan text, as presented in the body of the ordinance related to these findings;
 2. Article 50 of the Comprehensive Plan text to include the new definition for a neighborhood center "Study Area," as presented in the body of the ordinance related to these findings;
 3. The Comprehensive Plan text and map to change the term "Central Business District" to "Central Business" as presented in the body of the ordinance related to these findings; and
 4. Policy 3.2.7, as presented in the body of the ordinance related to these findings, to modify the list of planning procedures subject to policy 3.2.7.

B. Amend the Comprehensive Plan map:

1. As presented in the Exhibit B of the ordinance related to these findings and containing the Draft Proposed Zoning and Comprehensive Plan Map Changes map; and
2. As requested by Mr. Terry Gerding and shown in Exhibit C of the ordinance related to these findings, such that the map designation for 727 SW 10th Street is changed from Mixed Use Commercial to High Density Residential.

The applicant for this case is the City of Corvallis and the case is related to the Land Development Code Update Project, which is part of the City's Periodic Review.

The Planning Commission held a duly-advertised public hearing on the case on September 6, 2000, at which a request was made by the public for the written record to remain open to submit additional written testimony. The Planning Commission closed the public hearing on September 6, 2000, and determined that the written record remain open for seven days. The written record was closed on September 13, 2000. The Planning Commission held deliberations on the case on September 13, 2000 and on September 20, 2000, and voted unanimously to recommend approval of the Comprehensive Plan Amendment to the City Council. Notice of the recommended approval was mailed October 17, 2000, in the Planning Commission's Notice of Disposition (Order No. 2000-113).

The Planning Commission's recommendation to approve the Comprehensive Plan Amendment was forwarded to the City Council and discussed during six public workshops in October, 2000.

The City Council held a duly-advertised *de novo* public hearing on the case on November 20, 2000, at which a request was made by the public for the written record to remain open to submit additional written testimony. The City Council closed the public hearing on November 20, 2000 and asked the public to submit additional written comments by November 27, 2000. The City Council held deliberations on November 29, 2000 and December 4, 2000. The members of the City Council voted unanimously to APPROVE the Comprehensive Plan Amendment as proposed in these findings.

Having considered all the testimony presented at the hearings, together with all relevant evidence in the record, the City Council makes the following findings and conclusions. The findings are as follows:

APPLICABLE CRITERIA

All applicable legal criteria governing review of this application are identified in the staff report to the Planning Commission dated August 25, 2000, the supplemental staff memo to the Planning Commission dated September 12, 2000, the minutes of the Planning

Commission dated September 6, 13, and 20, 2000, the staff memo to the City Council dated November 9, 2000, the supplemental staff memos to the City Council dated November 29 and 30, 2000, the supplemental staff memo dated December 4, 2000, the minutes of the City Council dated November 20 and 29, 2000, and the minutes of the City Council dated December 4, 11, and 18, 2000.

FINDINGS

1. Except as modified below, the City Council incorporates by reference, accepts, and adopts the findings adopted by the Planning Commission, as referenced in the Notice of Disposition (Order 2000-113). These include the August 25, 2000 staff report to the Planning Commission, the September 12, 2000 supplemental staff memo to the Planning Commission, and the September 6, 13, and 20, 2000 minutes of the Planning Commission. Also adopted as findings here are the November 9, 2000 staff memo to the City Council, the November 29 and 30, 2000 supplemental staff memos to the City Council, the December 4, 2000 supplemental staff memo to the City Council, the November 20 and 29, 2000 minutes of the City Council, and the December 4, 11, and 18, 2000 minutes of the City Council. The findings below supplement and elaborate on the aforementioned findings, all of which are incorporated herein by reference.

When there is a conflict between these findings and the above-referenced findings incorporated by reference, these findings shall control.

2. Because there was ample opportunity for the public to testify, the record contains all information needed to evaluate the application for compliance with the relevant criteria.
3. The subject portions of the Comprehensive Plan involved in the text portion of this Comprehensive Plan Amendment are outlined specifically in the body of the ordinance related to these findings.
4. The subject properties involved in the map portion of this Comprehensive Plan Amendment are outlined in Exhibits B and C of the ordinance related to these findings.
5. Comprehensive Plan Amendments are reviewed in accordance with Chapter 2.1 of the Land Development Code and other applicable policies of the Comprehensive Plan and any other applicable policies and standards adopted by the City Council.
6. **Residential Comprehensive Plan Map Changes - New Locational Criteria for Mixed Use Residential:** The only new residential land use designation on the Comprehensive Plan Map is Mixed Use Residential (MUR). The only properties mapped with a Comprehensive Plan Map designation of Mixed Use Residential are

located in the West Corvallis area. The fact that the Comprehensive Plan Map only shows mapped MUR sites in West Corvallis does not prevent additional MUR sites from being mapped elsewhere.

The MUR designation was discussed and concerns were raised related to the amount of area designated MUR that could potentially be developed in commercial uses. It is recommended that the extent of the MUR zone be limited in order to direct the majority of commercial uses to the Neighborhood Centers, the Central Business zone, or other commercial zones. It is also proposed that additional Mixed Use Residential (MUR) sites be established on the Zoning Map, rather than the Comprehensive Plan Map. It is recommended that these future MUR sites be required to be located on lands that have a Comprehensive Plan Map designation of Medium-High or High Density Residential, and that they be located on property that is immediately adjacent to land designated with a commercial designation on the Comprehensive Plan Map. Additionally, it is recommended that MUR sites be limited to within a 450-foot radius of commercially-designated properties.

After applying this criteria, only one property in the City Limits will retain a Comprehensive Plan Map designation of MUR. This property is located at the northwest intersection of 53rd and West Hills Road. It is recommended that other MUR-designated areas be changed to a Medium-High Density Residential designation on the Comprehensive Plan Map. Those lands within the City Limits are recommended to receive the corresponding RS-12 zoning designation. For the portion of the MUR site near the University, it is recommended that the Comprehensive Plan Map designation be changed to Public Institutional, with a zoning designation of Oregon State University (OSU).

The reduction in the area designated as MUR adjacent to 53rd Street is consistent with Comprehensive Plan policies that foster appropriate levels of commercial development (8.10.1) and encourage enhancement of the downtown core (13.5.1). Another aspect of the size reduction has to do with the original designation's relationship to the two Neighborhood Centers at the corner of 53rd Street and West Hills Road. The West Corvallis- North Philomath Plan originally designated the center on the northeast corner as a Major Neighborhood Center (within a "neighborhood village"-the West Corvallis- North Philomath Plan equivalent of a Comprehensive Neighborhood); however, it was changed to a Minor Neighborhood Center with adoption of the Comprehensive Plan. This action reduced the community-wide draw of these centers, therefore reducing the supporting need for the MUR. A similar situation exists for the MUR adjacent to 35th Street. The intersection of 35th Street and West Hills Road was originally designated in the West Corvallis- North Philomath Plan as a Minor Neighborhood Center (within a "neighborhood village"). This center was removed with the adoption of the Comprehensive Plan. As the MUR designation was intended to support a neighborhood village, and one no longer exists in this location, the MUR is no longer appropriate; for the OSU property within the City, the designation of the property for

University-related development is the appropriate substitute given its location and ownership.

Most of the properties being redesignated are outside the City and wouldn't develop as MUR until annexed. As a result, there is adequate time to determine appropriate levels of MUR property development in the interim. Also, by allowing redesignation of Medium High or High Density Residential properties as MUR when needed in the future throughout the City, the proposal does not reduce the potential for use of this designation where appropriate. From the above facts and discussion, it is determined there is a public need to reduce the MUR, thus focusing commercial development in the downtown and the Neighborhood Centers. The quantity of MUR is also no longer consistent with the original formulation of the West Corvallis- North Philomath Plan. The proposal best meets the public need because the changes primarily focus on properties outside the City, retain a similar residential function, and are an appropriate reduction to respond to the changes to the Neighborhood Centers from the original West Corvallis- North Philomath Plan. The proposal provides a net benefit to the community by ensuring that commercial development is focused in the downtown and in designated Neighborhood Centers while maintaining the original residential function (1.2.3, 1.2.4, 3.2.7, 2.1.30.06).

7. **Commercial Comprehensive Plan Map Changes - Elimination of Three Minor Neighborhood Centers and Redesignation of 727 SW 10th Street from Mixed Use Commercial to High Density Residential:** The Comprehensive Plan Map identifies seven Major Neighborhood Centers (six in the City Limits) and fifteen Minor Neighborhood Centers (eleven in the City Limits). The Comprehensive Plan Map also shows four Neighborhood Center study areas. A new Neighborhood Center zone implements the Neighborhood Centers shown as circles on the Comprehensive Plan Map. The Draft Revised Zoning Map shows the proposed locations of the Major and Minor Neighborhood Centers, as recommended. All six Major Neighborhood Centers in the City Limits are implemented on the Zoning Map. The CTRG recommends that eight of the eleven Minor Neighborhood Centers located in the City Limits be implemented on the Zoning Map. As proposed, three Minor Neighborhood Centers along Ninth Street will not be implemented. These Minor Neighborhood Centers are located at the intersections of 9th Street and Walnut Boulevard, 9th Street and Garfield Avenue, and 9th Street and Reiman Avenue. The Minor Neighborhood Center located at the intersection of 53rd Street and West Hills Road is proposed to be reduced in size to three acres. **Given the above, the CTRG also proposes that the circles relating to the three Minor Neighborhood Center sites that will not be implemented on the Zoning Map be deleted from the Comprehensive Plan Map** (see Draft Proposed Zoning & Comprehensive Plan Map Changes Map).

The circles proposed for removal are in areas that will remain designated as Mixed Use Community Shopping, and therefore there is no significant reduction in the

available commercial land supply (8.10.1). By reducing the number of Minor Neighborhood Centers, the likelihood of the remaining centers redeveloping into the desired form may be increased. In addition, the circles designating Minor Neighborhood Centers along 9th Street overlapped, therefore possibly diluting the intended function of such designations. The proposed elimination of the three circles denoting proposed Minor Neighborhood Centers provides a public need by removing unviable land use designations from the Comprehensive Plan Map. It is the best means of meeting this need as it supports the designation of the other Minor Neighborhood Centers, and provides a net benefit to the community for the same reason (1.2.3, 3.2.7, 2.1.30.06).

The proposed Comprehensive Plan Map change from Mixed Use Commercial to High Density Residential at 727 SW 10th Street has a negligible impact on the City's inventory of commercially designated land because the property is only 7,200 sq. ft.

8. **Comprehensive Plan Map Changes Associated with Mapping Discrepancies or Existing Development Patterns:** Some existing discrepancies between the land use designations on the adopted Comprehensive Plan Map and the Zoning Map have been identified. By law, the two maps must be consistent with each other. It is recommended that these Map discrepancies be corrected as part of this Land Development Code Update process. The recommended corrections to the Map discrepancies are highlighted on the Draft Proposed Zoning and Comprehensive Plan Map Changes Map with yellow tags. Case files and other sources of information were researched in order to determine appropriate means of correcting the discrepancies. Generally, the proposed corrections are intended to reflect existing development patterns.

Some additional proposed Comprehensive Plan Map changes that are not associated with outstanding discrepancies are described below. These changes, plus the proposed mapping corrections, are shown on the Draft Proposed Zoning & Comprehensive Plan Map Changes Map as Areas A through S. In some of the cases, these proposed Comprehensive Plan Map changes are accompanied by a corresponding Zoning Map Change. The explanation of the Zoning Map Change is included for informational purposes, since the rationale is the same for both types of Map changes.

In each of the identified cases, the proposed change is intended to provide consistency between the overriding Comprehensive Plan Designation and the existing development pattern, type of development on adjacent properties, or existing zoning designation. In each case, the desire is to ensure compatibility among uses within an area. In several other cases, a mapping error occurred by either inadvertently changing a property's designation (S), or failure to make the appropriate Comprehensive Plan Map change (D). The proposed Comprehensive Plan Map changes associated with discrepancies serves the public need of creating

consistency between existing development patterns and their associated Comprehensive Plan Map designations, or they provide corrections to mapping errors. These changes are the best means of meeting the public need as the changes proposed consciously provide greater compatibility than would either leaving the designations as is or making other map changes (1.2.3, 3.2.7, 2.1.30.06).

9. **Comprehensive Plan Map Changes Associated with Property Owner Requests:** To date, the City has received seven written mapping-related requests from affected property owners. The locations of these requests are indicated by blue tags on the Draft Proposed Zoning & Comprehensive Plan Map Changes Map and are described in more detail below. The Planning Commission reviewed six of the seven requests a July 20 work session. Any changes recommended by the Planning Commission at this meeting have been applied to the Draft Proposed Zoning & Comprehensive Plan Map Changes Map.

At the July 20, 2000, Planning Commission mapping work session, Request 1 was reviewed and found to have insufficient information to determine whether a public need could be met by the proposal. Although much of the request may be reasonable, traffic issues associated with the 9th Street and Conifer Boulevard intersection precluded approval. The Planning Commission determined that this request would need to be brought back to the Commission through a formal Comprehensive Plan Amendment hearing process with appropriate traffic engineering studies and associated staff evaluation.

Request 4 pertains to the proposed rezoning of three lots in the vicinity of Cobblestone Square. Two of the lots provide required parking for Cobblestone Square and are connected to the Cobblestone Square buildings via an easement. These lots are currently subject to the residential RS-20 zoning. Parking on these lots is an approved conditional use. The third lot located at 120 NW 14th Street contains a residence; an easement on this property allows access to the Cobblestone Square parking. The property owner is requesting that all properties associated with Cobblestone Square be subject to the same Minor Neighborhood Center zoning. Because the existing parking and residential uses on these lots are allowed under the current zoning, the public benefit of this request is not clear.

Request 5 asked that the Planning Commission return two small lots on 9th Street near the University to the High Density Residential Comprehensive Plan Designation they held prior to adoption of the Comprehensive Plan. These lots were changed to Medium High Density Residential with those of approximately four other City blocks at the request of the Central Park Neighborhood Association. That change was made to reflect the dominant development pattern/density of development on these lots. The requested change was made by the owner of the two properties. The Planning Commission asked that the owner and the Central

Park Neighborhood Association be informed that the request would be further considered at the September 6, 2000 public hearing and to be prepared to testify regarding this matter at that time. Staff evaluation of the request indicates that little benefit to the property owner would ensue from the requested change and that no public need could be identified.

Request 6 asks for a High Density Residential Designation to be placed on properties containing a manufactured dwelling park. Staff has determined that the change would make the existing use continue to be non-conforming. As a result, no benefit to the property owner and no public need could be demonstrated.

None of the requests identified above could be shown to meet the public need criteria. In each case the request created situations counter to the consistency in zoning/Comprehensive Plan Designation that is both required and desirable in the City, or the information presented was insufficient to make a determination that a public need for the change had been met (1.2.3, 2.1.30.06).

10. **Open Space - Conservation Comprehensive Plan Map Changes:** At its July 20, 2000 meeting, the Planning Commission directed staff to apply the AG-OS Zone to those City-owned properties that are entirely subject to the Open Space - Conservation designation. Other areas that are subject to split designations and/or other ownership patterns are proposed to be evaluated as part of a future phase of the Land Development Code Update process.

The Draft Proposed Zoning & Comprehensive Plan Map Changes Map shows City-owned properties that are proposed to be subject to the Agriculture - Open Space zoning. In a few instances, some existing park properties and dedicated drainageways are not currently subject to the Open Space - Conservation Comprehensive Plan designation. **It is recommended that the Comprehensive Plan Map be changed to Open Space - Conservation for these areas.** Some City parks that are owned by the 509J School District are excluded from the proposed changes. The appropriate zoning for these parks can be evaluated as part of a future phase of the Land Development Code Update process.

To complement this proposed mapping change, the Text of the AG-OS Zone be changed to identify specific uses that would not be allowed for properties having a Comprehensive Plan Map designation of Open Space - Conservation. This is proposed as an interim measure until a future phase of the Land Development Code Update process; it is expected that as part of this process, the City will be evaluating options for creating a new Conservation - Open Space Zone which can be implemented for some areas designated with a Comprehensive Plan Map designation of Open Space - Conservation.

In most instances, the changes proposed here are from a residential Comprehensive Plan Map designation to the Open Space - Conservation Comprehensive Plan Designation. The properties under consideration are City-owned and their use provides a community benefit such as park land or drainageway. Although they provide these services to the residential lands around them, they are not truly residential in nature or available for residential development. As a result, their proper Comprehensive Plan Map designation should reflect these uses. The proposed changes will also assure their continued use as community facilities. There is a public need for these properties to be changed to the Open Space - Conservation Comprehensive Plan Map Designation to reflect their current community-wide importance and assure their continued such use. The proposed change is the best means of meeting the identified public need because the proposed designation is the only Corvallis Comprehensive Plan Map Designation that is appropriate for parks and drainageways. All others indicate some development potential not appropriate to the community-wide benefit these properties provide. The net benefit to the community is provided by the assurance into the future of the properties continued provision of their community-wide benefit as well as the removal of these properties from statistics that indicate land available for development (1.2.3, 3.2.7, 2.1.30.06).

11. **Comprehensive Plan Text Amendment:** The Comprehensive Plan Text that was adopted in December 1998 inadvertently excluded definitions for the following Comprehensive Plan land use designations: Limited Industrial - Office, Mixed Use Employment, Public Institutional, Open Space - Agriculture, Open Space - Conservation, Intensive Development Sector, Research Technology Center. A description of the Urban Growth Boundary also was excluded. These land use designation definitions were last published in the November 1998 (Draft 4) version of the Comprehensive Plan. Staff recommends that Article 40 of the Comprehensive Plan text be amended to reflect these definitions as shown in Draft 4 (see Attachment D).

Each of the above land use designations has lands associated with it on the adopted Comprehensive Plan Map. In addition, the Urban Growth Boundary is a critical element in the City's Comprehensive Plan. For such mapping elements to have meaning or validity, definitions must be provided in the Comprehensive Plan. Each of these definitions existed in the previous Comprehensive Plan document, and their meanings have not been changed in the current iteration of the Comprehensive Plan. Their inclusion will provide the continuity between the two documents intended by the inclusion of the these land use designations on the Comprehensive Plan Map. The public need for these Comprehensive Plan Text Amendments is met by providing definition for existing land use designations, without which, their purpose cannot be determined. Inclusion of these definitions is the best means of meeting this need as they provide consistency between the previous and current versions of the Comprehensive Plan Map. The net benefit to

the community results from correction to the confusion that exists due to the current lack of definition for these Comprehensive Plan Map Designations (1.2.3, 2.3.30.06).

Consistent with direction from the City Attorney's Office and discussion at the City Council work sessions, some changes to Comprehensive Plan policy 3.2.7 are needed. Policy 3.2.7 addresses required compatibility review criteria and lists the planning procedures that are subject to this criteria. A new planning procedure for Refinement Plans, added to Chapter 2.5 of the Code as a procedure subject to Planning Commission review,, needs to be included in policy 3.2.7. Several planning procedures listed in policy 3.2.7 need to be removed as explained below.

Policy 3.2.7 lists Chapter 1.4 - Nonconforming Uses, Chapter 2.12 - Lot Development Option (LDO), Chapter 2.7 - Extension of Services, and Chapter 2.8 - Vacating of Public Lands and Plats as being subject to its compatibility review criteria. For all of these land use case types except the LDO, the review criteria are simply not applicable. For Lot Development Options, a general development (staff-level) review process is required and the review criteria in Comprehensive Plan policy 3.2.7 require the use of more discretion than is considered appropriate for this type of review. New clear and objective review criteria have been inserted into the Code to provide this clear and objective criteria.

12. Compliance with Statewide Planning Goals: An analysis of the case relative to the applicable Statewide Planning Goals is as follows:

- A. Goal 1 - Citizen Involvement:** The purpose behind Statewide Planning Goal 1 is **“to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”** Goal 1 even mentions the need for governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

The Land Development Code Update Project, a 1½-year long public process that included review by two technical review groups (consisting of City Councilors, Planning Commissioners, and citizens), as well as review through numerous open houses, targeted stakeholder meetings, presentations to the City's Committee for Citizen Involvement (CCI), and other public meetings, has provided ample opportunity for public review and comment on the proposed Comprehensive Plan Amendment. Information regarding the development of the proposed legislative amendment has been widely publicized over the last 1½ years via status reports within the City Newsletter, ads in the Gazette Times, information on the City's web site (www.ci.corvallis.or.us/cd/pl/ldcupdate.html), information at the Corvallis Public Library, information at the Corvallis Planning Division office, and

mailed notices (including mailed notices to all property owners whose properties are proposed to receive a land use designation change).

In June, 2000, all owners of property proposed to receive a land use designation change were notified of two late June public workshops to discuss the land use changes. As a result of input from those meetings, several adjustments to the proposed land use map changes have been incorporated.

In July, 2000, the Planning Commission held five public workshops to further refine the draft changes and the recommendations from these work sessions were brought forward in the form of the proposed changes identified in the August 25, 2000 staff report to the Planning Commission. The map changes include several modifications requested by property owners.

On September 6, 2000, the Planning Commission held a public hearing on the proposed Comprehensive Plan Amendment. On September 13 and 20, 2000 the Planning Commission held deliberations on the proposed Comprehensive Plan Amendment and forwarded a recommendation for approval to the City Council.

In October, 2000, the City Council held six public work sessions to further refine the recommendations of the Planning Commission and then incorporate them in the form of the proposed changes identified in the November 9, 2000 staff memo to the City Council.

On November 20, 2000 the City Council held a public hearing on the proposed Comprehensive Plan Amendment. On November 29, 2000 and December 4, 2000 the City Council held deliberations on the proposed Comprehensive Plan Amendment and acted on the amendment as outlined in the body and Exhibits B and C of the ordinance related to these findings.

The proposed Comprehensive Plan Amendment is the result of the large public effort and process described above. As mentioned, the purpose behind Statewide Planning Goal 1 is **“to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”** Goal 1 even mentions the need for governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning. Given that the City of Corvallis conducted the large public effort and process described above for the proposed Comprehensive Plan Amendment (CPA00-00007) and the associated legislative amendments for the Land Development Code Update Project (LDT00-00002 and ZDC00=00009), the proposed Comprehensive Plan Amendment is consistent with Statewide Planning Goal 1.

- B. **Goal 2 - Land Use Planning:** The purpose behind Statewide Planning Goal 2 is “to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.” Goal 2 outlines the basic procedures of Oregon's Statewide Planning Program. It states that land use decisions are to be made in accordance with a Comprehensive Plan, and that suitable "implementation ordinances" are to put the Plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to Statewide Planning Goals and Guidelines. An exception may be taken when a Statewide Planning Goal cannot or should not be applied to a particular area or situation.

A complete analysis of the factual information associated with the proposed Comprehensive Plan Amendment is contained within the "Criteria, Discussion, and Conclusion" section of Part II of the August 25, 2000 staff report to the Planning Commission. Additionally, the proposed Comprehensive Plan Amendment was routed to the appropriate agencies for comment, including the Department of Land Conservation and Development, the Division of State Lands, the Oregon Department of Transportation, the Benton County Community Development Department, etc. Given the above, the proposed Comprehensive Plan Amendment is consistent with Statewide Planning Goal 2.

- C. **Goal 5 - Open Spaces, Scenic, and Historic Areas, and Natural Resources:** The purpose behind Statewide Planning Goal 5 is “to protect natural resources and conserve scenic and historic areas and open spaces.” Goal 5 encompasses 12 different types of resources, including riparian corridors, wildlife habitats, mineral resources, wetlands, and waterways. It also establishes a process through which resources must be inventoried and evaluated.

With acknowledgment by the Oregon Land Conservation and Development Commission, it has been determined that the Corvallis Comprehensive Plan adopted by the City in December, 1998 is in compliance with this statewide goal in regard to the Goal 5 planning and policy framework. LCDC also approved a work program addition that establishes a policy for completion of inventories and other implementation actions. The next step in this process is to continue the City's compliance with Goal 5 by placing appropriate zones on properties within the City and to adopt other appropriate implementation mechanisms to carry out the direction of the Comprehensive Plan.

The proposed Comprehensive Plan Amendment makes only minor changes to the Comprehensive Plan and Comprehensive Plan Map and does not impact Goal 5.

- D. **Goal 9 - Economy of the State:** The purpose behind Statewide Planning Goal 9 is “to provide adequate opportunities throughout the State for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.” Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

The proposed Comprehensive Plan Amendment makes no policy changes that would impact Goal 9 and makes only minor changes to the Comprehensive Plan Map, which result in a negligible impact to Goal 9. Given the above, the proposed Comprehensive Plan Amendment will not affect the City’s compliance with Goal 9.

- E. **Goal 10 - Housing:** The purpose behind Statewide Planning Goal 10 is “to provide for the housing needs of citizens of the State.” Goal 10 requires each City to inventory its buildable residential lands and encourages the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.

The proposed Comprehensive Plan Amendment makes no policy changes that would impact Goal 10 and makes only minor changes to the Comprehensive Plan Map, which result in a negligible impact to Goal 10. Given the above, the proposed Comprehensive Plan Amendment will not affect the City’s compliance with Goal 10.

- F. **Goal 11 - Public Facilities and Services:** The purpose behind Statewide Planning Goal 11 is “to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” Goal 11 calls for efficient planning of public services such as sewers, water, storm drainage, law enforcement, and fire protection. This goal calls for efficient planning of public services such as sewers, water, storm drainage, law enforcement, and fire protection. The Goal’s central concept is that public services should be planned in accordance with a community’s needs and capacities rather than be forced to respond to development as it occurs. Requirements for compliance with this goal are contained in Oregon Administrative Rule 660-011, administered by the Department of Land Conservation and Development (DLCD).

The Corvallis Comprehensive Plan, adopted by the City in December, 1998, identifies land uses for all areas within the Corvallis Urban Growth Boundary. Both goal 11 and OAR 660-011 require the City to develop and adopt public facilities plans for provision of the facilities and services identified above to areas within the Urban Growth Boundary. Corvallis has adopted Public Facilities plans that were developed based on the assumptions contained in the Comprehensive Plan regarding the range of intensity of development that may occur. The plans have been acknowledged by DLCD as addressing the required facilities adequately. In addition to public facilities plans, the Land Development Code identified the requirements and standards, based on the community's needs and capacities, for installation of these public facilities as properties develop.

The proposed Comprehensive Plan Amendment involves only minor changes to the Comprehensive Plan Map and will not affect the City's ability to comply with the City's adopted public facility plans. Given the above, the proposed Comprehensive Plan Amendment will not affect the City's compliance with Goal 11.

- G. **Goal 12 - Transportation:** Goal 12 - Transportation of the Oregon Statewide Planning Goals and Guidelines requires cities and counties, "To provide and encourage a safe, convenient, and economic transportation system." The Transportation Planning Rule (TPR), OAR 660-012 provides direction on how communities are to accomplish this goal. The TPR requires a transportation plan to:

(1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle, and pedestrian; (2) be based upon an inventory of local, regional, and State transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic, and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans.

In August, 1996, after a five-year development process, the City of Corvallis adopted the Corvallis Transportation Plan, which addressed most of the requirements of the Transportation Planning Rule (TPR). In December, 1998, the City adopted Chapter 11 - Transportation Alternative Analysis

(TAA), as a supplement to the Corvallis Transportation Plan. This chapter evaluated, based on the requirements of the TPR, the transportation implications of the revised Comprehensive Plan, and identified significant improvements to all modes of the transportation system. The analysis was based upon an inventory of local, regional, and State transportation needs. It considered all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle, and pedestrian, and considered the differences in social consequences that would result from utilizing differing combinations of transportation modes. It determined that the proposed set of transportation improvements, intended to foster the development of Corvallis in conformance with the policies and land use designations of the Comprehensive Plan, would minimize adverse social, economic, and environmental impacts and costs of community development; conserve energy; meet the needs of the transportation disadvantaged by improving transportation services; and facilitate the flow of goods and services so as to strengthen the local and regional economy. Adoption of the TAA and the Comprehensive Plan gave direction for this Land Development Code update to provide the means to help the citizens of Corvallis avoid principal reliance upon any one mode of transportation by proposing policies and land use designations that enhance the pedestrian, and bicycling environments, and mandated development of mixed use zones to further foster the use of these modes. With acknowledgment of the TAA, the Corvallis Transportation Plan was deemed in compliance with the TPR.

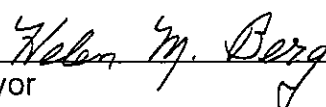
The proposed Comprehensive Plan Amendment involves only minor changes to the Comprehensive Plan Map and will not affect the City's ability to comply with the City's adopted Transportation Plan and the TAA supplement and Goal 12.

CONCLUSION

The City Council finds that there was ample opportunity for public review of the proposed Comprehensive Plan Amendment, that the proposal includes only minor changes to the Comprehensive Plan map and text, that the proposed changes are consistent with the applicable Comprehensive Plan and Land Development Code criteria, and that the proposal is consistent with the Statewide Planning Goals. Accordingly, the Comprehensive Plan Amendment is APPROVED, subject to the revised Land Development Code's (LDT00-00002) acknowledgment by the State Land Conservation and Development Commission and the review and approval of a final implementation order by the City Council.



City Recorder



Mayor

EXHIBIT B

Exhibit B is a map containing the proposed Comprehensive Plan Map changes and entitled: "Draft Proposed Zoning and Comprehensive Plan Map Changes (Includes Planning Commission and City Council Recommendations) Last Revised 11-8-2000."

GERDING REQUEST

**Proposed From Shopping Area to
Mixed Use Community Shopping**

**Request:
Change Zone From Proposed MUCS
to RS-20; Change Comp Plan From
MUC to High Density Residential**

10th St

Western Blvd

WESTERN BLVD

6TH STREET

6TH STREET

WASHINGTON AVE

11TH STREET

11TH STREET

STREET

ORDINANCE 2000 - 43

AN ORDINANCE RELATING TO LAND USE, AMENDING A LAND DEVELOPMENT CODE AND ZONING MAP FOR THE CITY OF CORVALLIS, ESTABLISHING PROCEDURES, DEVELOPMENT STANDARDS, AND FINDINGS, AMENDING ORDINANCE 93-20, AS AMENDED, AND STATING AN EFFECTIVE DATE (LDT00-00002, ZDC00-00009)

WHEREAS, a two-year community planning process was initiated in January, 1996, and continued until December, 1998 that focused on revising the Corvallis Comprehensive Plan as mandated by the State of Oregon Department of Land Conservation and Development in a process known as Periodic Review; and

WHEREAS, the Department of Land Conservation and Development approved the City of Corvallis' periodic review work program that included an update of the Land Development Code to implement the Comprehensive Plan; and

WHEREAS, the Zoning Map is a part of the Land Development Code; and

WHEREAS, the State of Oregon Land Conservation and Development Commission acknowledged the revised Comprehensive Plan and Comprehensive Plan Map on June 26, 2000; and

WHEREAS, in the process of updating the Land Development Code and Zoning Map to implement the Comprehensive Plan several additional revisions to the Land Development Code and Zoning Map were determined; and

WHEREAS, the revised Land Development Code and Zoning Map were developed during a 1.5-year community planning process; and

WHEREAS, a number of citizens, Planning Commissioners, and City Councilors working in technical review groups related to various subject areas were appointed by the Mayor. These technical review groups reviewed policy issues, documents, maps, and other information sources; conducted research; reviewed consultant and staff-recommended drafts of the Land Development Code and Zoning Map; solicited community input; solicited input from all property owners affected by the proposed Zoning Map revisions; and recommended text and map changes to the Planning Commission; and

WHEREAS, the Planning Commission conducted, after proper legal notice, a public hearing on September 6, 2000, and deliberations on September 13, 2000 and September 20, 2000, concerning proposed changes to the Land Development Code and Zoning Map, and interested persons and the general public were given an opportunity to be heard. The

Planning Commission has reviewed all matters presented and has provided its recommendations to the City Council; and

WHEREAS, the City Council conducted, after proper legal notice, a public hearing on November 20, 2000, and deliberations on November 29, 2000 and December 4, 2000, concerning the proposed changes to the Land Development Code and Zoning Map and interested persons, and the general public were given an opportunity to be heard; and

WHEREAS, the City Council developed detailed findings in support of the proposed Land Development Code and Zoning Map changes, attached as Exhibit A to this ordinance; and

WHEREAS, the revised Land Development Code and Zoning Map upon approval by the City Council must be acknowledged by the State of Oregon Land Conservation and Development Commission before it may become effective; therefore

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Exhibit A, a detailed set of findings regarding the Land Development Code and Zoning Map changes, which by reference is incorporated in and made part of this ordinance.

Section 2. Exhibit B, containing Council modifications to Draft "D" of the Land Development Code changes, which by reference is incorporated in and made a part of this ordinance. The combination of the modifications contained in Exhibit B and modifications contained in Exhibit C (Draft "D" of the Land Development Code) provide the text portion of the revised Land Development Code document.

Section 3. Exhibit C, containing Draft "D" of the Land Development Code changes, which by reference is incorporated in and made a part of this ordinance. Exhibit C is modified as set forth in Exhibit B.

Section 4. Exhibit D, a map containing the Zoning Map changes, which by reference is incorporated in and made a part of this ordinance.

Section 5. Exhibit E, a map containing an additional Zoning Map change, which by reference is incorporated in and made a part of this ordinance. This map change modifies the Zoning Map designation for 727 SW 10th Street from Shopping Area (SA) to High Density Residential - RS-20.

Section 6. Exhibit F, a map containing an additional Zoning Map change, which by reference is incorporated in and made a part of this ordinance. This map change modifies the Zoning Map designation for tax lot 3400 of assessors map 12-5-04CB from RS-5 to RS-6; the Zoning Map designation for tax lot 3900 of assessors map 12-5-04CB from RS-

3.5 to RS-6; and the Zoning Map designation for tax lots 6000 and 6100 of assessor's map 12-5-04CA from RS-5 to RS-6.

Section 7. Exhibit G, an excerpt from the 1990 US Census Data and an excerpt from the 1997-1998 Employee Transportation Task Force Report sponsored by the Corvallis Chamber of Commerce

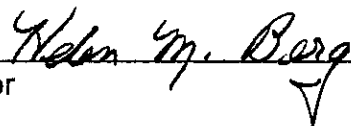
Section 8. Ordinance 93-20, as amended, is hereby amended.

Section 9. The general welfare of the public will be promoted if this ordinance takes effect following the adoption of a final implementation order by the City Council, and the expiration of any lawful appeal period or appeals of the Council's final implementation order decision. The general welfare of the public will also be promoted if the adoption of this final implementation order by the City Council takes place following receipt by the City of acknowledgment of the revised Land Development Code by the State of Oregon Land Conservation and Development Commission, and the expiration of any lawful appeal period or appeals of the body's decision. Therefore, implementation of the revised Comprehensive Plan and Comprehensive Plan Map and this ordinance shall take effect following first: the receipt by the City Recorder of written acknowledgment of the revised Land Development Code by the State Land Conservation and Development Commission and the expiration of any lawful appeal period, or the resolution of lawful appeals pursuant to ORS 197; and second: the adoption of a final implementation order by the City Council, and the expiration of any lawful appeal period or lawful appeals of the Council's final implementation order decision.

PASSED by the Corvallis City Council this 18th day of December, 2000.

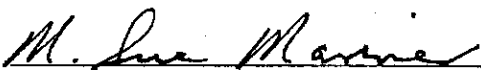
APPROVED by the Mayor this 18th Day of December, 2000.

EFFECTIVE upon the receipt by the City Recorder of written acknowledgment of the revised Land Development Code by the State Land Conservation and Development Commission and the expiration of any lawful appeal period, or the resolution of lawful appeals pursuant to ORS 197; and upon the adoption of a final implementation order by the City Council, and the expiration of any lawful appeal period or lawful appeals of the Council's final implementation order decision.



Mayor

ATTEST:



City Recorder

EXHIBIT A

BEFORE THE CITY COUNCIL OF THE CITY OF CORVALLIS

In the Matters of City Council decisions to, subject to)
the review and approval of a final order, **(I) approve a**) LDT00-00002, &
Legislative Amendment to the Land Development) ZDC00-00009
Code (LDC) to amend the LDC as proposed in Draft D)
and as modified by the Council; and **(II) approve a**) FINDINGS AND
Zoning Map Change to implement the) CONCLUSIONS
Comprehensive Plan and address proposed changes.)
)

INTRODUCTION

These matters before the City Council are:

I. A decision regarding a Legislative Amendment to the Land Development Code, subject to the review and approval of a final order, to:

Amend the Land Development Code to implement the adopted policies of the Comprehensive Plan, to address inconsistencies and legal issues, and to provide clarity through technical edits. These changes are represented in Draft D of the Land Development Code, as modified and shown in Exhibit B of the ordinance related to these findings.

II. A decision regarding a Zoning Map Change, subject to the review and approval of a final order, to amend the Zoning Map:

- A. As presented in the Exhibit D of the ordinance related to these findings and containing the Draft Proposed Zoning and Comprehensive Plan Map Changes map;
- B. As requested by Mr. Terry Gerding and depicted in Exhibit E of the ordinance related to these findings, such that the zoning map designation for 727 SW

10th Street is changed from Shopping Area (SA) to High Density Residential - RS-20; and

- C. As requested by Ruth and Jeremiah Mitchel, Bryan and Theresa Dawley, and Kathy Philips and depicted in Exhibit F of the ordinance related to these findings, such that the zoning map designation for tax lot 3400 of assessors map 12-5-04CB is changed from RS-5 to RS-6, tax lot 3900 of assessors map 12-5-04CB is changed from RS-3.5 to RS-6, and tax lots 6000 and 6100 of assessor's map 12-5-04CA are changed from RS-5 to RS-6.

The applicant for these cases is the City of Corvallis and the cases are related to the Land Development Code Update Project, which is part of the City's Periodic Review.

The Planning Commission held a duly-advertised public hearing on the cases on September 6, 2000, at which a request was made by the public for the written record to remain open to submit additional written testimony. The Planning Commission closed the public hearing on September 6, 2000, and determined that the written record remain open for seven days. The written record was closed on September 13, 2000. The Planning Commission held deliberations on the cases on September 13, 2000 and on September 20, 2000, and voted 6-1 to recommend approval of the Legislative Amendment to the Land Development Code to the City Council and voted unanimously to recommend approval of the Zoning Map Changes to the City Council. Notice of the recommended approvals was mailed October 17, 2000, in the Planning Commission's Notice of Disposition (Order No. 2000-113).

The Planning Commission's recommendations to approve the Legislative Amendment to the Land Development Code, and the Zoning Map Changes were forwarded to the City Council and discussed during six public workshops in October, 2000.

The City Council held a duly-advertised *de novo* public hearing on the cases on November 20, 2000, at which a request was made by the public for the written record to remain open to submit additional written testimony. The City Council closed the public hearing on November 20, 2000 and asked the public to submit additional written comments by November 27, 2000. The City Council held deliberations on November 29, 2000 and December 4, 2000. The members of the City Council voted 8 to 1 to APPROVE the Legislative Amendment to the Land Development Code as proposed in these findings. The Council also voted 8 to 1 to APPROVE the Zoning Map Change as proposed in these findings.

Having considered all the testimony presented at the hearings, together with all relevant evidence in the record, the City Council makes the following findings and conclusions. These findings and conclusions are separated into two sections: the first of which pertains to the Legislative Amendment to the Land Development Code; and the second of which pertains to the Zoning Map Changes. The findings are as follows:

APPLICABLE CRITERIA

All applicable legal criteria governing review of this application are identified in the staff report to the Planning Commission dated August 25, 2000, the supplemental staff memo to the Planning Commission dated September 12, 2000, the minutes of the Planning Commission dated September 6, 13, and 20, 2000, the staff memo to the City Council dated November 9, 2000, the supplemental staff memos to the City Council dated November 29 and 30, 2000, the supplemental staff memo dated December 4, 2000, and the minutes of the City Council dated November 20 and 29, 2000 and December 4, 11, and 18, 2000.

FINDINGS RELATING TO ISSUES ON THE LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE

1. Except as modified below, the City Council incorporates by reference, accepts, and adopts the findings adopted by the Planning Commission, as referenced in the Notice of Disposition (Order 2000-113). These include the August 25, 2000 staff report to the Planning Commission, the September 12, 2000 supplemental staff memo to the Planning Commission, and the September 6, 13, and 20, 2000 minutes of the Planning Commission. Also adopted as findings here are the November 9, 2000 staff memo to the City Council, the November 29 and 30, 2000 supplemental staff memos to the City Council, the December 4, 2000 supplemental staff memo to the City Council, the November 20 and 29, 2000 minutes of the City Council, and the December 4, 11, and 18, 2000 minutes of the City Council. The findings below supplement and elaborate on the aforementioned findings, all of which are incorporated herein by reference.

When there is a conflict between these findings and the above-referenced findings incorporated by reference, these findings shall control.

2. Because there was ample opportunity for the public to testify, the record contains all information needed to evaluate the application for compliance with the relevant criteria.
3. The subject portions of the Land Development Code involved in this Legislative Amendment of the Land Development Code are outlined specifically in Exhibits B and C of the ordinance related to these findings.
4. Legislative Amendments to the Land Development Code are reviewed in accordance with Chapter 1.2 of the Land Development Code and other applicable policies of the Comprehensive Plan and any other applicable policies and standards adopted by the City Council.
5. **Land Development Code's Implementation of the Comprehensive Plan:** Comprehensive Plan policy 1.2.1 states, "*The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.* In addition, Code Section 1.2.80.01 states that the "*Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.*" Currently, the Land Development Code is not in conformance with the Comprehensive Plan. The reason the Code is not in conformance is that the Comprehensive Plan's new and modified Policies, and new zones and standards, have not been implemented into the Land Development Code. The Comprehensive Plan is a revised document developed and adopted through the City's Periodic Review process and is a very different document than

the previous Comprehensive Plan. The proposed Legislative Amendment to the Land Development Code includes changes to bring the Land Development Code into conformance with the current Comprehensive Plan, which has been acknowledged by the State Department of Land Conservation and Development. Given that the Land Development Code is out of conformance with the current Comprehensive Plan, public necessity, convenience, and general welfare require that it be amended to make it consistent with the current Comprehensive Plan and any other applicable Policies (Comprehensive Plan Section 1.2; LDC 1.2.80.01).

6. **Global Changes:** A review of the proposed Land Development Code in total revealed inconsistencies and conflicts and these inconsistencies and conflicts will be resolved with the proposed "global changes" to the Code Text. Eliminating identified conflicts and maintaining a consistent use of terminology, both within the Code and between the Code and the Comprehensive Plan, is a public necessity for the public convenience and general welfare associated with the general use of the Code. Given the above, incorporation of the proposed "global changes" is consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.

7. **Official Zoning Map and Boundary Clarifications of Chapter 1.2:** Changing the Official Zoning Map to the City's GIS (Geographic Informational System) version of the Zoning Map will enable staff and the general public to have access to a more technically correct version of the Zoning Map and to be able to access this map electronically (Code Section 1.2.90). Changing the interpretation of zoning boundaries section (Code Section 1.2.90.02) to clarify some of the language and make it clear that in most cases, streets will not be zoned will provide more clear directions to staff and the general public. These changes will make the Code more convenient for staff and customers, consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.

8. **Development Type Terminology:** The main terms describing types of development (Code Section 1.2.110) are in conflict with legal terminology used in statutes. Currently, throughout the Code the terms "Administrative Development" or "administratively processed" is evident. The term "administrative" cannot be used in this manner because it is a legal term in statutes that refers to procedures (hence, the title of Code Article II - Administrative Procedures). The types of development in Code Chapter 1.2 (and throughout the remainder of the Code) will be changed to: "Ministerial Development" (non-discretionary development processed by staff); "General Development" (development with at some discretion, but still processed by staff); and "Special Development" (development with considerable discretion and involving a public hearing in accordance with the provisions of Code Chapter 2.0, as well as approval by an established hearing authority). Changing these terms will correct the conflict in terminology with legal terms used in statutes, and provide consistent terms throughout the Code. As the

changes are necessary and will also be convenient for the public, they are consistent with Comprehensive Plan Section 1.2 and Code Section 1.2.80.01.

9. **Rough Proportionality:** A new section called "Rough Proportionality" will be added to Code Chapter 1.2. This new Code section will outline a process that an applicant may pursue if the applicant contends that it cannot be required, as a condition of building permit or development approval, to provide easements, dedications, or improvements at the level otherwise required by the Code. The new Code section (1.2.120) will provide a convenient and consistent approach for applicants to address disagreements with improvement requirements, and also provide the City with language regarding rough proportionality that has been accepted by the Oregon Court of Appeals. Given the above, the proposed Code section is consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.

10. **Compatibility Criteria:** Comprehensive Plan Policy 3.2.7 requires compatibility criteria to be applied to "all special developments, lot development options, intensifications, changes or modifications of nonconforming uses, Comprehensive Plan changes, and district changes shall be reviewed to assure compatibility with less intensive uses and potential uses on surrounding lands." Policy 3.2.7 will be modified via a Comprehensive Plan Amendment (CPA00-00007) that is part of this Land Development Code Update process to apply only to Comprehensive Plan Amendments, Zone Changes, Conditional Developments, Subdivisions and Major Replats, Planned Developments, Refinement Plans, and Annexations other than Health Hazard Annexations. Such compatibility criteria will be added throughout the Code for these planning procedures. The addition of such compatibility criteria is consistent with the amended form of Comprehensive Plan Policy 3.2.7.

11. **Nonconforming Development Within the 100-Year Flood Plain:** New FEMA (Federal Register/Vol. 62 No. 37, pages 8391-8400) regulations specify additional development standards for development within the 100-year flood plain, irregardless of whether the development is conforming or nonconforming. Therefore, these new requirements will be added to Code Chapters 1.4 and 4.5 to ensure that they are met for both nonconforming and conforming development. Code Section 1.2.80.01 states that the Code may be amended whenever the public necessity, convenience, and general welfare require such amendment. The addition of these development standards is a public necessity to address the public's general welfare. Therefore, the addition of these development standards are consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.

12. **Existing Conforming Development:** The majority of the existing commercial zones are required by Comprehensive Plan Policy 8.10.7 to be replaced with a series of mixed use commercial zones. A new Limited Industrial - Office Zone is

required to be developed by Comprehensive Plan Policy 8.9.17. In response to Comprehensive Plan Policy 3.2.1 which states that the desired land use pattern within the Corvallis Urban Growth Boundary will emphasize the preservation of significant open space and natural features, certain uses within the AG-OS (Agriculture - Open Space) Zone have been prohibited from being developed upon lands with a Comprehensive Plan Map designation of Open Space - Conservation. The establishment of these new zones and changes in uses in existing zones, such as the AG-OS Zone, could result in many existing conforming uses becoming nonconforming. The widespread nature of such nonconformity would place an extreme hardship on land and business owners within the Urban Growth Boundary. Therefore, Code Chapters 1.4 will include a provision which addresses this issue. This provision will ensure that uses which were permitted by the underlying zone prior to a subject property's rezoning as a part of this Land Development Code Update Project (ZDC00-00009) shall not be classified as nonconforming development unless the uses have been discontinued for a period described in Chapter 1.4.

Comprehensive Plan Policy 8.2.1 requires the support of a diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low unemployment rate and to promote diversification of the local economy. Policy 8.10.1 requires the location, type, and amount of commercial activity within the Urban Growth Boundary to be based on community needs. Since making a large number of existing uses throughout the community become nonconforming will create an extreme hardship for land and business owners, maintaining the ability for existing conforming uses to remain as conforming on lands that will be rezoned as discussed above is consistent with Policies 8.2.1 and 8.10.1.

13. **Chapter 1.6 - Definitions:** Updating the Land Development Code to implement the Comprehensive Plan and address Code inconsistencies and conflicts will require that the definition Code Chapter (1.6) be updated as well. Where needed, new definitions will be added, existing definitions revised or deleted, and terminology corrected to reflect the language throughout the remainder of the Code. Land Development Code Section 1.2.80.01 states that the Code may be amended whenever the public necessity, convenience, and general welfare require such amendment. The revisions within Code Chapter 1.6 - Definitions are a public necessity to create a clear understanding of terminology within the Code. Therefore, the addition of these development standards are consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.
14. **Chapter 2.0 - Public Hearing Changes:** New public notice requirements will be incorporated, pursuant to a new State law (ORS 227.186). The Order of Proceedings for both legislative and quasi-judicial public hearings will be revised to make the proceedings more clear. The appeal period for decisions shall be increased from 10 to 12 days from the date that a written decision is signed, pursuant to changes in State law. Finally, a new section will be added (Code

Section 2.0.60) that addresses procedures for public hearings involving remands from the State Land Use Board of appeals (LUBA). These changes proposed for Code Chapter 2.0 - Public Hearings are a public necessity to conform to new provisions of State law and make Orders of Proceedings clear for decision-making bodies and the public. As mentioned, Comprehensive Plan policy 1.2.1 states, "*The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.*" In addition, Code Section 1.2.80.01 states that the "*Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.*" Given the above, these proposed revisions are consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.

15. **Application Requirements & Additional Review Criteria:** The Policies within Article 10 address the provision of utility infrastructure. The Policies within Article 4 and Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, 7.7.7, 11.2.1, 11.2.10, 12.2.3, 12.2.5, 13.11.14 emphasize the preservation of significant open space and natural features, the minimization of environmental impacts and impervious surfaces, the incorporation of topography as a factor affecting the design of development, energy-efficient development designs, and the continuation of pedestrian and bicycle linkages. The Policies within Article 12 address the provision of all modes of transportation facilities.

The application requirements throughout the Code Chapters for planning procedures that require a public hearing (Chapter 2.1 - Comprehensive Plan Amendment, Chapter 2.2 - Zone Changes, Chapter 2.3 - Conditional Development, Chapter 2.4 - Subdivisions and Major Replats, Chapter 2.5 - Planned Development, and Chapter 2.6 - Annexation) will be modified to provide consistency and ensure that adequate significant natural feature information is provided. Detailed information will be required regarding watercourses, flood plains, wetlands, riparian areas, significant vegetation, plants and animals that are listed as threatened or endangered with either the United States Fish and Wildlife Service or the Oregon National Heritage Database, archaeological sites recorded by the State Historic Preservation Office (SHPO), slope analyses, topographic contours, grading plans, and information demonstrating that to the maximum extent practicable, grading (cuts and fills) has been minimized.

The review criteria of these same Code Chapters, will be supplemented to address utility infrastructure, the preservation and/or protection of significant natural features and wildlife habitat, as well as the minimization of grading (cuts and fills). The Planned Development Chapter (Chapter 2.5) will also require that compensating benefits be provided for any variations requested.

Other planning procedure chapters (2.7 - Extension of Services Outside the City Limits, 2.8 - Vacating of Public Lands and Plats, 2.9 Historic Preservation, 2.12 - Lot Development Option, and 2.13 - Plan Compatibility Review) have been supplemented to address utility infrastructure and the preservation and/or protection of significant natural features and wildlife habitat.

The proposed changes regarding application requirements and supplemented review criteria in Article II will require developments to supply information about and develop designs in compliance with the Comprehensive Plan Policies listed above. Therefore, the proposed changes are consistent with the Policies within Article 4, Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, 7.7.7, 11.2.1, 11.2.10, 12.2.3, 12.2.5, 13.11.14, the Policies within Article 12, and the Policies within Article 10.

16. **Chapter 2.1 - Comprehensive Plan Amendment - Review Criteria for Comprehensive Plan Map Amendments to Open Space - Conservation or Public Institutional:** The Policies within Article 4 and Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, and 11.2.1 emphasize the preservation of significant open space and natural features, the minimization of environmental impacts and impervious surfaces, and the incorporation of topography as a factor affecting the design of development. Policies 5.6.11, 10.5.3, 10.5.4, 10.5.5, 10.5.8, 10.5.9, and 10.5.10 discuss the acquisition and/or identification of lands for parks, schools, and open space in advance and as an integral part of urban development. In response to these Comprehensive Plan Policies, Chapter 2.1 - Comprehensive Plan Amendment, will include a different set of review criteria for Comprehensive Plan Map Amendments to Open Space - Conservation or Public Institutional when these requests are part of an Annexation request. These review criteria are much less onerous than other Comprehensive Plan Map Amendment requests such that these types of Comprehensive Plan Map Amendments can be encouraged and will result in the retention of lands for parks, schools, and open space in advance and as an integral part of urban development. Therefore, the proposed changes are consistent with the Policies of the Comprehensive Plan, including Comprehensive Plan Section 1.2 and with Land Development Code Section 1.2.80.01 - Background.
17. **Chapter 2.3 - Conditional Development & Chapter 2.4 - Subdivision & Major Replats - Adding Ability for Modifications and Ensuring Clear and Objective Standards for Subdivisions:** The current requirements within the Conditional Development and Subdivisions and Major Replat Chapters, Chapters 2.3 and 2.4, respectively, have no provisions for making small-scale revisions to approved plans. This deficiency has created problems when an applicant wants to make small adjustments to an approved development. The only avenue for these adjustments has been a public hearing for a new Conditional Development or Subdivision, whichever the case may be. Land Development Code Section 1.2.80.01 states that the Code may be amended whenever the public necessity, convenience, and

general welfare require such amendment. The proposed versions of Chapters 2.3 and 2.4 in Attachment B will include provisions for small-scale adjustments to Conditional Developments and Subdivisions. The thresholds to determine whether or not a change is small in nature, and the review criteria for the change, will be similar to the Minor Modification thresholds and criteria in the Planned Development Chapter (Chapter 2.5). The revisions within Code Chapters 2.3 and 2.4 will assist with public convenience and are, therefore, consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.

State Law requires that clear and objective standards be provided for needed housing. The requirements within the Subdivisions and Major Replat Chapter, Chapters 24, are changing to refer to compatibility criteria of Comprehensive Plan Policy 3.2.7. However, the review criteria stated within Chapter 2.4 maintains that if an application is compliant with the clear and objective provisions of the Code, then the application will be considered to be consistent with the purposes and compatibility criteria of Chapter 2.4. Additionally, the public hearing for subdivisions is being limited to the subject of whether an application is compliant with the clear and objective Code provisions. Given the above, the review criteria within Chapter 2.4 will not impede the provision of clear and objective criteria for needed housing.

18. **Chapter 2.5 - Planned Development - Revisions to Review Criteria for Determining Compliance with a Conceptual Development Plan:** The Comprehensive Plan includes Policies regarding the new Comprehensive Plan themes, such as the concepts of Comprehensive Neighborhoods and pedestrian oriented and mixed use development (Policies 3.2.1, 3.2.3, 3.2.3, 3.2.5, 9.2.2, 9.2.4, 9.2.5, 9.2.6, etc.). Included in these new themes are Policies that relate to architectural and site design. As a result, the manner in which projects are evaluated against approved Conceptual Development Plans needs to be updated. The proposed changes to Code Section 2.5.50.04 outline the new thresholds and review criteria, including: a limitation on the number of variations that may be proposed by an applicant at a "Minor Modification" level (limitation of 3 from the list in Code Section 2.5.60.02); a reference to changes which might result in a "less pedestrian-friendly environment" in a number of the thresholds; a reference in one of the thresholds to an increase in the number of parking spaces over the number originally approved (such that an increase is viewed negatively in certain situations); a reference to a list of thresholds for changes to architectural features that were approved as part of a project; and a more clear explanation that an applicant's proposal is also considered to be a "specific" requirement of approval, just like a condition of approval. As mentioned, Comprehensive Plan policy 1.2.1 states, "*The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.* In addition, Code Section 1.2.80.01 states that the "*Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable*

Policies.” The changes to Code Section 2.5.50.04 place thresholds on changes that an applicant may propose when a project is being evaluated for compliance with an approved Conceptual Development Plan. These thresholds address topics within the new Policies of the Comprehensive Plan relating to architectural and site design. Given the above, these proposed revisions are consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.

19. **Chapter 2.5 - Planned Development - Expedited Land Division and Refinement Plan Procedures:** State law ORS 197.360 requires that jurisdictions establish procedures for Expedited Land Divisions. The conditions under which an Expedited Land Division may occur, according to State law, involve consistency with an approved Refinement Plan and may involve the provision of a high level of detail, similar to the detail required with a Detailed Development Plan. Therefore, the proposed procedures for Refinement Plans and Expedited Land Divisions were placed at the end of the Planned Development Chapter (Chapter 2.5). Comprehensive Plan policy 1.2.1 states, “*The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.*” In addition, Code Section 1.2.80.01 states that the “*Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.*” The establishment of procedures for Refinement Plans and Expedited Land Divisions are a public necessity because they are required by State law (ORS 197.360). Given the above, these proposed revisions are consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.
20. **Chapter 2.6 - Annexations:** The proposed revisions to Chapter 2.6 - Annexations are a direct response to the Comprehensive Plan Policies in Articles 1 and 14. As a result, the review criteria will mirror Policy 14.3.5 and Policies 14.3.6, 1.1.7, 1.1.8, and 1.1.9 will be evident in a new section for the Chapter (Code Section 2.6.30.07) which explains acceptable methodologies for addressing the review criteria. Additional review criteria not specifically spelled out in Policy 14.3.5 will also be present in Chapter 2.6 - Annexations. This criteria requires that if an annexation proposal includes areas planned for open space, general community use, or public or semi-public ownership, the annexation request shall be accompanied by a Comprehensive Plan Map Amendment to either Open Space - Conservation or Public Institutional (Policies 5.6.11, 10.5.3, 10.5.4, 10.5.5, 10.5.8, 10.5.9, and 10.5.10). Therefore, the proposed changes are consistent with the Policies of the Comprehensive Plan, including Comprehensive Plan Section 1.2 and with Land Development Code Section 1.2.80.01 - Background.
21. **New Chapter 2.10 - Major Neighborhood Center Master Site Plan Requirements:** Proposed Chapter 2.10 - Major Neighborhood Center Site Plan

Requirements was developed to ensure that sites zoned as Major Neighborhood Centers will develop consistent with requirements of the zone and the Comprehensive Plan (8.10.2; 8.10.7; 8.10.8; 8.10.9; 8.10.10). Many of the locations sited as Major Neighborhood Centers are composed of several ownerships or their development as an effective center are dependent upon coordination among a number of ownerships. Because of the potential complexity of such new developments or redevelopment, it was believed that a process managed by the Planning Commission was necessary. Such a process gives nearby property owners and residents an opportunity to have input on the ultimate layout of the center. At the same time, because of the specificity of the requirements in the Neighborhood Center (NC) Zone, only the broader questions associated with such a site plan require review, such as ensuring site layout and infrastructure allow development of the site and surrounding properties consistent with the concept of Comprehensive Neighborhoods (9.2.5). Therefore, the review processes of the Chapter 2.3 Conditional Development are appropriate.

The Comprehensive Plan gives relatively specific guidance regarding the need for a Major Neighborhood Center Zone and for the design concepts to be used for development in this zone. From the information presented in Land Development Code Chapter 3.14- Neighborhood Center (NC) Zone, proposed Land Development Code Chapter 2.10 - Major Neighborhood Center Site Plan Requirements, and the discussion in the above section, the proposed Chapter 2.10 - Major Neighborhood Center Site Plan Requirements is in conformance with the Comprehensive Plan, including Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

22. **Chapter 2.12 - Lot Development Option:** With the adoption of the proposed new Code, many existing developed residences will become nonconforming with respect to structures, resulting in many existing developed residences unable to construct additions or redevelop as they have in the past. The creation of two types of LDO's will enable existing developed residences to construct additions or redevelop much in the same manner as the past, thereby greatly reducing impacts of the new development standards on existing residential neighborhoods. These proposed changes are needed to avoid undue hardships on residential homeowners. Therefore, the proposed changes are consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background, which allows amendments to the Code in cases of public necessity, convenience and general welfare.
23. **Changes to Existing Residential Zones:** The proposed Code will maintain the RS-3.5 Zone (Chapter 3.1) for existing developed RS-3.5 areas and vacant RS-3.5 lots less than one acre. It will also reduce front yard setbacks within the RS-3.5 Zone. The proposed Code will maintain the RS-5 Zone (Chapter 3.2) for existing developed RS-5 areas less than one acre and apply the RS-5 Zone to undeveloped

RS-3.5 areas greater than one acre. It will revise the RS-5 Zone to add Attached Single Family up to 3 units, add Multi-Family Dwelling up to triplex only, add Group Residential as a use allowed through Conditional Development review, and set the minimum density at 3 units/acre. The proposed Code will maintain the RS-6 Zone (Chapter 3.3) for current RS-6 areas and apply the RS-6 Zone to undeveloped RS-5 areas over one acre. It will make RS-6 the primary Low Density Residential Zone and the Low Density Residential Zone that is required for new annexation requests. It will revise the RS-6 Zone to add Group Residential uses, Attached Single Family up to 5 units, Multi-Family Dwelling up to 4 units, and set a minimum density of 4 units/acre.

The proposed Code will revise the RS-9 & RS-9(U) Zones (Chapters 3.4 & 3.5, respectively) to add Group Residential uses. It will revise the RS-5, RS-6, RS-9, RS-9(U), RS-12 (Chapter 3.6), RS-12(U) (Chapter 3.7), & RS-20 (Chapter 3.8) Zones to reduce minimum standards for lot size, lot width, and setbacks, and increase the maximum lot coverage for all but the RS-5 Zone. The proposed Code will revise the RS-5 Zone to set a maximum lot coverage. The proposed Code will apply the new Pedestrian Oriented Design Standards (Chapter 4.10) to all residential zones and require a mix of housing types for larger developments within all zones except the RS-3.5 Zone (since no new large developments will occur in RS-3.5). The proposed Code will modify green area requirements for all zones except the RS-3.5 and RS-5 Zones. It will also revise the RS-9(U) & RS-12(U) Zones to remove provisions that are redundant with the new Pedestrian Oriented Design Standards.

The new Policies of the Comprehensive Plan give substantial direction to revise the City's existing residential zones. It requires the City to facilitate neighborhood-oriented development by amending the Land Development Code to include provisions for reduced setbacks, and minimum lot sizes, varied lot dimensions, and development that addresses alternate modes of transportation (3.2.3, 3.2.4, 3.2.5, 5.2.4, 5.2.6, 5.4.14, 5.6.8, 7.3.7, 7.5.5, 7.7.7, 7.7.8, 8.9.14, 8.10.9, Goals of Chapter 9.2, City's Vision Statement, Findings 9.2.e, 9.2.i, 9.2.j, 9.2.k, 9.2.n, 9.2.o, 9.2.p, 9.2.s, 9.2.x, 9.3.i, Policies 9.2.1, 9.2.2, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.2.8, 9.4.6, 9.5.14, 13.11.14, 13.11.16, 13.12.14, Policies within Article 11 - Transportation, Policies 12.2.5, 12.2.6, and Policies within Article 13). It directs neighborhoods to have a mix of densities, lot sizes, and housing types, and an increase in densities that results in more compact urban development and more opportunity for the development of more affordable types of housing (3.2.1, 8.7.5, Goals of Chapter 9.2, City's Vision Statement, Findings 9.2.e, 9.2.f, 9.2.w, 9.3.d, 9.3.h, 9.4.c, 9.4.f, 9.5.e, Policies 9.2.5, 9.3.2, 9.3.3, 9.4.7, 9.4.9, 9.5.1, 9.5.2, 9.5.13, 9.5.14, 9.5.15, 9.6.1, 9.6.3, 13.11.15, 13.11.16, and 13.12.7). It directs the City to investigate increasing the density in Low Density Residential zones (9.5.15), consistent with the State Department of Land Conservation and Development direction which requires that the City increase the density in its Low Density Residential zones. Additionally,

it requires the City to provide for development for senior citizens and disadvantaged groups (8.7.3, 8.7.6, 8.7.7, 9.4.7, 9.4.9, and Findings 9.4.c, and 9.4.d).

The proposed changes to the existing residential zones will implement the new Comprehensive Plan Policies identified above by: including provisions for reduced setbacks, reduced minimum lot sizes, varied lot dimensions, and development that addresses alternate modes of transportation; by directing neighborhoods to have a mix of densities, lot sizes, and housing types, and an increase in densities that results in more compact urban development and more opportunity for the development of more affordable types of housing; and by increasing the density in Low Density Residential zones, consistent with the State Department of Land Conservation and Development direction. Additionally, the proposed changes will provide for development for senior citizens and disadvantaged groups. Finally, the changes will result in an increased opportunity for the development of more affordable types of housing because of more flexible development standards and the introduction of additional housing types throughout the zones. Given the above, the proposed changes to the existing residential zones will bring the Land Development Code into conformance with Comprehensive Plan Section 1.2 and LDC Section 1.2.80.01 - Background.

24. **New Chapter 3.9 - Mixed Use Residential Zone:** The new Mixed Use Residential (MUR) zone implements the Mixed Use Residential Comprehensive Plan Designation, and may also be applied to Medium High and High Density Residential lands that are within 450 feet of lands with a commercial Comprehensive Plan Map designation. The new MUR Zone is intended to increase housing opportunities in close proximity to designated commercial zones and is aimed primarily for the development of multi-family housing at densities high enough to support the retail uses of the adjacent commercial zone and to provide direct and convenient access by residents to nearby commercial services. Varied housing types are encouraged in the MUR Zone. Small-scale retail, office, and service uses are also allowed when they are developed as part of a mixed use building. Development standards for the MUR Zone emphasize intensive development with building orientation to the street. Design standards are included in the new Pedestrian Oriented Design Standards Chapter of the Code (Chapter 4.10) and are tailored to the type of use proposed (e.g. townhouse, multi-family, mixed use).

The Comprehensive Plan provides direction for the establishment of mixed use development (8.2.1, 8.10.4, 8.10.6, 8.10.9, Goals of Chapter 9.2, City's Vision Statement, 9.2.5, and Findings 9.2.h, 9.2.l, and 9.2.m) and the Comprehensive Plan Map provides specific direction for the establishment of a Mixed Use Residential zone (via the fact that it has a Mixed Use Residential Map designation). The proposed Mixed Use Residential Zone (Chapter 3.9) will implement the Comprehensive Plan Policies that direct the establishment of mixed use development and will implement the Comprehensive Plan Map designation of Mixed Use Residential in the West Corvallis area. Given the above, the proposed Mixed

Use Residential Zone will bring the Land Development Code into conformance with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

25. **Need for New Commercial Zones:** Currently, the Land Development Code is not in conformance with the Comprehensive Plan, as the new zones and standards identified in Comprehensive Plan Policy 8.10.7 have not been adopted. The Land Development Code Update Project has developed new Zones intended to bring the Land Development Code into conformance with the Comprehensive Plan. Comprehensive Plan Map designations that were eliminated with the adoption of the current Comprehensive Plan included Shopping Area, Linear Commercial, and Regional Shopping Center. The elimination of these Comprehensive Plan Map designations resulted in the elimination of the following Zones: Shopping Area (SA); Community Shopping (CS); Linear Commercial (LC); and Regional Shopping Center (RSC). To replace these Comprehensive Plan Map Designations, the Mixed Use Commercial Comprehensive Plan Map Designation was created (Comprehensive Plan Policy 8.10.3). Based on Comprehensive Plan Policy 8.10.7, these changes created a need for new Districts (Zones). Commercial zones created include the Neighborhood Center (NC) Zone, the Mixed Use Community Shopping (MUCS) Zone, and the Mixed Use General Commercial (MUGC) Zone. Development of these new commercial zones is consistent with Comprehensive Plan Policy 8.10.7.
26. **New Chapter 3.14 - Neighborhood Center (NC) Zone:** The Neighborhood Center (NC) Zone is a direct response to Comprehensive Plan Policies in Articles 8, 9 and 13. Existing uses permitted and in conformance with zoning in place prior to this Code are considered conforming following adoption. The NC Zone implements the Minor and Major Neighborhood Center Comprehensive Plan designations. The proposed NC zone provides for concentrations of civic uses, retail businesses, commercial and personal service activities, and residential/commercial mixed use developments in the core of comprehensive neighborhoods, as envisioned by the Comprehensive Plan (Policy 9.2.5) in Article 9 - Housing and in Article 8 - Economy (Policies 8.10.7; 8.10.8). Neighborhood Centers are also specifically identified for creation in West Corvallis and South Corvallis (13.11.2; 13.12.4; 13.12.7 through 13.12.13). Commercial uses in proposed Minor NC's are intended to serve neighborhood shopping and office needs. Commercial uses in Major NC's are intended to serve broader community shopping and office needs in addition to the needs of the nearby neighborhood (8.10.7). The Comprehensive Plan encourages the Minor and Major NC's to include to the maximum extent possible civic uses that support the nearby comprehensive neighborhood (9.2.5). In Major NC's such civic uses may also serve a larger population (8.10.7; 13.12.12). The proposed Neighborhood Center provides for these uses.

Neighborhood Center site design is also directed by a number of Comprehensive Plan Policies (8.10.6; 8.10.8; 8.10.9; 8.10.10; 9.2.5; 13.11.2; 13.11.18; 13.12.1;

13.12.8; 13.12.10; 13.12.11; 13.12.13). Consistent with these Policies, Neighborhood Centers are required to be located at intersections along Arterial or Collector Streets, to have a designated Shopping Street along which development fronts, and to provide pedestrian scale features and amenities such as windows along the street, small parks or plazas, and building orientation with at least one major commercial entrance to the Shopping Street. Parking lots are required to be behind or adjacent to buildings so as not to disrupt the pedestrian streetscape (8.10.9). The proposed NC Zone also limits uses fronting on Shopping Streets to commercial, civic, or service uses that generate high volumes of pedestrian traffic (8.10.8). The pedestrian-friendly nature of developments within the NC Zones is further enhanced through the required compliance with Chapter 4.10- Pedestrian Oriented Design Standards (11.6.1 through 11.6.7; 11.6.12; 11.6.13).

Given the above, the proposed Neighborhood Center (NC) Zone is in conformance with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

27. **New Chapter 3.15 - Riverfront (RF) Zone:** The Riverfront (RF) Zone was developed to specifically address the need identified in the Comprehensive Plan (5.5.13; 13.5.12) to establish this new zone and the requirement that 1st Street be a compact, pedestrian-friendly amenity. Existing uses permitted and in conformance with zoning in place prior to this Code are considered conforming following adoption. The downtown riverfront area consists of properties designated on the Comprehensive Plan Map as both Central Business (CB) and Conservation-Open Space (C-OS). The CB-designated properties are located along the west side of 1st Street, and the C-OS-designated properties are on the east side of 1st Street directly fronting the River. The proposed Riverfront (RF) Zone includes only those properties designated CB and located between Tyler Avenue to the north and the Hwy 34 overpass to the south.

The standards to be incorporated in the RF Zone are not as specifically identified as those in the NC Zones. The Comprehensive Plan directs new commercial development to be concentrated in designated mixed-use districts and located to maximize access by pedestrians and transit (8.10.4). It directs downtown commercial districts to serve regional shopping and office needs (8.10.7). The RF Zone allows a broad range of commercial and service uses outright. The proposed RF Zone also allows and fosters residential development on upper floors, providing direct pedestrian access to shopping, service, and employment throughout the downtown (8.10.6; 8.10.11). The Corvallis transit system operates out of the downtown, with a number of transit routes serving the area via 4th Street (less than a 1/4-mile walk from most of the RF Zone). Buildings are required to be directly adjacent to the street and to provide pedestrian scale features and amenities such as windows along the street, small parks or plazas, and building orientation with at least one major commercial entrance to the Shopping Street. Parking lots are required to be behind buildings so as not to disrupt the pedestrian streetscape

(8.10.9). The proposed RF Zone also requires a minimum 2.5 Floor Area Ratio or (F.A.R.) making it in conformance with Comprehensive Plan Policies calling for compact pedestrian-friendly commercial development in the downtown (8.10.11; 13.5.8; 13.5.9; 13.5.10; 13.5.13). In addition, the requirement for pedestrian-friendly development standards is stated in the Corvallis Transportation Plan (11.6.1 through 11.6.7; 11.6.12; 11.6.13).

Given the above, the proposed Riverfront Zone (RF) Zone is in conformance with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

28. **New Chapter 3.19 - Mixed Use Community shopping (MUCS) Zone:** The MUCS Zone was developed to allow for a mix of uses that includes residential development and commercial uses that do not require large areas of outside storage. Existing uses permitted and in conformance with zoning in place prior to this Code are considered conforming following adoption. Most new uses are not limited in size, however, retail sales are limited in size to 15,000 sq. ft. and food/beverage sales, convenience sales and service, and eating and drinking establishments are limited to 10,000 sq. ft. in size. The MUCS Zone also has a building footprint maximum of 25,000 sq. ft., except for lodging services and residential use types, for which no limits are established. The limitations on use and building size are intended to focus development of larger scale uses in the NC Zones (8.10.11; 13.12.12) and uses requiring extensive land area (auto dealers, building supply, etc) in the Mixed Use General Commercial (MUGC) Zone. As stated in the MUCS Zone's purpose, areas designated as MUCS are intended to transition away from the existing, primarily auto-oriented pattern to a more pedestrian-oriented pattern (11.6.1 through 11.6.7; 11.6.12; 11.6.13). Allowance for development of residential structures or mixed-use structures that include residences will contribute to this transition. The pedestrian-friendly nature of developments within the MUCS Zone is further enhanced through the required compliance with Chapter 4.10- Pedestrian Oriented Design Standards (11.6.1 through 11.6.7; 11.6.12; 11.6.13).

Use and building footprint size limitations specified in the MUCS Zone were discussed in detail by the Council. Although it was decided that the transition from auto-orientation toward a more pedestrian-friendly environment could best be achieved by focusing larger retail uses in the NC Zone (Policy 13.12.12) and uses requiring extensive land area (auto dealers, building supply, etc) in the Mixed Use General Commercial (MUGC) Zone, it was also recognized that there are many uses and buildings in the areas to be designated MUCS that exceed these use and building size limitations; however, so existing uses permitted and in conformance with zoning in place prior to this Code are considered conforming following adoption. In addition, active Planned Developments are considered conforming following adoption. In the MUCS Zone, is it not the desire of the City to require all requests for a change of use for existing buildings that exceed the building footprint

limitation, or for building areas exceeding the use size limitations, to go through the Planned Development process. Therefore, it language is contained in the MUCS Zone to provide an exemption to these size limitations for existing buildings/building areas.

Given the above, the proposed MUCS (Mixed Use Community Shopping) Zone is in conformance with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background. As specific zone requirements, including precise building footprint and use sizes, are not specified in the Comprehensive Plan, modifications to allow greater flexibility for changes in use of existing buildings are not likely to negatively impact this conformance.

29. **Existing Commercial Zones:** With the adoption and acknowledgment of the Corvallis Comprehensive Plan, a number of Comprehensive Plan Map Designations were eliminated and new Map Designations were created to replace them. Correlating zones were eliminated as well. However, a number of other commercial zones were kept, including the CB (Central Business), CBF (Central Business Fringe), and the P-AO (Professional and Administrative Office) Zones. Changes to these zones were made primarily to make them consistent with other sections of the Land Development Code and the pedestrian-friendly direction of the Comprehensive Plan. As a result, the CB, CBF, and P-AO Zones are proposed to be amended to incorporate required compliance with Chapter 4.10 - Pedestrian Oriented Design Standards (PODS), and limitations on vertical building projections not used for human occupancy.

The P-AO Zone received additional changes. Because required compliance with the PODS addresses many of the visual elements and other amenities that were contained in the menus associated with Site Design, Structure, and Neighborhood Impact, this section of the Code now provides other specific requirements (not contained in the PODS) that must be met rather than the more arbitrary "pointing" of items. In addition, the Energy Efficiency section was eliminated, as most of the items to be selected from or issues they were intended to address are now required by the Uniform Building Code. Given Comprehensive Plan Policies 9.2.5, 9.3.2, 9.3.3, 9.4.1, 9.5.1, 9.5.2, single family attached and detached and duplexes have been added as allowed housing types for underdeveloped sites in the CB Zone. Given the above, the proposed CB, CBF, and P-AO Zones are in conformance with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

30. **New Chapter 3.22 - Limited Industrial - Office (LI-O) Zone:** The Comprehensive Plan mandates that the City develop standards for a Limited Industrial - Office (LI-O) Zone (8.9.17). The Comprehensive Plan Map locates the LI-O Zone along the west side of Highway 99W between Wake Robin Avenue and Airport Avenue. The LI-O Zone was so located to provide a buffer between the properties zoned General Industrial (GI) to the west and residential neighborhoods

proposed east of the highway. The LI-O Zone was developed to be consistent with Comprehensive Plan Policy 13.11.4, requiring the inclusion of increased front yard landscaping, prohibition of pole-mounted signs, additional storage and screening requirements, and building orientation to transit stops. To further enhance the buffering characteristics of this Zone, compliance with elements of Chapter 4.10- Pedestrian Oriented Design Standards is required. Given the above, the proposed Limited Industrial - Office (LI-O) Zone is in conformance with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

31. **New Chapter 3.21 - Mixed Use Transitional (MUT) Zone:** The MUT Zone was developed in direct response to Comprehensive Plan Policy 13.11.7 that emanated from the South Corvallis Area Plan. The intention of the zone is to allow, over time, the transition from Intensive Industrial to a mix of less intensive uses for the Evanite and Open Door uses along the Willamette River in south Corvallis. The MUT Zone accomplishes all of the specific direction from the Comprehensive Plan, requires Conditional Development approval for new Intensive Industrial and General Industrial uses, while permitting many less intensive forms of development outright. Consistent with Comprehensive Plan policy 13.11.7.C, which requires limitations on the re-establishment of Intensive or General Industrial uses when such uses have been replaced by less intensive uses, the MUT Zone requires Conditional Development approval for such requests. Discussion of this element of the MUT Zone took place at the July 26, 2000, Planning Commission work session at the request of a citizen that a time limit be established beyond which such re-establishment would not be allowed to occur. The decision was made at the work session to leave the requirements as proposed. From the information presented in Land Development Code Chapter 3.21- MUT (Mixed Use Transitional) Zone and the discussion above, the proposed MUT (Mixed Use Transitional) Zone is in conformance with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.
32. **Existing & Retained Industrial Zones:** In addition to the industrial zones proposed for creation (LI-O and MUT), there are four existing industrial zones identified in the Corvallis Land Development Code: LI (Limited Industrial); GI (General Industrial); II (Intensive Industrial); and RTC (Research Technology Center). Changes to these zones were made primarily to make them consistent with other sections of the Land Development Code and, in the case of the RTC Zone, with the pedestrian-friendly direction the Comprehensive Plan directs. Although there is specific Comprehensive Plan direction for modifications to be made to these zones, a decision was made to accomplish these tasks in a future phase of the Land Development Code Update due to the magnitude of other Land Development Code changes that were mandated. As a result, the LI, GI, II, and RTC Zones are proposed to be amended only to the limited degree identified. From the information presented in Land Development Code, Chapters 3.23 (LI Zone), 3.24 (GI Zone), and 3.25 (II Zone) are in conformance with the Comprehensive Plan, including

Comprehensive Plan Section 1.2, and Land Development Code Section 1.2.80.01 - Background.

33. **Chapter 3.37 - Agriculture - Open Space (AG-OS) Zone:** The Policies within Article 4 and Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, and 11.2.1 emphasize preservation of significant open space and natural features, minimization of environmental impacts and impervious surfaces, and incorporation of topography as a factor affecting the design of development. Until a Conservation - Open Space (C-OS) Zone is developed, the AG-OS Zone will continue to be applied to lands with Comprehensive Plan designations of Open Space - Agriculture and Open Space - Conservation. Asterisks will be placed by uses that would be in conflict with the description for the Comprehensive Plan land use designation of Open Space - Conservation (Policy 40.4.3). Only the AG-OS uses without asterisks will be allowed on lands with a Comprehensive Plan Map designation of Open Space - Conservation. Given the above, land uses on lands designated with a Comprehensive Plan Map designation of Open Space - Conservation will be consistent with the Comprehensive Plan, including Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

34. **Chapter 4.0 - Improvements Required With Development:** Article 11 of the Comprehensive Plan contains Policies that reflect the City's adopted Transportation Plan Policies and require compliance with the City's Transportation Plan (11.3.7). Chapter 4.0 of the Land Development Code needs to be revised to reflect the Policies within both the Transportation Plan and the Comprehensive Plan. The changes proposed for Chapter 4.0 will bring this Code Chapter into conformance with both documents. Examples of some of the changes include revised references to the functional classification of streets, and a revised Street Functional Classification System chart showing the improvements associated with each type of street facility.

Comprehensive Plan Policies such as 9.2.5 and 13.11.10 encourage the use of alleys in development. Therefore, Chapter 4.0 will be revised to include standards for alleys. Comprehensive Plan Policies 8.10.7 and 11.6.13 require that *"new commercial and residential development shall generally provide for a maximum block perimeter of 1,500 feet, except where it would negatively impact significant natural features."* Chapter 4.0 will include block perimeter standards. Comprehensive Plan Policies 8.10.10, 13.12.8, 13.12.13 require shopping streets for Neighborhood Centers. Chapter 4.0 will include standards for shopping streets.

Given the above, the proposed changes to Chapter 4.0 will be consistent with the Comprehensive Plan, including Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

35. **Chapter 4.1 - Parking, Loading, and Access Requirements:** The Comprehensive Plan requires that *“parking lots be located to the rear of buildings, and where they do not disrupt the pedestrian landscape, may be located to the side of buildings”* (8.9.14, 8.10.9). Chapter 4.1 - Parking, Loading, and Access requirements will include provisions that require parking lots to be placed consistent with these Policies. Comprehensive Plan Policy 8.10.12 states that *“the City shall develop standards for commercial, office, and industrial districts to require that, any spaces in excess of the minimum standard shall be located in underground or structured parking facilities in developments with large minimum parking requirements (such as over 200 spaces).”* Staff was directed to develop a standard for incorporation into Chapter 4.1, which will state that for development with off-street vehicle parking in excess of the minimum required, 200 unstructured spaces will be allowed per each of the first three stories of development. Additional parking provided in excess of the minimum required will be required to be structures. In such cases, the parking maximum may be increased to 50 percent in excess of the minimum off-street vehicle parking required by Section 4.1.30 below. Given the above, the proposed changes to Chapter 4.0 will be consistent with the Comprehensive Plan, including Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

36. **Chapter 4.2 - Landscaping, Buffering, Screening & Lighting:** The Policies within Article 4 and Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, and 11.2.1 emphasize the preservation of significant open space and natural features, the minimization of environmental impacts and impervious surfaces, and the incorporation of topography as a factor affecting the design of development. In response to these Policies, and other Comprehensive Plan Policies which address and encourage substantial landscaping with development (3.2.3, 3.2.4, 5.2.3, 5.2.4, 5.3.1, 5.3.2, 5.3.3, to name a few), Chapter 4.2 will contain much more specific provisions for the preservation of significant natural vegetation and minimum landscaping requirements. Additionally, fencing requirements will be made more clear and gateway landscaping and fencing requirements along South Third Street will be included (5.2.1, 5.2.4, 5.5.11, 13.11.1, 13.11.10).

Finally, Comprehensive Plan Policy 9.3.7 requires that *“to the maximum extent possible in residential areas, glare from outdoor lighting shall be shielded and noise shall be limited.”* Council Policy 91-9.04 states that *“the City of Corvallis is interested in well shielded, energy efficient street lighting sources that direct the light source downward where it is needed, not up or sideways where it is wasted and causes glare, light trespass, and bright skies.”* A new section (Code Section 4.2.80) will be added to Chapter 4.2 to address lighting.

Given the above, the proposed changes to Chapter 4.0 will be consistent with the Comprehensive Plan, including Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

37. **Chapter 4.5 - Flood Control and Drainageway Provisions:** New FEMA (Federal Register/Vol. 62 No. 37, pages 8391-8400) regulations specify additional development standards for development within the 100-year flood plain. These new requirements will be added to Code Chapter 4.5 - Flood Control and Drainageway Provisions to ensure that they are met. Code Section 1.2.80.01 states that the Code may be amended whenever the public necessity, convenience, and general welfare require such amendment. The addition of these development standards is a public necessity to address the public's general welfare and is, therefore, consistent with the Comprehensive Plan, including Comprehensive Plan Section 1.2, and Land Development Code Section 1.2.80.01.
38. **Chapter 4.7 - Sign Regulations:** Code Chapter 4.7 - Sign Regulations lists many sign provisions in relation to the City's Zoning designations. Because the City's Zoning designations are changing, Chapter 4.7 will change to reflect the new names of the zones. Given the above, the proposed changes to Chapter 4.7 will be consistent with the Comprehensive Plan, including Comprehensive Plan Section 1.2, and Land Development Code Section 1.2.80.01 - Background.
39. **Chapter 4.9 - Additional Provisions:** As discussed previously, the residential zones throughout the Code will be changing to require larger developments (greater than 5 acres) to provide a variety of housing types. To assist in complying with these new requirements, a housing type matrix will be added to the end of Chapter 4.9 - Additional Provisions. This matrix will be a quick way for an applicant to see what housing types are allowed in each zone and understand how the housing type variation requirements may be satisfied. Given the above, the proposed changes to Chapter 4.7 will be consistent with the Comprehensive Plan, including Comprehensive Plan Section 1.2, and Land Development Code Section 1.2.80.01 - Background.
40. **Residential Portion of New Chapter 4.10 - Pedestrian Oriented Design Standards:** The Comprehensive Plan states that *"the City shall implement a process to develop more specific development standards or design guidelines that closely represent the vision of Corvallis as expressed by its citizens and that these standards or guidelines may address such items as: the effective use of building mass; orientation to the street; landscaping; and the placement of windows, doors, porches, and other architectural elements. Upon completion, the City shall revise the Land Development Code to ensure conformance with the new standards or design guidelines"* (3.2.5). The Comprehensive Plan further states that *"street frontage character is particularly important for compatible development and encourages similar heights and widths of buildings, car storage behind the building fronts, main entries, windows, and porches oriented to the street, and similar setbacks"* (9.2.k, 9.2.5). It states that *"compact, mixed use development requires compatibility between buildings to assure privacy, safety, and visual coherency."*

It states that *"similar massing of buildings, orientation of buildings to the street, the presence of windows, doors, porches, and other architectural elements, and the effective use of landscaping, all contribute to successful compatibility between diverse building types"* (9.2.i). It states that *"land use regulations that contain design guidelines or adequate transitions between land use zones mitigate compatibility problems"* (9.2.j).

The Comprehensive Plan states that *"buildings need to be close to the street, with main entrances oriented to public areas, and that neighborhoods need to have public areas designed to encourage the attention and presence of people at all hours of the day and night."* It states that *"security is enhanced with a mix of uses and building openings and windows that overlook public areas."* It states that *"domestic garages need to be behind houses or other wise minimized"* and gives the example of setting garages back from the front facade of a residential structure. It states that *"parking lots need to be located at the rear or side of buildings, that curb cuts for driveways are limited, and that alleys are encouraged."* It states that *"neighborhoods need to have buildings and street proportions that relate to one another in a way that provides a sense of enclosure"* (9.2.5 & 3.2.3, 3.2.4, 3.2.5, 5.2.4, 5.4.14, 7.5.5, 7.7.7, 7.7.8, 8.9.14, 8.10.9, Goals of Chapter 9.2, City's Vision Statement, Findings 9.2.e, 9.2.i, 9.2.j, 9.2.k, 9.2.x, 9.3.i, Policies 9.2.1, 9.2.2, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.2.8, 9.4.6, 9.5.14, 13.11.14, 13.11.16, and 13.12.14).

Through the use of design menus, the residential portion of proposed new Chapter 4.10 - Pedestrian Oriented Design Standards require: orientation of residences to the street; location of garages behind the front facade of a home or otherwise minimized (via a menu of 9 garage location choices); construction of a choice of pedestrian amenities; and construction of a choice of architectural design elements that assist in making housing types more compatible with each other and maintaining a sense of privacy. The proposed new chapter 4.10 - Pedestrian Oriented Development Standards provide development standards related to design and address the Comprehensive Plan Policy direction mentioned above. From the information presented in Land Development Code Chapter 4.10, and from the discussion above, the residential portion of Chapter 4.10 is in conformance with the Comprehensive Plan, including Comprehensive Plan Section 1.2 and as required by LDC Section 1.2.80.01 - Background.

41. **Commercial (and some Industrial) Portion of New Chapter 4.10 - Pedestrian Oriented Development Standards:** The Comprehensive Plan states that *"the City shall implement a process to develop more specific development standards or design guidelines that closely represent the vision of Corvallis as expressed by its citizens and that these standards or guidelines may address such items as: the effective use of building mass; orientation to the street; landscaping; and the placement of windows, doors, porches, and other architectural elements. Upon completion, the City shall revise the Land Development Code to ensure*

conformance with the new standards or design guidelines” (3.2.5). The comprehensive Plan further states that “the City shall address compatibility conflicts through design and other transitional elements, as well as landscaping, building separation, and buffering” (3.23). It states that “the City shall take appropriate actions to beautify and improve the community by: developing gateway locations and development standards that include building orientation to the street for most uses; appropriate site and building design standards; extensive landscaping and street trees...” (5.2.4).

The Comprehensive Plan requires that *“parking lots be located to the rear of buildings, and where they do not disrupt the pedestrian landscape, may be located to the side of buildings” (8.9.14, 8.10.9). It also requires building orientation to the street, the establishment of maximum block perimeters, and “at least one major commercial entrance to be located immediately adjacent to the public or private streets” (8.10.9). It encourages the occupation of ground floor storefront space by retail and service users (8.10.10), requires the development of standards that will require some types of large commercial development to have multiple stories (8.10.11) and the development of standards to require that, for developments with large parking requirements, any parking spaces in excess of the minimum standard be located in underground or structured parking facilities (8.10.12).*

The Comprehensive Plan states that *“compact, mixed use development requires compatibility between buildings to assure privacy, safety, and visual coherency.” It states that “similar massing of buildings, orientation of buildings to the street, the presence of windows, doors, porches, and other architectural elements, and the effective use of landscaping, all contribute to successful compatibility between diverse building types” (9.2.i). It states that “land use regulations that contain design guidelines or adequate transitions between land use zones mitigate compatibility problems” (9.2.j).*

Through the use of design menus, the commercial portion of proposed new Chapter 4.10 - Pedestrian Oriented Design Standards requires: building orientation to the street, building entrances to the street, parking lot circulation behind or to the side of buildings, an enhanced pedestrian environment, parking lots to the rear of buildings and to the side in limited situations, weather protection, pedestrian amenities, architectural design variety and treatments, and window provisions. The proposed new chapter 4.10 - Pedestrian Oriented Development Standards address the Comprehensive Plan Policy direction mentioned above. From the information presented in Land Development Code Chapter 4.10, and from the discussion above, the commercial portion of Chapter 4.10 is in conformance with the Comprehensive Plan, including Comprehensive Plan Section 1.2, and Land Development Code Section 1.2.80.01 - Background.

42. **Compliance with Statewide Planning Goals:** An analysis of the case relative to the applicable Statewide Planning Goals is as follows:

A. **Goal 1 - Citizen Involvement:** The purpose behind Statewide Planning Goal 1 is **“to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.”** Goal 1 even mentions the need for governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

The Land Development Code Update Project, a 1½-year long public process that included review by two technical review groups (consisting of City Councilors, Planning Commissioners, and citizens), as well as review through numerous open houses, targeted stakeholder meetings, presentations to the City's Committee for Citizen Involvement (CCI), and other public meetings, has developed new Zones intended to bring the Land Development Code into conformance with the current Comprehensive Plan, which has been acknowledged by the State Department of Land Conservation and Development. Information regarding the development of the proposed legislative amendments has been widely publicized over the last 1½ years via status reports within the City Newsletter, ads in the Gazette Times, information on the City's web site (www.ci.corvallis.or.us/cd/pl/lcdcupdate.html), information at the Corvallis Public Library, information at the Corvallis Planning Division office, and mailed notices (including mailed notices to all property owners whose properties are proposed to receive a land use designation change).

In June, 2000, all owners of property proposed to receive a land use designation change were notified of two late June public workshops to discuss the land use changes. As a result of input from those meetings, several adjustments to the proposed land use map changes have been incorporated.

In July, 2000, the Planning Commission held five public workshops to further refine the draft changes and the recommendations from these work sessions were brought forward to the Planning Commission public hearing in the form of the Draft "B" of the Land Development Code text, and the map changes outlined in Attachment A of the August 25, 2000 staff report to the Planning Commission. The map changes include several modifications requested by property owners.

On September 6, 2000, the Planning Commission held a public hearing regarding the proposed legislative amendments and conducted deliberations on September 13 and 20, 2000. The Planning Commission recommended

approval of LDT00-00002 and ZDC00-00009, with some modifications, to the City Council. Staff incorporated the Planning Commission's recommendations into a new draft of the Code (Draft "C") and map, and forwarded them to the City Council.

During October, 2000, the City Council held six public work sessions to further refine the draft changes and recommendations from the Planning Commission. The recommendations from these work sessions were brought forward to the City Council public hearing in the form of Draft "D" of the Land Development Code text and the map changes outlined in Exhibit D of the ordinance related to these findings.

On November 20, 2000, the City Council held a public hearing regarding the proposed legislative changes and conducted deliberations on November 29, 2000 and December 4, 2000. The Council incorporated further changes to LDT00-00002 and ZDC00-00009, as identified in Exhibits B, E, and F of the ordinance related to these findings.

The proposed legislative amendments (LDT00-00002 and ZDC00=00009) are a result of the large public effort and processes described above. As mentioned, the purpose behind Statewide Planning Goal 1 is **"to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process."** Goal 1 even mentions the need for governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

Given that the City of Corvallis conducted the large public effort and processes described above for the proposed legislative amendments (LDT00-00002 and ZDC00=00009), the proposed legislative amendments (LDT00-00002 and ZDC00=00009) are consistent with Statewide Planning Goal 1.

- B. Goal 2 - Land Use Planning:** The purpose behind Statewide Planning Goal 2 is **"to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions."** Goal 2 outlines the basic procedures of Oregon's Statewide Planning Program. It states that land use decisions are to be made in accordance with a Comprehensive Plan, and that suitable "implementation ordinances" are to put the Plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to Statewide Planning Goals

and Guidelines. An exception may be taken when a Statewide Planning Goal cannot or should not be applied to a particular area or situation.

The primary issue associated with the proposed legislative amendments (LDT00-00002 and ZDC00=00009) is the requirement of Statewide Planning Goal 2 that *"suitable implementation ordinances" are to put the Plan's policies into effect must be adopted.* Currently, the Land Development Code is not in conformance with the Comprehensive Plan. The reason the Code is not in conformance is that the Comprehensive Plan's new and modified policies, and new zones and standards, have not been implemented into the Land Development Code. As mentioned, the Comprehensive Plan is a revised document developed and adopted through the City's Periodic Review process and is a very different document than the previous Comprehensive Plan. The proposed legislative amendments (LDT00-00002 and ZDC00=00009) will put the Comprehensive Plan's policies into effect. The exact manner in which the proposed legislative amendments will accomplish putting the Comprehensive Plan's policies into effect is presented in each of the detailed "Criteria, Discussion, and Conclusion" sections of each part (Parts I - III) of this staff report. Given the above, the proposed legislative amendments (LDT00-00002 and ZDC00=00009) are consistent with Statewide Planning Goal 2.

- C. **Goal 5 - Open Spaces, Scenic, and Historic Areas, and Natural Resources:** The purpose behind Statewide Planning Goal 5 is **"to protect natural resources and conserve scenic and historic areas and open spaces."** Goal 5 encompasses 12 different types of resources, including riparian corridors, wildlife habitats, mineral resources, wetlands, and waterways. It also establishes a process through which resources must be inventoried and evaluated.

With acknowledgment by the Oregon Land Conservation and Development Commission, it has been determined that the Corvallis Comprehensive Plan adopted by the City in December, 1998 is in compliance with this statewide goal in regard to the Goal 5 planning and policy framework. LCDRC also approved a work program addition that establishes a policy for completion of inventories and other implementation actions (Work Task 13). The next step in this process is to continue the City's compliance with Goal 5 by placing appropriate zones on properties within the City and to adopt other appropriate implementation mechanisms to carry out the direction of the Comprehensive Plan.

The proposed legislative amendments are proposed to address Goal 5 subject matter in several ways, including:

- Chapter 2.1 of the Land Development Code (the chapter pertaining to Comprehensive Plan Amendments) is proposed to be revised to include a different set of review criteria for Comprehensive Plan Map Amendments to Open Space - Conservation or Public Institutional, when these requests are part of an Annexation request. These review criteria will be much less "onerous" than other Comprehensive Plan Map Amendment requests such that these types of Comprehensive Plan Map Amendments can be encouraged and will result in the retention of lands for parks, schools, and open space in advance and as an integral part of urban development.
- The application requirements throughout the Land Development Code Chapters for planning procedures that require a public hearing (Chapter 2.1 - Comprehensive Plan Amendment, Chapter 2.2 - Zone Changes, Chapter 2.3 - conditional Development, Chapter 2.4 - Subdivisions and Major Replats, Chapter 2.5 - Planned Development, and Chapter 2.6 - Annexation) are proposed to be modified to provide consistency and ensure that adequate significant natural feature information is provided. Detailed information will be required regarding watercourses, flood plains, wetlands, riparian areas, significant vegetation, plants and animals that are listed as threatened or endangered with either the United States Fish and Wildlife Service or the Oregon National Heritage Database, archaeological sites recorded by the State Historic Preservation Office (SHPO), slope analyses, topographic contours, grading plans, and information demonstrating that to the maximum extent practicable, grading (cuts and fills) has been minimized.
- The review criteria of these same Code Chapters are proposed to be supplemented to address utility infrastructure, the preservation and/or protection of significant natural features and wildlife habitat, as well as the minimization of grading (cuts and fills). The Planned Development Chapter (Chapter 2.5) will also be modified to require that compensating benefits be provided for any variations requested from development standards.
- Other planning procedure chapters of the Land Development Code (2.7 - Extension of Services Outside the City Limits, 2.8 - Vacating of Public Lands and Plats, 2.9 Historic Preservation, 2.12 - Lot Development Option, and 2.13 - Plan Compatibility Review) are proposed to be supplemented to address the preservation and/or protection of significant natural features and wildlife habitat.
- An additional review criteria will be added to Code Chapter 2.6 - Annexations. This criteria requires that if an annexation proposal

includes areas planned for open space, general community use, or public or semi-public ownership, the annexation request shall be accompanied by a Comprehensive Plan Map Amendment to either Open Space - Conservation or Public Institutional.

- Land Development Code Chapter 4.2 (the Code's landscaping chapter) will contain much more specific provisions for the preservation of significant natural vegetation and minimum landscaping requirements. Additionally, gateway landscaping and fencing requirements along South Third Street will be included.
- Chapter 4.5 - Flood Control and Drainageway provisions have long provided Corvallis' regulations regarding the protection of drainageways and their associated wetland and riparian areas. These provisions have met the requirements of Goal 5 to date and require protection (via dedications and/or easements) in excess of the safe harbor provisions. These provisions of Chapter 4.5 will remain in force as part of the Land Development Code.
- The proposed Zoning & Comprehensive Plan Map revisions will change the land use designations for City-owned drainageway and park parcels to a Comprehensive Plan Map designation of Open Space - Conservation and a Zoning Map designation of Agriculture - Open Space. To complement this proposed mapping change, the Text of the AG-OS Zone is proposed to be changed to identify specific uses that would not be allowed for properties having a Comprehensive Plan Map designation of Open Space - Conservation. Asterisks will be placed by uses that would be in conflict with the description for the Comprehensive Plan land use designation of Open Space - Conservation (Comprehensive Plan Policy 40.4.3). Only the AG-OS uses without asterisks will be allowed on lands with a Comprehensive Plan Map designation of Open Space - Conservation. Until a Conservation - Open Space (C-OS) Zone is developed, the AG-OS Zone will continue to be applied to lands with Comprehensive Plan designations of Open Space - Agriculture and Open Space - Conservation.
- Chapter 2.9 - Historic Preservation provisions have long provided Corvallis' regulations regarding the preservation of historic resources. An update to this chapter was recently approved by the Planning Commission and City Council to modify and provide new review procedures and criteria for establishing Historic Preservation Overlay designations for both individual properties and for groups of properties forming Historic Districts.

Discussions with State Department of Land Conservation and Development staff indicate that the City is obligated, based on the City's existing Periodic Review work program, to continue through the process of adopting a Land Development Code that implements the Comprehensive Plan as approved by the Department of Land Conservation and Development Commission on June 26, 2000. The new Code will take effect when acknowledged by the State Department of Land Conservation and Development.

The City is making all efforts in this Code Update project to fully preserve its capacity to respond to specific Comprehensive Plan policy reviews as specified in work task 13. Subsequent Code Updates under Periodic Review may be necessary in order to implement acknowledged work task 13. As mentioned, discussions with the State advise that the City is obligated to proceed now with the current Code Update project. Discussions with the State also advise that it is appropriate and acceptable to proceed in the future to make modifications to the Land Development Code or Comprehensive Plan that may be identified through the completion of Work Task 13, following both City adoption and State acknowledgment of that work task. The City's existing Periodic Review work program deadline for task 9 (the Code Update project) was December, 1998, and is considered overdue.

The Comprehensive Plan's policies regarding the protection of natural resources and the conservation of scenic and historic areas and open spaces have been acknowledged by the State as conforming with Goal 5. Completion of the Land Development Code Update project (LDT00-00002), is consistent with the Statewide Planning Program's Periodic Review, administered by the Oregon Department of Land Conservation and Development. Given the above, and given the provisions explained above implement the Comprehensive Plan's Policies, the proposed legislative amendments comply with Goal 5.

- D. **Goal 6 - Air, Water, and Land Resources Quality:** The purpose behind Statewide Planning Goal 6 is **"to maintain and improve the quality of the air, water, and land resources of the State."** Goal 6 requires local Comprehensive Plans and implementing measures to be consistent with State and Federal regulations relative to air, water, and land resources.

The Corvallis Comprehensive Plan, adopted by the City in December, 1998, was created with a strong focus on mixed use development and the development of "Comprehensive Neighborhoods," as well as a strong focus on maintaining and improving the quality of air, water, and land resources through the use of development regulations that required development with an emphasis toward alternate modes of transportation and the preservation

of significant natural features (including wetlands, drainageways, and other water resources). The proposed legislative amendments implement these policies through mapping designations and development regulations (for a complete listing of legislative changes that involve the preservation of water and land resources, see specific provisions described above for Goal 5). The mix of uses is intended to provide opportunities for people to live, work, and shop within an area accessible by foot, bike, and transit, as conveniently as by automobile, thus reducing working toward maintaining and improving the quality of air. In addition to the allowance of a mix of use, the proposed Land Development Code requires development to meet specific "human-scale" standards, including those contained in Land Development Code Chapter 4.10- Pedestrian Oriented Design Standards. These standards are intended to make pedestrian travel a safe, convenient alternative to the auto.

The development standards being proposed are sometimes referred to as "neo-traditional" development. This type of development has been successful throughout the country in places such as Portland, Oregon, and Fort Collins, Colorado.

As the proposed legislative changes promote land use and development standards intended to reduce the reliance on the automobile, make a more efficient use of land, and preserve water and land resources, adoption of the proposed Land Development Code and Zoning Map will ensure the City's compliance with Goal 6.

- E. **Goal 7 - Areas Subject to Natural Disasters and Hazards:** The purpose behind Statewide Planning Goal 7 is "to protect life and property from natural disasters and hazards." For Corvallis, this is directed primarily at areas subject to periodic flooding. With regard to this goal, the City is required to:

Address development in places subject to natural hazards such as floods or landslides. Requires that jurisdictions apply "appropriate safeguards" (flood plain zoning, for example) when planning for development there.

Chapter 4.5 - Flood Control and Drainageway Provisions and Chapter 1.6 -Definitions from the Land Development Code have long provided Corvallis' response to the Federal Emergency Management Administration mandates regarding areas in the community within the floodways and 100-year floodplains of the streams and rivers in Corvallis. These provisions have met the requirements of Goal 7 to date.

Only minor changes are proposed to these provisions in this update of the Land Development Code. The new provisions are not mandatory but address the Increased Cost of Compliance (ICC) coverage issues of the National Flood Insurance Program (NFIP). The provisions require habitable areas to be reconstructed to an elevation one foot above the 100-year floodplain when they are "substantially damaged," which term includes recurrent flood damage within a 10-year period. Although these provisions are not mandatory, they do provide additional "appropriate safeguards" to the existing provisions and, therefore, reinforce the compliance with Goal 7 of the existing provisions of the Land Development Code.

- F. **Goal 8 - Recreation Needs:** The purpose behind Statewide Planning Goal 8 is "to satisfy the recreational needs of the citizens of the State and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts." Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to address the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

As mentioned within the discussion above for Goal 5, the proposed Zoning & Comprehensive Plan Map revisions will change the land use designations for City-owned drainageway and park parcels to a Comprehensive Plan Map designation of Open Space - Conservation and a Zoning Map designation of Agriculture - Open Space. These changes will assist in satisfying the recreational needs of Corvallis citizens. Although these provisions are not mandatory, they do provide additional protection of these park areas and, therefore, reinforce the City's compliance with Goal 8.

- G. **Goal 9 - Economy of the State:** The purpose behind Statewide Planning Goal 9 is "to provide adequate opportunities throughout the State for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens." Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

The Land Development Code Update Project addresses the requirements of Goal 9 in a number of ways. These include appropriate zoning designations and implementation mechanisms for existing commercially zoned properties and planning for incorporation of findings from ongoing work items.

1. Existing Commercially Zoned Properties

Discussions with State Department of Land Conservation and Development staff indicate that the City is obligated, based on the City's existing Periodic Review work program, to continue through the process of adopting a Land Development Code that implements the Comprehensive Plan as approved by the Department of Land Conservation and Development Commission on June 26, 2000. The new Code will take effect after it is acknowledged by the State Land Conservation and Development Commission and adopted by the City Council via a final order. Based on this direction, the City is proposing to place appropriate zones on properties within the City and to adopt other appropriate implementation mechanisms to carry out the direction of the Comprehensive Plan. Also, the area of commercially zoned lands in the City is not being reduced.

A number of existing zones are proposed to be continued with the adoption of the revised Land Development Code and Zoning Map (P-AO, CB, CBF, LI, GI, and II). These zones continue to provide for the types of uses necessary to meet the commercial and industrial needs of the City. These zones continue to exist on lands appropriately designated on the Comprehensive Plan Map.

Through the creation of mixed use commercial and industrial zones (MUCS, NC, MUGC, MUT, LI-O) and their placement on lands appropriately designated on the Comprehensive Plan Map, the City has provided for a diversity of development options on these lands. By allowing a mix of uses, therefore making a broader choice of development scenarios available to developers, the proposed zoning will also help to improve the economy.

A number of safeguards have been established in the MUCS, NC, and MUE Zones to ensure their continued use for commercial or industrial development. These zones have a minimum floor area ratio (FAR) of 0.25. As there are currently no FAR requirements for development on sites that are to receive the MUCS and NC Zones, these standards increase the City's protection of the commercial and industrial supplies of land within the City. For the MUCS and NC Zones, no more than fifty percent of the ground floor area per building (or per development site if the project has gone through the Planned Development process) may be residential. For the NC and RF the Zones, only commercial development may front on the "shopping street" (or in the case of the RF Zone, 1st Street). The MUGC Zone allows only one residence per parcel, which must be developed following or concurrently with the commercial use for the site. For the

MUT Zone, although there is no FAR minimum specified, most of the allowed uses that are not residential are permitted outright, while residential uses must go through the Conditional Development Process. Each of these safeguards helps to ensure that an adequate supply of commercial and industrial lands within the City of Corvallis will be maintained.

Another method of ensuring an adequate supply of commercial/industrial lands is to ensure that lands so zoned may be developed through application of clear and objective standards. The simplest way to do this is to permit outright commercial or industrial uses that will have minimal or reasonable impact on surrounding properties or on other potential uses within the zone. In the NC Zone, more than half of the allowed uses are permitted outright. In the RF Zone, 45 of the 48 uses are allowed outright. In the CB and CBF Zones, 62 of the 71 uses are permitted outright. In the MUCS Zone, 92 of 116 uses (some based on size limitations greater than or less than 7,500 ft²) are permitted outright. In the MUGC Zone, 28 of 33 uses are permitted outright. In the MUT Zone, 48 of the 67 allowed uses are permitted outright. In the LI-O Zone, 20 of 22 allowed uses are permitted outright. In the LI Zone, 14 of 23 allowed uses are permitted outright. In the GI Zone, 29 of 37 allowed uses are permitted outright. In the II Zone, 31 of 39 allowed uses are permitted outright. In the RTC Zone, 24 of 32 allowed uses are permitted outright. In the MUE Zone, 47 of 66 allowed uses are permitted outright. From these numbers it is clear, that for all zones, far more than fifty percent of allowed uses are permitted outright, and all zones have many outright permitted uses available. This availability of allowed uses helps ensure that an adequate supply of commercial and industrial lands within the City of Corvallis will be maintained.

A third method of ensuring that adequate commercial/industrial lands are available is to apply zoning without the Planned Development Overlay to sufficient areas to allow development to occur. For commercial properties, 42.7 of 69.2 acres have been designated without a PD overlay. For industrial properties, there are 567.7 acres of land; however, 370 acres are in one ownership and intended to provide for industrial users requiring very large land area. The 1998 Buildable Land Inventory and Land Need Analysis for Corvallis identified a need for 152 acres of industrial during the twenty-year planning period. Of the available industrial land, eighty-three acres (again over fifty percent of the identified need) are available without a PD overlay.

Conclusion on Zoning Designation and Implementation Mechanisms for Existing Commercially Zoned Properties. Given the consistency of the proposed Land Development Code and Zoning Map with the policies and land use designations of the acknowledged Comprehensive Plan, the continued availability of existing supplies of commercial and industrial lands to meet community needs, the plethora of uses permitted outright on these lands, and the safeguards ensuring commercial/industrial development is the primary use in the various mixed use zones, the proposed adoption of these documents will further the City's compliance with Goal 9.

2. Planning for Incorporation of Ongoing Work Items

With its approval of the Corvallis Comprehensive Plan, DLCD identified two work tasks (#11 and #12) to be completed by June 26, 2001. The City is making all efforts in this Code Update project to fully preserve its capacity to respond to specific Comprehensive Plan policy reviews as specified in work tasks 11 and 12. Subsequent Code Updates under Periodic Review may be necessary to implement acknowledged work tasks 11 and 12. As mentioned, discussions with the State advise that the City is obligated to proceed now with the current Code Update project. Discussions with the State also advise that it is appropriate and acceptable to proceed in the future to make modifications to the Land Development Code or Comprehensive Plan that may be identified through the completion of Work Tasks 11 and 12, following both City adoption and State acknowledgment of those two work tasks. The City's existing Periodic Review work program deadline for task 9 (the Code Update project) was December, 1998, and it is considered overdue. The City's deadline for completing work tasks 11 and 12 is June 26, 2001.

Conclusion on Incorporation of Ongoing Work Tasks. Given the above, completion of the Land Development Code Update project (LDT00-00002 and ZDC00-00009), is consistent with the Statewide Planning Program's Periodic Review regarding completion of Goal 9 planning requirements.

- H. **Goal 10 - Housing:** The purpose behind Statewide Planning Goal 10 is "to provide for the housing needs of citizens of the State." Goal 10 requires each City to inventory its buildable residential lands and encourages the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.

The Land Development Code Update Project addresses the requirements of Goal 10 in a number of ways. These include appropriate zoning designations and implementation mechanisms for existing residentially zoned properties and planning for incorporation of findings from ongoing work items.

1. Existing Residentially Zoned Properties

Discussions with State Department of Land Conservation and Development staff indicate that the City is obligated, based on the City's existing Periodic Review work program, to continue through the process of adopting a Land Development Code that implements the Comprehensive Plan as approved by the Department of Land Conservation and Development Commission on June 26, 2000. The new Code will take effect after it is acknowledged by the State Land Conservation and Development Commission and adopted by the City Council via a final order. Based on this direction, the City is proposing to place appropriate zones on properties within the City and to adopt other appropriate implementation mechanisms to carry out the direction of the Comprehensive Plan. Also, the area of residentially zoned lands in the City is not being reduced.

With acknowledgment by the Oregon Land Conservation and Development Commission it has been determined that the Corvallis Comprehensive Plan adopted by the City in December, 1998 is in compliance with this statewide goal in regard to the Goal 10 planning and policy framework. The State found that the City has more than a sufficient residential land inventory to serve the projected needs through 2020. LCDC also directed the City to conduct additional analysis related to jobs, income, and housing types. The next step in this process related to Goal 10 is to place appropriate zones on properties within the City and to adopt other appropriate implementation mechanisms to carry out the direction of the Comprehensive Plan including any actions resulting from the additional housing analysis.

The proposed legislative changes are proposed to provide a comprehensive approach to the issue of providing needed housing. This comprehensive approach will involve substantial revisions to all existing residential zones to: introduce additional permitted housing types; reduce minimum lot sizes, lot widths and setbacks; increase allowed lot coverages; increase minimum densities in the Low Density Residential zones; modify the Low Density Residential zone strategy by requiring the more intensive Low Density Zone to become the primary Low Density Zone for the City; provide additional flexibility

with regard to development standards to encourage innovative design; “upzone” undeveloped Low Density Residential properties in the community to the next more intensive Low Density Residential zone; and remove Planned Development zoning overlays from all vacant residential properties that do not have an active and approved Development Plan. The proposed changes will also create a new Mixed Use Residential Zone and substitute the bulk of the City’s commercial zones with new mixed use commercial zones that allow for the development of residential dwellings. This comprehensive approach will also require a mixture of housing types for larger developments (greater than five acres) within all the existing residential zones and the new Mixed use Residential zone and will introduce pedestrian Oriented Design Standards in the form of a new development standards chapter to encourage a variety of living environments.

Consistent with ORS 197.307(3)(a), each of the residential building types is outright permitted in at least one or more of the residential zones. Most of the residential zones allow for at least six outright permitted residential building types. Additional residential building types are allowed through Plan Compatibility Review and Conditional Development processes. Rather than introducing additional restrictions on residential building types, the Plan Compatibility Review and Conditional Development processes simply allow for more types of residential development within each residential zone, above and beyond those residential building types that are outright permitted. Allowing these additional residential building types via a second track of review processes is consistent with ORS 197.307(3)(d).

The proposed changes to the existing residential zones will implement the new Comprehensive Plan Policies identified above by: including provisions for reduced setbacks, reduced minimum lot sizes, varied lot dimensions, and development that addresses alternate modes of transportation; by directing neighborhoods to have a mix of densities, lot sizes, and housing types, and an increase in densities that results in more compact urban development and more opportunity for the development of affordable housing; by providing clear and objective development standards for all vacant residential lands within the City except those vacant residential properties for which property owners have specifically requested and received approval for Planned Development Overlay zones in order to vary from development standards; and by increasing the density in Low Density Residential zones, consistent with the State Department of Land Conservation and Development direction which requires that the

City increase the density in its Low Density Residential zones. Additionally, the proposed changes will provide for development for senior citizens and disadvantaged groups. Finally, the changes will result in a much increased opportunity for affordable housing to be developed because of more flexible development standards and the introduction of additional housing types throughout the zones.

Through the wholesale revision to the City's existing residential zones, the creation of a new Mixed Use Residential Zone, and the substitution of the bulk of the City's commercial zones with mixed use zones that allow for the development of residential dwellings, the City has greatly increased the opportunities for the development of varied housing types, affordable housing, and increased densities.

Given the consistency of the proposed Land Development Code and Zoning Map with the policies and land use designations of the acknowledged Comprehensive Plan, the proposed adoption of these documents will further the City's compliance with Goal 10.

2. Planning for Incorporation of Ongoing Work Items

With its approval of the Corvallis Comprehensive Plan, DLCD identified two work tasks (#11 and #12) to be completed by June 26, 2001. The City is making all efforts in this Code Update project to fully preserve its capacity to respond to specific Comprehensive Plan policy reviews as specified in work tasks 11 and 12. Subsequent Code Updates under Periodic Review may be necessary to implement acknowledged work tasks 11 and 12. As mentioned, discussions with the State advise that the City is obligated to proceed now with the current Code Update project. Discussions with the State also advise that it is appropriate and acceptable to proceed in the future to make modifications to the Land Development Code or Comprehensive Plan that may be identified through the completion of Work Tasks 11 and 12, following both City adoption and State acknowledgment of those two work tasks. The City's existing Periodic Review work program deadline for task 9 (the Code Update project) was December, 1998, and it is considered overdue. The City's deadline for completing work tasks 11 and 12 is June 26, 2001.

Conclusion on Incorporation of Ongoing Work Tasks. Given the above, completion of the Land Development Code Update project (LDT00-00002 and ZDC00-00009), is consistent with the Statewide Planning Program's Periodic Review regarding completion of Goal 10 planning requirements.

- I. **Goal 11 - Public Facilities and Services:** The purpose behind Statewide Planning Goal 11 is “to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.” Goal 11 calls for efficient planning of public services such as sewers, water, storm drainage, law enforcement, and fire protection. This goal calls for efficient planning of public services such as sewers, water, storm drainage, law enforcement, and fire protection. The Goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs. Requirements for compliance with this goal are contained in Oregon Administrative Rule 660-011, administered by the Department of Land Conservation and Development (DLCDD).

The Corvallis Comprehensive Plan, adopted by the City in December, 1998, identifies land uses for all areas within the Corvallis Urban Growth Boundary. Both Goal 11 and OAR 660-011 require the City to develop and adopt public facilities plans for provision of the facilities and services identified above to areas within the Urban Growth Boundary. OAR 660-011-0010(3) also states:

(3) It is not the purpose of this division to cause duplication of or to supplant existing applicable facility plans and programs. Where all or part of an acknowledged comprehensive plan, facility master plan either of the local jurisdiction or appropriate special district, capital improvement program, regional functional plan, similar plan or any combination of such plans meets all or some of the requirements of this division, those plans, or programs may be incorporated by reference into the public facility plan required by this division. Only those referenced portions of such documents shall be considered to be a part of the public facility plan and shall be subject to the administrative procedures of this division and ORS Chapter 197.

Corvallis has adopted Public Facilities plans that were developed based on the assumptions contained in the Comprehensive Plan regarding the range of intensity of development that may occur. The plans have been acknowledged by DLCDD as adequately addressing the required facilities. In essence, Corvallis is using Article 10 of the Comprehensive Plan as its Public Facilities Plan, incorporating by reference all of the required plans as follows:

Detailed information related to specific capital projects for public utility, facility, and services are available in annual updates to the Capital Improvement Program and in individual program master plans. The list of water, wastewater, stormwater, and transportation projects in the annual adopted Capital Improvement Program shall be considered the City's "short-term" (five-year) list of public facility projects as required by State public facilities planning rules. Additional information regarding long-term projects on public facility planning is found in adopted master plans. Project lists taken from these master plans are intended to meet the needs of the public facilities planning rules for long-term projects and are referenced at the end of this Article.

Similarly, transportation facilities are addressed in Article 11 of the Comprehensive Plan and the Corvallis Transportation Plan, Chapters 1 through 11 as approved by DLCDC on June 26, 2000.

In addition to public facilities plans, the Land Development Code identifies the requirements and standards, based on the community's needs and capacities, for installation of these public facilities as properties develop.

The proposed Land Development Code and Zoning Map implement the policies and land use designations of the acknowledged Comprehensive Plan. Among these policies are requirements for development to pay for the costs associated with development and to install public facilities consistent with adopted facility plans. Given the City's acknowledged public facilities plans, the conformance of the proposed Zoning Map with the land use designations of the Comprehensive Plan Map upon which the assumptions of the public facilities plans are based, and the requirements and standards in the proposed Land Development Code that ensure development will pay the costs associated with its impact, the proposed Land Development Code and Zoning Map are in compliance with Goal 11.

- J. **Goal 12 - Transportation:** Goal 12 - Transportation of the Oregon Statewide Planning Goals and Guidelines requires cities and counties, "To provide and encourage a safe, convenient, and economic transportation system." The Transportation Planning Rule (TPR), OAR 660-012 provides direction on how communities are to accomplish this goal. The TPR requires a transportation plan to:

(1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle, and pedestrian; (2) be

based upon an inventory of local, regional, and State transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic, and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans.

In August, 1996, after a five-year development process, the City of Corvallis adopted the Corvallis Transportation Plan, which addressed most of the requirements of the Transportation Planning Rule (TPR). In December, 1998, the City adopted Chapter 11 - Transportation Alternative Analysis (TAA) as a supplement to the Corvallis Transportation Plan. This chapter evaluated, based on the requirements of the TPR, the transportation implications of the revised Comprehensive Plan, and identified significant improvements to all modes of the transportation system. The analysis was based upon an inventory of local, regional, and State transportation needs. It considered all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle, and pedestrian, and considered the differences in social consequences that would result from utilizing differing combinations of transportation modes. The analysis recognized the high level of and commitment to alternate mode use that exists in Corvallis. This alternate mode share of 37 percent, taken from the 1990 US Census data for Transportation to Work and confirmed by the 1997-98 Employee Transportation Task Force Report sponsored by the Corvallis Chamber of Commerce, the City of Corvallis, Good Samaritan Hospital, Hewlett Packard, and Bob Grant Construction, Inc., is actually nearly 2 percent higher than for the City of Portland based on the same Census data (Exhibit G of the ordinance related to these findings). According to the census data, walking is the second highest mode of travel after the automobile. The analysis determined that the proposed set of transportation improvements, intended to foster the development of Corvallis in conformance with the policies and land use designations of the Comprehensive Plan, would minimize adverse social, economic, and environmental impacts and costs of community development; conserve energy; meet the needs of the transportation disadvantaged by improving transportation services; and facilitate the flow of goods and services to strengthen the local and regional economy. Adoption of the TAA and the Comprehensive Plan gave direction for this Land Development Code update to provide the means to help the citizens of Corvallis avoid principal reliance upon any one mode of transportation by

proposing policies and land use designations that enhance the pedestrian, and bicycling environments, and mandated development of mixed use zones to further foster the use of these modes. With acknowledgment of the TAA, the Corvallis Transportation Plan was deemed in compliance with the TPR.

This update to the Land Development Code, Comprehensive Plan Map, and Zoning Map implements most of the requirements of the Comprehensive Plan, and as a result, also implements the direction from the Corvallis Transportation Plan and the TAA supplement. The creation of new mixed use zoning, and requirements that development comply with the Pedestrian Oriented Design Standards of Land Development Code Chapter 4.10 thus ensure the City is in compliance with Goal 12 and its intent to provide and encourage a safe, convenient, and economic transportation system.

- K. Goal 13 - Energy:** The purpose of Statewide Planning Goal 13 is “to conserve energy.” Goal 13 declares that “land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

The Corvallis Comprehensive Plan, adopted by the City in December, 1998, was created with a strong focus on mixed use development and the development of “Comprehensive Neighborhoods.” The proposed Land Development Code and Zoning Map implement these policies and land use designations. The mix of uses is intended to provide opportunities for people to live, work, and shop within an area accessible by foot, bike, and transit, as conveniently as by automobile. In addition to the allowance of a mix of use, the proposed Land Development Code requires development to meet specific “human-scale” standards, including those contained in Land Development Code Chapter 4.10 - Pedestrian Oriented Design Standards. These standards are intended to make pedestrian travel a safe, convenient alternative to the auto. According to the National Energy Information Center (NEIC) transportation is the greatest single source of energy consumption in the world. As the personal vehicle is the single greatest user of energy individual citizens have access to, reduction of auto use has the greatest potential impact for energy savings.

The development standards being proposed are sometimes referred to as “neo-traditional” development. This type of development has been successful throughout the country in places such as Portland, Oregon, and Fort Collins, Colorado.

As the proposed Land Development Code and Zoning Map promote land use and development standards intended to reduce the reliance on the

automobile, the single greatest source of energy consumption in the world, adoption of the proposed Land Development Code and Zoning Map will ensure the City's compliance with Goal 13.

- L. **Goal 14 - Urbanization:** The purpose of Statewide Planning Goal 14 is "to provide for an orderly and efficient transition from rural to urban land use." Goal 14 requires establishment of Urban Growth Boundaries "to identify and separate urbanizable land from rural land." It requires all cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It specifies seven factors that must be considered in establishing an Urban Growth Boundary. It also lists four criteria to be applied when undeveloped land within an Urban Growth Boundary is to be converted to urban uses.

With acknowledgment by the Oregon Land Conservation and Development Commission, it has been determined that the Corvallis Comprehensive Plan adopted by the City in December, 1998 is in compliance with this statewide goal as regards providing for an orderly and efficient transition from rural to urban land uses for the community for the planning horizon. This Comprehensive Plan compliance with Goal 14 also includes the location of the City's Urban Growth Boundary. What is left in this process is to finalize the City's compliance with Goal 14 by placing appropriate zones on properties within the City and adopting other appropriate implementation mechanisms to carry out the direction of the Comprehensive Plan.

As part of the proposed legislative amendments, revisions are proposed for Chapter 2.6 - Annexations. Review criteria will mirror the Comprehensive Plan Policies regarding the evaluation of livability indicators and benchmarks (14.3.5, 14.3.6, 1.1.7, 1.1.8, and 1.1.9). Additionally, Chapter 2.6 will be amended to include a detailed explanation of the methodologies involved with responding to annexation criteria and an additional review criteria will be added to the chapter. This criteria will require that if an annexation proposal includes areas planned for open space, general community use, or public or semi-public ownership, the annexation request shall be accompanied by a Comprehensive Plan Map Amendment to either Open Space - Conservation or Public Institutional. This criteria will ensure that these Open Space - Conservation and Public institutional lands are provided to meet the community's recreational, educational, and resource protection needs.

As the proposed legislative changes will implement the acknowledged Comprehensive Plan, their proposed adoption will complete the City's compliance with Goal 14.

- M. **Goal 15 - Willamette Greenway:** The purpose of Statewide Planning Goal 15 is “to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway.” Goal 15 sets forth procedures for administering the 300 miles of greenway that protect the Willamette River.

Chapter 3.30 - Willamette River Greenway District Overlay from the Land Development Code has long provided Corvallis' response to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River. These provisions have met the requirements of Goal 15 to date.

Chapter 3.30 of the Code is proposed to be retained and, as part of the proposed Zone Change, the Agriculture - Open Space Zone will be applied to all publicly-owned properties on the east side of First Street, within the City's riverfront area that is within the Willamette River Greenway. Although this zoning change is not mandatory, it does provide additional protection for this portion of the Willamette river Greenway and, therefore, reenforce the compliance with Goal 15 of the existing provisions of the Land Development Code.

FINDINGS RELATING TO ISSUES ON THE ZONING MAP CHANGES

1. Except as modified below, the City Council incorporates by reference, accepts, and adopts the findings adopted by the Planning Commission, as referenced in the Notice of Disposition (Order 2000-113). These include the August 25, 2000 staff report to the Planning Commission, the September 12, 2000 supplemental staff memo to the Planning Commission, and the September 6, 13, and 20, 2000 minutes of the Planning Commission. Also adopted as findings here are the November 9, 2000 staff memo to the City Council, the November 29 and 30, 2000 supplemental staff memos to the City Council, the December 4, 2000 supplemental staff memo to the City Council, the November 20 and 29, 2000 minutes of the City Council, and the December 4, 11, and 18, 2000 minutes of the City Council. The findings below supplement and elaborate on the aforementioned findings, all of which are incorporated herein by reference.

When there is a conflict between these findings and the above-referenced findings incorporated by reference, these findings shall control.

2. Because there was ample opportunity for the public to testify, the record contains all information needed to evaluate the application for compliance with the relevant criteria.
3. The subject properties involved in the Zoning Map Changes are outlined specifically in Exhibits D, E, and F of the ordinance related to these findings.
4. Zoning Map Changes are reviewed in accordance with Chapter 2.2 of the Land Development Code and other applicable policies of the Comprehensive Plan and any other applicable policies and standards adopted by the City Council.
5. **Zoning Map Changes Occurring in Response to Changes Made Using Existing Comprehensive Plan Map Designations:** The newly adopted Comprehensive Plan and Map modified the City's Comprehensive Plan land use designations on some properties, using existing Comprehensive Plan land use designations. These types of changes require that the Zoning Map designation on those properties be changed as well. Many of the proposed Zoning Map changes are these types of changes. Included in these changes are the application of the land use designations identified in the West Corvallis-North Philomath Plan and the South Corvallis Area Plan (13.11.2 - 13.11.4, 13.11.10, 13.11.12-13.11.18, 13.12.1, 13.12.8).

The Comprehensive Plan has provided specific direction regarding the need for Development Districts (Zones) to be consistent with the Comprehensive Plan Map designations for properties within the City. In each of the above cases,

Comprehensive Plan Map land use designations have been changed on properties through the Periodic Review process. The community has evaluated these Comprehensive Plan Map changes as part of the Periodic Review. The Zoning Map changes are an implementation of the Comprehensive Plan Map changes. Recent adoption of public facilities and transportation plans has also provided the City with appropriate tools for providing needed public services to the community as it is anticipated to develop over the next 20 years.

From the information presented above it is determined that the proposed Zoning Map Changes will properly implement existing Comprehensive Plan policies, provide consistency between Comprehensive Plan Map Designations, and have no adverse impact on the provision of public facilities (3.2.7, 2.2.10, 2.2.30.03).

6. **Zoning Map Changes Occurring in Response to Eliminated & New Comprehensive Plan Map Designations:** The newly adopted Comprehensive Plan and Map also eliminated some Comprehensive Plan land use designations and added some new ones. To implement these changes, all corresponding zoning designations must be eliminated and replaced by new designations. The changes to the zoning designations in this category are noted in the following chart:

Residential Zones	New Mixed Use Residential (MUR) Zone (applied to some properties in West Corvallis)
<p>Commercial Zones</p> <p>Note: In many instances, an existing commercial zone that is being eliminated may be replaced by either NC, MUCS, or MUGC.</p>	<p><u>Commercial Zones Proposed to be Eliminated:</u> <i>Eliminate Shopping Area (SA) Zone (May be replaced by NC, MUCS, or MUGC Zones)</i> <i>Eliminate Shopping Area - University (SA-U) Zone (Replaced by Minor NC Zone)</i> <i>Eliminate Special Shopping District (SSD) Zone (Replaced by MUCS Zone)</i> <i>Eliminate Community Shopping (CS) Zone (May be replaced by NC, MUCS & MUGC Zones)</i> <i>Eliminate Linear Commercial (LC) Zone (May be replaced by NC, MUCS, & MUGC Zones)</i> <i>Eliminate Mixed Use Commercial (MUC) Zone (May be replaced by NC, MUCS, & MUGC Zones)</i> <i>Eliminate Regional Shopping Center Zone (not replaced)</i></p> <p><u>Commercial Zones Proposed to Be Added:</u> <i>New Neighborhood Center (NC) Zone (applied as noted above)</i> <i>New Mixed Use Community Shopping (MUCS) Zone (applied as noted above)</i> <i>New Mixed Use General Commercial (MUGC) Zone (applied as noted above)</i> <i>New Riverfront (RF) Zone (applied downtown on the west side of First Street)</i></p>
Industrial Zones	<p>New Limited Industrial - Office (LI-O) Zone (applied in South Corvallis, west of HWY 99W)</p> <p>New Mixed Use Transitional (MUT) Zone (applied to Open Door & Evanite property)</p>

The Comprehensive Plan has provided specific direction regarding the need for Development Districts (Zones) to be consistent with the Comprehensive Plan Map designations for properties within the City. In each of the above cases, Comprehensive Plan Map land use designations have been developed and placed on properties through the Periodic Review process. As the community has evaluated the Comprehensive Plan Map and the Comprehensive Plan policies, appropriate new zones have been developed, and their placement on the Zoning Map is being proposed to reflect these documents as well. In a number of cases, the Comprehensive Plan Map Designation of property is being adjusted as a refinement to the earlier Comprehensive Plan adoption efforts. These refinements are intended to address compatibility issues or inconsistencies. Recent adoption of public facilities and transportation plans has also provided the City with appropriate tools for providing needed public services to the community as it is anticipated to develop over the next 20 years.

From the information presented above it is determined that the proposed Zoning Map Changes will properly implement existing Comprehensive Plan policies, provide consistency between Comprehensive Plan Map Designations, and had no adverse impact on the provision of public facilities (3.2.7, 2.2.10, 2.2.30.03).

7. **Zoning Map Changes Occurring in Response to Direction from Comprehensive Plan Policies:** Some Comprehensive Plan Policies provide direction that Zoning Map changes occur. For example, Policy 9.5.15 directs the City to explore ways to increase density in the Low Density Residential zones and many Comprehensive Plan Policies require the City to increase housing mixtures and increase density throughout the City. In response to these Policies, Zoning Map changes are proposed for undeveloped Low Density Residential portions of the City. In general, undeveloped RS-3.5 lands greater than one acre will be rezoned to RS-5 and undeveloped RS-5 lands greater than one acre will be rezoned to RS-6.

These changes alter the zoning of properties within the Low Density Residential Comprehensive Plan Map Designation. In all cases, the zoning remains consistent with the Comprehensive Plan Map. As public facilities are planned and designed to accommodate the range of density allowed within the Comprehensive Plan Map Designations, the recently adopted public facilities and transportation plans have provided the City with appropriate tools for providing needed public services to the community as it is anticipated to develop over the next 20 years.

New Zoning of properties under this proposal remain consistent with the Comprehensive Plan Map designations and provide the increased densities required by Comprehensive Plan policy 9.5.15, while having no adverse impact on the City's ability to provide adequate public facilities and service (3.2.7, 2.2.10, 2.2.30.03).

8. **Zoning Map Changes Occurring in Response to Inconsistencies:** In completing the first two types of changes described above, staff discovered a number of discrepancies associated with past Mapping inconsistencies. Some of the proposed Mapping changes involve correcting these Mapping inconsistencies, with the exception of some of the Timberhill area which will be the subject of a separate Map correction effort.

By law, the Comprehensive Plan Map and the Zoning Map must be consistent with each other. It is recommended that these map discrepancies be corrected as part of this Land Development Code Map update process. The recommended corrections to the map discrepancies are highlighted on the Draft Proposed Zoning and Comprehensive Plan Map Changes Map with yellow tags. Case files and other sources of information were researched in order to determine appropriate means of correcting the discrepancies. Generally, the proposed corrections are intended to reflect existing development patterns.

Some additional proposed Zoning Map changes that are not associated with outstanding discrepancies are described below. These changes, plus the proposed mapping corrections, are shown on the Draft Proposed Zoning & Comprehensive Plan Map Changes Map.

In each of the cases, zoning of property is being changed to provide consistency with the Comprehensive Plan Map Designation for the identified property. The inconsistencies are the result of mapping errors or varying development that has occurred over a period of time. The proposed changes will bring development into conformance with Comprehensive Plan Map Designations, including the Comprehensive Plan Amendments identified above. In each case, the change is also intended to provide consistency with the property's current development or development on adjacent properties. In each case as well, the proposed changes are insignificant enough so as to have minimal impact on the City's ability to provide appropriate public facilities. From the above information, it is determined that the proposed Zone Changes will provide consistency with the policies and the land use designations of the Comprehensive Plan, and that appropriate public facilities can be provided (3.2.7, 2.2.10, 2.2.30.03).

Note: The Draft Proposed Zoning & Comprehensive Plan Map Changes Map does not include any proposed changes to reconcile existing Comprehensive Plan and Zoning Map discrepancies for the Timberhill area. Per a March 6, 2000 City Council decision, the City has committed to a separate process from the Land Development Code Update process to evaluate and reconcile the Timberhill area map discrepancies (see Attachment G of the August 25, 2000 staff report to the Planning Commission). As part of this effort, the City will evaluate any necessary adjustments to Low Density Residential lands for larger, undeveloped parcels

consistent with the approach described above which is proposed to be implemented Citywide.

9. **Zoning Map Changes Occurring at the Request of Property Owners:** Some Zoning Map Change requests were received by property owners throughout the Land Development Code Update process. These requests are included in the discussion section of this report. The locations of these requests are indicated by blue tags on the Draft Proposed Zoning & Comprehensive Plan Map Changes Map (Exhibit D of the ordinance related to these findings) and also shown in Exhibits E and F of the ordinance related to these findings. They are described in more detail below. The Planning Commission and the City Council reviewed the requests.

Of these requested changes, only the ones identified as appropriate in Exhibits D, E, and F of the ordinance related to these findings were found to be appropriate. Each of the others failed to make the case for public need required to allow the appropriate Comprehensive Plan Map Designation for the property. As a result, the requested zone would not be consistent with the existing Comprehensive Plan Map Designation. The impact of these proposed zone changes on public facilities is minimal and can be shown to be consistent with the land use designations and policies of the Comprehensive Plan (3.2.7, 2.2.10, 2.2.30.03).

10. **Zoning Map Changes Occurring in Response to Legal Issue Regarding Vacant Residential Lands:** To comply with a legal issue regarding the availability of vacant residential land that may be developed with "clear and objective standards," staff has been advised by the City Attorney's Office that certain Planned Development Overlay Zones need to be removed (see Attachment J of the August 25, 2000 staff report to the Planning Commission for a more detailed legal explanation). The Planned Development Overlay Zones that exist on vacant residential properties with active and approved Development Plans may continue because they were specifically requested by the owners of such properties. The remaining Planned Development Overlay Zones that exist on vacant residential lands need to be removed. The types of Planned Development Overlay zones that exist on vacant residential properties **without** active and approved Development Plans exist for two reasons: 1) the Planned Development Overlay Zone was applied to a particular residential property to add an additional level of review when the property developed, usually in response to significant natural features on the property; and/or 2) the Planned Development Overlay Zone was automatically applied with the approval of a Development Plan for a particular residential site, the Development Plan expired, and the Planned Development Overlay Zone remained. In any event, the Planned Development Overlay Zone needs to be removed from residential properties that do not have an active and approved Development Plan. The actual properties affected by this type of Zoning Map Change are shown on the map in Exhibit D of the ordinance related to these findings.

As indicated in the discussion above, the request to remove the Planned Development overlay zoning from vacant residential lands that do not have an active Development Plan is in response to a legal issue. Removal of the Planned Development overlays will have minimal or no impact on the City's ability to provide adequate public facilities (3.2.7, 2.2.10, 2.2.30.03).

11. **Compliance with Statewide Planning Goals:** Given the analysis presented in the portion of these findings related to the Legislative Amendment to the Land Development Code, the proposed Zoning Map Changes comply with the applicable Statewide Planning Goals, identified as Goals 1-15.

CONCLUSIONS

Currently, the Land Development Code is not in conformance with the Comprehensive Plan because the Comprehensive Plan's new and modified Policies, and new zones and standards, have not been implemented into the Land Development Code. The Comprehensive Plan, revised in 1998, was developed and adopted through the City's Periodic Review process and is a very different document from the previous Comprehensive Plan. The Land Development Code Update Project, a 1½-year long public process, has developed new Zones intended to bring the Land Development Code into conformance with the current Comprehensive Plan, which has been acknowledged by the State Land Conservation and Development Commission. The proposed Text amendments are a result of that public effort. Given that the Land Development Code is out of conformance with the current Comprehensive Plan, public necessity, convenience, and general welfare require that it be amended to make it consistent with the current Comprehensive Plan and any other applicable Policies (Comprehensive Plan Section 1.2 as quoted above; LDC 1.2.80.01).

A review of the proposed Code text in total revealed inconsistencies and conflicts. The proposed "global changes" correct these. Changes in Code Chapter 1.2 include clarifications regarding the Official Zoning Map and zoning boundaries, terminology changes regarding types of development, and the addition of a section on rough proportionality. The addition of supplementary mandated development standards for nonconforming development to Code Chapter 1.4 is a public necessity to address the public's general welfare (Federal Register/Vol. 62 No. 37, pages 8391-8400). Making a large number of existing uses throughout the community become nonconforming will create an extreme hardship for land and business owners. Therefore, maintaining the ability for existing conforming uses to remain as conforming on lands that will be rezoned via these Zoning Map Changes is consistent with Policies 8.2.1 and 8.10.1. The revisions within Code Chapter 1.6 - Definitions are a public necessity to create a clear understanding of terminology within the Code.

The changes proposed for Code Chapter 2.0 - Public Hearings are a public necessity to conform to new provisions of State law and make Orders of Proceedings clear for decision-making bodies and the public. The proposed changes regarding application requirements and supplemented review criteria in Article II will require developments to supply information about and develop designs in compliance with the Comprehensive Plan Policies listed above. Therefore, the proposed changes are consistent with the Policies within Article 4, Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, 7.7.7, 11.2.1, 11.2.10, 12.2.3, 12.2.5, 13.11.14, the Policies within Article 12, and the Policies within Article 10. The proposed changes regarding review criteria for Comprehensive Plan Map Amendments to Conservation - Open space or Public Institutional, when done in conjunction with an Annexation request, are less onerous than for other Map Amendments and will encourage the retention of lands for parks, schools, and open space in advance and as an integral part of urban development. The revisions within Code Chapters 2.3 and 2.4 will assist with public convenience.

The changes to Code Section 2.5.50.04 place thresholds on changes that an applicant may propose when a project is being evaluated for compliance with an approved Conceptual Development Plan. These thresholds address topics within the new Policies of the Comprehensive Plan relating to architectural and site design. The establishment of procedures for Refinement Plans and Expedited Land Divisions are a public necessity because they are required by State law (ORS 197.360). The proposed revisions to Chapter 2.6 - Annexations are a direct response to the Comprehensive Plan Policies in Articles 1 and 14. As a result, the review criteria will mirror Policy 14.3.5 and Policies 14.3.6, 1.1.7, 1.1.8, and 1.1.9 will be evident in a new section for the Chapter (Code Section 2.6.30.07) which explains acceptable methodologies for addressing the review criteria. An additional review criteria not specifically spelled out in Policy 14.3.5 will also be present in Chapter 2.6 - Annexations. This criteria requires that if an annexation proposal includes areas planned for open space, general community use, or public or semi-public ownership, the annexation request shall be accompanied by a Comprehensive Plan Map Amendment to either Open Space - Conservation or Public Institutional (Policies 5.6.11, 10.5.3, 10.5.4, 10.5.5, 10.5.8, 10.5.9, and 10.5.10).

The Comprehensive Plan gives relatively specific guidance regarding the need for a Major Neighborhood Center Zone and for the design concepts to be used for development in this zone. The new requirements for a master site plan will ensure that these design concepts are met. With the adoption of the proposed new Code, many existing developed residences will become nonconforming with respect to structures, resulting in many existing developed residences not being able to construct additions or redevelop as they have in the past. The creation of two types of LDO's will enable existing developed residences to construct additions or redevelop much in the same manner as the past, thereby greatly reducing impacts of the new development standards on existing residential neighborhoods. These proposed changes are needed to avoid undue hardships on residential homeowners.

The revisions within Code Chapter 3.0 - Use classifications are a public necessity to create a clear understanding of terminology within the Code. The proposed changes to the existing residential zones will implement the new Comprehensive Plan Policies identified above by: including provisions for reduced setbacks and minimum lot sizes, varied lot dimensions, and development that addresses alternate modes of transportation; by directing neighborhoods to have a mix of densities, lot sizes, and housing types, and an increase in densities that results in more compact urban development with more opportunity for the development of more affordable types of housing; and by increasing the density in Low Density Residential zones, consistent with the State Department of Land Conservation and Development direction. Additionally, the proposed changes will provide for development for senior citizens and disadvantaged groups. Finally, the changes will result in a larger opportunity for the development of more affordable types of housing due to more flexible development standards and the introduction of additional housing types throughout the zones. The proposed Mixed Use Residential Zone (Chapter 3.9) will implement the Comprehensive Plan Policies that direct the establishment of mixed use development and will implement the Comprehensive Plan Map designation of Mixed Use Residential in the West Corvallis area.

The Comprehensive Plan gives relatively specific guidance regarding the need for a Neighborhood Center Zone and for the elements that are to be included within the zone. Land Development Code Chapter 3.14- Neighborhood Center (NC) Zone is in conformance with the Comprehensive Plan. The Comprehensive Plan gives specific direction regarding the need for a Riverfront Zone. Though the specific elements that are to be included within the zone are less clear than those of the NC Zone, compact, pedestrian-friendly, mixed-use development that provides for regional shopping and service needs is to be provided. Land Development Code Chapter 3.15- Riverfront Zone (RF) Zone is in conformance with the Comprehensive Plan. The Comprehensive Plan gives specific direction that new commercial zones shall allow a mix of uses and maximize access for transit and pedestrians. Though the specific elements that are to be included within the zone are less clear than those of the NC Zones, compact, pedestrian-friendly, mixed-use development that provides for local shopping and service needs is to be provided. Land Development Code Chapter 3.19- MUCS (Mixed Use Community Shopping) Zone is in conformance with the Comprehensive Plan.

The Comprehensive Plan gives specific direction that the P-AO, CB and CBF Zones are to remain. Although specific planning efforts addressing the downtown (CB and CBF) are identified in the Comprehensive Plan, a decision was made to accomplish these tasks in a future phase of the Land Development Code Update due to the magnitude of other Land Development Code changes that were mandated. No specific changes to the P-AO Zone were mandated. Land Development Code Chapters 3.11- P-AO, 3.16 - CB, and 3.17 - CBF Zones are in conformance with the Comprehensive Plan.

The Comprehensive Plan gives specific direction to create a Limited Industrial - Office (LI-O) Zone, and identifies specific elements that are to be included within the Zone. Land Development Code Chapter 3.22 - Limited Industrial - Office (LI-O) Zone is in

conformance with the Comprehensive Plan. The Comprehensive Plan gives specific direction for the creation of a Mixed Use Transitional Zone, including some specific elements that are to be included within the zone. Land Development Code Chapter 3.21-MUT (Mixed Use Transitional) Zone is in conformance with the Comprehensive Plan. Although specific planning efforts addressing the GI, II, and RTC Zones are identified in the Comprehensive Plan, a decision was made to accomplish these tasks in a future phase of the Land Development Code Update due to the magnitude of other Land Development Code changes that were mandated. No specific changes to the LI Zone were mandated. Land Development Code Chapters 3.23 LI Zone ; 3.24 GI Zone ; 3.25 II Zone ; and 3.26 RTC Zone are in conformance with the Comprehensive Plan.

Until a Conservation - Open Space (C-OS) Zone is developed, the AG-OS Zone will continue to be applied to lands with Comprehensive Plan designations of Open Space - Agriculture **and** Open Space - Conservation. Asterisks will be placed by uses that would be in conflict with the description for the Comprehensive Plan land use designation of Open Space - Conservation (Policy 40.4.3). Only the AG-OS uses without asterisks will be allowed on lands with a Comprehensive Plan Map designation of Open Space - Conservation. Given the above, land uses on lands with a Comprehensive Plan Map designation of Open Space - Conservation will be consistent with the Comprehensive Plan.

Chapter 4.0 - Improvements Required with Development will be revised to reflect the currently adopted Transportation Plan and Comprehensive Plan Policies. Examples of some of the changes include revised references to the functional classification of streets, and a revised Street Functional Classification System chart showing the improvements associated with each type of street facility. Chapter 4.0 will also be revised to add alley, shopping street, and block perimeter development standards. Given the above, the proposed changes to Chapter 4.0 will be consistent with the Comprehensive Plan. The Comprehensive Plan requires that *"parking lots be located to the rear of buildings, and where they do not disrupt the pedestrian landscape, may be located to the side of buildings"* (8.9.14, 8.10.9). Chapter 4.1 - Parking, Loading, and Access requirements will include provisions that require parking lots to be placed consistent with these Policies. Comprehensive Plan Policy 8.10.12 states that *"the City shall develop standards for commercial, office, and industrial districts to require that, any spaces in excess of the minimum standard shall be located in underground or structured parking facilities in developments with large minimum parking requirements (such as over 200 spaces)."* Chapter 4.1 will include such a provision.

The Policies within Article 4 and Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, and 11.2.1 emphasize the preservation of significant open space and natural features, the minimization of environmental impacts and impervious surfaces, and the incorporation of topography as a factor affecting the design of development. In response to these Policies, and other Comprehensive Plan Policies which address and encourage substantial landscaping with development (3.2.3, 3.2.4, 5.2.3, 5.2.4, 5.3.1, 5.3.2, 5.33, to name a few), Chapter 4.2 will contain much more specific provisions for the preservation

of significant natural vegetation and minimum landscaping requirements. Additionally, fencing requirements will be made more clear and gateway landscaping and fencing requirements along South Third Street will be included (5.2.1, 5.2.4, 5.5.11, 13.11.1, 13.11.10). Finally, a new section (Code Section 4.2.80) will be added to Chapter 4.2 to address lighting per Comprehensive Plan Policy 9.3.7 and Council Policy 91-9.04.

New FEMA (Federal Register/Vol. 62 No. 37, pages 8391-8400) regulations specify additional development standards for development within the 100-year flood plain. Therefore, these new requirements will be added to Code Chapter 4.5 - Flood Control and Drainageway Provisions to ensure that they are met. Code Chapter 4.7 - Sign Regulations lists many sign provisions in relation to the City's Zoning designations. Because the City's Zoning designations are changing, Chapter 4.7 will change to reflect the new names of the zones.

Residential zones throughout the Code will be changing to require larger developments (greater than 5 acres) to provide a variety of housing types. To assist in complying with these new requirements, a housing type matrix will be added to the end of Chapter 4.9 - Additional Provisions. The proposed new chapter 4.10 - Pedestrian Oriented Development Standards provide development standards related to design and address Comprehensive Plan Policy direction. From the information presented in Land Development Code Chapter 4.10, Chapter 4.10 is in conformance with the Comprehensive Plan.

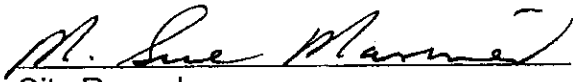
The adopted Comprehensive Plan and Map modified the City's Comprehensive Plan land use designations on some properties, using existing Comprehensive Plan land use designations. These types of changes require that the Zoning Map designation on those properties be changed as well. Many of the proposed Zoning Map changes are these types of changes. Included in these changes are the application of the land use designations identified in the West Corvallis-North Philomath Plan and the South Corvallis Area Plan (13.11.2 - 13.11.4, 13.11.10, 13.11.12-13.11.18, 13.12.1, 13.12.8).

The Comprehensive Plan has provided specific direction regarding the need for Development Districts (Zones) to be consistent with the Comprehensive Plan Map designations for properties within the City. Comprehensive Plan Map land use designations have been changed on properties through the Periodic Review process. The community has evaluated these Comprehensive Plan Map changes as part of the Periodic Review. The Zoning Map changes are an implementation of the Comprehensive Plan Map changes. Recent adoption of public facilities and transportation plans has also provided the City with appropriate tools for providing needed public services to the community as it is anticipated to develop over the next 20 years. The proposed Zoning Map Changes will properly implement existing Comprehensive Plan policies, provide consistency between Comprehensive Plan Map Designations, and have no adverse impact on the provision of public facilities (3.2.7, 2.2.10, 2.2.30.03).

Some of the proposed Mapping changes involve correcting these Mapping inconsistencies, with the exception of some of the Timberhill area which will be the subject of a separate Map correction effort. By law, the Comprehensive Plan Map and the Zoning

Map must be consistent with each other. These map discrepancies will be corrected as part of this Land Development Code Map update process. Some Zoning Map Change requests were received by property owners throughout the Land Development Code Update process. Any changes recommended by the City Council have been applied to the Draft Proposed Zoning & Comprehensive Plan Map Changes Map or included in Exhibits E and F of the ordinance related to these findings. Finally, a request to remove the Planned Development Overlay zoning from vacant residential lands that do not have an active Development Plan is in response to a legal issue. Removal of the Planned Development Overlays will have minimal or no impact on the City's ability to provide adequate public facilities (3.2.7, 2.2.10, 2.2.30.03).

The City Council finds that there was ample opportunity for public review of the proposed Legislative Amendment to the Land Development Code (LDT00-00002) and Zoning Map Change (ZDT00-00009), that the proposed changes are consistent with the applicable Comprehensive Plan criteria, and that the proposals are consistent with the applicable Statewide Planning Goals. Accordingly, the Legislative Amendment to the Land Development Code (LDT00-00002) and Zoning Map Change (ZDT00-00009) are APPROVED, subject to acknowledgment by the State Land Conservation and Development Commission and the review and approval of a final implementation order by the City Council.


City Recorder

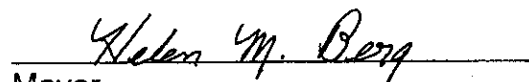

Mayor

EXHIBIT B

Presented below are the Council-directed changes to Draft D of the Code that were developed during the Council deliberations of November 29, 2000 and December 4, 2000.

Additional Changes from the December 4, 2000, Council Deliberations

- *Revision to the second sentence in section 2.1.30.11 (on page 2.1-10) to read as follows:*

The amendment shall not be corrected if the City Council subsequently approves a Comprehensive Plan map amendment affecting the initial approval.

- *Revision to the second sentence in section 2.2.40 (on page 2.2-11) to read as follows:*

The amendment shall not be corrected if the City Council subsequently approves a Zone Change affecting the initial approval.

- *Revision to item "n" in section 2.3.40.02 and relocation of the statement to be introductory to items "a-m" of said section, as indicated below:*

2.3.40.02 - Thresholds of a Conditional Development Modification

Within one calendar year, up to three factors identified in "a-m" below, which do not exceed the thresholds outlined in these provisions, may be proposed for modification under this section. If more than three such factors are proposed for modification within a calendar year, or if modifications are proposed that exceed the thresholds outlined in "a-m" below, the changes shall be processed as a new Conditional Development and shall follow the procedures outlined in section 2.3.30.

No modifications to specific requirements established at the time of Conditional Development approval, including conditions of approval, Code requirements, and all aspects of the Conditional Development proposal, can be made as a Minor Modification unless they are less than the thresholds outlined in items "a-m" below. The thresholds for a Conditional Development modification are as follows:

- *Revision to item "j" in section 2.4.80.02 and relocation of the statement to be introductory to items "a-i" of said section, as indicated below:*

2.4.80.02 - Thresholds of a Tentative Subdivision Plat Modification

Within one calendar year, up to three factors identified in "a-i" below, which do not exceed the thresholds outlined in these provisions, may be proposed for modification under this section. If more than three such factors are proposed for modification within a calendar year, or if modifications are proposed that exceed the thresholds outlined in "a-i" below, the changes shall be processed as a new tentative subdivision plat and shall follow the procedures outlined in section 2.4.30.

No modifications to specific requirements established at the time of tentative subdivision plat approval, including conditions of approval, Code requirements, and all aspects of the tentative subdivision plat proposal, can be made as a Minor Modification unless they are less than the thresholds outlined in items "a-i" below. The thresholds for a tentative subdivision plat modification are as follows:

- *Revision to item "n" in section 2.5.60.02 and relocation of the statement to be introductory to items "a-m" of said section, as indicated below:*

2.5.60.02 - Thresholds of a Minor Planned Development Modification

Within one calendar year, up to three factors identified in "a-m" below, which do not exceed the thresholds outlined in these provisions, may be proposed for modification under this section. If more than three such factors

are proposed for modification within a calendar year, or if modifications are proposed that exceed the thresholds outlined in "a-m" below, the changes shall be processed as a Major Planned Development Modification and shall follow the procedures outlined in section 2.5.70.

No modifications to specific requirements established at the time of Planned Development approval, including conditions of approval, Code requirements, and all aspects of the Planned Development proposal, can be made as a Minor Modification unless they are less than the thresholds outlined in items "a-m" below. The thresholds for a Minor Planned Development modification are as follows:

- *Revision on page 2.6-19 of the Economic Vitality livability indicator "unemployment/housing" to read "employment/housing" and application of this indicator to residential annexations as well as commercial/industrial and public institutional annexations.*
- *Revision of footnote #1 on page 3.19-4 to read as follows:*

Uses which were in existence and permitted in zoning prior to December 31, 2000, and are now located in the MUCS Zone, shall not be classified as non-conforming uses unless they have been discontinued for a period of at least eighteen months in which case the requirements of Section 1.4.40.03 shall apply. Expansions and enlargements shall comply with all other applicable Code requirements.

- *Further revision to the new section 1.4.50.02 (on page 1.4-5) to apply to all zones to address a concern requesting the continuation of existing legally conforming uses:*

1.4.50.02 - ~~Existing~~ Uses in Major and Minor Neighborhood Center, Mixed Use Community Shopping, Mixed Use General Commercial, and Limited Industrial Office Zones

Uses that were permitted by the underlying zone prior to a subject property's rezoning ~~via ZDC00-00009 (the Zoning map changes related to the Land Development Code Update Project)~~ to a designation of Neighborhood Center, Riverfront, Mixed Use Community Shopping, Mixed Use General Commercial, Limited Industrial Office, or Agricultural - Open Space, shall not be classified as nonconforming development unless the use(s) ~~on the subject property has~~ have been discontinued for a period of more than ~~one year~~ eighteen months (in which case section 1.4.40.03 shall apply).

- *Revision of the second paragraph of section 4.10.70.04.a to read as follows:*

"Other requirements of this Code" may include, but not be necessarily limited to, significant natural resource protection provisions in Chapter 4.2; vehicle ~~parking, loading, and~~ circulation requirements in Chapter 4.1; and floodway/floodplain maintenance requirements in Chapter 4.5. Unusual site constraints may include parcels fronting more than two streets, irregular lot configuration, weak foundation soils, or other physical site factors that constrain development when considered with Uniform Building Code requirements.

Additional Changes from November 29, 2000, Council Deliberations

- *Revision to section 2.5.60.02.a (on page 2.5-19) as follows:*

- a. ~~Change in use type, with the exception of that for a~~ valid (still active) planned developments that existed ~~or was~~ and were approved before December 31, 2000, a modification request shall be considered as follows:

- *Revision to section 2.3.30.01.e.5.c (on page 2.3-4) to add the word "habitat" as follows:*

- (c) Plants, plant communities, and fish and wildlife ~~habitat~~ found on the site that are listed as threatened or endangered with the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as well as significant native vegetation as defined in the Oregon National Heritage Plan (1998), which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species.

This change is a "global" change that needs to occur in all planning procedure chapters where "fish and wildlife" is mentioned.

- Revision to item #16 in Table 3.14-1 (on page 3.14-6) to make the use type of religious assembly less than 5,000 sq. ft. an outright permitted use in both minor and major neighborhood centers.

- Revision to section 3.19.40.05.a (on page 3.19-10) as follows:

- a. **Front setback** - Structures may be built to the property line but no closer to the street than the width of the standard planting strip and sidewalk for that street classification. A maximum setback of 20 ft. from either the property line or the line marking the outer boundary of the standard planting strip and sidewalk for that street classification shall apply to all building sites, except as provided in sections 1, 2, and 3 below.

- Revision to section 4.0.60.i.3.c (on page 4.0-11) as follows:

- (c) Where parking is provided, it shall be 45° angled parking and shall not interfere with service areas, utilities, or pedestrian facilities. Such parking may be 45° angled parking, parallel parking, or 90° parking, provided the parking stalls (and related back-up areas) are designed consistent with the City's Off-Street Parking and Access standards, as amended over time. Rather than making alleys wider to allow for adequate back-up areas for 90° parking stalls, applicants are encouraged to provide longer parking stalls; and

- Revision to section 4.1.20.p (on page 4.1-4) as follows:

- p. **Structured Parking Required** - For commercial, office, and industrial development with off-street vehicle parking in excess of the minimum required, up to requirements in excess of 200 unstructured vehicle parking spaces all parking in excess of the minimum shall be allowed for each of the first three stories of structures within the development site, not to exceed the maximum parking allowed in section 4.1.20.o above. All non-required vehicle parking in excess of the 200 per story shall be located in underground or structured parking facilities. In such cases, where such underground or structured parking facilities are constructed, the parking maximum may be increased to 50 percent in excess of the minimum off-street vehicle parking required by section 4.1.30 below. Note: When multiple structures are located on an individual development site, the parking associated with each floor of all structures on the development site shall be added together when calculating the threshold of 200 spaces per story in this provision. For this section, required handicapped spaces do not count toward the minimum parking requirement.

- Revise the "Time Frame for Quasi-Judicial Hearings" graphic in Chapter 2.0 to update it and ensure that it's clear that quasi-judicial processes are conducted within a 120-day processing time frame, once an application has been accepted as complete.

- Add section 3.19.40.09 to the MUCS chapter (add to page 3.19-13) as follows:

Monument Sign Exception - In cases where street visibility of a business in a conforming structure established prior to December 31, 2000 is significantly reduced due to new construction on adjacent property, and the 100-ft. minimum separation requirements for free-standing signs (section 4.7.80.02.c) otherwise precludes any street signage associated with the structure, a single monument sign that is a maximum of 8 ft. high and 32 sq. ft. in area, which otherwise meets the requirements of Chapter 4.7, is permitted.

- Revise section 4.10.70.01.d.4 as follows:

4. Applicants shall choose at least two standards from section 4.10.70.05.b.7 (a through e). If the expansion/enlargement is for space not open to customers or the public, the applicant must choose only one standard from section 4.10.70.05.b.7 (a through e).

Changes from November 29, 2000 Staff Memo to City Council, as Modified by Council during its deliberations on November 29, 2000

- Final technical edits based upon this most recent draft, including a final check of cross-references, to be completed in January, 2001.
- Revision to the final paragraph of section 1.2.120 (on page 1.2-8) to address a legal concern that requested further defining when an applicant may submit a rough proportionality report:

For building permits that do not involve any City planning processes, the applicant shall submit the report outlined above during at the time of building permit application submittal or at the time of its related appeal period process. For building permits that do involve City planning processes, the applicant shall submit the report either during the period following the staff review committee (SRC) meeting and prior to the mailing of the public notice, or during as part of the regular appeal period process associated with such planning applications. Appeal processes are outlined in Chapter 2.19 - Appeals of this Code.

- Revision to the new section 1.4.50.02 (on page 1.4-5) to apply to all zones to address a concern requesting the continuation of existing legally conforming uses:

1.4.50.02 - Existing Uses in Major and Minor Neighborhood Center, Mixed Use Community Shopping, Mixed Use General Commercial, and Limited Industrial Office Zones

Uses that were permitted by the underlying zone prior to a subject property's rezoning via ZDC00-00009 (the Zoning map changes related to the Land Development Code Update Project) to a designation of Neighborhood Center, Riverfront, Mixed Use Community Shopping, Mixed Use General Commercial, Limited Industrial Office, or Agricultural - Open Space, shall not be classified as nonconforming development unless the use(s) on the subject property has have been discontinued for a period of more than one year (in which case section 1.4.40.03 shall apply).

- Revisions to the last sentence of section 2.0.50.06.o (on page 2.0-14) and the last sentence of the first paragraph of section 2.19.30.04 (on page 2.19-4) to address a legal concern requesting that LUBA appeal deadlines be in accordance with state law:

- o. Once a decision has been made, the presiding officer or staff shall announce the appropriate time and place for appeals. For appeals from a lower City hearing authority to a higher City hearing authority, the appeal period shall be 12 days from the date the written decision is signed. For Appeals to the State

Land Use Board of Appeals shall be made in accordance with the provisions of state law, the appeal period shall be 24 days from the date the decision is signed.

Appeals shall be filed within 49 12 days after from the date that a notice of disposition the decision is mailed signed. In the case of a legislative interpretation of the Land Development Code or the Comprehensive Plan, an appeal shall must be filed within 49 12 days of a published notice of such interpretation. Appeals to the State Land Use Board of Appeals shall be made in accordance with the provisions of state law.

- Revisions to sections 2.4.30.01.f.5 (listed as "c.5" on page 2.4-9) and 4.0.60.a.1 (on page 4.0-6) to address a legal concern requesting the provision of clear and objective standards for subdivisions:

- 5. Traffic impact study prepared by a licensed transportation engineer, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures:

- 1. A proposal for establishing the scope of The traffic evaluation shall be submitted for review to the City Engineer and shall be prepared by a licensed transportation engineer. The proposed evaluation requirements shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. Large projects should assess all nearby key intersections. Once the scope of the traffic evaluation has been approved by the City Engineer, The applicant shall complete the evaluation and present the results with an overall site development proposal. If required by the City Engineer, such evaluations shall be signed by a Licensed Professional Civil Engineer or Licensed Professional Traffic Engineer.

Revisions to section 2.4.30.04 (on page 2.4-10) to address a legal concern requesting the provision of clear and objective standards for subdivisions:

2.4.30.04 - Review Criteria

Requests for the approval of a tentative subdivision plat shall be reviewed to ensure consistency with the purposes of this chapter Code, pertinent development standards of the Code including Chapters 4.0 Improvements Required with Development; 4.1 Parking, Loading, and Access Requirements; 4.2 Landscaping, Buffering, and Screening; 4.4 Land Division Standards; and 4.5 Flood Control and Drainage Provisions; and density requirements of the Comprehensive Plan, and the provisions of this Code. Pursuant to Comprehensive Plan Policy 3.2.7, the application shall also demonstrate compatibility in the areas in a-n below as applicable. If an application demonstrates compliance with the standards set out in Chapters 4.0 through 4.10 of this Code, then the application shall be deemed to have met the purposes of this chapter and the compatibility criteria in a-n below:

- a. Basic site design (the organization of uses on a site and its relationship to neighboring properties);
- b. Visual elements (scale of potential development, etc.);
- c. Noise attenuation;
- d. Odors and emissions;
- e. Lighting;
- f. Signage;
- g. Landscaping for buffering and screening;
- h. Transportation facilities;
- i. Traffic and off-site parking impacts;
- j. Utility infrastructure;
- k. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
- l. Consistency with the applicable development standards, including the applicable pedestrian-oriented design standards;
- m. Preservation and/or protection of significant natural features and wildlife habitat consistent with the Comprehensive Plan and;
- n. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site.

Revisions to section 2.4.30.05 (on page 2.4-11) to address the legal concern requesting clear and objective standards for subdivisions. The revision reiterates that clear and objective standards are used for subdivision review:

2.4.30.05 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. The public hearing shall pertain to whether the application meets the provisions of this Code. Following the close of the hearing, the Planning Commission shall approve, conditionally approve, or deny the tentative subdivision plat. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria.

Revisions to the first paragraph in section 2.4.40.06 (on page 2.4-17) to address a legal concern requesting the provision of clear and objective standards for subdivisions:

2.4.40.06 - Review of Final Subdivision Plat Application and Review Criteria to Determine Compliance with a Tentative Subdivision Plat

A final subdivision plat or other site development permit request shall be reviewed to determine whether the request is in substantial compliance with the approved tentative subdivision plat. It shall be deemed to be in substantial compliance when it is consistent with the review criteria in 2.4.30.04 above, does not involve modifications to Code development standards, and does not involve changes to any specific requirements established at the time of tentative subdivision plat approval. "Specific requirements" include conditions of approval, Code requirements, and all aspects of the applicant's proposal that were approved as part of the tentative subdivision plat.

- *Revision to add a sentence to the end of section 4.0.10 (on page 4.0-2) to address the legal concern requesting clear and objective standards for subdivisions:*

Section 4.0.10 - PURPOSES

This chapter provides general information regarding improvements required with residential, commercial, and industrial development. It is intended to clarify timing, extent, and standards for improvements required in conjunction with development. In addition to the standards in this chapter, additional standards for specific situations are contained in other chapters 4.1 through 4.10 within Article IV. Finally, improvements required with development shall meet construction specification standards established by the City Engineer and amended over time.

- *Revision to section 4.0.60.j.1 (on page 4.0-11) to address a legal concern requesting clear and objective standards:*

1. ~~To the maximum extent practicable, Grading (cuts and fills) shall be minimized by not exceeding 8 vertical feet for an individual cut or fill and not exceeding 16 vertical feet for a combination cut/fill, and Streets shall be designed along natural contours., and structures shall be designed to fit the topography of the site:~~

- *Add section 3.15.60.05 to respond to concerns that there be flexibility in parking requirements for the Riverfront Zone until such time as the additional analysis is completed:*

3.15.60.05 - Interim Parking Standards and Alternate Parking Proposals

Parking studies and analyses are currently underway by the City of Corvallis and the Parking Commission. New data may indicate the need to adjust parking requirements in Section 3.15.60. Until the new data is available and any subsequent changes are formally incorporated into a revised section 3.15.60, a development may propose alternate methods of calculating parking requirements through the Planned Development and Lot Development Option processes outlined in Chapters 2.5 and 2.2 of the Code, respectively.

- *Addition of new section 4.10.50.01.d, 4.10.60.01.d, and 4.10.70.b.8, and revision of section 4.10.70.01.d.2 to address a legal concern requesting clear and objective standards. These revisions provide grading requirements for structures and on-site improvements as follows:*

Grading (Cuts and Fills) - Structures and on-site improvements shall be designed to fit the natural contours of the site by minimizing cuts and fills. Cuts and fills shall be considered to be minimized by not exceeding 8 vertical feet for an individual cut or fill and not exceeding 16 vertical feet for a combination cut/fill. The maximum cut or fill used to establish any driveway shall not exceed 8 vertical feet, except that overall vertical heights of these cuts or fills may exceed 8 ft. where slopes on a site exceed 20 percent. In these cases, an overall maximum vertical height of 14 ft. may be achieved by use of more than one cut or fill, provided that a minimum 5-ft. planted bench is constructed between the two cuts or fills (excepting that improvements such as sidewalks, stairs, patios, etc. that cross the bench are not planted).

2. ~~New parking shall comply with subsections "b," "c," and "d" of section 4.10.70.04. - Vehicle Circulation and Design Standards. For new drive-throughs, section "e" shall apply. Site improvements and expansions shall comply with the grading requirements of section 4.10.70.b.8.~~

- *Revisions to section 4.10.50.02.c (on page 4.10-7) to address a legal concern requesting clear and objective standards:*

- c. ~~Garage and Carport Materials - Garages and carports, when provided, shall be constructed of the same building materials as the dwelling. Carports, when provided, shall be of materials similar and/or complementary to the residential dwelling unit and shall be painted, unless they are constructed of materials with color such as brick, etc.~~

- *Revisions to section 4.10.60.02.a.1 (on page 4.10-10) to address a legal concern requesting clear and objective standards:*

1. Parking lots shall be placed to the rear of buildings in accordance with the section 4.10.60.01. Ministerial

exceptions to this standard allow parking to the side of a building if required parking cannot be accommodated to the rear. These ministerial exceptions may be granted in the following cases:

- (a) Where lot depth is less than 75 ft. insufficient to provide parking to the rear of structures;
- (b) Where parking on the side would preserve significant natural features that exist to the rear of a site and that would be disturbed by the creation of parking to the rear of structures on a site;
- (c) Where a common outdoor space at least 200 sq. ft. in size is proposed to the rear of a site and parking in the rear on the side would allow prohibit the provision of this a common outdoor space area for residents of a development site; and/or
- (d) Where parking on the side would solve proximity issues between dwelling unit entrances and parking spaces. A proximity issue in this case involves a situation where a parking lot to the rear is in excess of 100 ft. from the entrances to the dwelling units being served by the parking lot.

● Revisions to sections 4.10.60.05.a&b (on page 4.10-13) to address a legal concern requesting clear and objective standards:

- a. **Service Areas** - When provided, service areas (e.g., trash receptacles) shall be located to minimize noise and other impacts to on-site and adjacent uses, located to provide convenient truck access and screened pursuant to Chapter 4.2 shall not be placed within any required setback area. When located outside a setback area but between 5 - 10 ft. of a property line, such service areas shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment within the service area and also screened with landscaping (in accordance with landscape screening provisions of Chapter 4.2). When located outside a setback area but greater than 10 ft. from a property line, such service area shall still be screened, but may be screened with landscaping only (in accordance with landscape screening provisions of Chapter 4.2). Service areas for residential building types other than single family, duplex, and triplex units shall be located a minimum of 20 ft. from both on-site and off-site residential buildings. Transformers shall also be screened with landscaping.

When service areas are provided within alleys, the alleys shall be constructed in accordance with the provisions in Chapter 4.0 to accommodate the service vehicles, both in terms of alley width (e.g. at corners in "T" and "L" alleys) and alley construction materials (refer to Chapter 4.0):

- b. **Roof-Mounted Equipment** - Roof-mounted equipment (heating, ventilation, and air conditioning equipment, etc.) shall be screened by providing screening features (such as a parapet, wall, or other sight-blocking feature) shall be at least equal in height to the equipment compatible with roof lines, and constructed of materials used in the building's exterior construction. The roof-mounted equipment shall be painted to match the roof.

● Revisions to section 4.10.60.06.f (on page 4.10-15) to address a legal concern requesting clear and objective standards:

- f. **Safety Adjacent to Vehicular Areas** - Where internal sidewalks parallel and abut a vehicular circulation area, sidewalks shall be raised a minimum of 6 in. or shall be separated from the vehicular circulation area by a minimum 6-in. raised curb. Landscaping that meets similar to the requirements for separated sidewalks adjacent to streets shall be provided.

● Revision to delete the first sentence of section 1.3.60.04.b.9 (on page 1.3-6) to respond to a legal concern requesting clear and objective standards:

- 9. The municipal judge shall develop any rules or regulations that may be necessary for the proper conduct of the appeal. The only issues to be decided by the municipal judge are determinations of whether or not the condition of the property was as alleged in the notice of penalty and if so, whether that condition violated this Code. If the judge finds that the alleged condition existed at the time and date specified on the notice of penalty, and that the condition violated this Code, the municipal judge shall issue an order

affirming the penalty. The order shall contain a provision for court costs to be paid by the violator in the amount of \$100.00. If the judge finds that the condition alleged in the notice of penalty did not exist at the time and date specified on the notice, the municipal judge shall void the notice of penalty. The order voiding the notice of penalty shall provide for return of the deposit, including the appeal fee. The judge's order is final. ~~and not subject to appeal.~~

- *Revision to second sentence of definition for Limited Land Use Decision in section 1.6.30 (on page 1.6-18) to respond to a legal concern requesting statutory consistency for the definition for limited land use decision:*

Limited Land Use Decision - A Land use decision made by City staff through an administrative process and that qualifies as a Limited Land Use Decision under ORS 197.045.195. Limited land use decisions are included as part of identified in Chapter 1.2 - Legal Framework as Type II Special General Developments.

- *Revisions to section 2.0.50.01 (on page 2.0-6) to respond to a legal concern requesting the deletion of the 10-day deadline for the submittal of additional materials and addressing a legal concern requesting clarification of what constitutes a new application:*

2.0.50.01 - Acceptance of Application

- a. The Director shall review applications ~~for completeness~~ as soon as possible after they are filed. ~~to verify their completeness.~~ Within 30 days of the original filing, each application shall be formally accepted as complete or rejected as being incomplete. The applicant shall be notified of the acceptance or rejection of the application. If the application is rejected, the applicant shall be advised ~~on what information is needed to complete~~ make the application. ~~complete.~~ The applicant shall have 10 days in which to submit any additional materials. Applicants shall be advised that the hearing authority will be unable to approve an incomplete application if it cannot ~~ensure~~ assure that required criteria have been met.
- b. After an application is accepted as complete, any revisions to it ~~that result in the need for an additional public notice to be mailed~~ shall be regarded as a new application. ~~Such new application shall require~~ additional filing fees and rescheduling of the required public hearing.

This change to "b" above is a "global" change that would also apply to procedural chapters (e.g. Chapters 2.3, 2.4, etc.).

- *Revisions to the last sentence of section 2.0.50.06.i (on page 2.0-13) to address a legal concern requesting a clarification that continuances are only exempt from time limits when they are requested by the applicant:*

- gi. ~~Those Persons who support the proposed change shall present evidence or make inquiries. If additional documents or evidence or documents are provided in support of an application, any party shall, upon request, be entitled to prepare a written rebuttal to the new evidence. If an opportunity for such written rebuttal is requested, the hearing authority shall hold the written record open for a minimum of seven days to allow for the submission of written rebuttals. When requested by the applicant, such a continuance is exempt from the time limits established in state law for development review processes.~~

- *Revisions to section 2.0.50.09.b (on page 2.0-16) to address a legal concern requesting clear and objective standards:*

- b. The following limitations shall be applicable to conditional approvals:
 1. Conditions shall be fulfilled within the time limitations set forth in the ~~conditional~~ approval; ; ~~thereof or, if no time is stated, set forth, within a reasonable and agreed upon time, and~~
 2. Such conditions may concern any matter subject to regulation under this Code or other law, policy, or ordinance of the City.

- *Revisions to 2.1.30.06.b. (on page 2.1-7) to address a request to reflect the new Comprehensive Plan Policy 1.2.3 as follows:*

ab. Amendments shall be approved only when the following findings are made:

1. There is a ~~demonstrated~~ public need for the change;

2. The advantages to the community resulting from the change shall outweigh the disadvantages being proposed is the best means of meeting the identified public need; and
3. There change proposed is a desirable means of meeting the public need is a net benefit to the community that will result from the change.

- Revisions to the first paragraph of section 2.4.30.01 (on page 2.4-3) to address a legal concern requesting clear and objective standards:

When the Director deems any may waive any of the above requirements below when determined the information required by this section is unnecessary for to properly evaluation of a the proposed application it may be waived development. The Director may also require additional information, if needed, determined necessary, to adequately evaluate the proposal:

This change is a "global" change that would apply to other planning procedures that involve public hearings. For those General Development planning procedures where this provision is included, the entire provision needs to be stricken.

- Revisions to sections 2.14.30.05.a&b (on page 2.14-6) to address a legal concern requesting clear and objective standards for partitions:

2.14.30.05 - Review Criteria

Requests for approval of a tentative partition plat shall be reviewed to ensure:

- a. Consistency with the purposes of this chapter and the pertinent development standards of the Code. The application shall be deemed consistent with the purposes of this chapter if it meets the provisions of this Code, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council; and
- b. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities with respect to the including provision of City services and access from a public street; and
- c. Consistency with the density requirements of the zone. When calculating the applicable density range for a subject property, applicants may include in their acreage calculation 50 percent of the area of any streets that front the subject site (for the distance the streets front the subject site).

- Revisions to sections 4.0.30.b and 4.0.40.b (on pages 4.0-3 and 4.0-5) to address a legal concern requesting clear and objective standards:

Section 4.0.430 - PEDESTRIAN REQUIREMENTS

- b. Safe and convenient pedestrian facilities that strive to minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:
 1. For the purposes of this section, "safe and convenient" means pedestrian facilities that are reasonably free from hazards which that would interfere with or discourage pedestrian travel for short trips, and that provide a direct route of travel between destinations; and that meet the travel needs of pedestrians considering destination and length of trip.

Section 4.0.540 - BICYCLE REQUIREMENTS

- b. Safe and convenient bicycle facilities that strive to minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this section, "safe and convenient" means bicycle facilities ~~that~~ which are reasonably free from hazards ~~and that~~ which would interfere with or discourage bicycle travel for short trips, ~~that~~ provide a direct route of travel between destinations; and ~~that~~ meet the travel needs of bicyclists considering destination and length of trip.

- *Delete section 4.0.100.g (on page 4.0-24) to address a legal concern to delete this provision because of the potential for a temporary takings:*

- ~~g. If the City has an interest in acquiring any portion of a proposed subdivision or planned development site for a public purpose, other than for those purposes listed above, or if the City has been advised of such interest by a school district or other public agency, and there is a reasonable assurance that steps will be taken to acquire the land, the Planning Commission may require those portions of the land to be reserved for public acquisition for a period not to exceed two years.~~

Exhibit C

**Exhibit C is a complete copy of Draft
“D” of the Land Development Code.**

EXHIBIT D

Exhibit D is a map containing the proposed Zoning Map changes and entitled: "Draft Proposed Zoning and Comprehensive Plan Map Changes (Includes Planning Commission and City Council Recommendations) Last Revised 11-8-2000."

GERDING REQUEST

Proposed From Shopping Area to
Mixed Use Community Shopping

Request:
Change Zone From Proposed MUCS
to RS-20; Change Comp Plan From
MUC to High Density Residential

Exhibit E

PHILLIPS REQUEST

Request: From
RS-3.5 to RS-6

Proposed from
RS-5 to RS-6

Request: From
RS-5 to RS-6

Dakota Ave

Dresden Ave

Timian St

lot 3900

lot 3300

lot 3400

lot 6000

lot 6100

4865

4935

4905

SW Philomath Blvd

Exhibit F

1990 US Census Data
Database: C90STF3A
Summary Level: state--Place

Corvallis city: FIPS.STATE=41, FIPS.PLACE90=15800

MEANS OF TRANSPORTATION TO WORK

Universe: Workers 16 years and over

Car, truck, or van: (63%) 12608
Drove alone.....1835
Carpooled.....
Public transportation: 276
Bus or trolley bus.....0
Streetcar or trolley car.....12
Subway or elevated.....0
Railroad.....10
Ferryboat.....12
Taxicab.....162
Motorcycle.....1633
Bicycle.....2527
Walked.....101
Other means.....738
Worked at home.....
Total.....19,914

1990 US Census Data
Database: C90STF3A
Summary Level: state--Place

Portland city: FIPS.STATE=41, FIPS.PLACE90=59000

MEANS OF TRANSPORTATION TO WORK

Universe: Workers 16 years and over

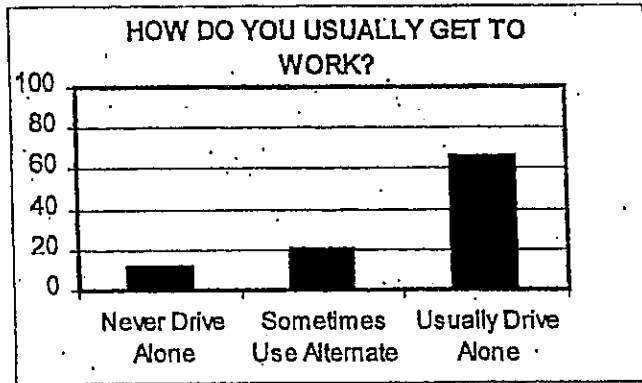
Car, truck, or van: (65%) 139246
Drove alone.....27594
Carpooled.....
Public transportation: 22582
Bus or trolley bus.....562
Streetcar or trolley car.....157
Subway or elevated.....164
Railroad.....10
Ferryboat.....197
Taxicab.....932
Motorcycle.....2453
Bicycle.....12058
Walked.....1072
Other means.....7243
Worked at home.....
Total.....213,964

TRANSPORTATION SURVEY RESULTS

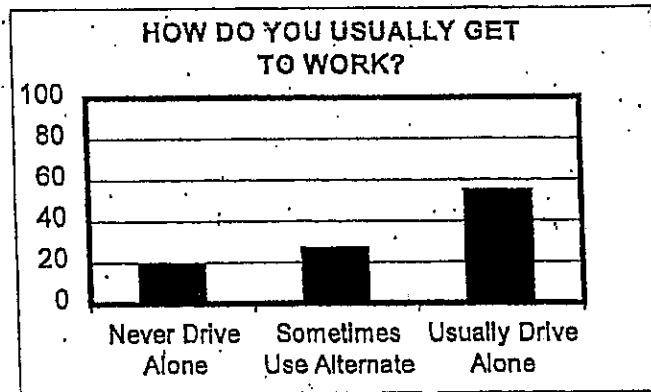
****ALL RESULTS ARE IN PERCENTAGES (unless otherwise noted)**

Question 1: Do you usually drive alone to work (campus) or do you sometimes use alternative modes of transportation?

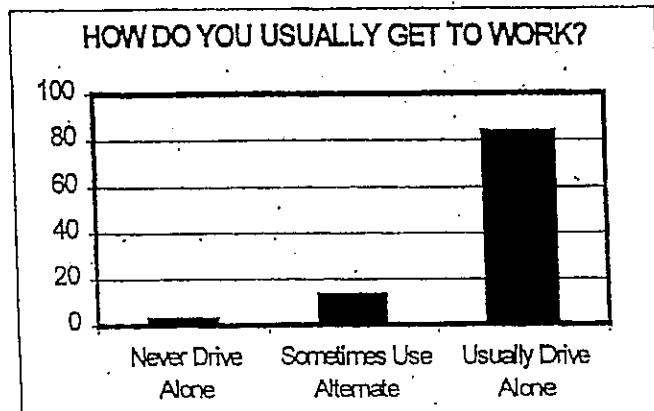
COMBINED SAMPLE:



INSIDE CITY LIMITS:



OUTSIDE CITY LIMITS:



**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

November 20, 2000

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 12:04 pm on November 20, 2000, in the Downtown Fire Station, 400 NW Harrison, Corvallis, Oregon, with Mayor Berg presiding.

PLEDGE OF ALLEGIANCE

I. ROLL CALL

PRESENT: Mayor Berg, Councilors Schmidt, Wogaman, Beilstein, Tomlinson, Barlow-Pieterick, Grosch, Howell (12:08)

ABSENT: Councilors Griffiths, Peters (both excused)

Mayor Berg expressed the Council's pride in the Oregon State University (OSU) Beavers and the Corvallis community, which celebrated the Beavers' recent football victory over the University of Oregon (UofO) Ducks without any injuries, on or off the playing field.

Mayor Berg directed Councilors' attention to items at their places, including:

1. An e-mail message dated November 19th from Rebecca Landis supporting the Land Development Code (LDC) update;
2. An e-mail message from Steve and Jolene Broich dated November 17th supporting the new LDC rules;
3. A pamphlet published by the Corvallis Area Chamber of Commerce (Chamber) regarding experimental "new urbanism";
4. A letter dated November 16th from OSU Federal Credit Union expressing some concern about the LDC update;
5. A letter from Tim Willis dated November 16th expressing concern about the LDC update;
6. A letter from Bruce Osen dated November 20th supporting adoption of the LDC without significant change;
7. A letter from Jane Averill dated November 16th expressing support for the LDC update and providing perspective from the viewpoint of international students; and
8. A memorandum to the Mayor, City Council, and Planning Commission from Deputy City Attorney Brewer, dated November 20th, regarding statewide Measure 7.

II. CONSENT AGENDA

It was moved, seconded, and unanimously carried to adopt the Consent Agenda as follows:

- A. Reading of Minutes
 1. City Council Meeting - November 6, 2000
 2. City Council - elect Work Session - November 15, 2000

Councilor Tomlinson concurred with Councilor Grosch. He inquired whether the HOME program has the same eligibility requirements as the CDBG program and, specifically, whether students are excluded from the program.

Housing Programs Coordinator Weiss responded that the HOME and CDBG programs are almost identical, in that people qualify for assistance based upon income. The HOME program tries to target housing efforts toward lower income levels. The majority of the HOME resources go toward very-low-income housing activities for people earning less than 50 and 60 percent of local median income. A smaller portion of the HOME funding will target housing for people earning less than 80 percent of local median income. He expects that students would not be excluded, as long as they qualify based upon their incomes. Councilor Tomlinson noted that, in the CDBG program, students were not designated as a recipient class. Mr. Weiss confirmed that students are not a presumed low-income group, so they do not qualify automatically as a target group and must qualify individually as a low-income person or as a member of a low-income household. He confirmed that the same type of restrictions apply to the HOME program.

RESOLUTION 2000-62 passed unanimously.

Mayor Berg reviewed the format for the evening Council meeting.

Mayor Berg recessed the Council at 12:40 pm and reconvened the Council at 7:00 pm in the LaSells Stewart Center, SW 26th Street & SW Western Boulevard, Corvallis, Oregon.

I. ROLL CALL

PRESENT: Mayor Berg, Councilors Schmidt, Wogaman, Beilstein, Tomlinson, Barlow-Pieterick, Grosch, Howell, Peters

ABSENT: Councilor Griffiths (excused)

Mayor Berg announced that Councilor Howell was re-elected to his fifth Council term with 295 write-in votes.

Mayor Berg directed Councilors' attention to items at their places, including:

1. A memorandum from David Livingston, Gary Feuerstein, Dick Bryant, Kent Daniels, Jerry Davis, and John Evans regarding the Riverfront Zone, LDC Chapter 3.15.
2. A memorandum to the Mayor and Council from Community Development Director Gibb regarding a review of the riverfront parking standards.
3. A memorandum to the Mayor and Council from Associate Planner Towne regarding the LDC update project and related cases. She explained that the handout contained copies of materials that would be used during staff's overhead presentation this evening.
4. Additional testimony for the LDC update project to be considered during tonight's public hearing.

Mayor Berg announced that, during the noon Council meeting, the Council was provided with copies of the City's Emergency Operations Plan. Any Councilors not desiring to keep a personal copy of the Plan may return their copy to Ms. Mariner, and the Fire Department will retain the extra copies.

VI. VISITORS' PROPOSITIONS

Justin Roach, President of Associated Students of OSU (ASOSU), appeared before the Council concerning the following issues:

1. He welcomed the Council to the OSU campus, noting it was home of the nationally fifth-ranked Beaver football team.
2. He reported that ASOSU completed a voter registration drive, registering 4,200 students for the recent general election. He thanked Councilors Tomlinson and Grosch for their assistance in the registration efforts.
3. He congratulated the Council on the recent passage of the open space bond measure.
4. He stated that ASOSU was in the process of determining the response rate of the predominately student precincts in the recent election, but he thinks the precincts did well.
5. He thanked the Council candidates who spoke to the Interfraternity and Panhellenic Councils regarding student concerns.
6. He thanked staff for talking with students concerning rehabilitation loans for fire prevention in fraternity and sorority houses on campus.
7. He noted that additional CDBG funds are available; he assured the Council that ASOSU will be involved in allocation discussions as early as possible to determine how students can benefit from the CDBG funds.
8. Referencing the recent football game with UofO, he opined that the game was great, and he reported that a lot of orange was visible on campus recently. He participated in the Corvallis Police Department (CPD) ride-along program the evening before the football game. He noted that the CPD anticipated a busy evening Saturday and had almost all units on duty. Instead, Saturday evening was pretty calm and safe. He speculated that the interactions of students, CPD, Councilors Tomlinson and Beilstein, the Community Policing Forum, and neighborhood associations were having positive effects.
9. He stated that he looks forward to working with the recently elected Councilors.

Mayor Berg remarked that Corvallis citizens who are also OSU students should be commended for their demeanor after winning an exciting football game. She said it was wonderful to read in the newspaper the following morning that there were no problems from the game or the subsequent celebrations. Referencing the CDBG and HOME funds, she stated that she spoke with Housing Programs Specialist Loewen. She explained that ASOSU will soon receive a report comparing people, instances, and circumstances reported during the first six months of the rental housing program, compared with the most recent six-month period.

Councilor-Elect Stewart Wershow reported that he was approached by a constituent of his ward who was concerned about speeding traffic at the intersection of NW 17th Street and NW Cleveland Avenue. A resident near the intersection was almost hit four times while trying to exit their driveway. The constituent believes that stop signs at the intersection would be beneficial and expressed this suggestion to staff but received no response. He assured the constituent that he would report the problem to the Council.

VIII. & IX. STANDING COMMITTEE REPORTS AND ORDINANCES, RESOLUTIONS, AND MOTIONS - Continued

- A. Administrative Services Committee - November 13, 2000 - Continued

2. Annual Utility Rate Review - Continued

Mr. Nelson announced that the Council requested that this issue be discussed during the evening meeting to allow opportunity for citizens to submit testimony during Visitors' Propositions. He explained that the issue was first presented to the Committee for review and recommendation; it is now before the Council for consideration.

Public Works Administrative Division Manager Steckel explained that staff conducts annual reviews of the water, wastewater, and stormwater funds and fund viability and recommends rate increases, if appropriate, to maintain the fund viability. She reported that staff recommended a combined rate increase of two and one-half percent, applied as follows: one percent for water, three percent for wastewater, and five percent for stormwater. She stated that staff is following Council's direction from last year to keep the combined utility rate increases under three percent per year.

Mayor Berg commented that the Council voted in 1993 to keep utility rate increases below seven percent.

Mr. Fewel read an ordinance relating to utility rates, amending Municipal Code Chapters 2.09, "Storm Water System; Charges"; 3.01, "Water Regulations"; and 4.03, "Sewer Regulations and Charges," establishing rates for 2000.

Councilor Howell expressed his appreciation for the Committee's review of the issue. He believes the rate increase is appropriate and equitable for ratepayers. He is pleased that, even with the rate increases, the City would stay in the middle of the range for comparable communities in the Willamette Valley.

ORDINANCE 2000-33 passed unanimously.

Mayor Berg reviewed the proceedings for the evening.

Because there were no citizens in attendance desiring to speak to the Council under Visitors' Propositions, and the public hearing was advertised to begin at 7:30 pm, Mayor Berg recessed the meeting from 7:16 pm until 7:30 pm.

VII. PUBLIC HEARINGS

- A. A public hearing to consider a rate increase proposal for Corvallis Disposal Company (Bio-Med Services)

Mayor Berg reviewed the order of proceedings and opened the public hearing.

Staff Report

Franchise Utility Specialist Krieg reported that, on October 1st, the City received a request from Corvallis Disposal Company (CDC), on behalf of its subcontractor Bio-Med of Oregon

(BMO), to increase rates for the collection of medical waste, effective January 1, 2001. The last approved rate increase for medical waste collection occurred during 1996. The request was based upon revenue projections for August and September customer accounts. The request would result in an overall rate increase of 26 percent. BMO's two largest local customers, Good Samaritan Hospital (GSH) and The Corvallis Clinic (TCC), would receive lower rate increases because of volume discount provisions in the rate schedule. The rate increase would cover increased disposal costs and offset increased expenses resulting from inflationary pressures on operating, labor, and fuel costs, equipment replacement, and increased expenses related to hiring additional personnel, education, and outreach. BMO submitted an income statement for its Oregon operations. At the Committee's request, BMO submitted an income statement for its Corvallis operations. Staff recommends approval of the requested rate increase.

Councilor Schmidt observed that the report shows a 33 percent average increase, yet Mr. Krieg cited a 26 percent increase. He questioned whether BMO committed to a specific rate increase percentage. Mr. Krieg responded that BMO submitted a revised projected revenue, based upon current customer counts and determined that the rate increase could be lower than originally requested. Rate increases for GSH and TCC would be 21 percent because of their volume discounts.

Questions of Staff - None.

Public Testimony in Support - None.

Testimony in Opposition - None.

Neutral Testimony - None.

Mayor Berg closed the public hearing.

Questions of Staff - None.

Deliberations

Mr. Fewel read a resolution adopting the submitted rate schedule revisions, subject to a public hearing, and effective January 1, 2001.

Councilor Barlow-Pieterick stated that he received letters concerning this issue, with one citizen questioning why rate payers must pay for services that benefit a small group of people. He inquired how the rate increase became applicable to the general population. Mr. Krieg responded that a newspaper article several days ago contained incorrect information. He explained that the rate increase did not affect the general public, applied strictly to collection and disposal of medial waste, and affected 147 customers in Corvallis.

Mayor Berg observed that, despite the fee being paid only by the affected users, any rate increase falls under the City's franchise legislation and must be reviewed through a public hearing process and approved by the Council.

Final Decision

RESOLUTION 2000-63 passed unanimously.

- B. A public hearing to consider revisions to the Land Development Code (LDT00-00002, CPA00-00007, ZDC00-00009)

Mayor Berg welcomed everyone to the public hearing. She reported that statewide Measure 7 did not pass in Benton, Multnomah, or Lane County; in fact, the measure failed 60 percent to 40 percent in Benton County. She explained that, at the November 29th special Council meeting, the Council will consider an ordinance outlining procedures for processing claims under Measure 7; findings will be adopted December 4th. She noted that there will be a great deal of discussion statewide concerning implementation of Measure 7. Corvallis intends to finish updating the LDC and submit it to the State for review; the State review will require approximately six months. The Council will have opportunity to discuss implementation of the LDC mid-year, after it is approved by the Land Conservation and Development Commission (LCDC). By that time, more will be known about the effects of Measure 7.

Mayor Berg thanked the citizens, Planning Commission, technical review groups (TRGs), and workshop participants who, four years earlier, began development of the *Corvallis 2020 Vision Statement (2020 VS)*. She explained that the *2020 VS* was used as the basis for the Comprehensive Plan, which was accepted by LCDC. She noted that the LDC is the culmination of work during the preceding four years and is intended to implement the Comprehensive Plan. She stressed that tonight's public hearing is an opportunity for citizens to tell the Council what they like and dislike about the proposed LDC. She stated that she did not expect the Council to deliberate this evening; deliberations will be conducted during the November 29th special Council meeting.

Mayor Berg reviewed the order of proceedings, asked that citizens testifying to the Council limit their remarks to four minutes each, and opened the public hearing.

Declaration of Conflicts of Interest - None

Staff Report

Community Development Director Gibb reviewed the information to be presented in the staff report. Following the handout (see Attachment A), he explained the periodic review tasks acknowledged by LCDC as completed, the outstanding tasks from the original periodic review work program, and the tasks added as part of LCDC's acknowledgment of the periodic review of tasks one through eight. He stated that the additional tasks should be completed during the first portion of 2001, and any changes resulting from completion of the additional tasks will be incorporated into future LDC updates.

Planning Manager Schlesener, continuing with the handout, explained that the statewide planning goals and the 2020 VS, which was updated four years ago, were the basis for the updated Comprehensive Plan, which was adopted by the Council during December 1998 and acknowledged by LCDC during June 1999. The LDC will implement the Comprehensive Plan policies. The LDC update process began during May 1999 with an open house to inform citizens of the update process and schedule. She reviewed the LDC update project activities timeframe. Between September 1999 and June 2000, there were approximately 35 TRG meetings, during which several drafts of the LDC were reviewed. Other activities included outreach meetings to stakeholders and development of case studies. She reviewed the actions requested of the Council and the activities of the Neighborhood and Commercial TRGs.

Associate Planner Towne explained that six drafts of the LDC were submitted to the TRGs during the past two years. The Council is now reviewing its fourth draft. He noted that, overall, ten drafts of the LDC have been reviewed. Continuing with the handout, he reviewed the major policies of the Comprehensive Plan affecting commercial development.

Continuing with the handout, Ms. Schlesener reviewed the key changes the Planning Commission made to Drafts B and C of the LDC and the key changes the Council made to Draft C. She again reviewed the actions requested of the Council. She stated that staff recommends approval of the LDC, subject to the findings contained in the staff report.

Public Testimony in Support

Keta Tom, 2650 NE Asbahr Avenue, stated that she and her husband own Fingerboard Extension. She read a prepared statement (see Attachment B) and asked that the draft LDC be left unchanged, especially the provisions affecting NW Ninth Street (Ninth). She cited differences between Office Max and Lehnert's Office Supply in terms of product selection and availability. She stated that the 2020 VS promotes pedestrian accessibility.

John Foster, 1205 NW Fernwood Circle, said he previously submitted written testimony. He stated that the LDC had been extensively discussed and opined that delaying implementation would not resolve any issues. He acknowledged that the benchmarks need more work but are currently good starting points. He said he reviewed the proposed changes affecting Ninth and envisioned possible means of complying with the proposed LDC changes. He implored the Council not to further weaken development potentials of Ninth. He referenced the increased size limit in Minor Neighborhood Centers (Minor NC). He stated that 5,000 square feet would accommodate a local branch bank, while 15,000 square feet would accommodate a

major bank that could not operate profitably in a Minor NC without input from outside the area. He believes the proposed change has opened the potential for businesses to enter Minor NCs that should not be in Minor NCs.

Susan Christie, 360 NW Leprechaun Lane, stated that the Bicycle and Pedestrian Advisory Commission favors proceeding with development of pedestrian-oriented designs (POD). She said she reviewed the LDC and wants to see Corvallis continue to be a livable community. She encouraged the Council to proceed with the next step of the process. She was aware that in many communities several generations have grown up not knowing what is possible in terms of development options. She noted that *Money* magazine declared Portland, Oregon, to be one of the most livable cities because of its POD. She opined that adopting the new LDC provisions will not take the City toward some type of strange, unrecognizable, new world; she believes it will take the City toward more traditional development and a more conservative approach. She stated that the new LDC will be more effective if citizens, businesses, and the Chamber work together. She suggested that members of the Chamber read James Howard Kuntsler's "Geography of Nowhere" and "Home from Nowhere."

Mayor Berg concurred that the City's goal is a beautiful and prosperous community.

Sheila Lyons, 635 SE Goodnight Avenue, stated that she was a member of "Getting There," a local bicycle advocacy group. She encouraged the Council to adopt the updated LDC. She observed that the City has a wonderful bicycling environment, with approximately 15 percent of the citizens commuting by bicycles. She believes this level of bicycle use can continue growing, and the City can keep the pedestrian climate of the community alive and improving by adopting the updated LDC. She stated that the updated LDC will encourage the types of neighborhood centers that welcome people, not just automobiles.

Corrine Gobeli, 1485 NW Emperor Drive, identified herself as Co-President of the Corvallis League of Women Voters and read a prepared statement (see Attachment C).

Bob Frenkel, 1431 NW Vista Place, stated that he saw advertisements and flyers around town complaining about the proposed LDC update. He said he understands that the LDC flows from the 2020 VS (which, he acknowledged, many citizens worked hard to develop), to the Comprehensive Plan, and into the LDC. He opined that the Planning staff did an exemplary job. He observed that Corvallis has steered away from what he considers to be the ugly, dysfunctional model of Beaverton and the anonymous strip of Bend and has maintained a vibrant City core and a variety of neighborhoods with different densities and styles. He urged continuance of the City's planning process and approval of Draft D.

Doris Waring, 2911 NW 13th Place, stated that she moved to Corvallis during 1963. She read a prepared statement (see Attachment D). She opined that bicycling in Corvallis is possible, explaining that her husband, who works on the OSU campus, has never had an OSU parking permit and has bicycled over three miles to and from work every day.

Jennifer Gervais, 705 SW Fifth Street, stated that she lives in the Avery-Helm Historic District. She read a prepared statement (see Attachment E). She expressed concern that the Chamber's efforts to weaken the zoning restrictions and guidelines would have negative

impacts on the attempts to keep Corvallis a livable community with a vibrant and functioning Downtown area. She estimated that she conducts 95 percent of her errands by walking or bicycling.

Dan Rosenberg, 705 SW Fifth Street, stated that he lives in the Avery-Helm Historic District. He expressed support for adoption of the LDC without significant revision. He considered the comments in the Chamber's brochure to be ill-conceived and narrowly focused for a special-interest group. He urged the Council to promote livability of Corvallis for the citizens at large, and he opined that adoption of the LDC, as it is currently written, is a step in a positive direction. He asked that the views of Corvallis citizens be considered in planning for the community's future, rather than the views of large corporate interests identified in the Chamber's brochure.

Mayor Berg observed that Corvallis residents often debate, but she does not believe that any individual or group in the community has the "upper hand" in expressing their opinion.

Carolyn Verlinden, 644 SW Fifth Street, stated that she lives in a historic district. She read a prepared statement (see Attachment F).

Bruce Hecht, 321 SW Second Street, stated that he represented the Board of Directors of the Corvallis Environmental Center (CEC). He read a prepared statement (see Attachment G) and quoted statements from the *2020 VS*. He said the CEC supports adoption of the LDC.

Charles Goodrich, 2340 SE Crystal Lake Drive, expressed his thanks to the Council and recognized the time invested in developing the LDC update. He thanked the citizens who invested their time in reaching this point in the procedure. He expressed support for the pedestrian and mixed-use commercial and residential development provisions of the LDC. He stated that he worked on the South Corvallis Refinement Plan (SCRIP) and that everyone involved supported the POD for South Third Street (Third), the establishment of a neighborhood center, and improvement of automobile circulation and efficiency. He believes the LDC is friendly and conducive to good automobile circulation. He stated that the SCRIP committee established provisions that would make Third a better place to shop; the LDC has not been adopted, and Third is becoming a strip development. He stated that the ideas presented through the SCRIP were not derived from a text book. He concurred with Ms. Gobeli, stating that it seemed risky to let the work of many citizens be jeopardized late in the process. He said he just received notice of the North Corvallis Area Plan workshops and opined that the participants of those workshops need to know that their efforts will hold up over time. He urged the Council to adopt the LDC.

Patricia Daniels, 242 NW Kings Boulevard, stated that she was a member of the Commercial TRG. She read a prepared statement (see Attachment H). She stressed the many opportunities for public input into the LDC review process. She emphasized that the LDC represents the implementation of the policies already set forth and approved in the Comprehensive Plan, which includes the desires of local citizens and the directives of the Federal and State governments. She urged the Council to consider how changes in the Mixed Use Community Shopping and Major Neighborhood Center (Major NC) provisions will impact the Downtown area. She requested that the POD standards be retained for commercial

zones. She stressed that the existence and use of automobiles cannot be ignored. She challenged information being circulated that claims the current LDC draft contains potential violations of the State Transportation Planning Rule (STPR). She stressed that the STPR is aimed toward reduction of vehicle miles traveled and was enacted during the early 1990s. She contended that the proposed LDC would help implement the STPR.

Chick Gerke, 321 NW 12th Street, read a prepared statement (see Attachment I).

Ruth Gallagher, 124 NW Seventh Street, Apt. 313, stated she lives in the Downtown area. She enjoys many aspects of the Downtown area but is concerned that there could be more business Downtown. She told the Council about her experiences in Exeter, England, and Palo Alto, California. She reported that downtown Palo Alto is so busy that its multi-story parking structure is now insufficient. She urged the Council to follow the *2020 VS*.

Mayor Berg recessed the meeting from 9:10 pm until 9:23 pm.

Mayor Berg stated that, because this was the prescribed procedure for land use decision public hearings, the Council was accepting testimony in support of the LDC and would then accept testimony opposing the LDC. She observed that the Council could have accepted testimony on each issue in turn, but she observed that testimony given thus far had not followed that format; she speculated that it could be confusing to accept supporting and opposing testimony based upon issues. She noted that the Council had received testimony for one hour. She urged citizens still wishing to testify to state their concurrence with previously given testimony and adhere to the four-minute limit.

Greg Bennett, 2514 SE Micah Place, opined that it was important that there had been a process to updating the LDC and that changes had not been “pulled out of a hat.” He characterized the process as democratic. He speculated that the LDC would not prevent corporations from entering the local business market, but it will require compliance with community standards and guidelines; no one will be excluded.

Kent Daniels, 242 NW Kings Boulevard, referenced a memorandum distributed to the Council at the beginning of the meeting concerning parking standards. He expressed support for the LDC concerning the Downtown area. He concurred with statements by Mr. Foster and others concerning the footprint size increases for some of the commercial zones; he suggested that the Council and staff conduct another review of the issue before changing the footprint size stated in the LDC. He urged adoption of the LDC without delay. He noted that several years had been spent getting to this point. He expressed his view that the Chamber should have been more involved, if it wanted to have more input in the LDC update process. He said he was troubled by the Chamber’s recent statement that work done to date, including the *2020 VS*, the revised Comprehensive Plan, and the updated LDC, was primarily the work of City planners and public officials. He said this statement was untrue, and he stated that a great deal of public input was incorporated into the documents. He opined that Corvallis does not have “new urbanism.” Citizen input supported POD standards, began discussions concerning how Ninth will appear in the future, and expressed a strong local desire to limit big box commercial development in the community and concentrate on locally or regionally owned businesses. He stated that revisions could be considered after the LDC is approved.

Kathy J. Phillips, P. O. Box 1465, stated that she met with her neighbors, who are concerned about property located north of the intersection of SW Philomath Boulevard and SW Technology Loop. She explained that she owns land near the intersection and submitted to the City a letter from herself, Mr. and Mrs. Mitchel, and Mr. and Mrs. Dawley. She said she supports some of the zoning changes and likes the idea of annexations being designated as Low Density Residential (RS-6). She stated that the property she referenced is part of a large area of Low Density Residential development. She requested an amendment of the Comprehensive Plan Map and an increase in zoning density to RS-6 for the referenced property. She read her letter (see Attachment J). She explained that the parcels in question are larger than one acre, and staff recommended increasing the zoning density. She requested that the record be held open for submission of additional testimony regarding her testimony and the properties adjoining the referenced property. She hopes to be able to abide by the new RS-6 standards. When development occurs, she hopes to avoid some of the problems that occurred on parcels to the west of the referenced site.

John Deagen, 1135 NW Tenth Street, concurred with Ms. Christie, who suggested Mr. Kuntsler's books. He opined that the proposed LDC embodies the goals contained in those books. He also concurred with Ms. Daniels' comment concerning the land use transportation connection and that the provisions of the LDC address some of the concerns cited in the STPR. He opined that speed humps, traffic circles, and curb extensions are negative reactions to traffic problems; he speculated that following the provisions of the LDC would avoid the necessity for these traffic devices. He expressed support for the Council's efforts. He reminded the Council and Planning staff that consumers are more multi-dimensional than merely being consumers.

Jim Moorefield stated that he served as Chair of the SCRCP. He received an e-mail message that prompted his attendance tonight; the message presented a rhetorical question from the Chamber, which he read. He observed that adoption of the LDC represented the long-time requests of Corvallis citizens. He noted that the Chamber received input concerning citizen involvement in the LDC update process, and he commented concerning the hours invested in the Comprehensive Plan revision. He opined that the Chamber "forgot" about the many citizens who contributed input during the eight years the Comprehensive Plan was being updated. He stated that the West Corvallis Plan (WCP) dates to 1992, with a 1996 report suggesting adoption of the land use regulatory mechanisms needed to achieve the vision for West Corvallis. During the four-year period, public meetings, open houses, and workshops were held with 200 to 500 in attendance at each occasion. The SCRCP involved a committee of 17 people who conducted meetings, workshops, and open houses attended by 75 to 150 people each. He noted the suggestions to "go slow and wait." He stated that the Council promised to complete the review and update of the LDC. The update efforts covered a period of several years. He noted that the Council and City will experience a change of leadership in the very near future. He opined that the current Council knows the Comprehensive Plan and LDC very well and is best suited to make a decision concerning adoption of the LDC.

Melissa Hartley, NW Pendleton Place, expressed support for the LDC plan, especially the provisions regarding Third and Ninth. She stated that she avoids Third and Ninth because she considers them to be unpleasant. She believes the businesses in these areas would benefit from additional customers if they improved the appearance of the properties. She opined that

the standards should be applied to existing businesses. She believes that adoption of the proposed LDC standards would improve property values, explaining that, from her perspective, property values are diminished when big box stores or businesses with large parking lots are developed.

Robert Kennedy, 5370 SW Whitby Avenue, stated that he really enjoys living in Corvallis. He thanked the people who invested time in the LDC update process and attended tonight's public hearing, which represents the citizen-involvement aspect of Corvallis. He opined that the LDC articulates the visions people have for Corvallis. He urged the Council to adopt the LDC.

Ed Epley, 3053 NW Harrison Boulevard, encouraged the Council to approve the LDC without modification. He stated that he is a small business owner dealing primarily in rental housing. He does not see any problems with the LDC that cannot be accommodated, especially regarding his business interests. He would like to see access for students, such as opportunity for short bicycle trips to small residential stores and emphasis on bicycle and alternative transportation. He noted that students like to live in newly constructed residences, but tend to move back toward OSU because of commuting issues. He said he is very happy with the proposed LDC.

Jerry Davis, 3328 SW Long Avenue, concurred with Mr. Moorefield and other citizens who testified tonight. He noted that the long review process began in the 1990s with the WCP. He believes the citizens involved in the review process should be applauded, along with elected officials and staff. He commented that the LDC is well written and contains good policy statements and design elements concerning the desires of the community's citizens. He opined that the community should stop encroaching on resource lands and natural areas. He stated that he invested in a building in the Downtown area for mixed-use applications. He urged adoption of the LDC in its current form.

John Evans, 528 NW Eighth Street, concurred with statements previously made. He referenced recent articles in *Money Magazine*, *The Wall Street Journal*, *The American Enterprise*, *Time*, *Newsweek*, and *The Business Journal* which support the type of LDC provisions proposed by Corvallis to promote livability and encourage cleaner environments and better business opportunities. He observed that *Money* may have chosen Portland as one of the most livable communities because of its unique characteristics, but he noted that Portland "went a long way" to avoid big box strip developments. He acknowledged that the LDC may deter some of the standard chain developments, but he opined that such results may not be bad. He speculated that, in some cases, big box stores will adjust their plans to meet local standards, but he does not believe that communities should adjust their standards to accommodate big box stores.

Sally Utt, 1765 NW Menlo Drive, stated that she is a pedestrian by necessity and finds Corvallis to be a very livable community. She walks and rides the buses wherever she needs to go. She supports any actions which will increase livability in the community.

Christina Calkins, 505 SW Third Street, stated that she is a property owner on Third. She said the Chamber advertised for citizens to speak in opposition to the proposed LDC. She

supports pedestrian-friendly development in Corvallis and small business owners. She expressed support of the LDC in its current form.

Terry Gerding, 727 SW Tenth Street, referenced map 3A in the LDC. He proposed changing, from mixed use to High Density Residential (RS-20), the Comprehensive Plan Map designation for a specific lot shown on the map. He stated that he would like his property re-zoned to RS-20. He explained that the developer of the adjacent property would like the property line adjusted, which would be more difficult if the properties had different zone designations.

In response to Councilor Howell's inquiry, Mr. Gerding confirmed that he owns the three lots between his lot and SW Western Boulevard. He explained that his lot is 7,200 square feet in size, and he believes it is appropriate to re-zone the lot now.

Testimony in Opposition

Randy Jones stated that, in 1980, Wayne Buck was unable to purchase property in the City for an automobile dealership because of zoning requirements. The zoning has changed, and Kmart is now located on the site Mr. Buck had desired. In 1990, when Mr. Jones purchased Mr. Buck's business, customers of the dealership claimed that the location on Oregon Highway 34 (Hwy 34) near SW Riverside Drive was too far away, and it was too dangerous to drive on Hwy 34. In 1994, Mr. Jones bought the former Roth's IGA Foodliner store on Ninth and met all the zoning requirements to develop an automobile dealership. Since then, his business has flourished. He stressed that his dealership is a family enterprise. He said he shares the desires of others for pedestrian, bicyclist, and mass transit accessibility. He characterized Ninth as being very diverse and doing well. He supports maintaining the vitality and viability of the Downtown area and applauds and commends the Comprehensive Plan. He noted that the 2020 VS stated that the community wanted a viable Downtown, but no mention was made of other areas of the community. He believes that Ninth plays an integral part of the economic vitality of Corvallis. He believes that re-zoning is intended to reduce automobile traffic and develop a more pedestrian-friendly community by promoting mass transportation, bicycling, and walking. He opined that the size, use, expansion, and parking limitations proposed for the LDC are wrong. He noted that Ninth has parking availability. He asked the Council to work with the businesses on Ninth. He observed that Ninth serves as a major corridor for North/South traffic in Corvallis.

Patricia Mulder noted that much had been said about the length of the LDC review process, along with complaints that some people entered the process late with requested corrections. She stated that these allegations are untrue, noting that the Chamber was present throughout the process and represented businesses. She stated that many of the early changes to the LDC came from businesses. She said the concerns expressed two to three years ago were expressed consistently. She said the Chamber is concerned about the unintended consequences of the LDC, citing:

1. Increased housing costs, which will create greater difficulty for low- and middle-income families attempting to purchase and rent housing.
2. Increased housing costs will increase the percentage of people working in Corvallis and living elsewhere.

3. An increase in the number of people commuting to Corvallis for work will increase automobile traffic and air pollution.
4. Increased housing prices will mitigate against families with younger children and exacerbate the problems Corvallis School District 509J is experiencing in filling its classrooms.
5. The commercial segments of the LDC will make it more difficult for businesses to expand or renovate, including locally owned businesses, despite the 2020 VS stating that those businesses are encouraged.
6. Some of the commercial segments of the LDC will virtually ensure that some of the proposed Major NCs will not occur.
7. It has been difficult to attract a grocery store to South Corvallis because of design provisions that are difficult for big box and chain stores to accommodate.
8. As more commercial activities are pushed to other communities, the Downtown area will be weakened because people want to perform multiple errands in one trip; this will increase total vehicle miles.

Ms. Mulder stated that, during the past month, the Chamber experienced an increase in calls from people wanting to shop in Corvallis but, instead, driving to Salem, Eugene, or Portland. She noted that the Council and the Planning Commission want concrete examples of how the Chamber would like the LDC improved. She stated that most of the people in the business community are not City planners, so the Chamber invited Wally Hobson, Bev Bookin, and Bill Kloos to present the Chamber's perspective and give examples of how the LDC can be improved.

Wally Hobson identified himself as a real estate economist with 25 years' consulting experience in the Northwest. He opined that the LDC provisions are based upon new urbanism, which is designed to improve the appearances of retail businesses, reduce automobile traffic, and eliminate or provide alternatives to big box retail. He acknowledged that the LDC contained good, legitimate goals. He stated that new urbanism has a place and is a legitimate form of development which will become more important in the future. He explained that new urbanism requires adjacent high density housing and is typically most successful in highly urbanized areas. He stated that new urbanism is not intended to be appropriate in every location of a community. A grocery store typically needs 4,000 to 5,000 households to be economically viable. Many cities are trying to exclude big box stores, but such stores are increasing in quantity. He observed that consumers will drive long distances to get to big box stores. He opined that forcing new urbanism and POD where pedestrians are not present and population densities are inadequate to create pedestrian traffic serves no purpose. He continued, stating that developers will not develop under such conditions, retailers will not rent the space, and consumers cannot be forced from their automobiles, particularly for shopping trips which require transporting merchandise from the store to the home.

Beverly Bookin stated that she analyzed Draft C of the LDC. She reviewed her analysis conclusion. She opined that the LDC is somewhat hostile to commercial development and will displace legitimate, local, commercial demand. She explained that the LDC essentially outlaws larger automobile-oriented retail uses from within the City limits without taking responsibility for the resulting negative impacts. She believes the LDC indiscriminately

imposes POD requirements. She said the LDC institutionalizes what she considers to be unrealistic modal split objectives through unreasonably tight parking maximums. She explained that a 35% modal split is not realistic in a community the size of Corvallis and will not be successful. She said there are many valuable aspects of the LDC, but they seem to be somewhat broadly and indiscriminately imposed. She noted that the Portland parking ratios are larger in all but the most densely developed areas. She submitted the following recommendations:

1. Reduce the number of commercial zoning districts to a more manageable number.
2. Create a clear progression of commercial zones, from least to most intense.
3. Apply POD standards in less-intense zones near residential areas, the university district, Downtown, and transit corridors where the mix of uses provides meaningful opportunities for alternative modes but considers significantly less restrictive design and development standards in at least one or more intense commercial zone that would also allow more automobile-intensive uses.
4. Reduce the discretionary land use review, plan compatibility, conditional development, and master plan in commercial zones, relying, instead, on clear and objective design and development standards that are appropriate for the intensity and range of uses allowed.
5. Review the maximum parking ratios with the goal of creating an on-site parking pool for each use that is adequate but not excessive.

Councilor Barlow-Pieterick observed that Ms. Bookin's comments suggest analysis of the City's Transportation Master Plan. He opined that Ms. Bookin seemed to be confused over the intent of the LDC. He inquired whether Ms. Bookin had talked with staff or the City's consultant concerning the intent of the LDC. Ms. Bookin responded that she reviewed all of the supplementary information that accompanied Draft C. She said she had not seen Draft D. She clarified that the LDC has the impact of outlawing developments by establishing a maximum square footage requirement. Councilor Barlow-Pieterick countered that Ms. Bookin was using strong terms. He explained that the LDC is intended to set a level for development review but not to outlaw specific types of development. He inquired whether Ms. Bookin had reviewed the City's transit route map. Ms. Bookin responded that she had. She said it was important to build alternative modes and land uses that support and facilitate people who use them. She characterized the situation as an issue of balance and considering modal splits that are reasonably achievable in the community as a whole and in specific locations. She urged the Council to review site-specific considerations more closely and have a greater range of options.

Mayor Berg summarized Ms. Bookin's recommendations that the Council must consider size limitations, adequate parking, and development costs.

Councilor Howell stated that the Downtown area has a 27 percent modal split. He referenced Ms. Bookin's statement that many commercial areas do not have access to transit, and he was attempting to determine which areas those might be. Ms. Bookin clarified that there are areas without large residential neighborhoods, so there are fewer pedestrians. She stated that the Council must review the commercial areas and reasonably achievable modal splits, along with

design standards. She noted that many types of commercial purchases do not lend themselves to alternative transportation modes, and many people shop while en route to other activities.

Bill Kloos stated that he reviewed Draft C of the LDC in detail and identified what he considered to be hard-core legal problems. He summarized his findings in a table. He stated that the gist of his work focused on the actual standards that will be used to evaluate the LDC. He explained that the LDC is the bottom level of the land use planning pyramid, which is topped, in sequence, by the Comprehensive Plan, LCDC rules, LCDC goals, and statutes. He said the LDC rules anticipate that the periodic review should be based upon an economic opportunities analysis, which, he noted, Corvallis had not completed. He opined that issues Corvallis does not like are being pushed to other communities. He said the basic commercial uses are discretionary with decision makers, so he doubts that the LDC will be in compliance with State Planning Goal 10. Within the proposed LDC, the Council has what he considers a pervasive failure to adopt clear and objective standards for housing projects, which are required by State statutes, State Planning Goal 10, and the Goal 10 Rule. He stated that staff “stripped” some of the discretionary overlays from vacant residential lands, and he noted that the same requirement applies to developed and partially developed residential zones.

Councilor Howell explained that some discretionary reviews are requested by property owners who want more flexibility than the clear and objective standards allow. He inquired whether the City should remove that provision and only allow objective standards that have no flexibility. Mr. Kloos responded that planned development overlays requested by property owners are fine. The statute requires that all standards the City adopts for needed housing must be clear and objective, along with the review processes and the conditions imposed. However, the City may adopt standards that are not clear and objective, provided that alternate tracks are offered to any land owner. He noted that Corvallis does not have two tracks. He stated that Eugene is at the same point in its land use update but now has two tracks for the five approaches to developing houses. He explained that Eugene complies with the statute by having a clear and objective track and offering developers options. He said Corvallis has one discretionary track for housing.

Gary Sawyer identified himself as president of the Chamber. He thanked the Council for its work on the LDC and the Comprehensive Plan. He stated that the Chamber’s well-orchestrated discussion of the LDC is in the best interest of democracy. He said it was unfair to criticize any organization for exercising its democratic rights. He explained that the Chamber had been involved in the update process for a long time. He said the Chamber membership supports the City’s *2020 VS* and the Comprehensive Plan but believes there are other solutions. He opined that another perspective presents additional questions, and he does not believe that the Council has considered enough perspectives. He encouraged the Council to delay adoption of the LDC and obtain input from additional perspectives. He said the consequences of the proposed LDC are unknown, and he opined that the Council should listen to the concerns of the local business owners. He asked that the Council stop criticizing corporations in general, complete the tasks assigned by LCDC, and establish a baseline of facts. He believes the proposed LDC is contrary to retail and consumer demands. He acknowledged that consumers like big box stores. If consumers do not have places to shop locally, they will go elsewhere. Some provisions of the LDC will prevent realization of the Comprehensive Plan and the *2020 VS*. He said the Chamber opposed Measure 7. He noted

that other jurisdictions have postponed implementation of LDC provisions until the effects of Measure 7 are known. He urged the Council to wait until more is known about the consequences of Measure 7. He opined that reducing the LDC to a discussion of local ownership versus big box stores over-simplifies the issue and polarizes the parties involved. He noted that the LDC affects all businesses. The majority of the businesses represented at tonight's public hearing and in the Chamber's membership roster are locally owned and operated. The nationally owned chain stores are significant contributors to the economy. He believes that government should fairly establish rules but not favor one type or size of business over another. He again urged the Council to postpone changing the LDC and, instead, to work through the issues of contention.

In response to Mayor Berg's inquiry, Mr. Sawyer explained that grocery store developers who looked at property in South Corvallis determined that they could not develop a grocery store under the proposed zoning designations. He explained that grocery stores need back doors for loading and unloading freight.

Julie Manning stated that she served as chair of the 2020 VS committee. She concurred with statements made about the many people who invested time in the LDC review process. She read a prepared statement (see Attachment K). She urged the Council to consider the comments made by many citizens.

It was moved and seconded to continue the meeting until 11:30 pm. Councilor Peters inquired whether the Council could complete accepting testimony by 11:30 pm. He explained that he would like to continue the meeting if testimony could be completed by 11:30 pm; however, if it was expected that testimony would not be completed until 12:30 am, he would rather continue the meeting at a later date. Mayor Berg surveyed the audience to determine how many citizens desired to speak to the Council. The motion passed five to three, with Councilors Tomlinson, Grosch, and Peters opposing.

Rob Specter identified himself as Vice President for Finance and Administration at OSU and introduced Dean Ron Adams of OSU's College of Engineering. He stated that OSU had enjoyed a good working relationship with the City as the OSU campus developed. He acknowledged that OSU was not an active participant in the public work sessions regarding the LDC update, but OSU representatives conversed with staff concerning the impacts of the proposed changes in the LDC. He expressed concern about how the LDC will impact OSU. He said there was considerable confusion regarding nine LDC provisions and how they will affect OSU. He said OSU has grown over the years. This year OSU has a significantly greater enrollment and scholarly activity, creating more demand on the surrounding community. He is hopeful that the LDC will not directly inhibit OSU's ability to provide access to qualified Oregonians seeking higher education services. He said OSU representatives are worried that some of the LDC provisions relating to OSU may create hardships for faculty, staff, and students and those OSU seeks to attract, specifically citing the higher cost of living and perceived lack of available shopping.

Ron Adams stated that OSU is on its way toward being one of the top 25 colleges of engineering in the nation. This high ranking will attract more top-level faculty and students. He expects that there will be a tendency for engineering-related research operations to locate near the university, which would be advantageous.

Mr. Specter stated that he does not know what the proposed LDC will mean in terms of OSU's operating costs. He observed that there had been a great deal of focus on residential and commercial aspects of the LDC, but little emphasis on university-related aspects. He requested that the Council consider addressing unfunded mandates that are placed upon OSU, as an extension of the State. He said OSU intends to continue its solid working relationship with the City. He suggested that the Council, City staff, and OSU representatives work together to resolve issues of concern.

Councilor Howell encouraged Mr. Specter and Mr. Adams to meet with staff to discuss the implications of the LDC provisions.

Eric Blackledge, 233 SW Second Street, reviewed his involvement in City planning efforts over the past several years. He reviewed a prepared statement (see Attachment L). He believes that the LDC does not adequately accommodate growth. He opined that only one percent of the City's population was involved in the LDC update process. He observed that most of the features mandated in the proposed LDC are voluntary options under the current land use planning goals and guidelines of the current LDC. He speculated that the people who proposed revisions to the LDC actually want to stop growth of the community. He believes residents should choose their shopping options, rather than the Council. He opined that a minimum height requirement of three stories along First Street is impractical.

Ron Theis stated that he attended five meetings concerning the LDC update. His best friend served on the Commercial TRG, so he stayed current with the process for two years. At each meeting he attended, he observed that more potential issues and problems were raised, which prompts him to proceed cautiously. He is trying to play by the rules, he believes the rules are being changed, and he feels this is "unfair."

Carol Harmon, 3985 NW Highland Drive, stated that she owns two buildings on Ninth, which she identified. She read a prepared statement (see Attachment M). She stated that placing grocery and furniture stores close to sidewalks would create problems with loading and unloading procedures and would place customer parking a long distance from the back door of the business, while the entrance is at the front of the building.

Councilor Barlow-Pieterick inquired whether a difference would be made if it was not required to place parking behind the building. Ms. Harmon responded that lack of the proposed parking requirement would make the developments as they are now. She stated that Ninth is a fully developed commercial strip. She speculated that existing buildings which are set back from Ninth and newer buildings which would be constructed along the sidewalk will create an unsatisfactory commercial development, with businesses in older buildings suffering a loss of visibility from automobile traffic.

Councilor Wogaman stated that he felt a moral obligation to continue the meeting for another 30 minutes to allow all citizens present opportunity to speak to the Council. He suggested that the Council take a break and moved to then extend the meeting to 12:00 midnight; the motion was seconded and passed five to three, with Councilors Tomlinson, Grosch, and Peters opposing.

Mayor Berg recessed the meeting from 11:24 pm until 11:35 pm.

Carol Lee Woodstock identified herself as chair of the Chamber's Business Advocacy Committee. She said she had heard about the LDC emanating from the 2020 VS, followed by the Comprehensive Plan. She expressed appreciation for the many people involved in the LDC review process. She commented that some people said concerns were expressed but not addressed. She expressed concern that some of the case studies were based upon faulty assumptions, but the challenges were brushed aside with the response that it was okay because the faulty assumptions were applied consistently. She stated that the Chamber was not advocating big box stores or large corporations. As owner of a local enterprise, she competes with large corporations daily. She stated that many of the businesses affected by the footprint increases in the LDC were small, locally owned businesses that needed to grow. She stressed that Chamber members were not last-minute attendees at LDC review meetings. She believes that the Chamber's views have been expressed. She said the Chamber is not finding in the LDC alternative modes of transportation. As much as she would like Third to be different, she does not believe it is an appropriate place to force POD, despite efforts to do so. She said it may be more appropriate to place PODs in new developments, speculating that successful PODs will be copied. She opined that it was unfair to change the rules on business owners mid-game. Based upon the concerns expressed tonight, the studies not conducted, and the unknown impacts of Measure 7, she believes it would be prudent to postpone implementation of the proposed LDC. She referenced comments that LDC problems and inconsistencies can be corrected later and suggested that it would be better to correct the problems and inconsistencies now. She inquired what harm would come from delaying approval of the LDC. She does not believe that the City will experience a rush of big box stores wanting to develop before implementation of the LDC. She expressed concern about the time frame to fully explore the issues presented and to enact the LDC.

In response to Councilor Howell's request, she stated that she would forward to staff the LDC inconsistencies she has heard reported.

Councilor Barlow-Pieterick expressed his appreciation for Ms. Woodstock's desire for an answer. He explained that the Council must determine whether the issues presented were worthy of reconsideration. He opined that asking one person to answer the question was inappropriate.

Councilor Wogaman stated that any substantive response would require time for the Council to deliberate the issue. He commented that there was not sufficient time tonight for such a discussion, but deliberations will be held at a later date.

Sue Napier, 1306 NW 17th Street, stated that she represented a business on Ninth and had been a Corvallis resident since 1972. She said she was told by staff that, if her building on Ninth burned and she did not re-build on the previous building footprint, under the proposed LDC she would be required to build adjacent to the sidewalk with parking behind the building. She learned about the potential LDC change in July and attended 30 to 40 hours of LDC review meetings. She said she spoke with someone who attended the September 6th Planning Commission work session and left the meeting believing that the commercial decisions represented in the LDC should be re-addressed. She does not want to alienate her bicycle and pedestrian customers, but she noted that these customers are unable to purchase large products. She does not believe that a POD is appropriate for Ninth because of its linear

distance and the inclement weather inherent to Corvallis. She stated that Downtown and Ninth complement each other. She expressed concern that some of the proposed LDC changes might jeopardize some of the small businesses. She speculated that a median down the center of Ninth would end a great deal of business activity. She expressed concern about the proposed grandfathering provisions of the LDC.

Councilor Wogaman stated that he would like to end the public testimony portion of the public hearing tonight. It was moved and seconded to extend the meeting to 12:30 am; the motion passed five to three, with Councilors Tomlinson, Grosch, and Peters opposing.

Tom Gerding stated that he represented Ramsey/Gerding Construction. Overall, he agrees with many of the people who support the LDC, if all the concerns presented could be resolved. As a developer of commercial property and a general contractor, he is concerned what would happen if the proposed LDC fails and who will finance the City's vision. He said it seems there is a perception that there is always money available to lend, but this is a fallacy. He explained that lenders consider complex developments to be high-risk loans and require more up-front funding. From the developer's standpoint, the issue involves a return on investment. He stated that mixed-use developments are difficult to finance, but adding other development-related issues increases the financing difficulty. He remarked that Ramsey/Gerding has 40 local families represented on its payroll, all of whom rely on the local economy.

Lu Ratzlaff, 3871 NW Jameson Drive, stated that he came to Corvallis during 1958, and his father served on the Council. He worked at Pumelite Building Materials and later purchased Schaefer's Recreation, which had two employees; his business now has 11 employees. He purchased a building on Ninth south of his previous location but did not receive notice about the pending LDC update. He stated that businesses along Ninth should have been notified about the pending LDC update. He explained that his business involves loading and unloading stoves, hot tubs, and chemicals behind the store. He does not want customers behind the store and the associated liability. If Ninth is changed so drastically that consumers do not want to drive along the street, they will go elsewhere. He said it hurts when people say they do not shop Ninth. He stated that he asked about the development rules before purchasing the building but was not told about the pending LDC update.

Councilor Howell inquired how Mr. Ratzlaff's building could be expanded under the current LDC. Mr. Ratzlaff responded that his bookkeeping facility could be placed on the second floor, if the structure could support a second floor. He explained that his business has four cargo containers, which he would like to remove from the property; in the meantime, the containers provide safe storage of spa chemicals. He would like to have a more decorative building and a covered loading area. To make major changes, the LDC provisions must be flexible.

Tom Grigsby, P. O. Box E, stated that, during the past three or four years, he attended many meetings concerning the LDC update. He asked the Council to consider delaying approving and implementing the LDC. He said it seems there are still issues needing resolution. He requested a delay because of concern about the implications and impacts of Measure 7 relating to the LDC. He urged the Council to proceed with deliberations, solicit input from outgoing Councilors, and continue accepting input from outgoing Councilors after the new Council is

seated. He expects that LCDC will not consider the City's LDC until the impacts of Measure 7 are known.

Neutral Testimony

Terry Lavlin stated that he was a 28-year resident of the area and served on the Benton County Planning Commission. He noted the many testimonies this evening concerning the length of the LDC update process and the objectors who had earlier opportunities to present their contributions. He said the claims about the process are false because the process is not yet completed. He opined that the process is on-going, so every argument should be considered on its merit, regardless when it is presented. He stressed that, despite the time invested by any individual, the Council must make a decision that it believes is right; and the momentum of the decision-making process should not impact the Council's final analysis. He noted that much of the argument may be moot, as on-line shopping may destroy all commercial business.

Marvin Gloege stated that he represented the Benton County Historical Society (BCHS), which has carefully reviewed the impact of the riverfront zone on the prospective museum location on SW First Street between SW Washington and SW Adams Avenues. The BCHS has concerns about the literal interpretation of the zone, as it relates to the planned museum. He explained that it would be difficult to develop the museum if the riverfront zone requirements are literally applied. In addressing these concerns, the BCHS proposed language that would place large-scale cultural and civic facilities, such as a museum, in a planned development category and provide a basis for the BCHS to acquire variances from the various requirements of the zone as part of the planned development process.

Councilor Wogaman reported that he was elected President of the BCHS November 16th, so he will not participate in Council discussions specifically regarding the proposed BCHS museum.

Request for Continuance - None.

Request to Hold Record Open

Mayor Berg noted that Ms. Phillips requested that the record remain open for submittal of additional testimony. It was moved, seconded, and unanimously passed to hold open the record until Monday, November 27th, at 5:00 pm.

Mayor Berg asked that Councilors submit to Mr. Nelson their questions of staff concerning this public hearing.

Mayor Berg closed the public hearing.

X. NEW BUSINESS

XI. ADJOURNMENT

The meeting was adjourned at 12:20 am.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

November 29, 2000

A special meeting of the City Council of the City of Corvallis, Oregon, was called to order at 5:37 pm on November 29, 2000, in the Downtown Fire Station, 400 NW Harrison, Corvallis, Oregon, with Mayor Berg presiding.

PLEDGE OF ALLEGIANCE

I. ROLL CALL

PRESENT: Mayor Berg, Councilors Wogaman, Beilstein, Griffiths, Tomlinson, Barlow-Pieterick (7:05), Grosch, Howell, Peters (6:56), Schmidt

Mayor Berg announced that business cards are being ordered for Councilors-elect and will be re-printed for all Councilors to correct the e-mail addresses. She asked that Councilors notify City Recorder Mariner if they need more note pads printed.

Mayor Berg announced that Senator Gordon Smith will be at the Corvallis-Benton County Public Library Saturday, December 2nd, at 9:30 am to present to the City a check for funding the purchase of land for construction of the Corvallis transit and operations maintenance facility. She noted that the City has not had such a facility in the past, and this will be a great addition. She stated that Senator Smith and his staff were very instrumental in obtaining funding for the project. She said everyone is invited to the event.

Mayor Berg reviewed the business before the Council this evening.

Mayor Berg directed Councilors' attention to items at their places, including a memorandum from Community Development Director Gibb concerning suggested changes to Draft D of the Land Development Code (LDC), a diagram of roadway cuts, and a letter from attorney Bill Kloos.

II. UNFINISHED BUSINESS

A. An ordinance relating to Ballot Measure #7 requiring compensation for "takings"

City Manager Nelson stated that, at the November 20th Council meeting, it was announced that a draft ordinance concerning statewide Measure 7 would be presented tonight. Since the November 20th meeting, staff from Finance and Community Development Departments, and the City Attorney's and the City Manager's Offices worked on several drafts of an ordinance implementing Measure 7. Each departmental group of the draft team contacted their counterparts in other communities concerning the best language to include in the ordinance. He stressed the importance of having legislation in place by December 7th concerning claim applications and processing, as Measure 7 becomes effective December 8th. He said staff recommends the ordinance, which best reflects keeping open all options available to the Council, as more is known about the implications of Measure 7.

11th and a second reading December 18th. She observed that this would allow more time for the public to respond to the proposed ordinance. If the Council's comments are submitted by December 4th for sharing with staff, staff's feedback could be presented December 11th, with a second reading of the ordinance December 18th.

Mayor Berg inquired what might happen between December 8th and 18th, if a claim was filed. Mr. Fewel responded that, if the ordinance is adopted, anyone filing a claim must follow the application requirements in the ordinance. He expressed doubt that any citizen might have anticipated the requirements, and he expects that it would take some time for a citizen wanting to file a claim to comply with the application requirements. Mayor Berg inquired whether there would be a problem, from the City's perspective, if the Council passed the second portion of the ordinance after someone filed a claim. Mr. Fewel responded that the potential for legal problems would depend upon the legislation passed by the Council. If the adopted ordinance provides a process for the removal of the regulation, the City could remove or waive the regulation to avoid compensation.

Councilor Howell inquired whether there were elements removed tonight that would be critical to having a "bridge." He asked if additional language was significant to include until a new ordinance could be implemented. He said he would like input concerning this issue December 4th, so the Council could consider including appropriate language in the ordinance.

B. Deliberations regarding revisions to the Land Development Code (LDT00-00002, CPA00-00007, ZDC00-00009)

Mayor Berg stated that the Council received a memorandum from Mr. Nelson concerning this evening's discussion of the LDC. She noted that several Councilors contacted staff with questions, which will be addressed tonight. She stated that the Council was asked to deliberate this evening concerning the testimony it received November 20th. Continued deliberations concerning the LDC could occur December 4th, with action concerning findings December 11th, and a second reading of the ordinance, if necessary, December 18th. She inquired whether the Council agreed with the proposed schedule to adopt the revised LDC.

Councilor Peters opined that the Council should continue to follow the proposed schedule. He noted that adoption of the revised LDC was a Council goal. He believes there are good reasons to follow the schedule and expects there will always be discussion and controversy in the community. He noted that there had been an extensive public process to review the proposed updates, including work sessions and public hearings. He said he was comfortable proceeding and adhering to the schedule.

Councilor Wogaman concurred that the Council should continue with its goal. He opined that, if hearings are to have any meaning, the Council should be open to seriously consider any good ideas presented. He said he was open to further discussion on two or three issues that were presented during the public hearing. He does not favor deferring adoption of the revised LDC to the next Council. He opined that the Council should try to follow the schedule, while considering the input received during the public hearing.

Councilor Griffiths stated that she talked with Councilor Tomlinson concerning the issue of delay and the comments that the Council should delay adoption of the revised LDC because the LCDC probably would not review it until more is known about the implications of Measure 7. She inquired whether staff had heard if LCDC would delay reviewing the LDC.

Community Development Director Gibb reported that LCDC is conducting an initial review of the LDC. LCDC's representative reported that the agency will proceed along its normal course of reviewing the LDC. Mr. Nelson added that the volatility of discussions concerning Measure 7 can cause serious reconsideration of whether staff and the Council should proceed. He reported that staff believes the review should be conducted based upon what the Council wants to accomplish during its term, rather than waiting for news from a State agency.

Mayor Berg referenced the lengthy public hearing November 20th and the extensive amount of public input received. She stated that staff would respond to issues presented during the public hearing and that the Council indicated it wanted addressed. She said the Council should try to reach a resolution concerning what it would like to see presented in a draft December 4th. If a resolution is not possible, staff will present a draft, which the Council would address through amendments.

Mr. Gibb clarified that staff would make further revisions to Draft D of the LDC, based upon the Council's consensus decisions tonight, rather than presenting a new draft. He reported that staff and the City Attorney's Office reviewed the input from citizens and the Council. He explained that the proposed changes were categorized as those recommended by staff and related to portions of the Code that have been under review for the past one and one-half years and those that could be implemented now or later. He briefly reviewed a handout prepared by staff (see Attachment A).

Planning Manager Schlesener, using the handout, reviewed staff's recommended changes, noting that all of the changes were discussed with the City Attorney's Office.

Regarding Section 1.4.50.02, all zone names were removed, so the provision applies to all zones for existing legally conforming uses.

Councilor Howell observed that the language did not refer to the LDC becoming effective, but it applies to re-zoning of a subject property. He inquired about the intent of the wording revision. Ms. Schlesener responded that an effective date could be inserted.

Councilor Beilstein stated that maintaining the status of conforming uses for one year was objected to by citizens who believed that one year was not sufficient. Ms. Schlesener stated that the proposed language is considered standard and is used in most jurisdictional codes. The time period is stated as one year in the current LDC. Councilor Beilstein said he was not suggesting a change, but he wanted to note that citizens had objected to the time restriction.

Councilor Griffiths opined that one year was appropriate under the current LDC, but she said she would like the time period longer, for the reasons cited by Councilor Beilstein, to provide more flexibility. She said she had considered 18 months, but she would agree to one year, if the Council deemed that appropriate.

Councilor Howell stated that the LDC provision was structured to assume that changes in allowed use were done thoughtfully and in a manner that helped evolving areas become more compatible with their surroundings or provide different services in a different way. He opined that the LDC had become more flexible in terms of non-conforming uses, compared with past LDCs. He said he had not heard complaints from existing non-conforming users that the time period stated in the current LDC was considered unreasonable. He opined that extending the time period delays the area's transition to a more compatible use.

Ms. Schlesener stated that the language revisions proposed for Section 2.4.30.01.f.5 would be applied to Section 4.0.60.a.1.

Referencing proposed revisions to Section 2.4.30.01.f.5, Councilor Peters observed that the revision creates a clear and objective standard. He said it is still vague what effect the traffic impact study would have. He noted that there had been complaints about some traffic impact studies being more detailed than others. He speculated that the provision could leave open the possibility of a developer submitting a very small traffic study. He inquired whether it was possible to include specific requirements while maintaining a clear and objective standard. Engineering Supervisor Gescher responded that staff would review the traffic impact studies. Applicants typically discuss with staff their perceived pertinent issues, and the scope of the study is then defined. He does not expect that the proposed provision would impact the interaction between developers and staff, nor does he foresee the provision interfering with an effective traffic impact study. Councilor Peters inquired whether staff or the Council had the authority to recommend or deny a development, based upon the unknown impacts of a traffic study. Mr. Gescher responded that the Council can deny a project, if it is believed that the traffic impact study is incomplete. Ms. Schlesener added that the City was in a difficult predicament of trying to have a clear and objective standard because State laws require clear and objective standards for residential developments. Staff is trying to ensure that all aspects of the LDC that could pertain to residential developments are clear and objective. The best solution would involve including in Chapter 4.0 a requirement that the development shall not impact surrounding road networks to result in a Level of Service D or below. Alternatively, the requirement could be included in the Subdivision Chapter. She explained that Mr. Gescher could then review a traffic impact study and determine whether the study was complete.

Mayor Berg summarized that the amendment involved replacing "if required by the City Engineer" with "prepared by a licensed transportation engineer." She noted that the Planning Commission and the Council would retain the authority to determine whether the study was adequate.

Councilor Peters opined that any language concerning national standards for traffic engineers or traffic impact studies should be included in the LDC. Ms. Schlesener responded that staff tried this suggestion but was unable to reach a solution that satisfied this concern. She noted that Chapter 4.0 contains criteria for public and private streets, which she quoted; she opined that this language was sufficient.

Councilor Howell inquired whether the word "considered" is discretionary or if the wording should be changed to "required." Ms. Schlesener responded that staff will check with the City Attorney's Office and suggested using the word "developed."

Referencing Section 2.4.30.04, Councilor Howell opined that the proposed revision may work for some of the elements cited, but he would like the assessment completed by staff. He would also like staff to develop language to insert in the Residential Chapters for any elements not addressed elsewhere in the LDC. Ms. Schlesener responded that most of the elements are addressed in the LDC. She said odors and emissions can be handled two ways. There is not a specific provision, but the act of creating a residential subdivision is not likely to create odor or emission issues. Provisions are included for industrial zones that might have odors or emissions. Councilor Howell observed that siting of dumpsters in RS-20 zones could present an issue. Ms. Schlesener stated that this issue was addressed later in staff's memorandum. In response to Councilor Howell's request for cross-referencing, Ms. Schlesener stated that cross-referencing is included at the ends of each Zoning Chapter. She noted that, in zones where off-site parking impacts are considered a problem, the issue is addressed through the Parking Standards Chapter and the way the uses are established in each zone.

Referencing Section 2.4.30.05, Councilor Tomlinson opined that the proposed language revision was a significant change, noting that the Council normally considers the Comprehensive Plan and the LDC. Ms. Schlesener responded that the revision would maintain the language of the current LDC. She explained that the previous Comprehensive Plan did not subject subdivisions to compatibility criteria for this reason. Staff and the City Attorney's Office considered the revision to be the best way to address subdivision developments. If the proposed revision is not made, subdivisions would be reviewed at the administrative level to meet State requirements. She stated that the proposed revision is the only way to conduct a public hearing and maintain a clear and objective standard.

Referencing Section 4.0.60.j.1, Ms. Schlesener explained that most jurisdictions use the language contained in the Comprehensive Plan and Draft D of the LDC; however, the City is now required to use specific measurements and be clear and objective.

Associate Planner Towne reviewed the cut and fill diagram for local and arterial/collector streets. Mr. Gibb stated that the clear and objective standard removes some flexibility from the staff level and places developers in positions that might not otherwise have occurred.

In response to Councilor Peters' inquiry, Ms. Schlesener stated that streets can be as narrow as 20 feet, if they do not include sidewalks. Councilor Peters inquired about the slope steepness that might be created with the narrowest possible street. Mr. Towne added that streets can only be narrowed through a planned development process.

Councilor Griffiths expressed concern about the language concerning structures which was proposed for removal. Ms. Schlesener explained that the sentence was in the wrong section, and the issue was addressed in a different section.

Referencing Section 3.15.60.05, Councilor Howell noted that the Riverfront Commission recommended a planned development related to parking only. He inquired whether the lot development option is adequate to address the concerns cited by the consultant. Mr. Gibb responded that the mix of uses in the buildings will be a determining factor. Councilor Howell inquired whether there was a simple way, short of a full planned development, to consider

parking options pending full development of the riverfront. Mr. Gibb responded that staff had not considered the possibility but will provide feedback December 4th.

Referencing Sections 4.10.50.01.d, 4.10.60.01.d, 4.10.70.b.8, and 4.10.70.01.d.2, Councilor Schmidt inquired whether the “bench” would allow cars to level out their progression up or down a slope. Mr. Towne drew a sample diagram of a driveway with bench areas.

Ms. Schlesener concurred with Councilor Howell’s observation that the bench design seems appropriate for driveways, but not for structures.

Ms. Schlesener explained that the second group of recommendations was not part of the first phase of the update. She noted that the changes are legitimate and could be implemented now.

Referencing Section 2.0.50.01, Ms. Schlesener explained that the City has strict criteria for what application changes constitute a need to mail additional public notices.

Referencing Section 2.0.30.01, Councilor Barlow-Pieterick inquired who would review the Director’s decision to waive a requirement. Ms. Schlesener explained that the Director would not waive anything handled at the staff level. Issues presented to the Planning Commission are governed by a list of application requirements. If an item on the list is not in the application, the Director waived the requirement, or staff flagged the item as incomplete and brought it to the attention of the Planning Commission.

Ms. Schlesener stated that she received comments and suggestions from Councilor Howell, but she thought the Council might want to discuss them before staff proceeded to research them.

Councilor Tomlinson reviewed his list of concerns, including the riverfront parking zone standards. He noted that affordable housing was mentioned during the November 20th public hearing. He acknowledged that staff conducted case studies to ensure that the LDC does not impact housing prices, but he wants to ensure that there is something in the record indicating that the Council reviewed the LDC and does not believe that the LDC will impact housing affordability. Ms. Schlesener responded that staff is comfortable with this issue. The case studies were conducted. A member of the Neighborhood Technical Review Group (TRG) was the head of Corvallis Neighborhood Housing Services (CNHS). As part of developing the menus in the pedestrian oriented design standards (PODs), CNHS had a project which members of their organization evaluated against the PODs. The results of the evaluation were presented to the Neighborhood TRG. CNHS could meet the standards without impacting the cost of that particular project. She said there were earlier discussions regarding whether there should be two tiers of standards for the menus in the pedestrian oriented residential design standards: one for traditional housing and one for affordable housing. The members of the Neighborhood TRG, CNHS, staff, and the developers were uncomfortable with this proposal, opining it would create a value judgment and that people who could only qualify for affordable housing would receive second-class housing. Staff designed the number of menu items that must be selected based upon what the affordable housing projects could do without increasing their costs.

Councilor Tomlinson stated that he would like Council discussion concerning the 75-foot building height along First Street. He expressed concern that 75 feet was too high, noting that penthouse residences would be allowed on top of the buildings.

Councilor Griffiths concurred, stating that, at a minimum, she would like to remove the language about building height exceeding 75 feet. She acknowledged that 75 feet and three stories are the current standard for Downtown, but she believes that the riverfront area is different. She opined that the Council should consider not demanding that buildings on the riverfront be that tall. She said she would like discussion from staff concerning the issue.

Councilor Tomlinson stated that he would prefer a minimum of two stories and a maximum of five stories on the west side of First Street. He said he would be inclined to retain the planned development penthouse language, if the building height was reduced.

Councilor Barlow-Pieterick stated that he was unsure the reason for the objection, but he assumed that people envisioned a block of buildings seven stories and 75 feet high. If this were the condition, he would consider a street frontage with a setback, outlined in the LDC, to prevent buildings from being built this way. He does not like design standards included in the LDC, but he understands the sensitivity of the riverfront in this issue. He stated he did not want to cancel the entire project based upon a single image. He said he had faith in the value of the property and the sensitivity any designer would have in developing a building along First Street after the park is developed, so that the buildings will not be objectionable structures. He suggested that the developers be steered toward the desired goal in terms of pedestrian scale at the street level. He opined that staff should develop a setback provision.

Councilor Peters said he did not want to change the language tonight, but he would like to see the height of buildings and projected shadows on the park. Mr. Gibb responded that the Park Plaza apartment building at Seventh and Monroe is six stories and 65 feet high. He commented that the riverfront district involved many years of work by the Riverfront Commission and a committee. Some of these issues were discussed by the Commercial TRG with a great deal of passion. He opined that staff would want the Council to hear from the Riverfront Commission, if Council is considering significant changes. Mr. Nelson added that staff can supply information, but the Riverfront Commission members would present their views with passion.

Councilor Schmidt observed that the riverfront has trees and added that tall buildings will impact tree growth.

Councilor Howell stated that 75 feet is the existing maximum building height. The City wanted to ensure an adequate residential component to meet the goals of the riverfront, providing safety and security and supporting retail establishments. Accomplishing this goal involved a degree of flexibility that matches Downtown in terms of maximum building heights. Reducing the maximum building height will make it more difficult to develop residential properties along the riverfront where they are most needed. Conversely, allowing development above the second floor encourages development of a residential component.

Mayor Berg stated that the Council could amend the LDC or postpone a decision until the second phase of the LDC update.

Councilor Griffiths stated that she was unwilling to postpone a decision, speculating that the Riverfront Commission is like other advisory boards and commissions which make recommendations to the Council and the Planning Commission. She would prefer that the Council reach a decision tonight. She said she was becoming more convinced by Councilor Howell that the provision might be appropriate as written. She would like to remove the reference to 75 feet for the penthouse residences. She expressed concern with the potential appearance of the riverfront if all new developments were six stories or higher. She believes that Councilor Peters' question concerning shadows was valid and that the information would be helpful. Mr. Gibb noted that much of the area south of the riverfront district is in the Willamette River Greenway zone, so there would be a chance to review building height and impact on the greenway for the southern portion of the riverfront.

Councilor Grosch commented that some of the discussion conveys the image that all construction along First Street would be 75 feet high. He said the Council must remember that 75 feet is a height option. He stated that developers were being asked to enter the community and invest in structures along the riverfront. To make the developments successful, the City must allow the maximum amount of flexibility. He opined that it was inconceivable that all of the undeveloped lots along First Street would develop at 75 feet or higher. He believes the option should be retained for flexibility.

Councilor Wogaman explained that two and one-half stories is the minimum height requirement, with nothing required beyond that height. He concurred that any development above two and one-half stories was apt to be residential in nature. He concurred with Councilor Grosch that it was unlikely that First Street would be continuous six-story developments the length of the riverfront.

Councilor Schmidt concurred with Councilor Grosch. He does not expect all buildings along the Corvallis riverfront will be the height of the buildings along the Portland riverfront.

Mayor Berg recessed the meeting from 9:38 pm until 9:48 pm.

Mayor Berg opined that the decision of building height should not be deferred to staff.

Councilor Tomlinson stated that Oregon State University (OSU) raised several issues during the November 20th public hearing. He expressed hope that OSU and the City would discuss the LDC; he said he would like to be involved in those discussions.

Councilor Tomlinson said he talked with Mr. Gibb concerning the LCDC review timeline. According to Mr. Gibb, the LCDC field representative committed to reviewing the product.

Councilor Tomlinson referenced Mr. Kloos' testimony and noted that staff and the Council spent a great deal of time this evening reviewing Mr. Kloos' concerns. He inquired whether all issues presented by Mr. Kloos were addressed and would be included in findings. Ms. Schlesener responded affirmatively, clarifying that the minor issues presented by

Mr. Kloos were corrected by staff and the City Attorney's Office. The remaining concerns were categorized as needing findings or not being issues. Mr. Fewel cautioned that there were no guarantees.

Councilor Tomlinson referenced the 120-day approval cycle from completed application to Council deliberation. He inquired whether this cycle would be outlined in the LDC via a timeline graphic. Ms. Schlesener responded that the existing LDC has a timeline graphic, which will be updated based upon changes in the final LDC.

Councilor Beilstein returned at 9:52 pm.

Councilor Barlow-Pieterick stated that citizens commented regarding building orientation along NW Ninth Street (Ninth). He believes this provision is the product of a strictly worded Comprehensive Plan policy. He asked staff to describe whether there was flexibility in the Comprehensive Plan policy for buildings facing Ninth but not being built up to the street to avoid the problem of businesses closer to the street obscuring from view the businesses farther from the street. Ms. Schlesener responded that the Council spent a great deal of time addressing this concern with the latest version of PODs for Ninth. Several options were added concerning how buildings were oriented toward the street and how setbacks were measured. She noted that one option is further delineated in Councilor Howell's suggestions. She explained that buildings could be set back as far as future improvements might dictate. She noted the Comprehensive Plan policy concerning parking between the building and the street. The Council's added options to the building orientation standards and the additional sign element suggested by Councilor Howell, which involved placement of a monument sign in front of a commercial establishment, will assist in the visibility problem referenced by Councilor Barlow-Pieterick. She said the Comprehensive Plan does not specify a minimum setback, so there is flexibility. The Mixed Use Community Shopping (MUCS) zone has a maximum 20-foot setback. The LDC contains specific setbacks, but the Comprehensive Plan provides some flexibility. Mr. Towne added that the MUCS includes a maximum 20-foot setback, but specific conditions allow changing the maximum allowed setback.

Councilor Howell observed that existing commercial buildings could be expanded to the sides. Mr. Barlow-Pieterick confirmed that his concern affected new construction.

Councilor Schmidt referenced a letter from a business owner on Ninth who, several years ago, wanted to build at the street and was told to place the building farther from the street. Now the LDC contains some flexibility. He heard citizens testifying that some buildings were built adjacent to the street, obscuring visibility of businesses set back. Ms. Schlesener responded that the current LDC allows building orientation up to the sidewalk along Ninth. Councilor Schmidt queried where parking and freight trucks should be located.

Councilor Barlow-Pieterick opined that staff developed a LDC that is satisfactory to him. He expressed hope that it was a misunderstanding that the new LDC setback provisions would be detrimental to businesses.

Councilor Grosch stated that testimony alleged that the City had not met the State's required standard for an economic analysis pertaining to the LDC. He inquired whether information

was available to indicate that the City considered the economic impacts of the proposed LDC. Mr. Gibb referenced to economic opportunities analysis, the City having sufficient buildable lands, and needed housing. He said the City completed a buildable lands inventory consistent with State requirements, which was approved as part of the Comprehensive Plan work tasks one through eight. The City, by request, will conduct a review of the economic opportunities analysis that was completed for the region through the Linn-Benton Housing and Economic Study. During the next few months, staff will conduct the required housing analysis, consistent with the work task. The analysis will be reviewed before the Council, and necessary changes to the LDC can be made.

Councilor Howell reviewed his suggested changes, contained in his November 22nd memorandum (see Attachment B). He stated that the Comprehensive Plan Amendment criteria were addressed.

Referencing Councilor Howell's suggested addition of the word "habitat" to Section 2.3.30.01.e.5.c, Councilor Griffiths inquired whether fish and wildlife would be included or only the habitat. Ms. Schlesener responded that the word "habitat" was accidentally omitted, but fish, wildlife, and related habitat would be included.

Councilor Howell said he had asked about a size differentiation in Minor and Major Neighborhood Centers for purposes of religious assembly without a conditional development or plan compatibility review process. According to Draft D of the LDC, less than 5,000 square feet would require a plan compatibility review, and greater than 5,000 square feet would require a conditional development. He inquired whether there was a smaller size that would permit use outright without conflicts. Ms. Schlesener responded that the suggestion of allowing religious assembly in areas up to 5,000 square feet is fine for both minor and major neighborhood centers.

Councilor Howell stated that the Bicycle and Pedestrian Advisory Commission had asked that the Council consider setting back buildings the equivalent of the standard park strip and sidewalk. He noted that the change was made for new development, but the setback would only be an option for existing developments. Ms. Schlesener responded that staff considered the suggestion and believes it is fine. For the benefit of the rebroadcast viewing audience, Mayor Berg quoted the new language.

Councilor Howell referenced non-residential alley parking provisions and noted that 45-degree parking is required in alleys. He said he is aware of some alley parking that is 90 degrees and seems to work. He does not object to requiring that the property owner provide the extra width for 90-degree parking. He said a comment was made that parallel parking might work in some areas. He expressed interest in staff's thoughts about 90-degree and parallel parking in alleys. Ms. Schlesener said staff considered the suggestion but was concerned about alleys being widened for sufficient maneuvering room for 90-degree parking. She said staff concurred with Councilor Howell's suggestion that the property owner be required to provide the additional width. Mr. Gescher stated that parallel parking should work, provided sufficient space was available.

Councilor Howell explained that a monument sign positioned by the street to attract attention to a business which is set back from the street should resolve the problem of the business

being obscured from view by adjacent businesses positioned adjacent to the street. Ms. Schlesener stated that this provision was a good idea and could be included in the MUCS Chapter as Section 3.19.40.09. She said the concern seemed to come from businesses along Ninth, which is primarily the MUCS zone; the zone includes South Third Street (Third). She added that the proposed monument size dimensions are fine, and the signs would be up to eight feet high and 32 square feet in size.

Councilor Howell referenced the design variety menu in Chapter 4.10 and stated that redevelopment proposals require two of the five items listed. He questioned whether two storage units could be approved without requiring a major remodeling of the part of the building not being changed. Ms. Schlesener responded that staff would prefer that the applicant choose one standard, if the expansion or enlargement is for space not open to customers or the public. She said staff considers this proposal appropriate.

Councilor Griffiths queried why an exception would not be allowed, if the expansion involved space that was not open to the public. Mr. Towne responded that, according to the proposed LDC, the business would choose one of the appropriate standards. Councilor Howell added that this provision would only affect expansions in excess of 500 square feet and over 20 percent or 3,000 square feet.

Councilor Howell referenced testimony concerning excessive review. He observed that the Council made several changes concerning residential development. He opined that most uses were permitted outright in one or more commercial zones, except those that tend to be less compatible. Mr. Towne responded that staff made some major changes from Council direction following the work sessions, primarily concerning the MUCS zone. He explained that the MUCS had a 3,000 square foot limit and plan compatibility and conditional development reviews. At Council's direction, staff changed the LDC to allow outright all uses in Minor Neighborhood Centers and Major Neighborhood Centers of less than 7,500 square feet. For areas larger than 7,500 square feet, more uses require conditional development or plan compatibility reviews. Now more than three-fourths of the uses are permitted outright. In addition, the allowed building footprints were increased for neighborhood local, collector, and arterial streets.

Councilor Howell noted that, during several work sessions, multiple possibilities for wording were suggested concerning structured parking, but nothing seemed to achieve the objective. He noted that the Council wanted the first three floors to meet the criteria individually. He commented that Councilor Peters had a concern about a business with 198 parking spaces that was able to expand 30 percent with no requirement. Mr. Towne acknowledged that the language was difficult to develop, and staff was satisfied with Councilor Howell's proposal. Mayor Berg read the proposed language for the benefit of the audience. She opined that the provision would address the need for parking but not allow parking to get out of hand. Mr. Towne added that the provision was in compliance with the Comprehensive Plan policy.

Councilor Howell requested staff's comments regarding a letter to the Council from Corinne C. Sherton. Ms. Schlesener stated that staff considered the wording changes proposed by Ms. Sherton to be minor and acceptable.

Mayor Berg referenced Gary Sawyer's testimony concerning the difficulty in establishing a large grocery store in South Corvallis. She inquired whether the City was requiring something that would discourage a large grocery store in terms of requiring that all parking and freight deliveries be located behind the building. Mr. Towne cited the configuration of the Downtown Safeway store, which, he observed, functions. He said an alternative would allow parking along the sides of buildings. There are ways to develop the site and provide for loading in areas other than where the customers would be parking.

Councilor Peters expressed doubt that Mr. Towne's suggested configuration would work. Mr. Towne stated that there are options to make the configuration work.

Councilor Howell described the proposed South Corvallis Town Center.

Councilor Griffiths stated she had the same concern and inquired whether the issue involved the physical possibility of developing a site under the requirements or whether the corporations wanting to develop a site have desired site and building designs to maintain uniformity among their stores. Mr. Towne responded that that may be a significant issue. He commented that many of the corporations are placing more stores in communities with standards such as those proposed by Corvallis, so options are being developed to comply with the standards.

Councilor Peters opined that the site proposal was not applicable to Ninth because the proposal involves a corner site. Mr. Towne stated that a new grocery outlet would not be allowed on Ninth and would only be allowed in neighborhood centers. Councilor Peters contended that all stores receive deliveries and will have the same problem of customers crossing the delivery area. Ms. Schlesener said the new Staples store is oriented to the main street, with parking behind the building and loading on the side of the building opposite the street. Councilor Peters said he was not convinced that the proposed orientation would be satisfactory because of the space needed for parking and loading areas. He expressed appreciation for Councilor Howell's work on the issue of structured parking.

Councilor Schmidt opined that the problem before the Council involves parking delivery trucks. He explained that his business does not have a back door, so the side of the building is used for deliveries. The other businesses in the building do not have back doors. To reserve parking for his customers, he installed planting boxes to keep Dari Mart's delivery trucks from interfering with his customers' parking. He expressed concern about customer parking to the rear and side of businesses. He believes the options should be included in the LDC. He opined that the Corvallis Business Park on NE Circle Boulevard is "messed up" because a previous Council would not let Heritage Mall develop on the site, and now a "hodge podge" of buildings is developing. During the November 20th public hearing, he observed testimony that the Comprehensive Plan is acceptable because people like a small-town atmosphere, but people leave town to shop. He believes the Comprehensive Plan is too restrictive concerning building size and that the City is eliminating the possibility of larger buildings being built in South Corvallis. He noted that minimum sizes were increased, but maximum sizes remain. He referenced the temporary metal buildings used for storage and inquired whether they were allowed in the LDC and where they could be used or placed. He noted that they are appearing on parking lots. He believes that temporary use of metal buildings should be allowed in designated parking areas. Mr. Towne responded that Planning

staff could talk with Development Services staff to determine the allowances. He explained that parking is allowed on the side to accommodate other portions of the LDC, such as loading facility provisions.

Councilor Wogaman said he now feels there is more flexibility concerning building orientation. He concurs that it would be undesirable for customers to be required to pass loading areas.

Councilor Beilstein expressed concern about the proposed pedestrian islands and median strips. He expects these will eventually be installed along Third and Ninth. He inquired about the conditions under which these features would be installed and the provisions so that the islands and medians would not interfere with adjacent businesses traffic. Mr. Towne responded that the South Corvallis Refinement Plan (SCRP) included extensive discussion concerning how traffic flowed in and out of South Corvallis as development occurred. Development in South Corvallis resulted in the portion of Third between SW Avery Avenue and the Marys River Bridge becoming overloaded within the planning period. To alleviate this problem, it would be necessary to add an extra lane in each direction or install a median to reduce the number of left-turn opportunities. The SCRP recommendation involves the median, because it would be a better choice to restrict movement. He said the need for a median along Ninth had not been identified; if one is installed, it would be primarily as a pedestrian amenity, such as the pedestrian island in front of Richey's Market on NW Circle Boulevard. He said it was less likely that pedestrian islands would be installed mid-block along Ninth because motorists are not expecting pedestrians to cross Ninth mid-block; he expects they will be installed at intersections. He said there was also discussion regarding consolidating accesses as development occurs; this opportunity was identified in the Comprehensive Plan. Councilor Beilstein stated that he did not want a business to feel it was threatened because a pedestrian island was blocking access. Mr. Towne responded that there are currently no plans for installation of medians or pedestrian islands along Ninth.

Councilor Howell referenced the testimony from Ninth business owners. He stated that the installation of medians or pedestrian islands along Ninth was not a pressing need, noting the number of traffic signals for safe pedestrian crossing. In 50 years, Ninth may be in the same situation as Third. One advantage of bringing buildings closer to the street and consolidating driveways is the potential for alleys. He noted that, in South Corvallis, the situation involves a choice of losing 15 or 20 feet of property or having a median. Commercial business owners would rather keep the 15 feet of property and deal with a median. New development south of SE Kiger Island Drive will include medians. Businesses will be accessed from side streets and clustered, rather than spread out. He opined that it would be prudent to discuss what situations prompt installation of medians. A Ninth plan could include ways to avoid pedestrian islands on Ninth.

Councilor Griffiths reported that she talked with Ms. Schlesener concerning language changes. She will discuss the rest of her issues with Ms. Schlesener.

Councilor Tomlinson noted that Kathy Phillips talked to the Council concerning a requested re-zoning at Highway 20/34 and SW Technology Loop. Ms. Schlesener stated that staff will

have information for the Council December 4th concerning Ms. Phillips' request. At the same meeting, an answer can be provided by staff concerning Mel Stewart's request.

III. NEW BUSINESS

Councilor Beilstein moved that the City of Corvallis instruct Mr. Fewel to join in the LOC suit concerning Measure 7; the motion was seconded.

Councilor Schmidt observed that the gesture was good; but he opined, given pending circumstances, that the City should remain neutral. He said he realized what LOC is attempting to do, but he would not support the City becoming involved.

It was moved and seconded to extend the meeting ten minutes, to 11:10 pm; the motion passed seven to two, with Councilors Grosch and Schmidt dissenting.

Councilor Howell stated that, during a previous, similar situation, the City set a limit on its financial contribution in advance. He inquired whether the Council should include this provision with the motion or address it later. Mr. Fewel said he understood from the motion that the City would contact LOC and ask how LOC could use the City in support of the suit.

The motion passed eight to one, with Councilor Schmidt dissenting.

III. ADJOURNMENT

The meeting was adjourned at 11:02 pm.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

December 4, 2000

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 12:07 pm on December 4, 2000, in the Downtown Fire Station, 400 NW Harrison, Corvallis, Oregon, with Mayor Berg presiding.

PLEDGE OF ALLEGIANCE

I. ROLL CALL

PRESENT: Mayor Berg, Councilors Beilstein, Griffiths, Tomlinson, Barlow-Pieterick, Grosch, Howell, Schmidt, Wogaman

ABSENT: Councilors Peters (excused)

Mayor Berg directed Councilors' attention to items at their places, including the November 30th Councilor-elect work session minutes, a December 4th memorandum from City Manager Nelson concerning the riverfront project, a December 4th memorandum from Mr. Nelson concerning the Measure 7 implementation ordinance, a November 30th letter from Marilyn Dilles concerning Draft D of the Land Development Code (LDC), a December 1st e-mail from the Corvallis Area Chamber of Commerce (Chamber) entitled "The Virtual F.A.X.," a sun study concerning potential shadows on First Street, and a December 4th memorandum from Community Development Director Gibb concerning revised motions for the LDC update project and related cases. She explained that the motion accompanying Mr. Gibb's memorandum incorporates elements that were referred to in a memorandum in the meeting packet. She noted that Councilor Barlow-Pieterick distributed a form for ordering Fiesta Bowl tickets.

II. CONSENT AGENDA

Councilor Wogaman referenced his report on page 730 of the November 20th Council meeting minutes, and he clarified that he lost his Civil War game wager with a fellow member of the Linn-Benton Community College (LBCC) Board of Directors because he gave points. He said he appreciated receiving the abstract of votes report, and he inquired where he could learn about the votes for the LBCC bond measure. City Recorder Mariner responded that the Benton County Elections Department has the election results. Mayor Berg noted that information is also available by precincts.

It was moved and seconded to adopt the Consent Agenda as presented.

Councilor Barlow-Pieterick announced that there will be vacancies on the Planning Commission and said candidates would be interviewed during February 2001. He said any interested citizens should contact Planning Division staff. He commented that he enjoyed reviewing the abstract of votes reports, and he thanked staff for providing the reports following each election. He acknowledged that he forgot to submit his City Manager performance evaluation form, but he concurred with the cumulative evaluation. He thanked Mr. Nelson for his efforts during the past four years of Councilor Barlow-

force an applicant to go to court to recover an application fee. He believes the provision was attempting to keep the procedure consistent. Councilor Barlow-Pieterick concurred, noting that not all of the applications would be decided in Court. Mr. Fewel clarified that an affirmative action by the Council would be required to authorize payment of the claim and refunding the fee.

Mayor Berg observed that there was only one week until the December 11th work session, and she encouraged Councilors to submit their input to staff.

Mr. Fewel read, for a second time, an ordinance establishing a new Chapter 1.26 within the Corvallis Municipal Code entitled “Review of Applications for Compensation under Article 1, Section 18, of the Constitution of Oregon (Ballot Measure 7 passed November 7, 2000) and declaring an emergency.”

Mr. Fewel confirmed that the second reading of the ordinance included the amendment approved today.

ORDINANCE 2000-36 passed unanimously.

The Council entered Executive Session at 1:10 pm.

The Council discussed the City Manager’s annual performance evaluation.

Mayor Berg recessed the Council at 1:40 pm and reconvened the Council at 7:-04 pm in the Downtown Fire Station, 400 NW Harrison, Corvallis, Oregon.

I. ROLL CALL

PRESENT: Mayor Berg, Councilors Beilstein, Griffiths, Tomlinson, Barlow-Pieterick, Grosch, Howell, Schmidt, Wogaman

ABSENT: Councilors Peters

Mayor Berg circulated a sign-up sheet for Saturday morning Government Comment Corner sessions. She said it was important to schedule sessions for the next month or so. She announced that each Councilor had received a form on which they should record their expected absences for the next few months.

Mayor Berg directed Councilors’ attention to items at their places, including definitions of target populations concerning the CDBG human services fund allocation, which is the topic of the second public hearing this evening; a memorandum from the Chamber president concerning the LDC; and a memorandum from Messrs. Livingston and Feuerstein concerning the riverfront zone.

VI. VISITORS' PROPOSITIONS

Gary Sawyer, identified himself as president of the Chamber and said he lives in Northwest Corvallis. He reviewed the Chamber's memorandum presented to the Council (see Attachment A) and stated that the Chamber would like the Council to consider issues and alternatives. He observed that many business people testified that the proposed changes to the LDC will harm their business activity. He opined that the Council should consider whether the proposed changes match the desires of the community. He noted that the Chair of the 2020 Vision Committee said the proposed LDC changes are not what everyone wants, adding that citizens want more shopping options. He said the proposed LDC was not the only LDC option available, adding that it was possible to follow the Comprehensive Plan and develop a LDC that is more amenable to commerce. He opined that the proposed LDC relies heavily on discretionary reviews. He said the Council must be careful when saying that some things may be allowed in certain zones. He opined that there was no clear set of rules. He said the State requires two planning processes. He stated that the case study assumptions are flawed. He acknowledged that the impacts of Measure 7 are unknown. He referenced the Council's earlier questions about the Chamber's suggested changes. He reported that the Chamber would like allowance for regional shopping development with fewer restrictions outside the Downtown area. He stated that the Chamber spoke with many national and regional firms concerning how they select development sites. He asked that the Council allow NW Ninth Street (Ninth) to remain primarily as it is; develop incentives for retail, commercial, and residential development Downtown; offer incentives to develop neighborhood shopping centers; allow zoning on South Third Street (Third) to accomplish the City's vision of a retail town center in the area; reduce the amount of discretionary review; and develop objective standards. He said it was difficult for developers to proceed with so many reviews to complete. He questioned the risks associated with delaying adoption of the LDC.

Councilor Tomlinson thanked Mr. Sawyer for his succinct presentation. Citing the exception of the issue of affordable housing, he considered Mr. Sawyer's statement to be a good representation of the Chamber's position. He said he would respond to the statement during Council deliberations.

Councilor Barlow-Pieterick thanked Mr. Sawyer for his efforts. He referenced the third proposal cited in the memorandum and inquired what types of incentives Mr. Sawyer or the Chamber would suggest and what types of restrictions the City has imposed on development. Mr. Sawyer responded that he did not have a prepared list of incentives. He stated that other communities probably have incentives. He opined that the philosophy of the current LDC seems to be to restrict a lot of development outside the Downtown area in order to meet the Comprehensive Plan's vision of a regional shopping area Downtown. He said the Chamber is not opposed to regional shopping Downtown, nor is it against regional shopping anywhere else it would be appropriate. He suggested that the Council consider incentives for desired development without restricting growth in the rest of the community. Councilor Barlow-Pieterick said he did not know what restrictions were placed on growth Downtown. Mr. Sawyer responded that restrictions on growth Downtown are relatively limited. Councilor Barlow-Pieterick acknowledged that there could be mixed perceptions of the public review process. He explained that the public review process allows a developer to present a scenario of how a regional development on Ninth or Third could enhance Downtown. He stressed that the scenario would not be known without a public review process. He said he had not been convinced that the proposed LDC would be a problem. Mr. Sawyer stated that prospective commercial property owners cannot receive financing until they can show the bank what will be developed and how it will be financed. He said the City is asking developers to invest time and money up front. He noted that it is difficult for large

chain stores to get through the City's development process, opining that the current LDC places too many issues into discretionary review.

Councilor Grosch observed that Mr. Sawyer seemed to be assuming that developers cannot proceed without a discretionary review. He said he saw many features that were allowed outright. He observed that the general layout seems to be different in transitioning from a linear commercial to a compact standard. He said he is not convinced that this is the only way to proceed. He does not believe that everything requires a discretionary review. Mr. Sawyer concurred, but he noted that developers say the discretionary reviews are a problem. He agreed that developers can create features different ways, but it is unknown if they will. He opined that the Council could consider and study this issue.

Councilor Wogaman thanked Mr. Sawyer for his memorandum and commended him for its tone. He expressed appreciation for Mr. Sawyer's input.

Mayor Berg thanked Mr. Sawyer for the list of suggestion. She asked whether Mr. Sawyer had heard developers complain about the specifications of the current LDC or whether it was considered workable. Mr. Sawyer responded that developers have complained. He believes that the current LDC is fairly workable, but the discretionary reviews are a point of friction. He said he was not speaking to the Council to determine whether the discretionary reviews were right or wrong. He noted that the reviews cause people to question what they really want to do. He said the parking restrictions in the current LDC do not work.

Mayor Berg inquired what aspects of Corvallis the Chamber considers to be desirable when attracting potential developments. Mr. Sawyer responded that Corvallis has one of the highest income levels in the United States, Corvallis citizens are highly educated, and Corvallis has good schools and good infrastructure. He cautioned that the Council must be careful about messing with the economic health of the community. He said the Council should pay attention when business owners say something will cause problems for their business or that of others.

Mayor Berg referenced the fifth proposal cited in the memorandum and inquired whether Mr. Sawyer or the Chamber had a particular zoning designation in mind or one that would be developed. Mr. Sawyer acknowledged that it might be necessary to develop a zoning designation. He noted that there were certain development barriers on Third. He stated that each additional complication or restriction increases the likelihood that a site becomes too difficult to develop. Mayor Berg summarized Mr. Sawyer's testimony by stating that features in the LDC cause a potential development to be too difficult to pursue and that this is a more important factor than zoning of any specific area of Corvallis. Mr. Sawyer responded that all of the factors combine toward a decision about pursuing development. If a specific type of development is wanted on Third, the City must understand that it must make some provisions for that type of development. He said there must be a meeting of the minds concerning what developers will build and what the community wants. He suggested that a LDC be adopted which developers might not like completely but can follow.

VII. PUBLIC HEARINGS

- A. A public hearing to consider withdrawing recently annexed property from the Rural Fire Protection District (Furtick Annexation)

Mayor Berg reviewed the order of proceedings and opened the public hearing.

Staff Report

Mr. Nelson explained that when property is annexed into the City, it is withdrawn from the rural fire protection district to avoid double-taxation of the property owners for fire protection services. He reported that the ordinance before the Council would withdraw from the Corvallis Rural Fire Protection District the Furtick property, which was annexed as a result of the November 7th election. He said the property is located just off SW Brooklane Drive.

Public Testimony in Support - None.

Testimony in Opposition - None.

Neutral Testimony - None.

Mayor Berg closed the public hearing.

Deliberations

Mr. Fewel read an ordinance proclaiming the withdrawal of certain described real property heretofore annexed to the City of Corvallis from the Corvallis Rural Fire Protection District (Furtick Annexation).

Final Decision

ORDINANCE 2000-37 passed unanimously.

- B. A public hearing to consider amendment of the Community Development Block Grant (CDBG) Consolidated Plan for Human Service Fund Allocation

Mayor Berg reviewed the order of proceedings and opened the public hearing.

Staff Report

Mr. Weiss stated that it had been almost one year since staff first spoke to the Council concerning the CDBG program. He explained that the Human Services Fund would allocate CDBG funding for human services. He said staff spoke to the Council during September concerning the process developed by the HCDC to create a request for proposal (RFP) for use of CDBG funding to expand or create new services, as required by CDBG regulation, for a set of target populations, which were established in the Consolidated Plan. He reported that HCDC received proposals from ten agencies seeking CDBG funding; the proposals were

outlined in the staff report. HCDC proposed fully funding seven of the ten proposals. He said the staff report explained the rationale for the funding determination. He noted that the Consolidated Plan language must be amended to carry out the human services funding activity. He explained that, when the City first developed the Plan, Housing and Urban Development (HUD) believed that a higher level of specificity was needed within the human services portion. Rather than allocating to a general group of services, HUD asked the City to amend the Plan after the allocation process and specify how the funds would be allocated. Staff supports the HCDC allocation recommendations. He reviewed the actions requested of Council.

HCDC Chair Bruce Sorte said HCDC met with citizens from throughout the community. He observed that HCDC members, staff, and liaisons from the Planning Commission and the Council were energetic and creative. A new approach for award allocations was developed. Agencies will determine how HCDC will measure their effectiveness. He opined that HCDC stayed with the desired themes of bringing services closer to the people needing the services and letting the people needing services work together to resolve their problems. Agencies will collaborate so that multiple agencies will not provide similar services that must later be supported by additional funding.

Councilor Grosch said it was important that the Council understand the magnitude of HCDC's task. He opined that HCDC developed some good ideas for outreach activities. He noted that it was an interesting process with a group inexperienced in allocating funds. He observed that the group quickly determined the core issues related to the funding.

Councilor Howell said it appeared to be a good list of proposals and programs providing good services. He thanked staff for the list of target populations, and he surmised that the fund was intended to provide services for any of the target populations. He inquired how staff determines that a person who is considered to be at risk but not low income really meets the income guidelines. Mr. Weiss explained that the program focuses on providing services to people meeting the income guidelines, and 51 percent of the service recipients must meet the guidelines. He expects that almost 100 percent of service recipients will meet the guidelines. If a person is presumed to be low income, such as homeless or severely disabled, no income tracking is necessary. Income must be tracked for those persons at risk of homelessness or generally low income. Agencies must maintain income information and report to staff the number of low-income people receiving services through Federal funds.

Referencing programs where services are not targeted toward specific population groups, Councilor Howell inquired whether all service recipients would meet the income guidelines. Mr. Weiss responded that those participants would provide income information. He stated that children receiving services through the Boys and Girls Club (BGC) are considered to be at risk, according to HUD guidelines. He said there is some at-risk nature to the parent enhancement program. Income verification will be conducted when it is not certain that a service recipient is homeless or presumed low income or disabled. The experiences of the service agencies indicate that the clientele are all low income. If a service recipient is below the poverty level and qualifies for a program based upon income, the agency must merely document that that is the case; income need not be further verified.

Councilor Grosch noted that the participants in the parent enhancement program would be considered to be at risk of becoming homeless because they are pregnant or parenting teens. He said the participants in the BGC are at risk because they are youth being referred from the Benton County Juvenile Department. He expects that there would be a higher level of screening for participants in the BGC and parent enhancement programs.

Councilor Howell inquired whether there would be a youth at-risk category. Mr. Weiss responded that these youth would fall into the youth at risk of homelessness category. He said HUD supports the types of services offered through the Benton County Youth Shelter or the BGC where youth are proceeding through the juvenile justice system. He said there is a likelihood that continuation of the lifestyle will result in homelessness.

Mr. Sorte expects that the frequency of these situations, as outlined in the City's reports, should cause HUD to help the City direct more funding toward homelessness than at-risk youth. He said the BGC was asked to focus on neighborhoods, with the hope that this action will garner support. Councilor Howell inquired whether activities were being held outside the BGC center. Mr. Sorte responded that BGC was asked to focus on neighborhoods and choose youth who will, or should, know each other. He said BGC was encouraged to conduct outreach activities and subcontract with an organization that was capable of making home visits. There is a concern that people in the program come and go, resulting in a lower impact. It is hoped that BGC will have more surety of working together with other agencies. Mr. Weiss reported that he met with BGC to review specific information the agency must provide. He said there is assurance that BGC would become a certain funder, given that it can meet HCDC's requests. BGC and Big Brother Big Sister at OSU reached a working agreement concerning mentoring and additional program structure. While youth are at BGC, administrators will know their activities. Mentors will seek opportunities to work with the families in the homes.

Mr. Weiss confirmed Councilor Tomlinson's understanding that citizens age 62 and older are presumed to be low income. He added that HCDC's subjective view will be considered concerning this group of people. He explained that HCDC will know whether something being proposed would actually serve low-income elderly citizens; if it will not, he does not expect that it will be funded.

Councilor Wogaman questioned a notation in the definitions that stated that members of specific categories are not presumed to be low income. Mr. Weiss explained that if people are presented as low income, they are not presumed to be low income, and the income verification will be required.

Mayor Berg summarized that funds will be targeted toward low-income population groups and will be monitored and documented. Mr. Sorte stated that HCDC is attempting to reach low-income senior citizens.

Public Testimony in Support

Judy Wilson said she considered it good news that Mid-Valley Housing Plus (MVHP) was selected to receive CDBG funding. She said many of the Councilors were with her when she

looked at Benton Plaza (BP) and The Julian Hotel (JH) and what might happen to those facilities, which were moderate rehabilitation apartments for low-income persons with disabilities and senior citizens. She began to meet with the BP owner and contact the owners of JH because she felt it would be a great loss to the community to lose housing for people with disabilities and mental illnesses. She said MVHP has had one-year renewals of the contracts. She has chaired the Benton Committee, talking with BP residents about their needs to improve living together in a community atmosphere; efforts would make the facility a better place to live and aid residents in becoming acquainted with each other, socializing, and becoming more integrated into the facility's community and the broader community. She explained that the funding will give MVHP opportunity to initiate these activities. She said several residents told her they were excited about the prospects. She met with the building's management company, which is pleased about the proposed support for BP residents. The owner stated that he was not in the "social service business," but he is very interested in serving the low-income population through services provided in the community. There is a new manager at BP. She believes BP is a wonderful place to begin the program. The population of mentally ill citizens, the residents of BP and JH, and the recipients of MVHP's community outreach fall into the low-income category. Many of MVHP's service recipients receive Supplemental Security Income of \$512 per month. She looks forward to hiring a coordinator for the program.

Mayor Berg inquired whether Federal funding for BP and JH was still received annually. Ms. Wilson responded affirmatively, adding that the contracts are renewed annually. She said she will contact the new owners of JH, and she has regular contact with the owners of BP.

Councilor Grosch announced that the National Association of Mental Illness (NAMI) holiday dinner will be held December 8th, and everyone is invited to attend. Ms. Wilson added that the dinner is a wonderful event and concurred that everyone is welcome.

Mayor Berg announced that Corvallis resident Dee Porter designed a Christmas card that was featured in NAMI's national catalog.

Mayor Berg closed the public hearing.

Questions of Staff

Mayor Berg stated that, during the past six years, she developed an admiration for Bonney Enterprises. She said she noticed that HCDC's decision did not target the population served by Bonney Enterprises. She inquired whether it was deemed inappropriate to use CDBG funding to raise other funds. Mr. Weiss confirmed, explaining that a priority was determined to provide funds to agencies that would provide direct client benefit. He noted that Bonney Enterprises' request would involve funding resources that would eventually become services to clients. He said HCDC recognized the merit of the funding request, but HCDC wanted to focus on direct benefit. He explained that HUD feels strongly about direct benefit.

In response to Mayor Berg's inquiry, Mr. Weiss confirmed that funding to Lincoln Council on Aging would be used for homebound and frail elderly in Corvallis. He explained that the agency is located in Lincoln City but also serves Linn and Benton Counties.

Deliberations

Councilor Barlow-Pieterick moved to approve the CDBG Human Services Fund allocations, as submitted; the motion was seconded.

Councilor Howell said he considered the proposed allocations to be a good set of services that compliments the other aspects of the Consolidated Plan. He noted that HCDC and the Council will monitor the funding and activities of the program. He said there were many worthwhile programs and needs in the community. He acknowledged that it was difficult to target social service allocations toward emergency and transitional services and differentiate those needs from the services provided by United Way. He cautioned that the Council must be watchful and target CDBG funds toward groups that are defined within HUD as being most at need in the community. He expects that HCDC will receive proposals that do not quite fit the criteria but are well deserving of funding. He cautioned that, if HCDC and the Council are not careful and try to give funding to all requesting agencies, some programs that more appropriately meet the funding guidelines may not get as much funding as they need. He expressed appreciation for HCDC's care in making its selections.

Councilor Grosch acknowledged that there will be additional work regarding the program; he stated that this is the first round of funding allocations, which will be conducted annually. He said he would like to see HCDC align goals and directions between this fund and the social services fund and consider other community plans to determine the best use of available funding to reach clearly identified goals of the City and agencies. During the next few years he expects that the Council will see the goals of the program evolve. He opined that this was a good first step.

Final Decision

The motion passed unanimously.

It was moved, seconded, and unanimously passed to approve the Consolidated Plan amendment that will allow implementation of the allocations and the use of Community Development Block Grant funds.

VI. VISITORS' PROPOSITIONS – Continued

Carol Lee Woodstock stated that members of the 2020 Vision Committee said the proposed LDC was not what they envisioned. Additionally, members of the Commercial Technical Review Group claimed the proposed LDC would not work. She said the Council requested specific suggestions, input was provided, and some changes were made. She commented that some of the problems are invasive of the entire proposed LDC. She said the community does not have the densities needed to support some of the features that would be imposed. She elaborated, saying that affordable housing is needed to obtain the necessary densities. She said it was unreasonable to have one plan to fit all situations. She opined that the discretionary reviews are onerous and expensive, noting that the amount of work involved to prepare for hearings adds 25 to 30 percent to the cost of a development. She said she saved for over 15 years to be able to afford the expansion of her business. She stated that there have been recent questions regarding whether the current LDC is workable. The business community hoped

for improvement of the current LDC, rather than something that would be more difficult. She said she is a member of the North Corvallis Citizen Advisory Committee (NCCAC), which met Saturday. She observed that members of NCCAC want choices. As an example, she noted that many people like cul-de-sacs, and NCCAC members questioned why developments could not include cul-de-sacs, rather than developing on a grid plan. Some people like garages behind their houses, but this should not be mandated. One member of NCCAC opined that there was a large disconnect between what people would like to see as planners and what actually works. She said the Chamber presented its best suggestions for changes to the LDC. She encouraged the Council to consider the Chamber's suggestions.

Mayor Berg summarized Ms. Woodstock's statement by saying that, primarily because of the discretionary reviews and diminishing choices for financial decisions, it was Ms. Woodstock's view that the LDC will not bring the City closer to its vision, the LDC will not work, and there will be a lack of commercial development in Corvallis. Ms. Woodstock added that she believes the LDC will also discourage redevelopment and reduce pedestrian friendliness. She said demographic studies indicate that Corvallis' population is aging. She opined that, when issues become requirements, it is easier to continue with the current situation than attempt to make changes. She said she attended a meeting with business owners from Ninth, who contend that the issues cited in the Chamber's memorandum are still their concerns following the November 29th Council meeting.

Gary Feuerstein stated that he supports the riverfront zone. He thanked the Council for re-considering parking in the riverfront area, which is a critical issue. He encouraged the Council to reconsider and find alternatives for the type of development desired along the riverfront. He said he understood there was concern about the height limitations in the riverfront zone. The height limit is currently 75 feet. He said property owners in the riverfront zone are not asking for a higher limit; 75 feet is the current maximum and should be maintained. He explained that the floor area ratio of 2.5 to 3.0 pushes the buildings to the height of 75 feet. The floor area ratio must be supported by adequate parking. He said six floors are required to make the floor area ratio successful. He explained that reducing the maximum building height would not resolve the problem. The upper floors would primarily be used for housing, which is needed in the Downtown area to make Downtown a more livable, active area. He believes that buildings along First Street can provide this amenity.

Mayor Berg inquired whether Mr. Feuerstein had an opinion concerning the three-floor minimum building height requirement along the riverfront. Mr. Feuerstein responded that the floor area ratio of 3.0 is fine, and it would be a great result of the riverfront zone if that ratio could be achieved.

IV. UNFINISHED BUSINESS - Continued

B. Continued Deliberations on the Land Development Code Revision and tentative decision (Findings of Fact and ordinance to be developed for December 11th meeting)

Mayor Berg noted that staff was asked to respond to the Council's questions from the November 29th Council meeting.

Community Development Director Gibb referenced the Council's concerns about building orientations in terms of loading areas, parking, and entrances; how changes made in the proposed LDC are designed to provide more choices for expansion of existing buildings; and shadows along First Street in relation to building heights.

Associate Planner Towne distributed photographs of various commercial developments in Corvallis. Planning Manager Schlesener reviewed the photographs, describing how the businesses' entrances, loading docks, and parking areas co-exist. Photographs included the Downtown Safeway store, Fred Meyer, BiMart on Ninth, Staples, Avery Square, Nappa Auto Parts, Smith Glass, Global Communications, Fashion Eyewear, Albin Plumbing, Sharis, and Lyons. She noted that many grocery stores larger than Safeway tuck a loading dock into the same facade as the main entrance. She said most smaller buildings would take advantage of LDC provisions that allow loading in the rear and parking on the side, such as Smith Glass and Global Communications. The current LDC allows smaller buildings to have side entrances, provided the entrances are within 50 feet of the fronting street. She demonstrated that Albin Plumbing uses a fence at the end of the customer parking area to separate the customer area from the loading and storage area.

Mayor Berg commented that the businesses represented in the photographs made choices, and she inquired if there were others. Ms. Schlesener responded affirmatively. She said an informal survey of businesses along Ninth between Avery Square and NW Walnut Boulevard indicated that 80 percent have a combination of rear or side loading and rear or side parking; 30 percent of the buildings are built near the fronting sidewalk with no parking in front of the building.

Councilor Schmidt noted that, for some businesses along Ninth, specific options were forced into the development because the commercial zone borders a residential area, eliminating the possibility of setbacks. Ms. Schlesener responded that some developments may have been restricted by narrow lots, particularly the older businesses. Councilor Schmidt observed that Safeway and Fred Meyer were mixing customer parking with delivery trucks. He said the photograph of Fred Meyer did not show that there is another freight door available on NW 19th Street, although it is seldom used. He stated that longer delivery trucks trying to maneuver in customer parking areas present safety problems. If the loading area were in the rear of the building, it would be out of the public's view. Ms. Schlesener explained that the photographs merely show that customer parking and loading areas can co-exist.

Councilor Griffiths stated that she often shops at the fish market on Ninth and typically parks in front of the building because she is unsure where parking is located behind the building. She quoted the language in Section 4.10.60.02.a.1(d) and inquired whether there was a similar

standard for commercial developments. She noted that such a standard is pedestrian friendly for people walking or bicycling, but it is pedestrian unfriendly for automobiles. Ms. Schlesener stated that the pictures show businesses which chose to have side entrances for this reason. She said most businesses have side entrances that are convenient for both automobiles and pedestrians. Councilor Griffiths inquired whether more than 100 feet separated the parking area behind the building and the front entrance of the fish market. Ms. Schlesener responded that the same standard would not be used for residential and commercial developments.

Mr. Towne stated that concern was raised regarding vehicle circulation and parking. He reviewed the current and proposed language for Section 4.10.70.04 regarding vehicle circulation, design standards, and parking lots. He said staff received a request concerning how Town and Country Animal Clinic (TCAC) could be expanded. He explained that the site is constrained from expansion by the current LDC. He stated that an expansion must be 20 percent of the existing square footage before pedestrian oriented design (POD) standards are required. PODs are not required for second-story expansions. He reviewed the parking lot requirements for expansions. If the TCAC site were not constrained by size, the POD requirements would not be particularly onerous. He said most developments could accomplish these types of retrofit fairly easily.

Ms. Schlesener noted that many of the issues reviewed by Mr. Towne were added to the LDC at the direction of the Council to increase flexibility. Mr. Towne added that two-thirds of the choices were added by the Council during the work sessions.

Mayor Berg commented that the veterinarian and her family live above TCAC. She inquired whether the doctor receives a parking adjustment because of the living arrangement. She noted the mixed use of the facility. Mr. Towne estimated that the living space size would account for one parking space.

Councilor Schmidt stated that the Council received a letter from Dr. Stone of TCAC. When the building was originally constructed, the owner wanted to build beside the sidewalk, but the LDC in effect at the time did not permit that arrangement, so the building was set back.

Councilor Howell stated that, under the current LDC, residences are allowed as an accessory use. He cited NW VanBuren Avenue as having a mixture of residential and commercial uses. If the owner or operator of the commercial business resided on site, the residential use is allowed; residential use is not allowed if the residence is unrelated to the commercial business. Mr. Towne confirmed. Councilor Howell stated that the LDC update was to include increased flexibility to allow more types of mixed use development. Mr. Towne added that the upper floors of a development could be used as rental residences under the proposed LDC.

Mr. Towne reviewed the sun study. He explained that the LDC requires that solar access studies be conducted November 21st to indicate natural winter lighting conditions. He noted that shadows from a 70-foot building have little impact on the riverfront. During the winter, when the sun is lower in the sky, it is important to protect solar access to surrounding structures. Ms. Schlesener stated that the current LDC cites when solar studies are

conducted. The study was prepared by Dick Bryant, who is a member of the Riverfront Commission and an architect.

Mayor Berg recessed the meeting from 8:57 pm until 9:05 pm.

Councilor Griffiths said she had questions involving clarifications and concerns she would like the Council to discuss. She referenced Section 2.1.30.11, and she questioned the intended meaning of the middle sentence of the paragraph. She speculated that the Director would not correct the Comprehensive Plan Map. She suggested that the sentence should read, "The amendment shall not be corrected if the City Council subsequently approves a Comprehensive Plan Map amendment affecting the initial improvement." She noted the sentence in question appeared in two places in the LDC. Ms. Schlesener responded that Councilor Griffiths' suggested language was fine and could be used in the cited Section and in Chapter 2.2, where the questioned language is also used.

Councilor Griffiths referenced Section 2.3.40.02 and stated that, by the time the reader reaches sub-paragraph n, the train of thought may be lost. She believes the language is confusing. She stated that sub-paragraphs a through m are factors that contain thresholds and that if an applicant proposes changes that do not exceed the thresholds, the changes may be processed as a Conditional Development Modification. She believes that n is a separate statement, apart from the list of options. Ms. Schlesener explained that Section 2.3.40.02 is intended to stress that the thresholds stated are meant to differentiate between minor and major modifications. If the modification is below the thresholds, it is a minor modification; if it is above the thresholds, it is a major modification and needs to be processed as a new Conditional Development application. Councilor Griffiths proposed the following language: "No modifications to specific requirements established at the time of conditional development approval, including conditions of approval, code requirements, and all aspects of the approved conditional development proposal, can be made, except as outlined in a through m above." After further discussion, the Council directed staff to word a statement similar to this statement and place it with the introductory language above thresholds a - m, rather than including it as part of the list. The Council also directed staff to make similar changes in Chapters 2.4 and 2.5.

In response to Mayor Berg's inquiry, Mr. Nelson recommended that the Council approve proposed changes by consent. Proposals that are not approved by consent should be presented as motions.

Councilor Howell said he had a different understanding of sub-paragraph n. He explained that he thought the provision allowed some variation in a modification that was established at the time of conditional development approval that was not included in thresholds a through m. Councilor Griffiths responded that she had the same interpretation, but staff explained to her the intent of sub-paragraph n. Councilor Howell concurred with Councilor Griffiths' proposed language change.

Ms. Schlesener opined that Councilor Griffiths' proposed language is a good clarification of the intent of the provision. She suggested refining the proposed language as follows: "No modifications to specific requirements established at the time of conditional development

approval, including conditions of approval, code requirements, and all aspects of the approved conditional development proposal, can be made as a minor modification, unless they are less than the thresholds outlined in a through m, above.”

Councilor Howell suggested placing Ms. Schlesener’s proposed language in the opening paragraph of the Section, noting that it is different from thresholds a through m, or including it at the end of the Section without an enumeration designation. Councilor Griffiths concurred.

Councilor Griffiths referenced the livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of “Economic Vitality.” She said she believed that “Unemployment/Housing” should read “Employment/Housing.” She also stated that the livability indicator should apply to residential land use designations, contrary to what is indicated in the table. Councilor Barlow-Pieterick concurred, noting that the Council discussed keeping the terminology of the LDC positive and reflecting opportunity.

Councilor Griffiths referenced Section 3.15.40.02 and said she was still struggling with the issue of structure height. She said she would like to delete sub-paragraph e and requested discussion of sub-paragraph a. Councilor Tomlinson noted that the last Council discussion concerning the issue disclosed no support from the Council to address the language in this Section.

Councilor Griffiths referenced the discussion in the staff report concerning Section 1.4.50.02 and the period of time that a non-conforming use is vacant before it must comply with all the PODs. She re-stated that she would like to change the time period from one year to 18 months for the zones where major changes are being made.

Councilor Schmidt concurred with the proposal for 18 months. He questioned when the 18-month period would begin and opined that it should be stated. Ms. Schlesener explained that the period begins at the time of vacancy. Mr. Gibb stated that Development Services staff occasionally deals with this issue. He said it is dependent upon when there is no more use of the facility for the established purpose. Each case must be evaluated individually.

Councilor Beilstein inquired whether a landlord who was recruiting a tenant for the same type of use could legitimately claim that the use did not cease, merely because the facility was vacant. Mr. Gibb responded that Associate Planner Kasper of Development Services would need to make the decision. Mr. Fewel added that this issue was presented several years ago concerning a neighborhood store. In that case, staff determined that the use was pre-existing and non-conforming. Staff used eyewitness testimony to determine that the facility had not been used as a grocery store for a period of 12 months. The decision was appealed to the Council, and a factual hearing was held. He said that the act of recruiting a new tenant while the facility was vacant would not qualify as “use.”

Councilor Beilstein expressed support of Councilor Griffiths’ suggestion. He does not believe that the additional six months would make a great deal of difference. He opined that the additional time would allow leniency.

Councilor Griffiths referenced Section 3.26.30.01.2 (e) and (f). She noted that these use types were added at the request of Economic Development Partnership and were added to other zones, but they were not added as a permitted use outright. The uses were added to the Mixed Use Employment zone with the provision that they were permitted outright with 20 or fewer employees per shift. She stated that there is a Research Technology Overlay in Ward 8 near a potential housing development. She expressed concern about the location of the Research Technology Center (RTC) zone because technical support and telemarketing centers bring in large numbers of employees per shift, often in small spaces. She expressed uncertainty whether permitting these uses outright had been discussed adequately. She would like to place a limit on the zone in terms of outright permitted use until it has been discussed further.

Councilor Howell noted that RTC was shifted from the overlay system to a designated zone, and he inquired how the shift was being conducted. He noted that, under the Comprehensive Plan, RTC would shift to its own zone, rather than to an overlay on another zone. Ms. Schlesener responded that most of the existing RTC sites have existing zoning overlays; no changes were made to the zoning map concerning RTC zones. Councilor Griffiths asked staff to investigate the issue. Ms. Schlesener stated that the City previously had a Research Technology Overlay on the Comprehensive Plan Map, but the overlay does not appear on the current Comprehensive Plan Map in the Timberhill area; the overlay no longer exists. She stated that RTCs are located at Sunset Research Park, Corvallis Business Park, and the intersection of SW 35th Street and SW Western Boulevard. In the Urban Growth Boundary there were seven RTC sites. The Comprehensive Plan includes a requirement for three sites within the City limits.

Councilor Griffiths expressed concern about the height limitations for projections above building height, particularly those next to residential areas. The LDC language reads 20 feet over the height, which, in some cases, is higher than she believes is appropriate. She referenced the Riverfront zone, where buildings could be as high as 75 feet, and non-occupied projections could be 20 feet above the building or 85 feet, whichever is less. Ms. Schlesener responded that the projection would be ten feet above the 75-foot-high building, for a total of 85 feet.

Mayor Berg noted that the staff report listed recommended motions for the LDC update project, including the components of the Comprehensive Plan amendment, the legislative amendment to the LDC, and the Zoning Map change. She suggested that the Council address the query concerning potential harm from delaying adoption of the revised LDC.

Councilor Tomlinson opined that there was harm in not moving forward, noting that staff, citizens, and the Council had worked on the update for four years. He speculated that a LDC would not be developed that would meet everyone's expectations. He would like to present the LDC to Department of Land Conservation and Development (DLCD) for its comments. The implications of Measure 7 will become more clear with time. He stated that the Council should proceed to adopt the revised LDC.

Councilor Barlow-Pieterick said he was prepared to address adopting the revised LDC. He stated that the LDC will always be a work in progress because there will be objections to provisions of the LDC, which may warrant modifications to the provisions.

Councilor Griffiths said she agonized over the issue and considered proposing implementation of specific sections of the LDC and delay implementation of the most contentious sections. She concurred with Councilor Tomlinson that the update is a process, and the next step is review by DLCD. She noted that the Council received testimony favoring and opposing adoption of the revised LDC. She said the Neighborhood Technical Review Group made changes at the request of the business community with the intent of providing more options and not make the LDC as onerous as people claimed. She acknowledged that the revised LDC was not perfect and that some issues could be discussed further. She believes it may be a better document than people believe it is. Until the City receives DLCD's comments, it will not be known if there are continuing problems. She does not believe the LDC is as experimental as had been alleged. She acknowledged the issue of densities, some of which currently exist and will accommodate some of the proposed development. She believes that the LDC will encourage densities. She speculated that those who believe in "new urbanism" would say the City had not gone far enough. She believes the Council has struck a balance, and she does not want to delay implementation.

Councilor Wogaman said the decision is a judgment call and that those wanting to delay implementation must prove why the LDC should not be implemented now. Update of the LDC was established as a Council goal two years ago and has been worked on diligently by many people who received an extensive amount of public testimony. He does not believe that delaying implementation would resolve differences of opinion in the community. He noted that the Council made changes in response to public input. Without sound justification for postponing implementation, he does believe it is good civic practice for a Council to work for a long period of time developing a product that implements the Comprehensive Plan and then postpone its adoption for another Council to address, with only four of nine Councilors returning. The five new Councilors would need to learn the Comprehensive Plan and LDC before they could make a prudent decision to adopt the new LDC. He believes the new LDC is a better document because of public input. He said he was willing to consider other changes proposed by the Council, but he would not support postponing adoption until the next Council takes office.

Councilor Grosch stated that he seriously considered the issue of delaying implementation and is inclined to proceed with adoption. He opined that the testimony supporting postponement of adoption centered on two issues: 1) uncertainty about the economic impact, and 2) concerns related to Measure 7 that must be addressed. He stressed that proceeding with the LDC did not, in fact, constitute implementation. He explained that the Council had done all it could and now needed feedback from DLCD, which has the role of approving the LDC. He noted that the DLCD review process allows public comment. He expects that the response from DLCD will require the City to conduct additional work. A preliminary response from DLCD indicates that the City's direction is acceptable, but some issues need further consideration. He opined that it was appropriate to proceed; and he expects that, when the response is received from DLCD, the City will have a better understanding of the future impacts from Measure 7. He expects that more changes will be requested by DLCD.

Councilor Howell concurred with other Councilors concerning the timing of the LDC update. He noted that this is the first phase of the LDC update, and a second phase is scheduled during the next two years. Other updates will be done as planning processes are completed and

amendments are needed, such as the North Corvallis Area Plan. Under the City's current noticing requirements, it is a major step to abandon a noticed hearing process and postpone action indefinitely to a time that would require a full noticing to the community. He expects that future LDC updates will be conducted at regular intervals. He believes that many of the elements do not have community consensus, but there has been a balancing over the two years of work to try to accommodate the different points of view in the community. The issues for which the Council is receiving the most testimony are not new for cities in Oregon. He said he talked with the Gresham Community Development staff and was told that Gresham had PODs for four or five years regarding commercial developments. Initially developers were concerned, but solutions were found for each situation. Exceptions are provided for specific uses. Four or five years ago Gresham worked with Albertson's and Walgreen to develop within the city, and neither company had dealt with standards similar to Gresham's PODs. Based upon comments from people who have been anxiously waiting for implementation of the South Corvallis Refinement Plan, it is his opinion that there are forces that would like the Council to continue proceeding. He believes the new LDC has sections that are more flexible and may give opportunities to property owners for types of uses that cannot be developed now and might be more successful. Additionally, the new LDC gives more options for housing types in residential districts.

Councilor Schmidt acknowledged that the LDC update has been underway for four years. He said he was skittish concerning impacts from Measure 7. He noted that the footprint size of buildings on Ninth was increased, but not to the satisfaction of the business owners. If building footprints are not further increased, he anticipates someone will file a claim under Measure 7. He said the Council should delay adoption and answer existing questions or amend the LDC to more satisfactorily address the concerns from business owners on Ninth. He opined that a little caution in adopting the LDC would not hurt after this amount of time.

Councilor Beilstein opined that the only way to protect the City from Measure 7 would be not to have land use rules at all. He explained that new land use rules will not be more dangerous than old ones. He feels a great responsibility to the new Councilors assuming office in January 2001, who must become familiar with the LDC. He opined that it would be disrespectful to the next Council not to proceed and to burden them with the public process of further revisions before adoption. He believes the LDC is in a good condition at this time, although it might not satisfy everyone. The Council has had a good chance to revise the LDC, and there is consensus among the Councilors that they are satisfied with the product. He would like to have the LDC approved by the end of the Council term.

Councilor Barlow-Pieterick acknowledged that the LDC was the product of good consultant and staff work, and staff received a positive letter from DLCD concerning the contents of the LDC. He said it seems that many arguments made against the new LDC could be made against the existing LDC, where provisions were not changed. He is confident that the Council's actions did not reduce property values. He expects that, once developers start working with the new LDC, the City will see a new attitude toward development.

Mayor Berg noted that the Council must make a thoughtful decision. The issue involves a question of choices and whether there are enough or too many choices. Developers make investment choices and want their investment to be profitable. The decision also involves the

question of whether the new LDC will move the community closer to the Vision 2020 Statement, which includes a strong local economy. If the Council delays adoption of the LDC, it risks being overcome by events and having developments that the community does not want. She stressed the importance of recognizing that, if the Council adopts a LDC that reduces the amount of new development, there are long-term consequences. The Council must consider what type of quick action it must implement if the LDC is unsuccessful. The Council is obliged to produce a LDC that implements the new Comprehensive Plan. She acknowledged that updating the LDC is not easy. She commented that she knows the update is a unique situation because it is the first time the business community said the Council was moving too quickly.

It was moved, seconded, and unanimously passed to approve the portion of CPA00-00007 that pertains to the amendment of Comprehensive Plan Article 51.5 as depicted in Attachment B, subject to the review and approval of a final order.

It was moved and seconded to approve the portion of CPA00-00007 that pertains to the amendment of Comprehensive Plan text as outlined in “a” through “d” of Attachment C and Attachment D, subject to the review and approval of a final order.

Councilor Griffiths referenced Section 40.3.3 and said she thought the Council discussed limited industrial uses, while the language in Attachment D states predominant industrial uses. Ms. Schlesener explained that the intent was always to address limited industrial uses. She said the word “limited” could be inserted, with the sentence reading “. . . opportunities by allowing for primarily limited industrial uses but also will allow . . .” Councilor Griffiths said she would like this amendment included.

Councilor Howell said he had a similar request concerning Section 40.3.2, which he would like considered as a friendly amendment. He explained that the definition omitted the office portion of the Limited Industrial-Office zone. Ms. Schlesener responded that the sentence was taken almost verbatim from the new Limited Industrial-Office Zone Purpose Statement. A sentence would be added to the end of the definition, as follows: “Refers also to the development of the large-scale office industry (rather than small-scale, single-use, stand-alone office buildings) and related uses.” The suggested language was accepted as a friendly amendment.

The motion passed unanimously.

It was moved, seconded, and unanimously passed to approve the portion of CPA00-00007 that pertains to the amendment of Comprehensive Plan Map as outlined in Attachment E and Attachment F, subject to the review and approval of a final order.

It was moved and seconded to approve LDT00-00002, as depicted in Draft D of the LDC and as modified by Attachment G and as further modified by the Council during its deliberations of December 4, 2000, subject to the review and approval of a final order.

Mayor Berg reviewed the modifications made by the Council tonight.

Councilor Griffiths moved to amend Section 3.15.40.02 to delete item e concerning occupied towers or penthouses above 75 feet; the motion was seconded.

Councilor Barlow-Pieterick inquired whether the deletion would create an absolute limit of 75 feet with no process for exemptions. Ms. Schlesener responded that any exemption must follow the Lot Development Option (LDO) process in Section 2.12 for changes up to 20 percent; larger changes must follow the Plan Development (PD) process in Section 2.5. She confirmed that there is opportunity for small adjustments.

Councilor Howell inquired whether there was an accepted definition of penthouses versus additional floors; staff confirmed. He asked if the Conditional Development Review would be required for anything over 75 feet for occupied towers or penthouses. Ms. Schlesener explained that, if the provision were deleted, the developer could pursue a LDO or PD process to build above 75 feet. If the provision is retained, the developer must pursue a Conditional Development process for an occupied tower or penthouse. She confirmed that there is more scrutiny in the Conditional Development process, including a public hearing. A LDO is handled at the staff level.

Councilor Beilstein summarized that deleting item e would impose a less stringent review for modifications above 75 feet and less than 20 percent of overall floor area.

Councilor Griffiths said she made the motion because she did not believe the issue had been discussed enough, as evidenced by the clarification Councilor Howell requested. She said she was concerned because there is no definition concerning an occupied tower or penthouse. She questioned whether a penthouse could include an office or was restricted to residential use. She noted that a LDO would allow an additional 15 feet of building height.

The motion failed two to six on the following roll-call vote:

AYES: Griffiths, Tomlinson

NAYES: Beilstein, Barlow-Pieterick, Grosch, Howell, Schmidt, Wogaman.

Councilor Howell noted that, although there is some disagreement concerning the LDC, it represents great progress in moving toward the vision for the community. The LDC is consistent with the directions of DLCD. He acknowledged that there was more work to do concerning providing adequate housing and working together as a region to provide affordable housing. He expects the City will see neighborhoods with a greater mix of residential housing types and more affordable housing types integrated into every new subdivision. The LDC should provide other types of affordability and accessibility to services close to home and make walking and public transit more workable over time for more people. He anticipates that problems will be found and corrected as time passes. The other portion of the LDC that was not addressed in this update will move the community toward the full vision.

Councilor Barlow-Pieterick clarified that the vision statement represents the community's vision, rather than merely the Council's vision. He noted that citizens ask for certain provisions, but the business community views the LDC differently. He does not want people to characterize the vision as being that of the Council. He believes the community residents

will find value in what is being done and making the vision successful for the community. As a designer he sees opportunities for people to create designs that will be successful. He said he was comfortable voting in favor of the LDC.

Councilor Tomlinson said he was pleased to be at the end of the procedure, but he expects that more work is needed. He opined that the LDC represents a balanced view, and not everyone got what they wanted. He expects that the challenge in proceeding will involve public transportation. He said the Council must continue to work on public transit. The business community said the LDC presents them with challenges; but he believes the LDC also presents challenges to the Council in terms of developing a strong public transit system, adhering to the City’s density strategy, and promoting multi-modal options. He looks forward to facing future decisions regarding the LDC.

The motion passed unanimously.

It was moved, seconded, and unanimously passed to approve ZDC00-00009, as outlined in Attachment H and Attachment F, subject to review and approval of final order.

Mayor Berg announced that staff will return to the Council December 11th with formal findings and an ordinance.

X. NEW BUSINESS

XI. ADJOURNMENT

The meeting was adjourned at 10:36 pm.

APPROVED:

ATTEST:

MAYOR

CITY RECORDER

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

December 11, 2000

A special meeting of the City Council of the City of Corvallis, Oregon, was called to order at 7:02 pm on December 11, 2000, in the Downtown Fire Station, 400 NW Harrison, Corvallis, Oregon, with Mayor Berg presiding.

I. ROLL CALL

PRESENT: Mayor Berg, Councilors Griffiths, Tomlinson, Barlow-Pieterick, Grosch, Howell, Peters, Schmidt, Wogaman, Beilstein

Mayor Berg directed Councilors' attention to items at their places, including the annual report from Committee for Citizen Involvement (CCI), which was requested by the Council when CCI was formed; an e-mail message from John Fradet concerning the cost of approval fees; "Just the Facts" from the Corvallis Area Chamber of Commerce (Chamber); and a memorandum from Planning Manager Schlesener addressing three changes to the findings concerning the Land Development Code (LDC).

II. UNFINISHED BUSINESS

A. Deliberations on the Land Development Code Revision

1. Adoption of Findings of Fact

Community Development Director Gibb stated that the meeting packet contained the proposed ordinances and findings. Staff, with consultation from the City Attorney's Office, developed the findings of fact supporting the Council's December 4th decision. He noted that staff was asking the Council to consider three ordinances this evening: 1) one addressing "bridge" language concerning the Comprehensive Plan, 2) a second addressing amendments to the Comprehensive Plan and the Comprehensive Plan Map associated with the LDC changes and the work performed during the past 18 months, and 3) a third addressing the LDC amendments and the changes to the LDC zoning map. He referenced Ms. Schlesener's memorandum outlining changes associated with the findings of fact. He suggested that the changes be adopted as a group with the findings of fact.

In response to Mayor Berg's inquiry, Deputy City Attorney Brewer confirmed that it would be appropriate to consider a motion for each set of findings.

2. Mr. Brewer read an ordinance relating to land use, amending a comprehensive plan for the City of Corvallis, amending Ordinance 98-53, and stating an effective date.

Mayor Berg, for the audience, explained that the ordinance addresses the fact that the City currently has a Comprehensive Plan acknowledged by the Land Conservation

and Development Commission (LCDC) and a LDC adopted by the City and approved some time ago. The City will now have a revised LDC. The ordinance being considered by the Council addresses how land use decisions will be made prior to the implementation order of the Council, which will follow approval by LCDC. She noted that the purpose of the ordinance constitutes the term “bridge language.”

ORDINANCE 2000-38 passed unanimously.

3. Mayor Berg stated that the second ordinance concerns major revisions to the current Comprehensive Plan and Comprehensive Plan Map, particularly newly defined zones which, for the most part, replace previous zones.

City Manager Nelson noted that Sections 6, 7, and 8 reference Exhibits A, B, and C and that the Council did not need a separate motion for findings because the ordinance covers all of the findings. Mr. Brewer responded that he talked with Mr. Gibb before the meeting, and they determined that there might be benefit to considering a motion to adopt the findings and then consider the ordinance.

It was moved and seconded to adopt the findings of fact and conclusions for amendments to the Comprehensive Plan and Comprehensive Plan Map; the motion passed eight to one, with Councilor Schmidt opposing.

Mr. Brewer read an ordinance relating to land use, amending a Comprehensive Plan and Comprehensive Plan Map for the City of Corvallis, establishing findings, amending Ordinance 98-53, as amended, and stating an effective date.

The ordinance passed eight to one, with Councilor Schmidt opposing, and will be read a second time December 18th.

4. Mayor Berg stated that the third ordinance to be considered tonight concerned amendments to the LDC and zoning district changes. She referenced Ms. Schlesener’s memorandum, which outlined changes to the findings [Exhibit A of the third ordinance]. She stressed that the changes do not change the intent of the Council, but change the wording of the findings to reflect the Council’s intent; Ms. Schlesener confirmed. She said the first change takes language agreed upon by the Council during the December 4th meeting concerning Ms. Philips request for re-zoning. The second change updates the building size limitation and square footage limitations for the footprints in the Mixed Use Community Shopping (MUCS) zone to reflect the Council’s most recent changes. The third change updates the statement concerning historic preservation provisions. The previous statement reflected the Planning Commission’s direction, which said the Council would consider changes; but the changes have already occurred. The proposed change implements the Council’s previous action.

Councilor Schmidt referenced the new chapter concerning the MUCS zone and said he understood that the property owners would have discretion concerning use of the property. He referenced Finding 41, which states that pedestrian oriented design

(POD) standards are required, with parking lots behind or beside buildings. Because the POD standards are required, he will vote against the findings. Ms. Schlesener explained that Finding 41 outlines the statements of the Comprehensive Plan. Ms. Schlesener explained that Chapter 4.10 requires that buildings meet the stated standards, but developers may choose from many “menu” options to satisfy the requirements. While the features are required to comply with the POD standards, the developers are allowed to use the menu options to obtain flexibility.

In response to Councilor Wogaman’s inquiry, Ms. Schlesener explained that the features stated in Finding 41 are required, but each is accompanied by a menu of choices. Some menus allow more flexibility than others.

Mayor Berg said it was helpful for the Council to know Councilor Schmidt’s reason for voting against the findings.

Councilor Howell stated that the findings are an explanation of how the LDC implements the Comprehensive Plan, and the Comprehensive Plan states that the LDC will require specific elements. The Council chose some flexibility so developers can meet the requirement in a variety of ways. He explained that the degree of flexibility is contained in the LDC. He said the findings are also a summary of all commercial districts, but the Council gave the most attention to additional flexibility in the MUCS districts along NW Ninth Street and South Third Street. There is less flexibility in the Neighborhood Center zones. The findings were intended to summarize the overall impact and how the LDC complies with the Comprehensive Plan.

Mayor Berg added that the findings are the basis for the Council’s decision and respond to and meet a need.

It was moved and seconded to approve findings and conclusions for LDT 00-00002 and ZDC 00-00009, with amendments presented in the staff memorandum to the Council dated December 11, 2000. The motion passed eight to one, with Councilor Schmidt opposing.

Mr. Brewer read an ordinance relating to land use; amending a Land Development Code and Zoning Map for the City of Corvallis; establishing procedures, development standards, and findings; amending Ordinance 93-20, as amended; and stating an effective date.

Councilor Howell stated that the LDC is a methodology to implement the community vision, which created policies and directions. He noted that there were agreements and disagreements in the community concerning the proposed provisions of the LDC. The majority of community discussions focused on the impact on affordability. He observed that there are differences of opinion concerning the most affordable method to use. He said the findings the Council approved gave a good analysis of one perspective of how the LDC may be more affordable in the future. If the City has compact residential and commercial development, there would be opportunities for

multi-story and mixed-use development that would allow more efficient use of land, reduce the cost of land for developments, reduce costs for infrastructure development, and protect farm and forest land. A compact community also allows people to reduce their personal transportation costs because residential and commercial districts are located closer together. He acknowledged the differences of opinion concerning whether compact development would be the best means of achieving affordable housing and a variety of commercial uses. He believes this is the most likely way that the City can successfully develop an affordable community.

Mayor Berg noted that the Council worked very hard to bring improvements and the community's vision into a workable document.

Councilor Barlow-Pieterick noted that this evening's Council action marked the end of a four-year process, not merely the two years the Council worked on the LDC. He explained that the process began when the State identified what should be the community's focus in terms of development. Then the Vision Statement was developed, followed by the Comprehensive Plan, and then the LDC. He referenced citizens who do not feel that the LDC is what they wanted, and he invited them to get involved when the process begins again. He urged them to remember what they considered objectionable during this update procedure and work toward resolving differences. He said the Council was at the end of the process when it learned the unspoken concerns of citizens. He acknowledged that he did not know the severity of the complaints, so it was difficult for him to weigh them against the changes the Council was making and the volume of justification for the Council's final action. If citizens want to impact the next LDC update, he believes they should begin introducing themselves and their issues early in the process and try to continue participating throughout the process. He acknowledged that he, the other Council members, and many citizens invested hundreds of hours in the process. He opined that, in general, when people follow the process from beginning to end, they benefit. As soon as the State determines the community's next focus, citizens should begin considering how the focus will affect how they want to do business in Corvallis. He acknowledged that the business community is a vital part of Corvallis. He said he did not like being on the opposite side of the fence from the Chamber.

Councilor Griffiths thanked the members of the Council who stayed with the process from the stages of the 2020 Vision Statement and the Comprehensive Plan and those who joined the Council later. She noted that no one knew how the Vision Statement and the Comprehensive Plan would finally develop. She expects that some were surprised, some were pleased, and some had mixed reactions. She opined that the number of citizens who actively participated in Council discussions added excitement to the process. She observed that staff deserve a great deal of praise for the amount of time they spent on details and answering questions. She added that they exercised patience and thoroughness. She said staff effectively carried out the policy directions of the Council. She opined that everyone involved deserved congratulations.

Councilor Schmidt recognized that four years were spent on the [Comprehensive Plan]/LDC update project; he was involved in the project during the last two years.

He noted that he is not a member of the Chamber, so he is not persuaded by the Chamber's views. From the perspective of a small business owner in Corvallis, he believes that the LDC limits the "big box" stores from coming to town. As a business owner, he does his best, but shopping options in Corvallis are limited. Despite people wanting to save gasoline, Albany is receiving more business from Corvallis residents. He said this is a case where building size, which the Council increased slightly, is eliminated for anyone coming to Corvallis. He noted this was cited as a problem for potential developments in South Corvallis. He reminded the Council that Heritage Mall was developed in Albany because of building size restrictions in Corvallis. He said he would vote against the LDC because of these restrictions. He congratulated staff and the Council for completing the LDC update project.

Mayor Berg noted that it is important that Councilor Schmidt's reservations be stated and that it be clear that the deliberations of the Council include more than one viewpoint.

The ordinance passed eight to one, with Councilor Schmidt opposing, and will return for a second reading December 18th.

Mayor Berg announced that, during the December 18th Council meeting, the last two ordinances will be read for a second time. The findings and conclusions were adopted by motion and need not be read again.

Mayor Berg noted that the meeting packet included a memorandum from Mr. Nelson concerning Measure 7. She solicited comments from Mr. Nelson or Mr. Brewer. She reported that a temporary injunction had been issued concerning implementation of the measure.

Mr. Nelson commented that implementation of Measure 7 is a work in progress.

Councilor Beilstein requested clarification of the City's strategy concerning Measure 7. He noted that the Council passed an incomplete ordinance to address Measure 7 claims. He inquired whether the Council would complete the legislation and adopt a hearing process, to accompany the claims process, or wait for results from the court challenges.

Mayor Berg reported that she attended a League of Oregon Cities (LOC) Measure 7 Strategy Team meeting today. She said she did not know if Mr. Nelson or Mr. Brewer wanted to make recommendations to the Council. She reported that the LOC suit was consolidated with the suit filed by Governor McCall's widow. The LOC attorneys involved in the case are advising cities not to pass implementation legislation. Apparently 1000 Friends of Oregon are determined to challenge any ordinances that include waivers; challenges must be filed within 21 days of passage of the applicable legislation. She expects that there will not be a decision from the Circuit Court for approximately one month; the case could be appealed to the Court of Appeals, which could delay a decision for eight additional months. Unless there is an order that Measure 7 be implemented, the LOC's previous advice has been overridden. She reminded the Council that it approved joining the legal challenge. She said she learned today that there are advantages to participating in the lawsuit. She explained that, if there is any question concerning whether Measure 7 could take effect, the cities which are parties to the lawsuit would retain the injunction, but other cities would not.

Mr. Brewer concurred with Mayor Berg concerning the LOC's position. He said his office did not necessarily agree with the LOC. He cautioned that the LOC may not have considered the fact that the injunction is temporary in nature. If the injunction is dropped, and no legislation is established, the immediate issue is how to handle claims. He said there is thought concerning using the time the injunction is in place to develop a better strategy. Unless there is litigation giving parameters for Measure 7, cities probably will not know any more than is known now. It is known that 1000 Friends of Oregon and LCDC stated that they would not look favorably upon ordinances with waiver provisions. It is also known that the measure's sponsors will consider filing suits against any cities that establish procedures for processing claims because the measure does not contain language giving cities that authority. He expects that a definitive answer will not be available until a lawsuit is concluded.

Mr. Nelson stated that staff does not intend to do any additional work until an indication is received from a court or other authority concerning what is specified. He said the City is in no worse position by not having a hearing process established than it was when the application process was established.

Mr. Brewer added that Corvallis may be in a better position than cities that adopted a hearings process.

Mr. Nelson stated that staff knows what is expected from LOC, LCDC, and 1000 Friends of Oregon. According to information he has received, most city managers are advising their Councils to retain what they have established at this time.

Councilor Beilstein observed that it seemed that the Council's actions were prudent. He opined that having a claims filing procedure will limit the filing of some frivolous claims because claims will not be accepted if the procedure is not followed. With the threat of a lawsuit from 1000 Friends of Oregon, the City is wise not to include the possibility of granting a waiver. He opined that the Council's actions were not entirely accidental, but the City "lucked out."

Mayor Berg observed that the City Attorney's Office and the City Manager worked hard on the legislation adopted and the remainder of the draft ordinance.

Councilor Griffiths noted that the newspapers have consistently reported the parties to the lawsuit, but Corvallis has not been included in the listing. She inquired about the City's standing in the lawsuit. Mayor Berg responded that, at today's LOC meeting, it was announced that Ashland and Corvallis joined the suit.

Mayor Berg stressed the importance of keeping the issue before the community and the Council. She assured the Council that it would be informed of anything she or staff learns.

Mayor Berg announced that December 18th will mark the last meeting for the 1999-2000 Council. She remarked that she had often referred to the Council as the "Turn of the Millennium Council" She noted that this had been a lively year for the Council. Upon inquiry, all Councilors responded that they would be in attendance December 18th.

III. ADJOURNMENT

The meeting was adjourned at 7:50 pm.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

December 18, 2000

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 12:02 pm on December 18, 2000, in the Downtown Fire Station, 400 NW Harrison, Corvallis, Oregon, with Mayor Berg presiding.

PLEDGE OF ALLEGIANCE

I. ROLL CALL

PRESENT: Mayor Berg, Councilors Griffiths, Tomlinson, Barlow-Pieterick, Grosch, Howell, Peters, Schmidt, Beilstein

ABSENT: Councilors Wogaman (excused)

Mayor Berg welcomed to the meeting the Council's special guest, Oregon State University (OSU) mascot Benny Beaver. Councilor Tomlinson played the OSU fight song, and the Council members and supporting staff performed the O-S-U cheer, complete with arm gestures, and waved pompoms. The Council posed for photographs with Benny. Councilor Tomlinson presented Benny with a Corvallis pin, which he asked Benny to wear to the Fiesta Bowl in Tempe, Arizona. Mayor Berg announced that the Council would send holiday greetings to the mayor and city council of South Bend, Indiana, home of Notre Dame University, with the added caution, at Councilor Griffiths' suggestion, to "Rest up because your New Year's Day will be difficult!" She added that a greeting would also be sent to Notre Dame football coach Davie, who thought his team would be playing Oklahoma State University. At Councilor Griffiths' suggestion, a post script will be added to the greeting indicating that OSU has an excellent geography department.

Mayor Berg directed Councilors' attention to items at their places, including December 12th and 13th e-mail messages from Jeff Skilansky and Christina Sever, respectively, concerning Heartland Humane Society (HHS) and the City's living wage legislation; a December 15th memorandum from Portland State University announcing a certified population estimate of 52,215 for Corvallis, effective July 1, 2000; the August 1999 "Notice of City Measure Election" living wage ballot title; and Municipal Code Chapter 1.25, "Living Wage," and a proposed motion for the Council's consideration at the conclusion of today's executive session.

II. CONSENT AGENDA

It was moved, seconded, and unanimously carried to adopt the Consent Agenda as follows:

- A. Reading of Minutes
1. City Council Special Meeting - November 29, 2000
 2. City Council Meeting - December 4, 2000
 3. City Council Special Meeting - December 11, 2000
 4. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)

considered an “internal use.” He said the City and County would be exempt from rental fees for use of Library rooms. He said the fees were increased to \$15 per hour for the large room and \$10 per hour for the small room.

It was moved, seconded, and unanimously passed to approve Council Policies CP 92-4.05, “Library Meeting Rooms Policy,” CP 92-4.06, “Library Displays, Exhibits, and Bulletin Boards,” and CP 95-4.08, “Code of Conduct on Library Premises,” as amended.

4. Liquor License Process

Councilor Beilstein reported that the revisions to the Council Policy address legislative changes passed by the Oregon Legislature which are effective January 1, 2001. Through the legislative changes, the liquor license application review by the City is now limited to 30 days, and a fee schedule is established. He reviewed the changes as follows:

- a. A single reading before the Council is required for approval of liquor license requests.
- b. The application fee is now classified as an application processing fee.
- c. Advertising costs associated with the liquor license request are now included in the application processing fee.
- d. It is required that the Finance Director file for an extension, in the event the Council votes against the liquor license request.

It was moved, seconded, and unanimously passed to approve the recommended changes to Council Policy CP-91-1.02, “Liquor Licenses Approval Procedures.”

Mr. Fewel read an ordinance relating to liquor license processing fees, amending Municipal Code Chapter 8.03, “Fees.”

ORDINANCE 2000-41 passed unanimously.

C. Urban Services Committee - None

D. Other Related Matters

1. Mr. Fewel read for a second time an ordinance relating to Land Use, amending a Comprehensive Plan and Comprehensive Plan Map for the City of Corvallis, establishing findings, amending Ordinance 98-53 as amended, and stating an effective date (CPA00-00007).

Councilor Schmidt stated that he would oppose this and the next ordinance, based upon many citizens objecting to the proposed Land Development Code (LDC). He believes it would be appropriate to reconsider the LDC. He said several councilors attended the Corvallis Area Chamber of Commerce breakfast meeting recently and heard citizens’ comments concerning the LDC. He had hoped the meeting could have been held prior to the Council’s first vote on the ordinance. When he was a child

living on NW Ninth Street (Ninth), he did not think he would end up on the City Council determining zoning for Ninth, where his family lived and his grandfather farmed. He observed that changes in the LDC regarding Ninth were very minor. He believes that Ninth has been pedestrian friendly since he was a child walking on wooden plank sidewalks and riding a bicycle on a gravel street. He noted that most traffic bypasses Ninth by using Oregon Highway 99-West (Hwy 99W). He referenced the many comments concerning potential effects on businesses along Ninth, noting that the proposed LDC restricts the size of buildings. Referencing his own business, he said it took him six months to get a permit to construct an addition to his building. He believes the LDC changes will impact businesses throughout the community. He suggested reconsidering the proposed LDC changes. In response to Mayor Berg's inquiry, he said he would not propose amendments to the ordinance.

ORDINANCE 2000-42 passed seven to one, with Councilor Schmidt opposing.

2. Mr. Fewel read for a second time an ordinance relating to Land Use, amending a Land Development Code and Zoning Map for the City of Corvallis, establishing Procedures, Development Standards, and Findings, amending Ordinance 93-20 as amended, and stating an effective date (LDT00-00002, ZDC00-00009).

ORDINANCE 2000-43 passed seven to one with Councilor Schmidt opposing.

3. Mr. Fewel read an ordinance ratifying amendments to the Intergovernmental Agreement which created the Oregon Cascades West Council of Governments.

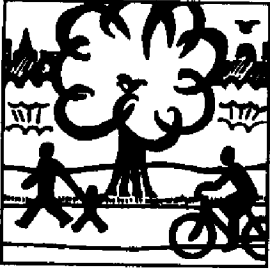
ORDINANCE 2000-44 passed unanimously.

4. Mr. Fewel read a resolution authorizing the issuance of General Obligation Bonds (open space land acquisition) in the principal amount not to exceed \$7,900,000 for the purpose of financing the acquisition of land for open spaces, and providing for related matters.

RESOLUTION 2000-66 passed unanimously.

Mayor Berg stated that this was the last meeting of the 1999-2000 "Turn of the Millennium City Council." When the Council took office, she had no idea the broad array of issues that would be reviewed by the Council. She recognized the departing Councilors as follows:

Patrick Peters – She characterized Councilor Peters as unique among City Councilors, noting that he served three terms from two different wards. He served principally on the Human Services Committee, as Council liaison to the Community Services Consortium Board, the Benton County Human Services Advisory Board, and the Affordable Housing Task Force. When Councilor Peters moved from Ward 1 to Ward 2 and the Downtown area moved from Ward 3 to Ward 2, Councilor Peters became the Council liaison to the Downtown Corvallis Association. He served as Council Vice President and then President. She noted that, over the years, Councilor Peters kept a close eye on the Mayor's parliamentary procedures. She presented Councilor Peters with a certificate of appreciation for his six years of service on the Council and a white hat embellished with the City's logo.



LDC UPDATE PROJECT

SELF-GUIDED TOUR OF PEDESTRIAN-ORIENTED DEVELOPMENT EXAMPLES

These developments are examples of pedestrian-oriented development within and around the Portland area. They have been chosen to provide you with a sense of what this type of development can look like when it is actually constructed. Each project has its strengths and weaknesses and the purpose of the tour is not only to view the projects, but also to note which aspects of the developments are desirable for Corvallis and consistent with the City's recently adopted Comprehensive Plan Policies. Additionally, the tour should help provide a learning experience for people, whereby certain aspects of development that may not be as desirable or appropriate for Corvallis can be noted.

The prices of homes are not comparable to Corvallis for several reasons. First, the real estate in these project areas tends to be more costly. Second, the developers of these projects have had such success and demand for their product that they raised their prices considerably in response. According to the developers, original asking prices for dwelling units in most projects was substantially lower. Additionally, at least one site (Canyon Creek Meadows) had a site issue (a major street improvement) which drove the cost of housing up. Given the above, it's recommended that you not try to equate the housing prices to prices that you would expect here in Corvallis. However, please do note the other aspects of the projects such as site layout, building design, building materials, setbacks, orientation of garages, fencing, street materials, open space, natural features, etc.

LIST OF SITES

1. CANYON CREEK MEADOWS

2. LAKE OSWEGO SITES

- A. Westlake Village Plaza
- B. Mixed Use Infill in Lake Oswego's First Addition

3. ORENCO STATION

- A. Condominiums
- B. Apartments
- C. Town Center with lofts and live/work dwelling units on main street and townhomes and single family nearby

4. PEARL DISTRICT SITES IN NW PORTLAND

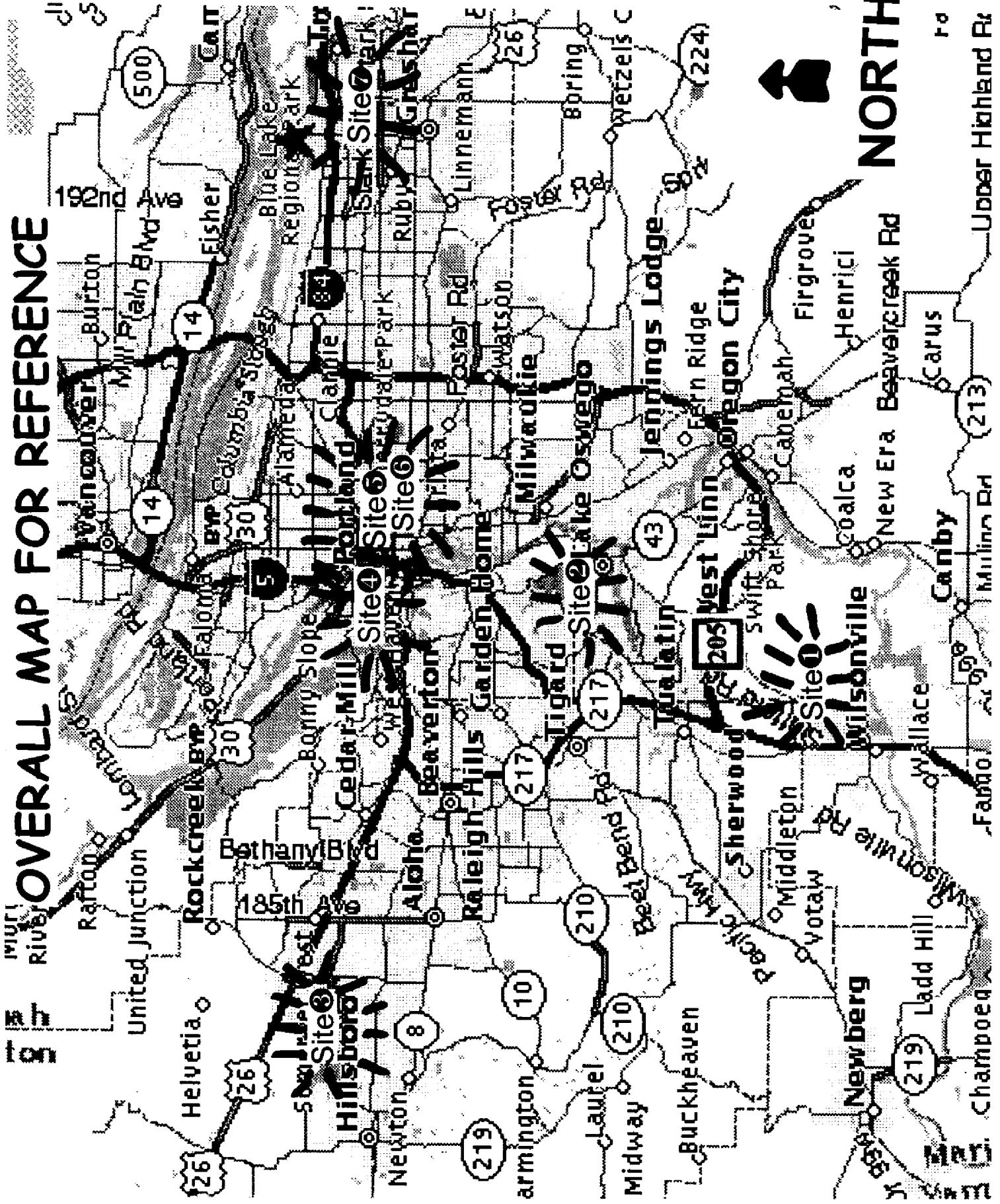
- A. McKenzie Lofts
- B. Pearl Lofts
- C. Renovation of brick railroad building into housing
- D. Hoyt Commons
- E. Irving Street Townhomes
- F. Riverstone high-rise condos
- G. Pearl Court

5. BUCKMAN HEIGHTS

6. BELMONT DAIRY

7. FAIRVIEW VILLAGE

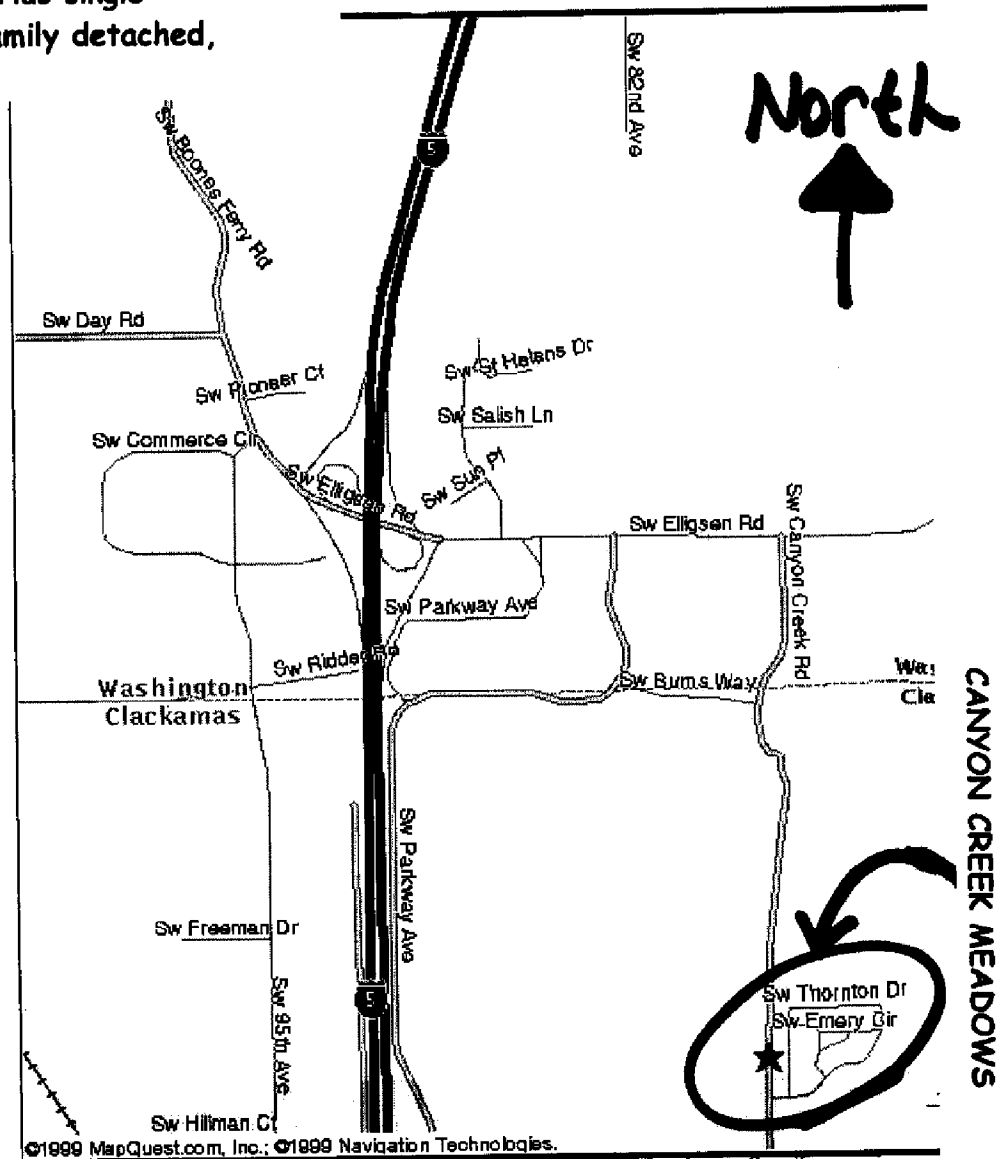
OVERALL MAP FOR REFERENCE



SITE 1 - CANYON CREEK MEADOWS

- Residential development Located within the City of Wilsonville.
- Winner of Golden Nugget Award (national design award)
- Site size approximately 25 acres and 119 dwelling units, 20 of which can accommodate granny flats. Drainageways and natural areas on south and east sides of site. Major roadway along the west.
- Houses range in size from 1,300 - 1,400 sq. ft. for the smaller units up to 1,700 sq. ft. for the larger units. The larger units are along the south and east sides of the site. Most of the lots are approximately 2,800 sq. ft., with larger lots (6,000 - 7,000 sq. ft.) along the east and south sides of the site.
- Developer planned homes to sell in \$140,000 range for smaller units and the road improvement to the west of the site drove the beginning price up for those units to \$160,000. (The units are much more expensive than these prices now because of demand). The project sold out immediately.
- Zoning for site allows 7-12 units per acre.
- Informal comments from people attending previous tours included positive interest in the provision of front porches, positive interest in the avoidance of through lots by placing units sideways to the large street bounding the west side of the site, positive interest in the location of garages, negative feedback regarding the monotony of some of the streetscapes (particularly where dwelling units had the same colors, setbacks, and building materials), positive comments on the pocket park, and comments noting the need for landscaping between garage doors in the alleys. Overall comments, however, indicated that the development felt "a little too contrived because of the "sameness" of so many of the dwelling units."

Local Directions: Take I-5 north
 Take second Wilsonville exit (Stafford Road...)
 Turn right off hwy onto Ellingsen Rd.
 Turn right on Canyon Creek Rd.
 Go south and look for new single
 family development on left called
 Canyon Creek Meadows. Has single
 family attached, single family detached,
 and townhomes.



SITE 2 - LAKE OSWEGO SITES

- Located within the City of Lake Oswego.
- **Site A - Westlake Village Plaza**
 - ⇒ Approximately 2-3 acres surrounded by both single family and multi-family development.
 - ⇒ While the project is not mixed use, it does serve as a neighborhood center for the surrounding residential area. It is extremely successful and generates large amounts of pedestrian traffic, especially in the evenings and on weekends.
 - ⇒ While the buildings are located close to the surrounding streets, the buildings back onto them, with the building entrances internal to the site. This was done because the surrounding streets are major streets that do not allow for on-street parking.
 - ⇒ The buildings all have a residential character and blend well with the surrounding neighborhood.
 - ⇒ Comments from the consultant indicated that if it was done today, it would be better to design the site with an internal shopping street so that the buildings could be oriented toward it with on-street parking. Additionally, the consultant pointed out that pedestrian and bicycle connections were needed directly between the plaza and the surrounding neighborhood.
 - ⇒ General comments from people attending previous tours included positive overall comments on the center and its compatibility with the surrounding neighborhood (especially with regard to architectural style), comments indicating a need for additional trees in planters where trees had died in the past, a need for a break-up of the large internal parking area, and a need for direct pedestrian connections with the surrounding residential neighborhood. Additionally, the plaza generated discussions regarding its size in relation to the sizes discussed in the West Corvallis-North Philomath Plan for Minor and Major Neighborhood Centers.

- **Site B - Mixed Use Project in First Addition**

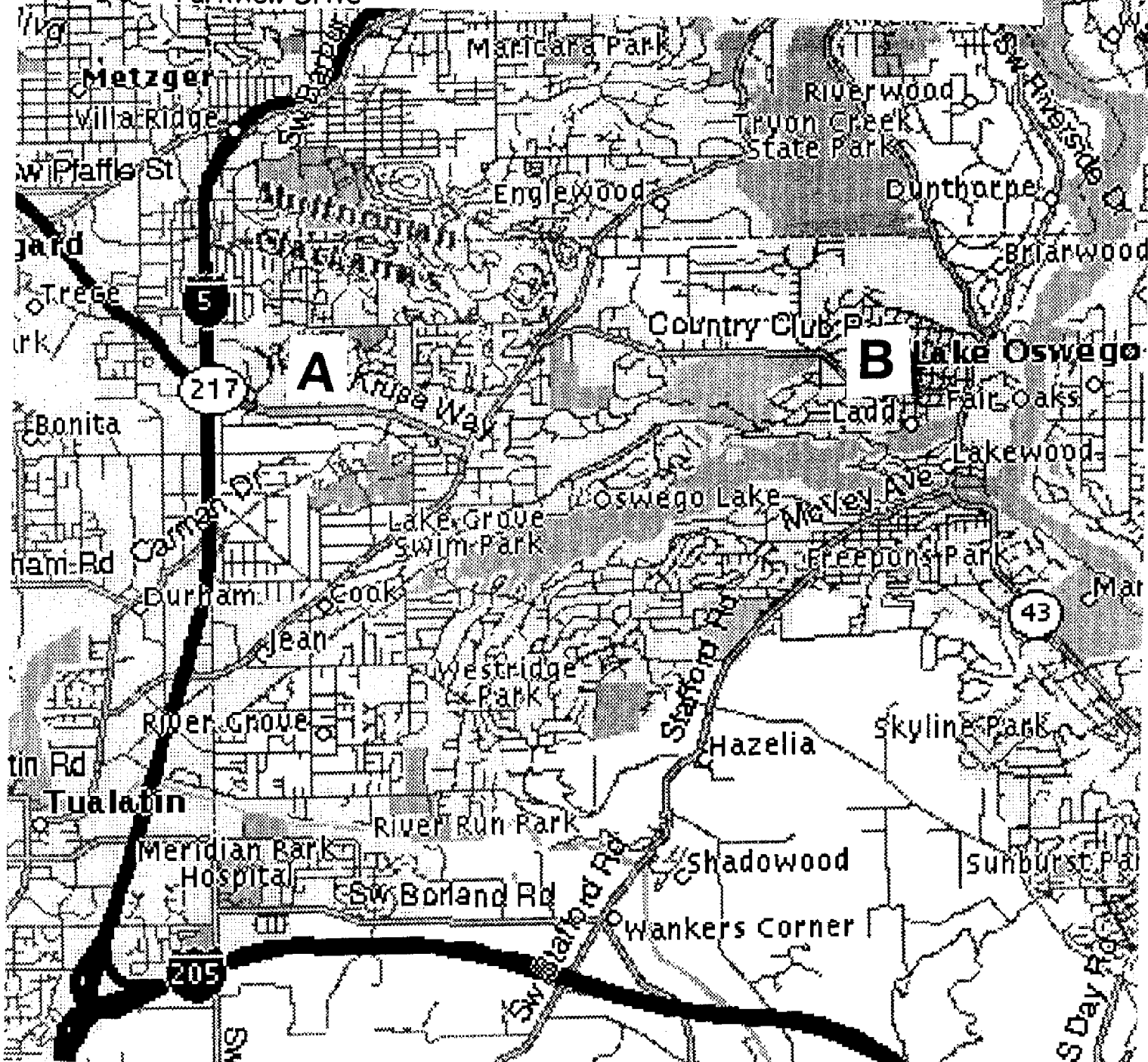
- ⇒ Approximately 0.5-acre mixed use project developed by Craftsman Builders.
- ⇒ Nominated for this next round of Governor's Livability Awards.
- ⇒ Contains first floor retail (four 800 sq. ft. spaces), second floor office (sixteen 200 sq. ft. spaces), and sixteen 1,100 sq. ft. residential condominiums. The condominiums are separated into two 8-unit courtyard areas which are located behind the retail and office uses and are each accessed via a pedestrian access off the street. The condominiums all have garages on an alley at the rear of the project site.
- ⇒ The site is an infill site in an established residential area, on the edge of a commercial area (e.g. Safeway is across the street).
- ⇒ The developer is extremely satisfied with the success of the project. Three of the condo owners have businesses in the project (live/work). All the retail and office space leased out immediately and the condos are all sold (\$168,000 for each condo).
- ⇒ Comments from people attending previous tours were overwhelmingly positive, including positive interest in the design and landscaping of the courtyard-accessed condominiums, the architecture, the location of the garages, etc. The response was that an infill project such as this one would fit well in Corvallis. The only negative comments received were in regard to the lack of landscaping between garages in the alley.

Sw Beaverton Hwy Albert Kell

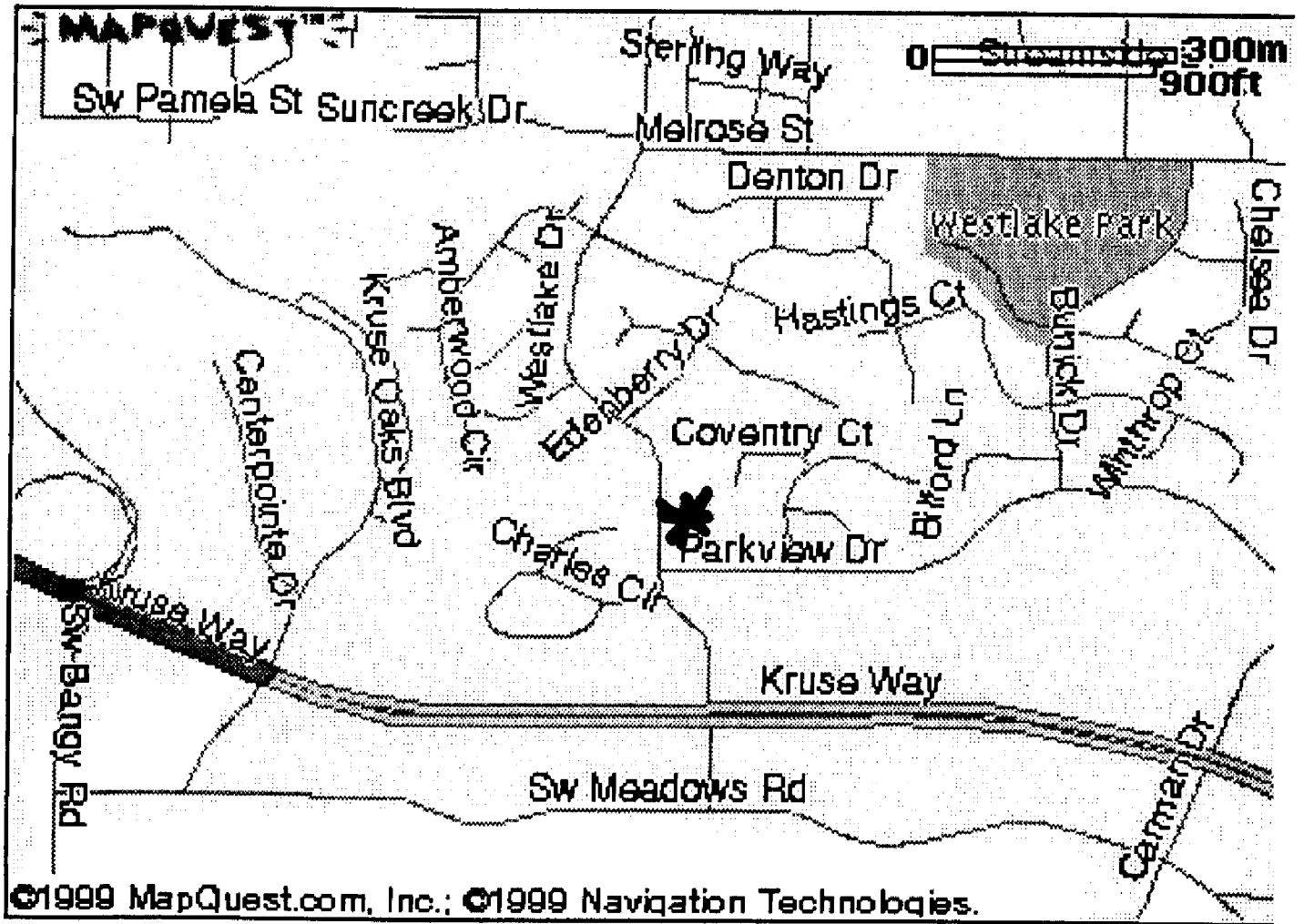
Raleigh F OVERVIEW MAP FOR LAKE OSWEGO SITES

SEE ADDITIONAL MAPS FOR ENLARGEMENTS OF SPECIFIC AREAS WHERE SITES ARE LOCATED

- Take I-5 north and get off at the Durham exit (to Lake Oswego)
- Turn right onto Boones Ferry Road
- Go to Kruse Way and turn left onto it
- Go to Westlake Drive and turn right onto it
- Westlake Village Plaza will be on your right, just past Parkview Drive.
- There's an entrance to the plaza from both Westlake Drive and Parkview Drive



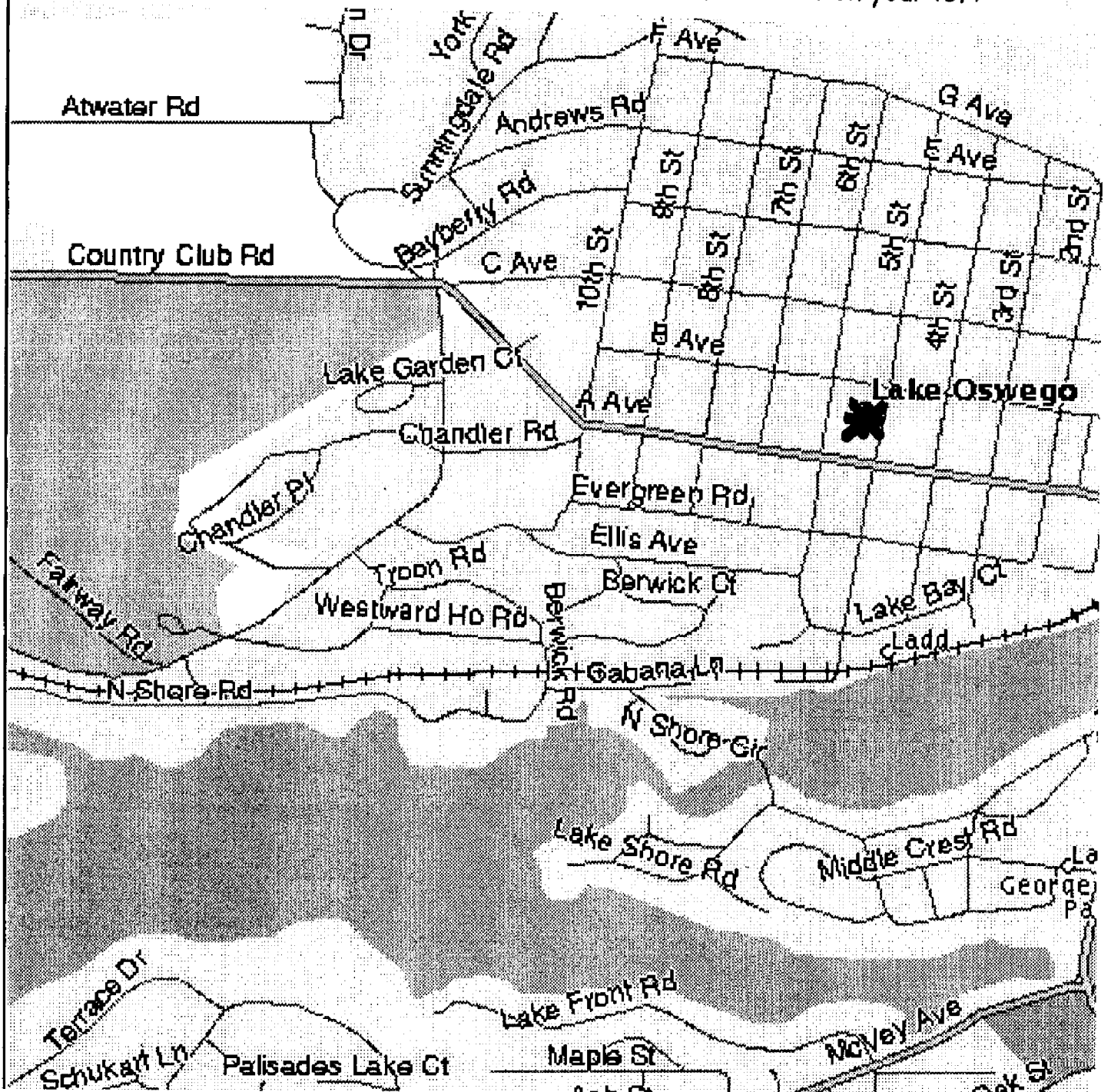
SITE A - WESTLAKE VILLAGE PLAZA



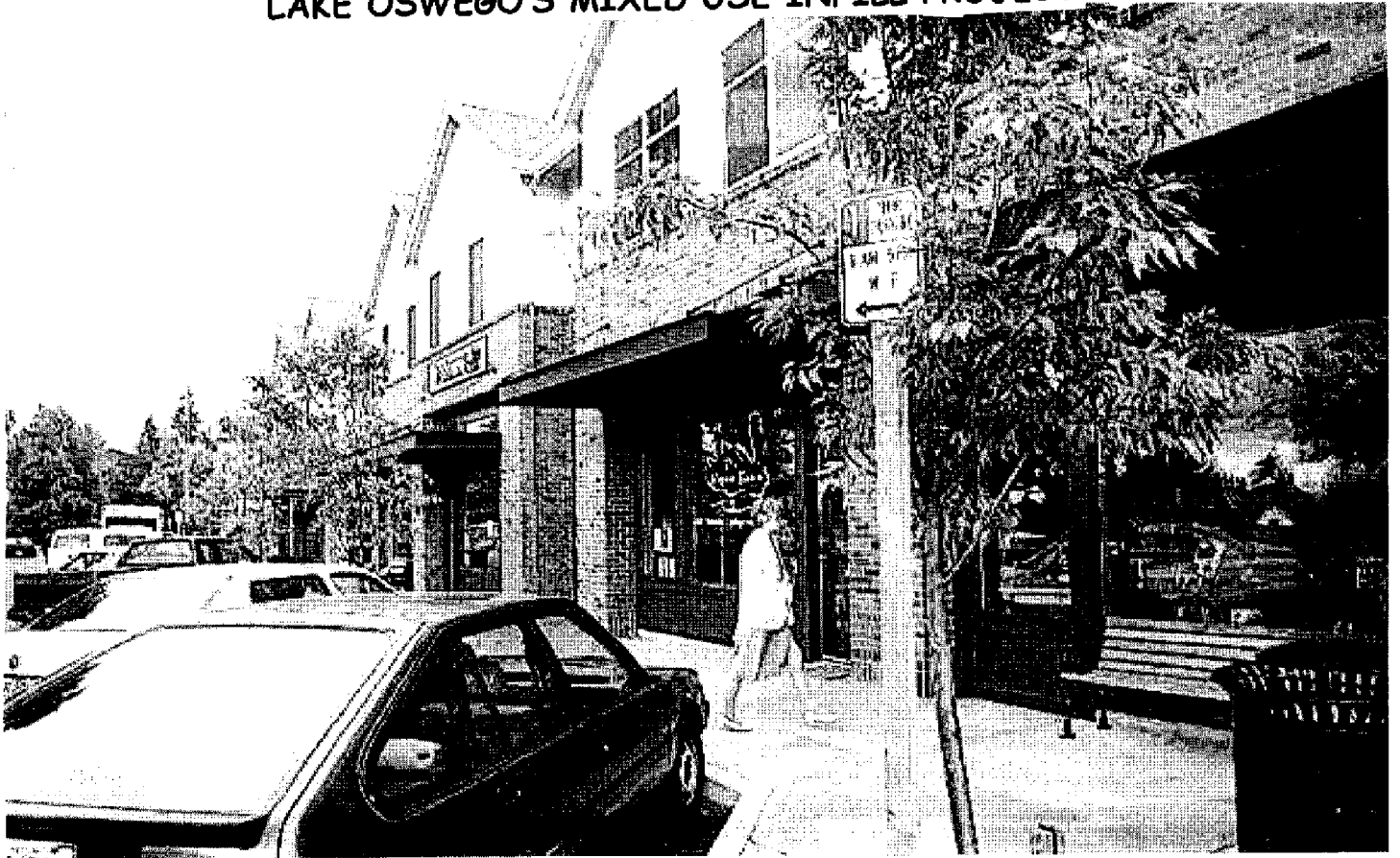
**SITE B - MIXED USE INFILL IN 1ST ADDITION
(ON 5TH STREET)**

Briercliff Ln 105 Hilda Atwater Ln

- Backtrack from Westlake Village Plaza to Boonesferry Road and head toward downtown Lake Oswego via Boones Ferry Road
- Take a right onto Country Club Road to get to downtown Lake Oswego
- Follow Country Club Road and it will turn into "A" Avenue
- Turn left on 5th Street and the mixed use infill will be on your left



LAKE OSWEGO'S MIXED USE INFILL PROJECT



VIEW INTO COURTYARD-ACCESSED TOWNHOMES

SITE 3 - ORENCO STATION

- Located within the City of Hillsboro and winner of a Governor's Livability Award.
- See attached pages for detailed flyer information regarding the project.
- Comments from people attending previous tours were very positive, including extremely positive interest in the town center and its architectural design, positive interest in the variety of site layouts and homes, positive interest in the location of garages, concrete constructed alleys (longer life than asphalt), and the provision of front porches, positive interest in the careful attention paid to privacy issues (window locations and types, and elevated finished floor elevations from the street), positive responses to the mix of uses, positive comments on the large central park, etc. Additional positive comments regarding the high number of granny flats were received. The developer states that approximately 50% of the single family residents thus far have chosen to add a granny flat to their lots. The granny flats are an option that the developer offers.

Some negative comments pertained to a feeling that the development was perhaps aimed at more of a "yuppie" clientele, that there needed to be a little more variety amongst the street facades of the single family and townhome dwelling units, that some larger lots needed to be provided to encourage families within the development, and that the financing of the development by a single parent company was not typical of development in Corvallis. However, the overall responses were positive and people thought there were many design and site lay-out elements and ideas that could be brought to Corvallis and that a scaled-back version of the whole project could also be appropriate.

The Orenco Station project is designed to be partially dependent upon a light rail station. Additionally, the developer financed the construction of the town center earlier than would normally be the case (e.g. the surrounding residential construction is not far enough along to completely support it). However, the developer felt strongly that it was a crucial amenity and selling point for the residential dwelling units and the Orenco Station neighborhood. Feed back from residents has confirmed the developer's hunch. A more realistic approach for Corvallis would probably involve the construction of neighborhood centers either within already established neighborhoods or timed to be near buildout of new neighborhoods in order to assure the success and obtain financing for the commercial elements of the centers.

Strong comments from the developer also centered upon the issue of design. The developer felt that for a project like Orenco Station to be successful (particularly with its increased density), it was essential to govern design aspects of the project to ensure compatibility between uses, provide a desirable and diverse living environment, ensure that privacy aspects were addressed, maintain the quality of the development, and prevent unwanted design elements from occurring.

Orenco Station

HILLSBORO, OREGON

DESCRIPTION

Project Type

Mixed-use residential/retail/commercial/
open space near light rail station.

Description

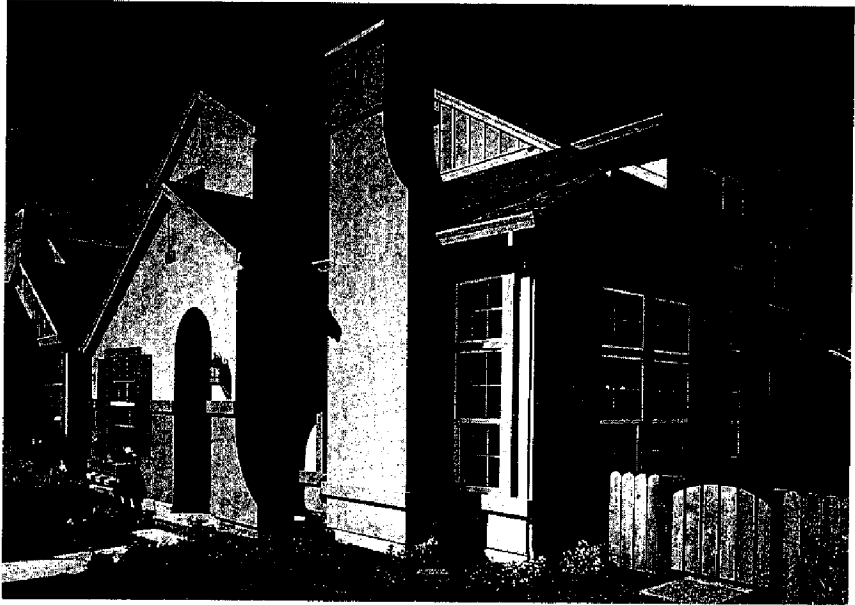
206-acre master-planned community.
436 for-sale residential units on 65 acres.
1400 multi-family homes on 62 acres.
52-acre shopping center with
commercial, office and retail.
Seven-acre "town center" retail area
with 23,000 square feet of retail
space, 30,000 square feet of office
space with residential "lofts" and
live/work townhomes.

Site

206-acre undeveloped, flat, open
land site.

Location

Immediately north of the Orenco light
rail station on the Westside Light Rail
line, east of Cornelius Pass Road, and
south of Fujitsu and Intel's Ronler
Acres Campus.



Homes at Orenco Station are designed to create a sense of community through traditional architecture, front porches and smaller setbacks in front.

PROJECT TEAM

Developer/Project Manager

Orenco Station LLC
(Pacific Realty Associates, L.P. (PacTrust), Portland and Costa Pacific Homes, Beaverton)

Land Planning Team

PacTrust, Portland
Costa Pacific Homes, Beaverton
Alpha Engineering, Portland, Civil Engineers
Fletcher Farr Ayotte, Portland, Town Center Architects
Iverson & Associates, Costa Mesa, California, Residential Architects
Walker & Macy, Portland, Landscape Architects

Marketing

Subert-Gregory and Woodstrom, Seattle, Washington, Advertising and Public Relations

Contacts

Richard D. Loffelmacher, PacTrust
15350 S. W. Sequoia Parkway, Suite 300, Portland, Oregon 97224
Tel: (503) 624-6300 Fax: (503) 624-7755

Rudy A. Kadlub and Joy C. Schmieg, Costa Pacific Homes
8625 S.W. Cascade Avenue, Suite 606, Beaverton, Oregon 97008
Tel: (503) 646-8888 Fax: (503) 646-7840

FINANCING INFORMATION

Project Cost

\$150,000,000

Single family residential (sales prices)

\$140,000 - \$250,000

Commercial leasing rate (estimate)

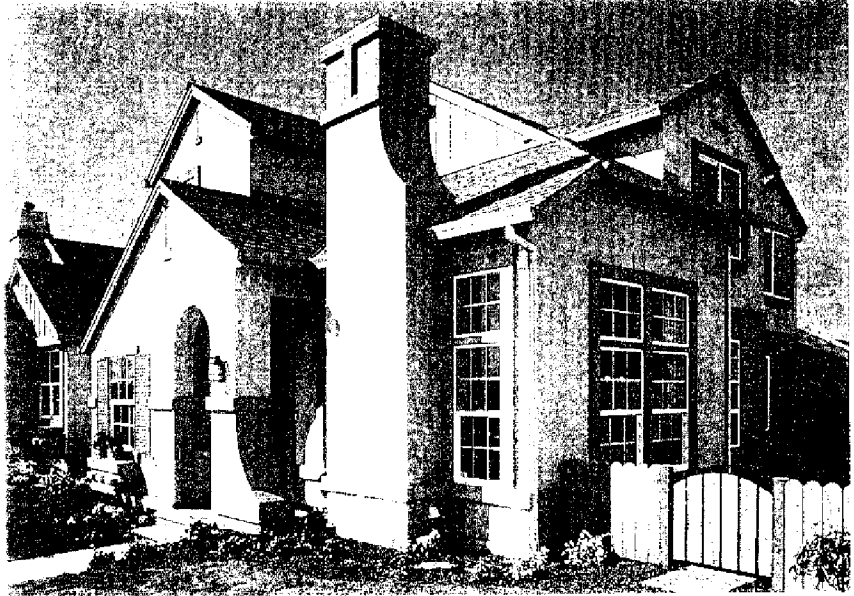
Class A market rate

Retail leasing rate (estimate)

\$19-23/square foot, triple net basis

Orencia Station

10/11/2017



10/11/2017

10/11/2017

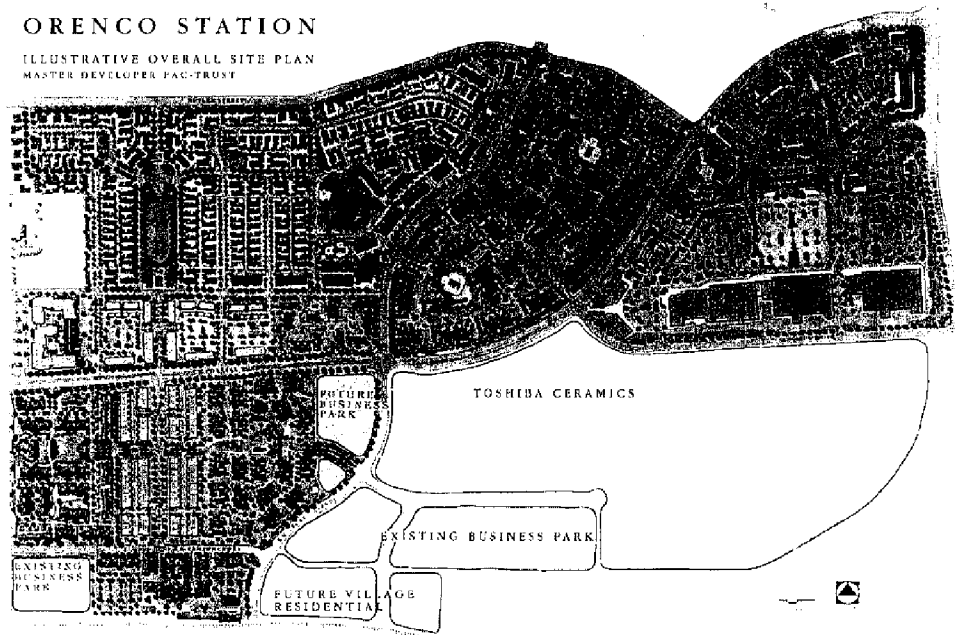
PLANNING AND DEVELOPMENT

Orenco Station is located near the old company town of Orenco, which was originally named for the Oregon Nursery Company at the turn of the century. The site, originally subdivided for homes in the 1950s, was acquired by PacTrust in the 1980s. With assistance from the City of Hillsboro, which designated the area an urban renewal district, PacTrust assembled land from the hundreds of property owners who had purchased the lots. By the early 1990s, when PacTrust felt the market was ready for commercial and industrial development on the site, the west side light rail line was approved and Orenco Station was designated a "town center" by the Metro 2040 plan. The designation called for a mix of uses that would connect to the light rail for regional transportation and encourage walking for shorter trips. This designation also required the City of Hillsboro to change the zoning from industrial to high-density with a mix of uses.

To meet the new zoning requirements, PacTrust spent several years developing a master plan for the site that would meet state, regional and local

ORENCO STATION

ILLUSTRATIVE OVERALL SITE PLAN
MASTER DEVELOPER PAC-TRUST



The plan for Orenco Station envisions a transit and pedestrian-oriented mixed-use community that connects to regional light rail.

planning objectives. The zone change, and its new requirements for residential development on the site, also led PacTrust (primarily a commercial and industrial developer) to add partners with residential expertise to

the team. They sold parcels to Fairfield Development and Simpson Housing to develop multi-family housing, and joined forces with Costa Pacific Homes to develop the for-sale residential component of the project.

LAND USE PLAN

Site	Acres	% of Total Site
Single-Family Residential	58.1	28.2%
Multi-Family Residential	62.1	30.1%
Commercial Shopping Center	52.9	25.7%
Town Center	7.0	3.4%
Extended Stay Hotel	3.6	1.7%
Senior Assisted Living	4.9	2.4%
Industrial/Other	17.5	8.5%
Total Acres	206.1	100.0
Useable Open Space	20	10%*
Other Landscaped Areas	20	10%*
Streets (Internal only)	11.9	5.8%
Parking	4 spaces per 1000 sq. ft. (average)	

* Approximate figures

FOR-SALE RESIDENTIAL*

Total acres	65.1
Total dwelling units	436
Average lot size (single family lot)	3700 square feet
Gross Density	6.7
Net Density	8.4

* Includes mix of single-family detached homes, townhouses, condominiums, lofts and live/work townhomes.

IMPLEMENTATION

The master plan for Orenco envisions a transit- and pedestrian-oriented mixed-use community that features a variety of housing types, a traditional neighborhood "main street" connecting to the light rail station, a retail area with shops at street level and residential lofts above, and an adjacent community shopping center.

Residential

Costa Pacific Homes is developing more than 400 single-family homes in several phases on a 58-acre site. A combination of townhouses and single-family detached housing will provide a net density of 8.4 units to the acre. The detached homes, on 3700 square foot home sites, feature garages located on driveway lanes, with the option for a carriage home over the garage. The homes are set 13-19 feet from the street and are slightly elevated to provide a measure of privacy. Two large parks, totaling just over five acres, and numerous pocket parks provide open space for residents. The homes feature traditional architecture with craftsman and English stucco exterior styles.

Town Center

The seven-acre Town Center features 23,000 square feet of retail, links the residential area with the light rail station and provides a neighborhood "main street" with restaurants, retail services and professional offices within walking distance for Orenco residents and employees. Approximately 30,000 square feet of office space is located on the second and third levels of town center buildings which face Cornell Road, a major thoroughfare. Two-level lofts are located over ground-floor retail facing the quieter "main street," Orenco Station Parkway. Two other buildings house 28 live/work townhomes which provide a transition between the town center and the single family homes. These townhomes allow residents to have an office or studio on the first floor of their homes, with a garage behind the building.

Community Shopping Center

The Crossroads at Orenco Station is a 52-acre commercial area with shopping and office space that will serve residents of Orenco Station, employees of surrounding high-tech businesses

and residents of the surrounding area. A sport and auto store and a grocery store are already in place. Later phases will include retail, office, restaurants and hospitality, and will be built when the market is ready. Design guidelines ensure compatible building materials and a village-type scale for all the buildings. Walkways link the retail entries with the adjacent sidewalks to provide safe pedestrian access.

Other Uses

Two parcels, on either side of the town center, were sold to other developers who are building an extended stay hotel and a 250-unit retirement center. The proximity of the town center allows residents to walk to shops and services, an important feature for the seniors who may not drive.

Light Rail

The Orenco Light Rail Station provides transit access to downtown Portland and regional destinations. The original plan, which located the park and ride lot at the end of the neighborhood "main street" was changed to move the parking lot to one side of the station and create a better pedestrian link between the station and the main street.

TRANSPORTATION EFFICIENCY AND LIVABILITY FEATURES

Transit Access

Residents have a short walk to the Westside Light Rail station which serves downtown Portland and other regional destinations. Tri-Met, the local transit agency, runs a shuttle through the development during peak hours to connect the neighborhoods with the light rail station and surrounding employers. In addition, each household receives a free, one-year, all-zone transit pass to establish transit ridership early, courtesy of a partnership between Tri-Met and Orenco Station LLC.

Pedestrian-Focused Environment

Both the streets and homes are designed to encourage walking between destinations at Orenco Station. Narrow, tree lined residential streets slow traffic while sidewalks provide a pleasant place to walk. The homes, designed with garages in the back and porches on the front, encourage neighborhood interaction and reduce the conflict between pedestrians and cars where driveways would ordinarily cross the sidewalk.

Design and Architecture

The attention to design detail gives the homes the appearance of highly sought after older homes with the amenities of new homes. Similar home designs are separated to avoid a "cookie-cutter" look, and most homes feature front porches or second-floor balconies to encourage neighborliness. All homes are equipped with high-speed wiring to accommodate the high-tech needs of many buyers.

Mix of Uses

The variety of uses within Orenco Station, from major employers to neighborhood coffee shops, provide many of the things people need within



Two large parks and numerous pocket parks provide open space for Orenco Station residents.



The Orenco Light Rail Station provides transit access to downtown Portland and regional destinations.

walking or bicycling distance. The proximity of Intel, Fujitsu, Toshiba and other high-tech firms reduces the commute to a walk, bike ride or shuttle ride for those employees who choose to live at Orenco Station.

Open Space

Two parks in the residential area provide open space for residents.

To increase safety, the parks are made more visible to surrounding homes and pedestrians by prohibiting parking next to the parks. Since the parks are within walking distance for all residents and parking is allowed on the other side of the street, access to the parks is maintained.

MARKET CONSIDERATIONS

Orenco Station is considered to be one of the most successful examples of transit oriented, mixed-use development in the country. The homes exceeded absorption projections with prices 20-30% higher than the area average. The first phase of 124 homes is virtually sold out, and about one-half of the 85 units in phase two of the residential development are sold.

According to Rudy Kadlub, President of Costa Pacific Homes, the homes have sold because his company did its homework and built what the market wanted. His firm hired a market research company to develop a market survey and send it to 1500 employees of nearby high tech firms. They also did focus groups to ask prospective buyers what type of exterior designs, floor plans and marketing approaches they preferred.

Several leases have been signed for the Town Center, currently under construction, including two restaurants, a coffee house, a cigar and wine store, an optical office and a title company.



The Town Center will provide shops and services within walking distance of the homes at Orenco Station.

The developer took care to seek moderately-priced restaurants to encourage residents to eat there often. While the retail is designed to

be neighborhood-serving, it will ultimately be supported by the nearby workforce and the 20,000 people who pass the site each day.

The homes have sold well because Costa Pacific Homes did their homework and built what the market wanted.



Narrow streets with separated sidewalks and homes with porches close to the sidewalk make Orenco Station feel like a community.

EXPERIENCE GAINED

Ask People What They Want

Costa Pacific's Kadlub attributes their success in residential sales to "listening carefully and planning wisely." The homes have sold well because the developers did the market research early in the process and made sure the homes had the features people said they wanted.

Sell the Concept of Community

Follow-up surveys of homebuyers at Orenco Station indicate that residents bought at Orenco because of the community feel. The Town Center was most often cited as the primary

amenity because residents liked the idea of walking to restaurants, a coffee shop or to get a quart of milk. The architecture and light rail access are other amenities valued by residents which add to the feeling of a community.

Know Lenders' Guidelines for Mixed-Use Ratios

For mixed-use projects, it is important to ensure the ratio of uses in the project complies with the guidelines of the lenders you intend to use. This will help ensure appropriate financing is available to the residential buyers in the project.

TOWNHOMES IN ORENCO STATION

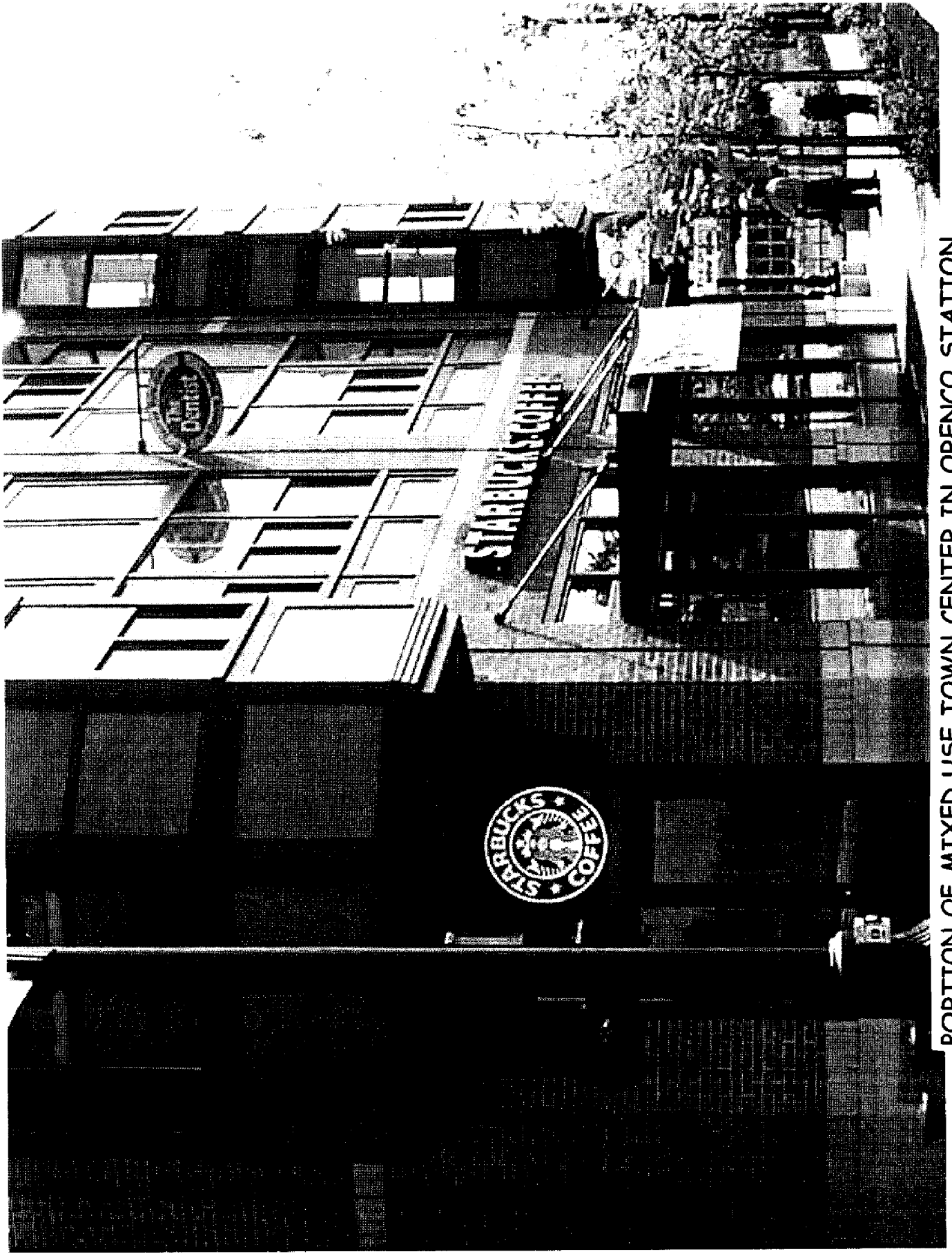


COURTYARD PEDESTRIAN ACCESSED SINGLE FAMILY HOMES
IN ORENCO STATION. GARAGES SET BEHIND HOMES AND
ACCESSED VIA ALLEYS.

CORNER LOT SINGLE FAMILY HOME IN ORENCO STATION

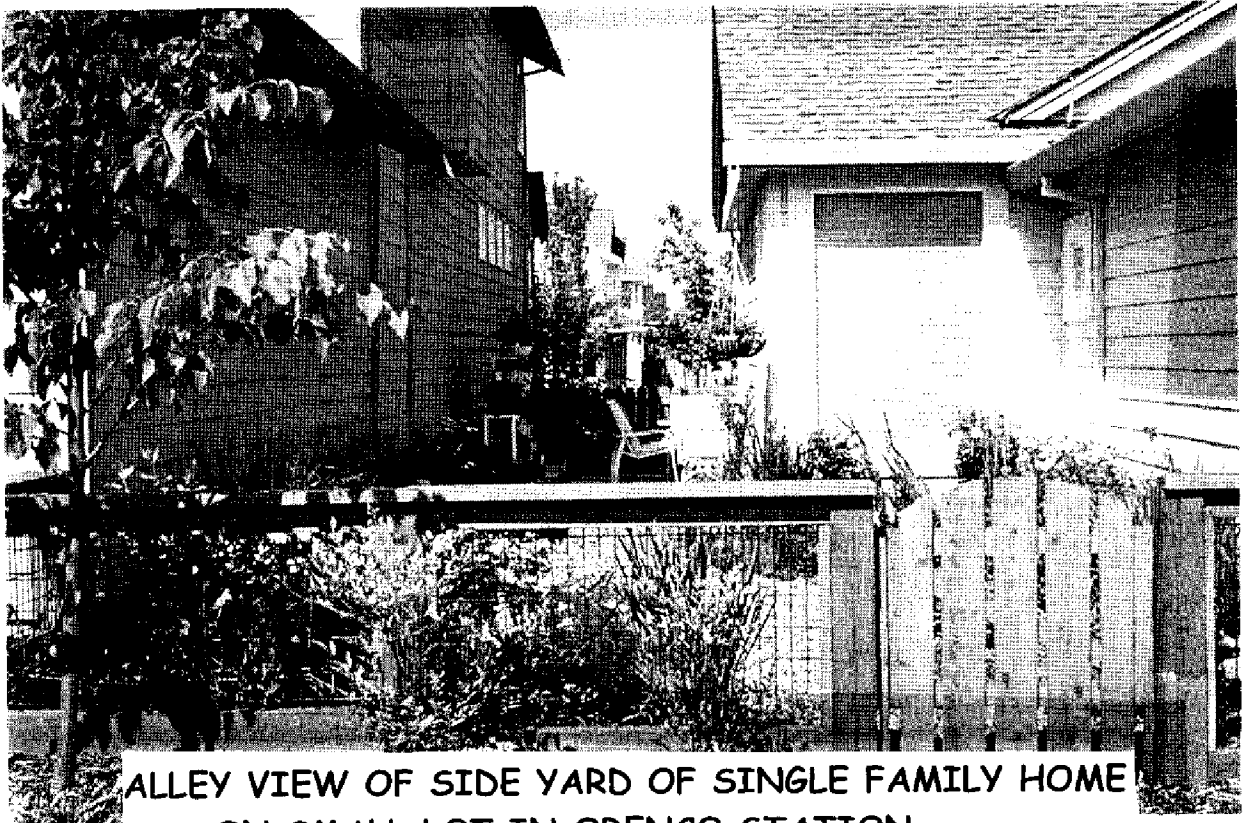


ONE OF THE SMALLER SINGLE FAMILY HOMES IN
ORENCO STATION



PORTION OF MIXED USE TOWN CENTER IN ORENCO STATION.

**SINGLE FAMILY HOME WITH POCKET PARK IN FRONT
AT ORENCO STATION.**



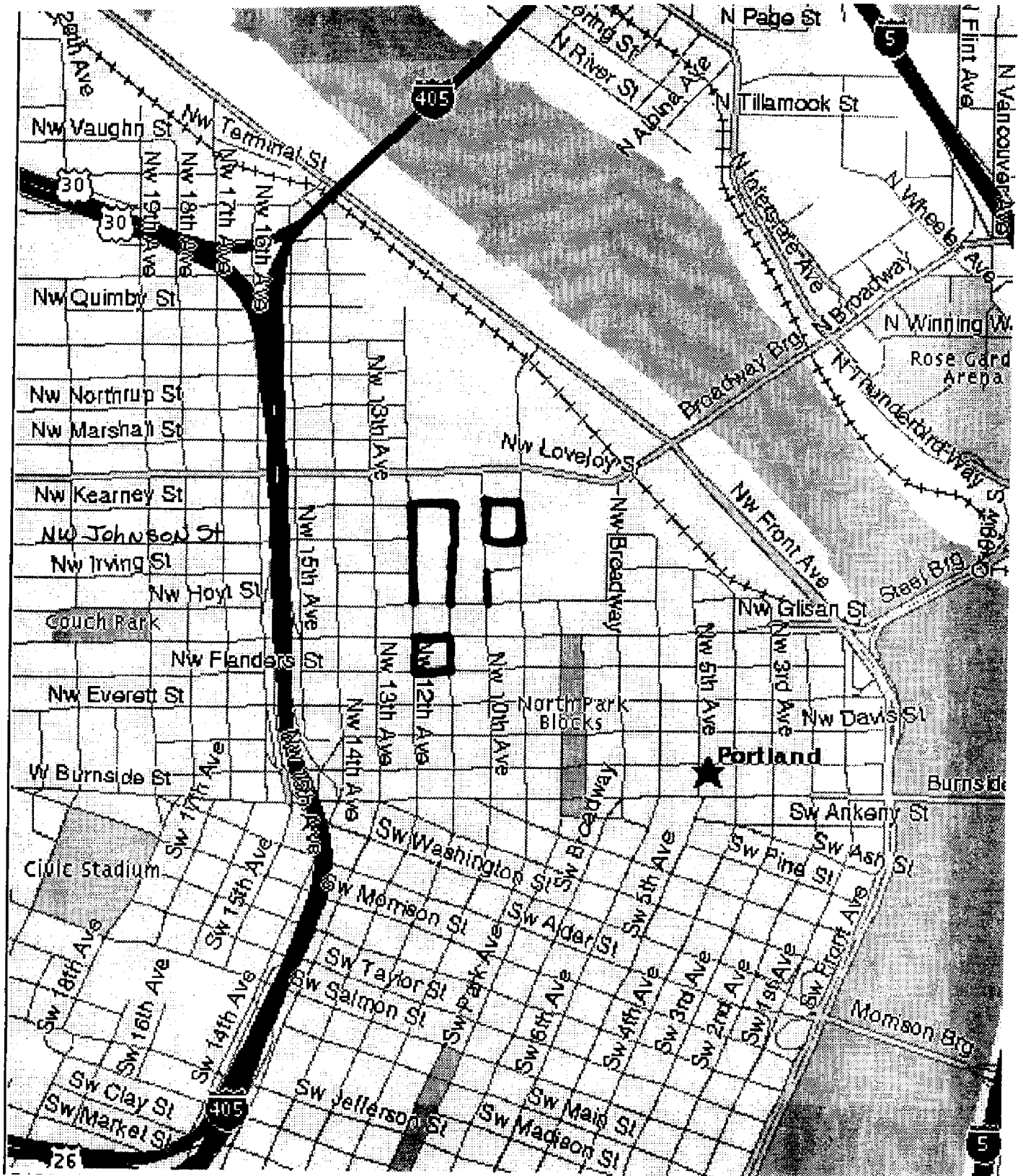
**ALLEY VIEW OF SIDE YARD OF SINGLE FAMILY HOME
ON SMALL LOT IN ORENCO STATION.**

SITE 4 - PEARL DISTRICT SITES

- Located within the northwest portion of Portland, these residential and mixed use residential sites consist of a number of projects to walk around and see, once you've parked in the vicinity.
- These sites were not able to be "squeezed" into the Technical Review Group tour, but staff did get a chance to view them. They are very urban in form and typical of a large city. However, there are design elements from some of them that could be applicable to Corvallis, as well as lessons to be learned from them.
- The projects to see in the Pearl District include:
 - ⇒ McKenzie Lofts - new mixed use project in the vicinity of NW 11th, NW 12th, Flanders, and Glisan
 - ⇒ Pearl Lofts - Infill housing on NW 10th, between Hoyt and Irving
 - ⇒ Renovation of a brick railroad building into housing - on NW 11th, between Hoyt and Irving
 - ⇒ Hoyt Commons - Infill housing on NW 12th, between Hoyt and Irving
 - ⇒ Irving Street Townhomes - in the vicinity of NW 11th, NW 12th, Irving, and Johnson
 - ⇒ Riverstone High-rise Condos - in the vicinity of NW 11th, NW 12th, Johnson, and Kearney
 - ⇒ Pearl Court - new housing consisting of both affordable and market-rate, in the vicinity of NW 9th, NW 10th, Johnson, and Kearney
- Comments received included an acknowledgment that the buildings were higher than would be expected in Corvallis, but some of the design features would be applicable. Some of the design features that received positive comments included architectural separation features between different stories of the buildings (via cornices, weather protection, and other identifiable elements), projections on the upper stories to provide variety and interest (balconies, window boxes, etc.), architectural trim elements for windows, and pedestrian

courtyards, etc. Some features which received less positive comments included the building materials chosen for the affordable housing building. The building consists partially of concrete block and does not include window trim, building off-sets, etc. There was a general feeling that while affordable housing may not be able to be constructed in structures with as much architectural detail as buildings with market-rate units, there were some basic design features that should be provided as a measure of fairness for the families that occupy affordable dwelling units.

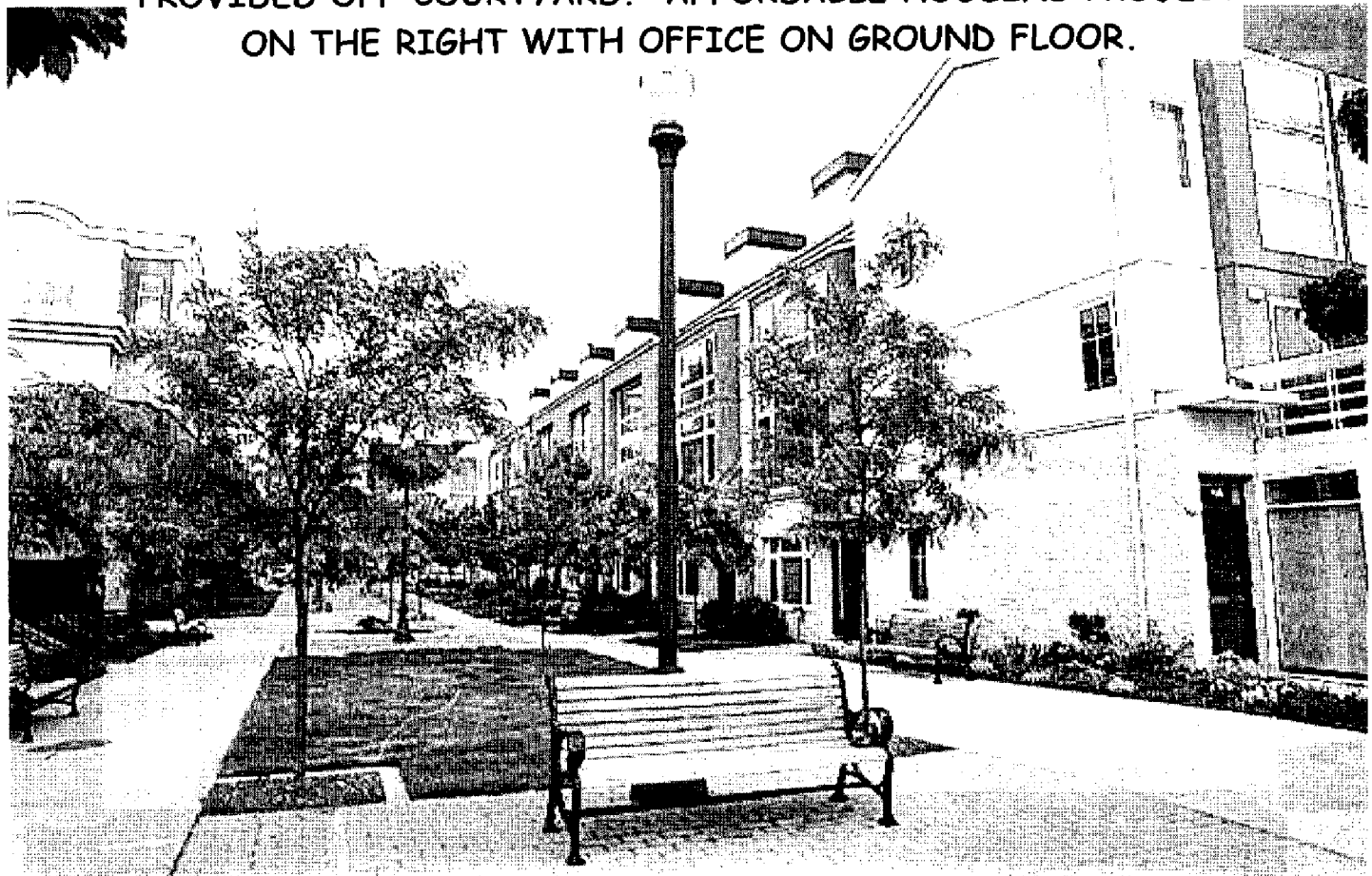
ENLARGEMENT OF MAP FOR PEARL DISTRICT SITES



RENOVATED RAILROAD BUILDING WITHIN THE PEARL DISTRICT. NOW CONTAINS CONDOMINIUMS.

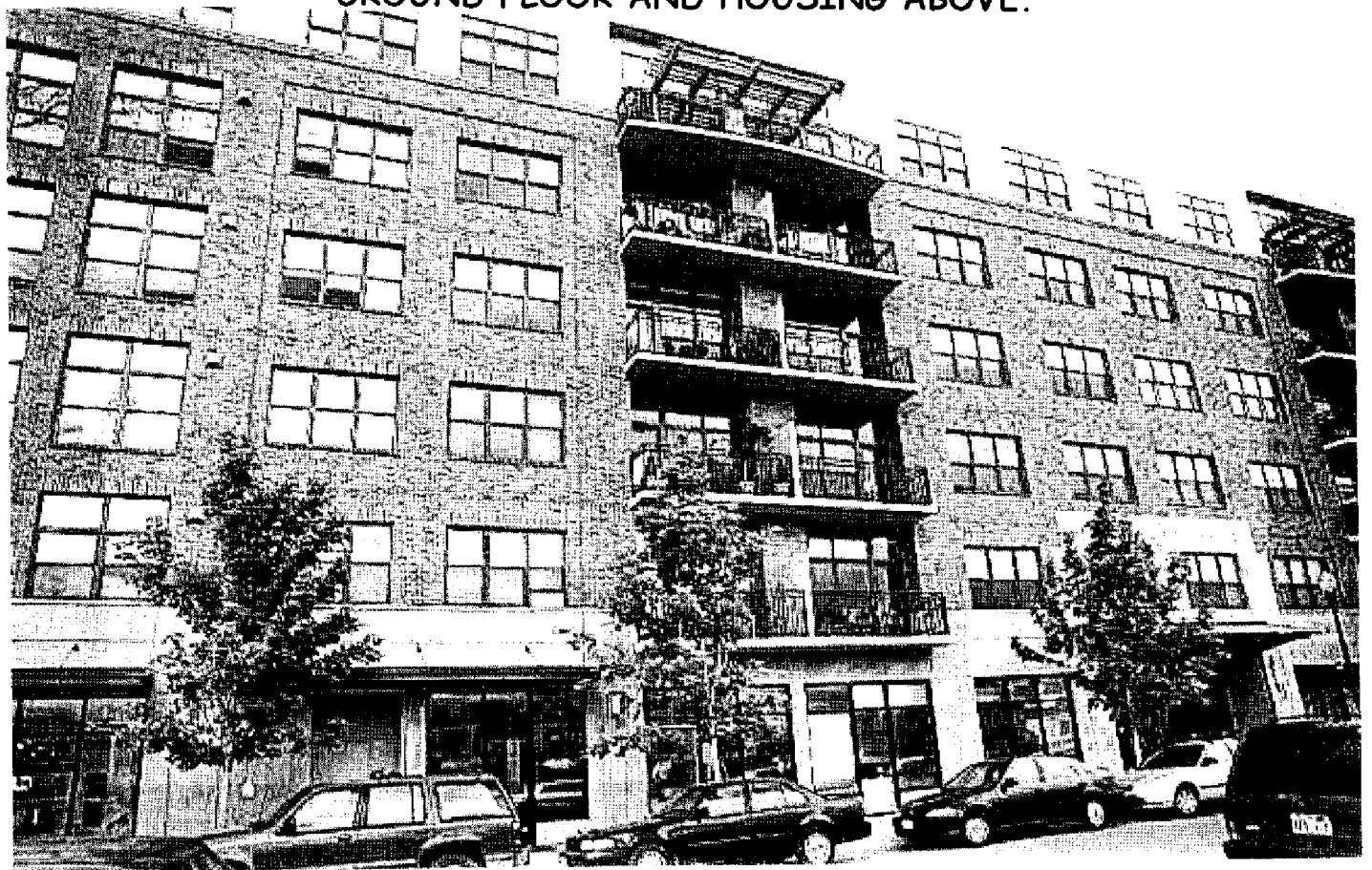


COURTYARD AREA WITH PEDESTRIAN AMENITIES BETWEEN TWO PROJECTS IN THE PEARL DISTRICT. ACCESSES PROVIDED OFF COURTYARD. AFFORDABLE HOUSING PROJECT ON THE RIGHT WITH OFFICE ON GROUND FLOOR.





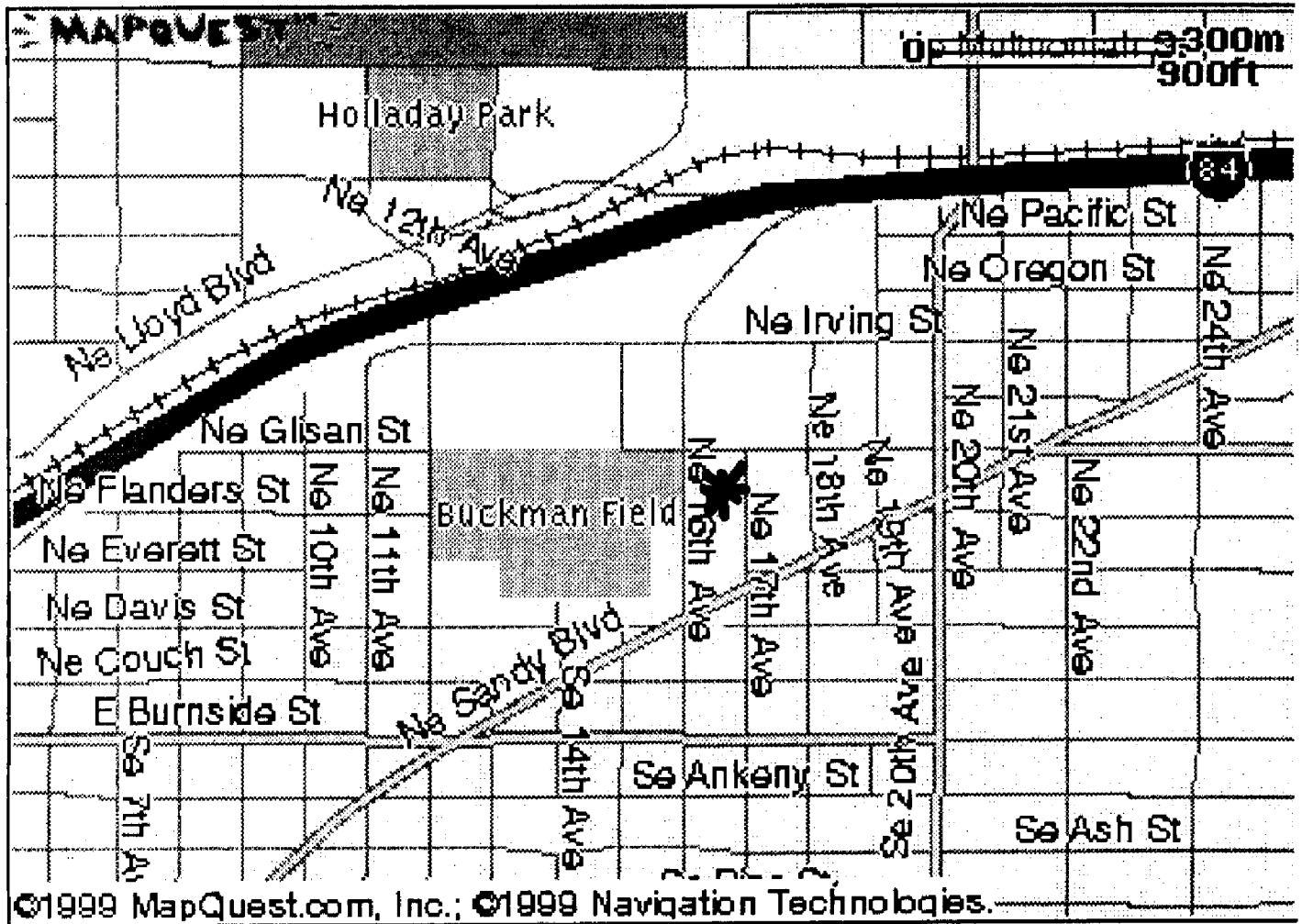
MIXED USE BUILDINGS IN THE PEARL DISTRICT. RETAIL ON GROUND FLOOR AND HOUSING ABOVE.



SITE 5 - BUCKMAN HEIGHTS

- Located within the northeast portion of Portland, new infill housing project with apartments and some attached single family dwellings near Benson High School.
- This site was not able to be “squeezed” into the Technical Review Group tour, but staff did get a chance to view it. There are design elements from the project that could be applicable to Corvallis.
- The apartment project is centered around a courtyard (see attached picture), with garages around the side of the structure and accessed from an alley. The attached single family homes have garages on the other side of the same alley, with the fronts of the units facing the street (see attached picture).
- Comments from staff included a positive reaction to the architecture and main courtyard entry to the apartment project. These features created a positive example of how a large, well-landscaped pedestrian amenity area with benches can be an alternative to balconies and other private open spaces normally provided per dwelling unit. This entry area is shared by the residents and makes a positive statement for the building. Positive comments were also noted regarding the landscaping around the structures, the alley-accessed garages and street orientation of the attached single family homes. Overall, it seemed like an efficient layout for this property's infill situation.

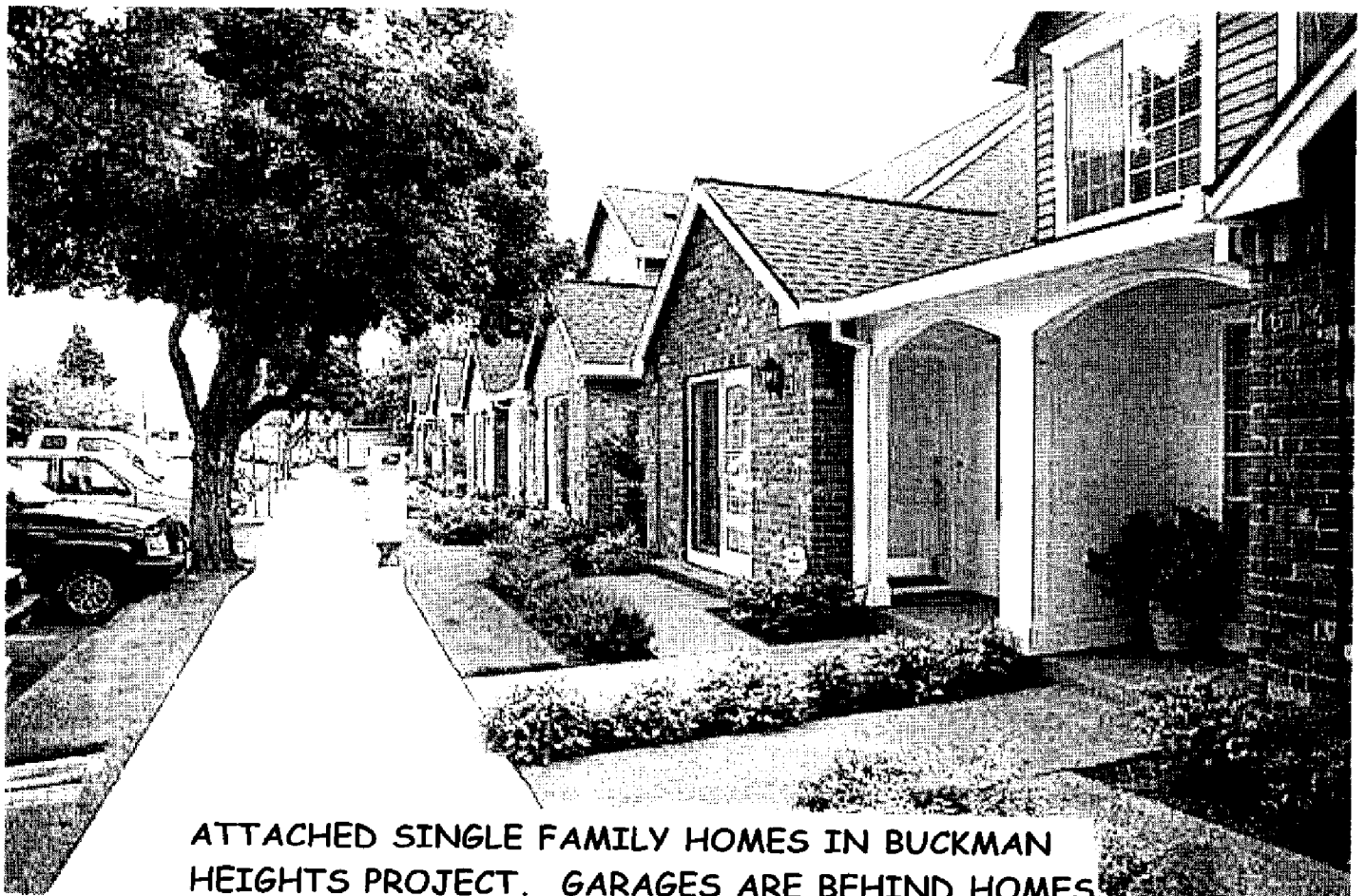
BUCKMAN HEIGHTS



PROJECT LOCATED ON THE EAST SIDE OF NE 16TH AVENUE,
NORTH OF NE SANDY BOULEVARD (EAST OF BUCKMAN FIELD)

INCLUDES AN APARTMENT COMPLEX AND SOME ATTACHED
SINGLE FAMILY DWELLINGS

**CENTRAL COURTYARD WITH PEDESTRIAN AMENITIES SUCH
AS LANDSCAPING AND BENCHES FOR BUCKMAN HEIGHTS
APARTMENT COMPLEX**



**ATTACHED SINGLE FAMILY HOMES IN BUCKMAN
HEIGHTS PROJECT. GARAGES ARE BEHIND HOMES
WITH ALLEY ACCESS.**

**CLOSER VIEW OF BENCHES AND DWELLING UNIT
ENTRANCES WITHIN MAIN COURTYARD OF BUCKMAN
HEIGHTS APARTMENT COMPLEX**

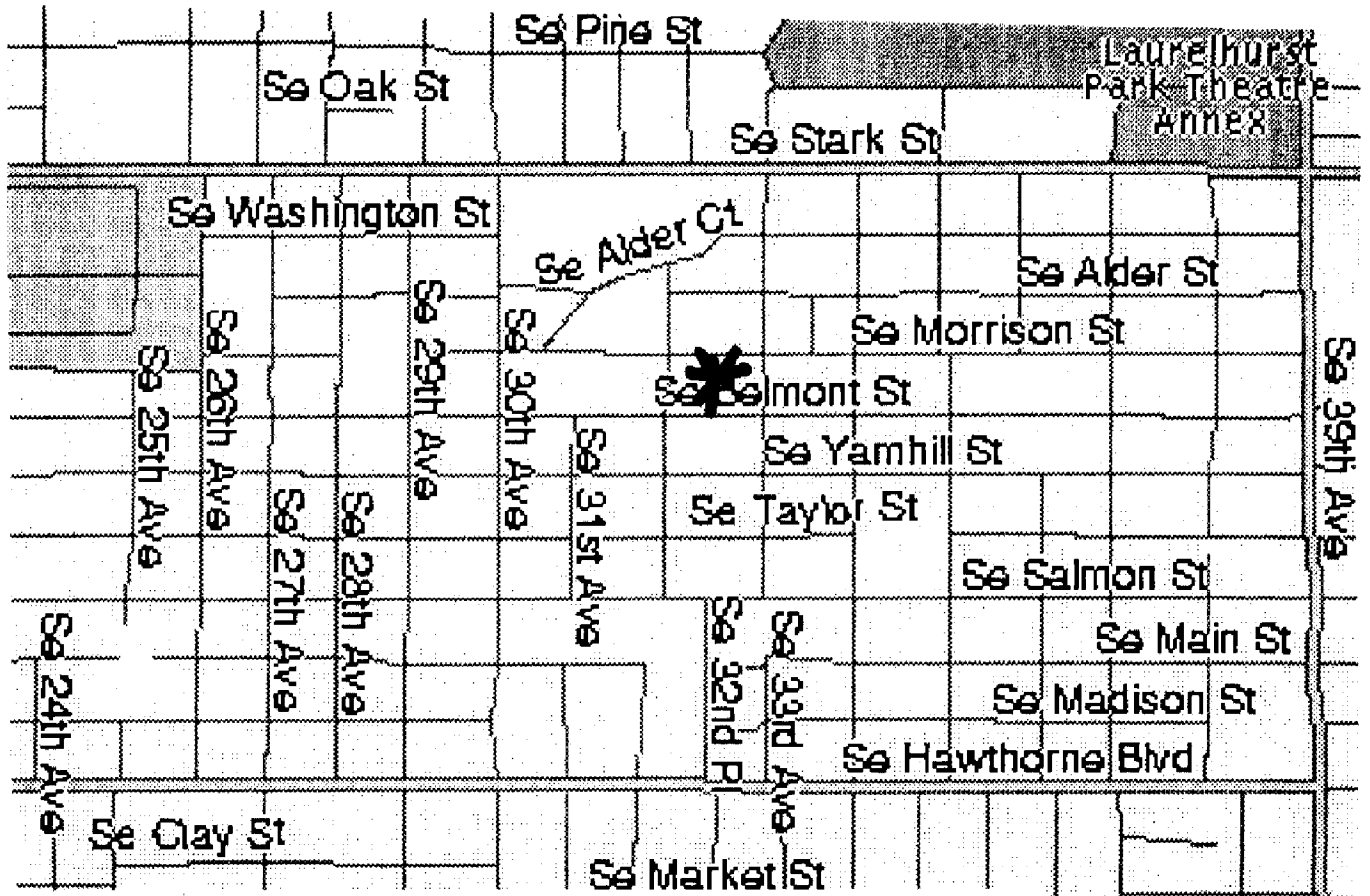


**ALLEY LOCATED BETWEEN BUCKMAN HEIGHTS APARTMENT
COMPLEX AND ATTACHED SINGLE FAMILY HOMES. PROVIDES
ACCESS TO GARAGES FOR BOTH HOUSING TYPES.**

SITE 6 - BELMONT DAIRY

- Located within the northeast portion of Portland, a mixed use retail and residential development within a renovated dairy building. Also included in the development are townhomes, some of which are market-rate and some of which are affordable housing.
- This site was not able to be "squeezed" into the Technical Review Group tour, but staff did get a chance to view it. There are design elements from the project that could be applicable to Corvallis.
- This project is a winner of the Governor's Livability Awards.
- Comments from staff included positive regard for the project's architecture (even on the affordable townhomes), added architectural elements (e.g. trellises, potted plants, etc.), courtyard accesses for the townhomes, interesting manner in which loading docks had been minimized by placing them in a recessed area between buildings, pedestrian amenities (benches) that were provided throughout the courtyard areas, garage locations which were not oriented toward the surrounding streets, and the project's use of alternative paving materials and colors for internal drives and walks.

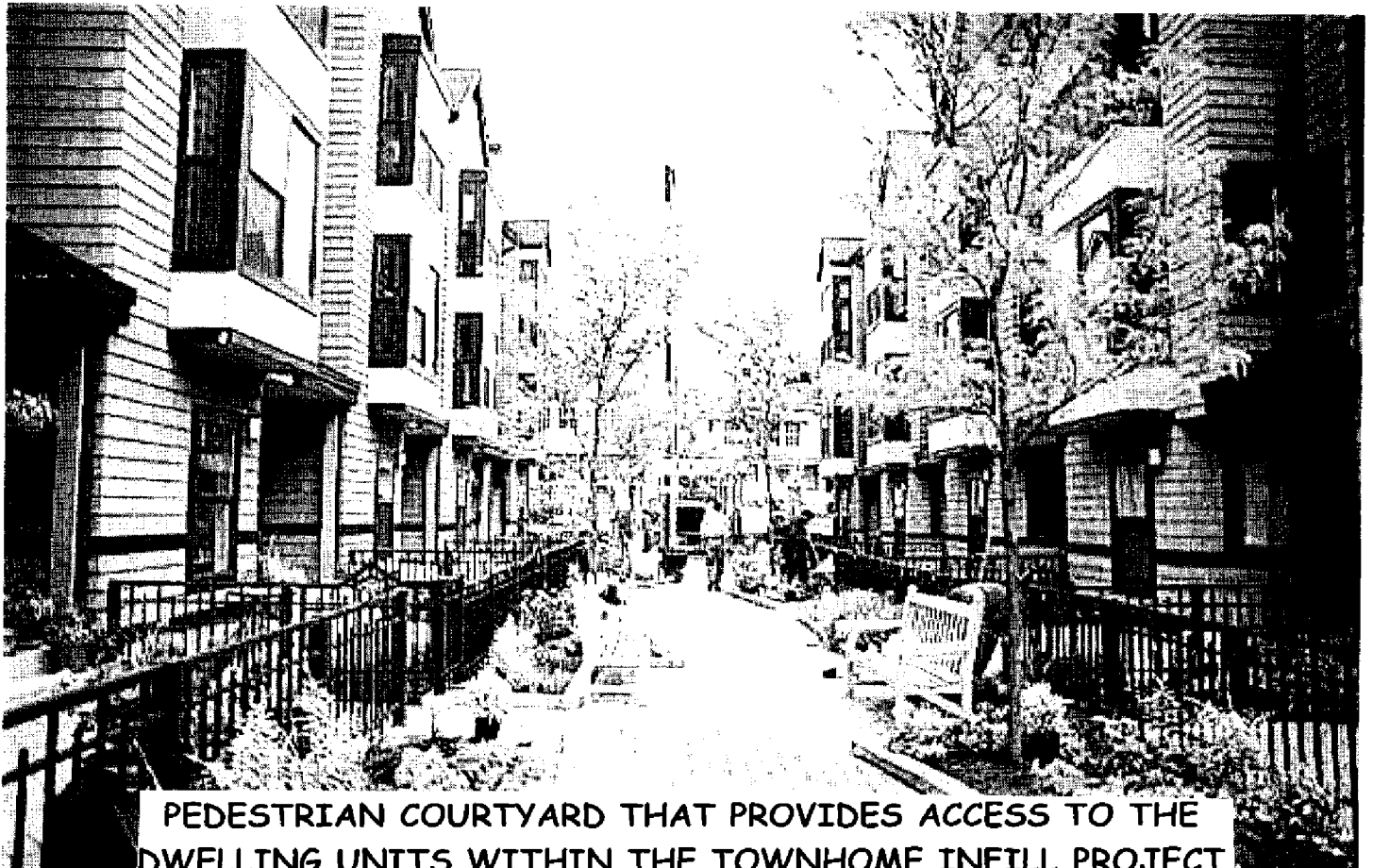
BELMONT DAIRY PROJECT



PROJECT LOCATED ON THE EAST SIDE OF SE 32ND AVENUE,
NORTH OF SE BELMONT STREET AND ENCOMPASSING
THE WHOLE BLOCK THEREIN

INCLUDES MIXED USE RETAIL & HOUSING WITHIN A RENOVATED
DAIRY BUILDING AND AN INFILL TOWNHOME PROJECT WHICH
INCLUDE A MIX OF AFFORDABLE AND MARKET-RATE DWELLINGS

**MIXED USE DEVELOPMENT INCLUDING RETAIL & HOUSING
WITHIN RENOVATED DAIRY BUILDING AT BELMONT DAIRY**



**PEDESTRIAN COURTYARD THAT PROVIDES ACCESS TO THE
DWELLING UNITS WITHIN THE TOWNHOME INFILL PROJECT
AT BELMONT DAIRY**

CLOSER VIEW OF DWELLING ENTRANCES AND PEDESTRIAN AMENITIES WITHIN COURTYARD OF TOWNHOME INFILL PROJECT AT BELMONT DAIRY



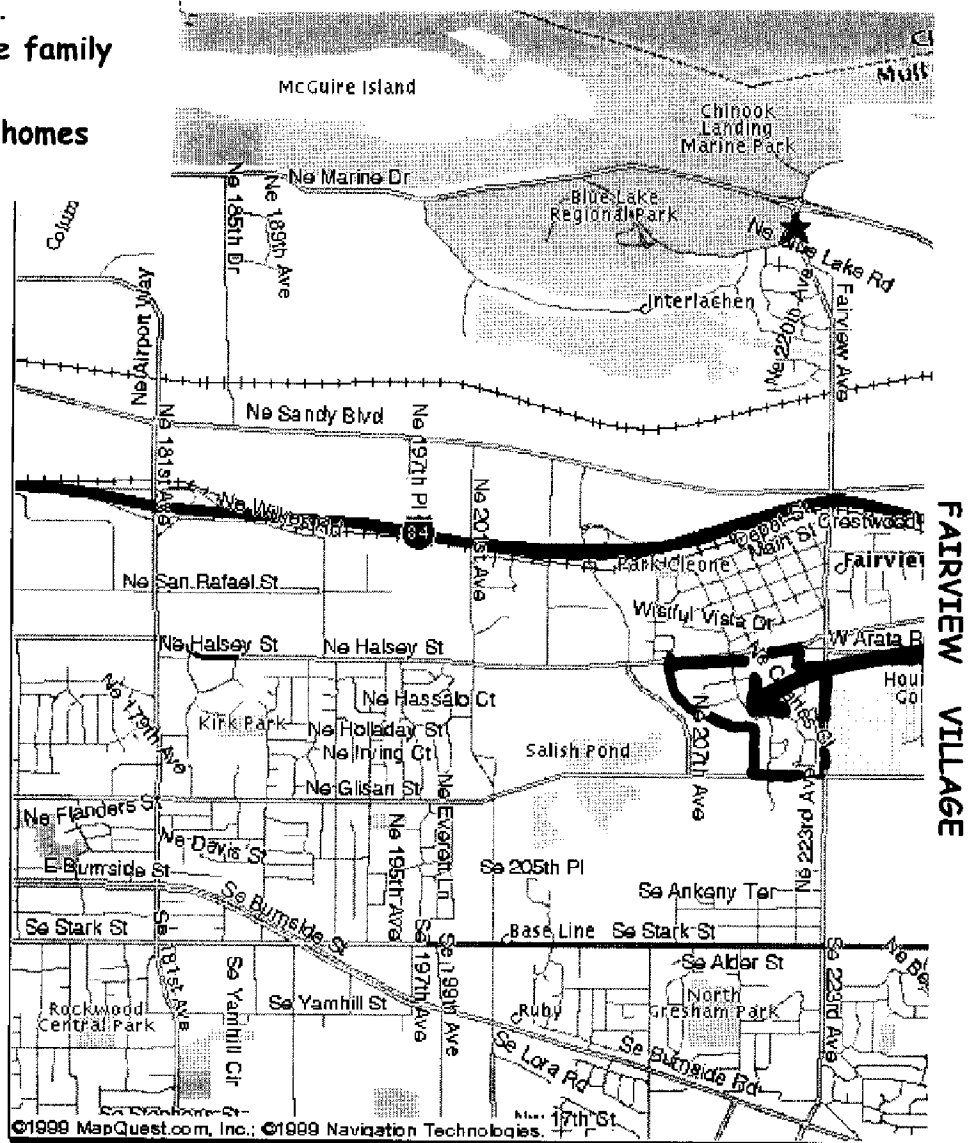
SITE 7 - FAIRVIEW VILLAGE

- Located within the City of Fairview (near Gresham). This project is also a winner of the Governor's Livability Award.
- See attached pages for detailed flyer information regarding the project.
- Comments from people attending previous tours were extremely positive, including positive interest in the variety of site layouts and homes, positive interest in the location of garages and the provision of front porches, positive interest in the careful attention paid to architectural detail and diversity among structures, positive comments on the restoration and preservation of drainageways, and positive comments on the bridges over the drainageways, the historic-styled street lamps, the pocket parks, etc. People thought there were many design and site lay-out elements and ideas that could be "transferable" to Corvallis.

Strong comments from the developer also centered upon the issue of design. The developer felt that for a project like Fairview Village to be successful, it was essential to govern design aspects of the project to ensure compatibility between uses, promote diversity within the development and along the streetscapes, and prevent unwanted design elements from occurring. The homes in Fairview Village are being constructed by a number of different construction firms, to assist in obtaining diversity. However, the developer still maintains a strict design review process to ensure that homes built are consistent with the project's philosophy and quality.

FAIRVIEW VILLAGE DIRECTIONS

Local Directions: Take HWY 84 east
Take 207th St. Exit & head south
Turn left on Halsey St.
Go to Signal and turn right
Go about a block to stop sign and
turn left.
Head into Fairview Village.
Be sure to head into single family
portion (across bridges)
Be sure to check out townhomes
also.



Fairview Village

FAIRVIEW, OREGON

DESCRIPTION

Project Type

Mixed-use residential/retail/
commercial/civic/open space.

Description

95-acre, neo-traditional village.
138 single-family small lot homes,
rowhouses and duplexes (phase one).
420 additional residences including
single and multi-family homes and
residential units above stores; 140,000
square feet of commercial, 30,000
square feet of civic space, 200,000
square feet of retail, nine parks, walking
trails and open space.

Site

95-acre undeveloped site containing
open land, woods, creeks and wetlands.

Location

Southwest of N.E. Halsey Street and
223rd Avenue in Multnomah County
east of Portland. Bordered by N.E.
207th Avenue connector to I-84.



The village contains several house types to appeal to a wide spectrum of potential buyers. The rowhouses meet the needs of a growing market segment seeking economy and ease of maintenance, and are priced from \$134,500 to \$290,000 to appeal to a variety of income levels.

Owner/Developer	Holt & Haugh, Inc., Portland
Planners	Lennertz & Coyle, Portland Spencer & Kupper, Portland
Architects	Sienna Architecture, Portland Lennertz & Coyle, Portland Group Mackenzie, Portland
Brokers	J. L. Scott, Portland (residential components) HSM Pacific Realty, Portland (commercial components)
Contacts	Richard Holt, Charlie Haugh, and Ron Messerly Holt & Haugh, Inc. 1200 NW Naito Parkway, Suite 620 Portland, Oregon 97209 (503) 222-5522 Fax: (503) 222-6649

FINANCING INFORMATION

Project Costs

Total project value	\$120,000,000
Site development costs (to date)	\$7,000,000
Single family residential (sales prices)	\$140,000-\$360,000
Multi-family residential (rental prices)	\$.87/square foot
Commercial leasing rate (estimate)	\$19.50/square foot
Retail leasing rate (estimate)	\$16.00/square foot

Construction Financing

Centennial Bank (infrastructure and project financing)
U.S. Bank (apartments and commercial)
Washington Mutual (residential)
Key Bank (residential)

PLANNING & DEVELOPMENT

Holt & Haugh purchased 88 acres of a 137 acre site from Tektronix, a high-tech firm which had originally purchased the land for future expansion. They subsequently purchased an additional seven acres from other property owners. Holt & Haugh had a vision for a village-type development which would incorporate a mix of uses to attain the feel of a traditional neighborhood. The city preferred this concept over other proposals for traditional subdivision developments that had been proposed for the site. However, since the idea was substantially different than standard residential developments, Holt & Haugh recognized that it would be too cumbersome to amend the existing subdivision code and instead proposed a new mixed use zoning district for the area.

IMPLEMENTATION

The Fairview Village plan integrates civic, commercial and residential uses into the community, allowing residents, employees and visitors to take care of many daily tasks at nearby establishments within walking distance.

Civic Facilities

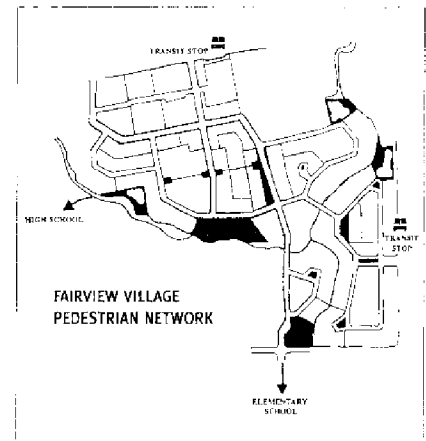
Several civic facilities are complete or underway at the village, adding to the mix of services available and serving as a draw for non-residents to help support the village's retail and commercial uses.

The new U.S. Post Office was the first civic building constructed in the Village (1996) and is generating more than 800 trips a day.

The Reynolds School District purchased 20 acres of land and constructed the Woodland Elementary School in 1997 on seven acres of the parcel, leaving the remainder as natural open space and wetlands, now used as a natural laboratory for the students and teachers. The school is less than one-quarter mile from any home in the village and accessible by safe walkways.

Fairview's new 19,000 square foot City Hall is scheduled to open in the fall of 1999. It will house all of the city's services and allow the council chambers to move out of a converted grange hall, where they currently meet. Eventually, the city hall will share parking with the church planned on an adjacent parcel.

To develop the new zoning for the site, Holt & Haugh held a charette to engage the public and the key decision-makers in creating a consensus-based plan. More than 75 stakeholders participated in the three-day charette and produced a regulating plan, zoning code and architectural guidelines as well as a master plan and renderings of the commercial market core, residential neighborhoods and the town green. "The charette process," says Rick Holt, "was especially useful to get people to understand one another's points of view." The charette accomplished its intended goals: to produce a plan that encompassed the broad range of expectations that would be easily approved by the city.



Fairview Village is designed to promote pedestrian and bicycle travel within the development. The system of paths and sidewalks makes it more convenient to walk or bike than to drive within the neighborhood. Graphic by Lennertz & Coyle, Architects and Town Planners.

A new, 3500-4000 square foot branch of the Multnomah County Library will be underway soon with an expected completion in 1999. Located in Market Square, it will provide an anchor for the retail tenants there.

Commercial and Retail Space

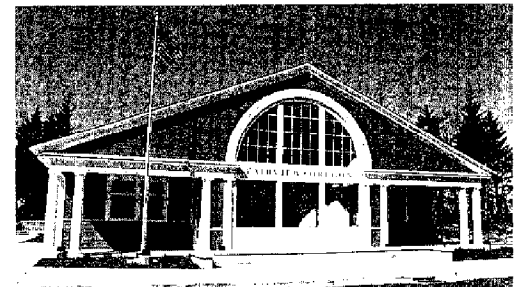
Anchoring the other end of the street from Civic Square, the Market Square will form the heart of the village. A mix of retail with residential on top, Market Square will serve the daily needs of residents and commercial tenants, as well as those coming to the village to visit the library, city hall or post office.

A new Gold's Gym is underway at the village, along with a 10,000 square foot pre-school facility and a 8,000 square foot professional medical building. Approximately 130,000 square feet of Class A office space, within walking distance of the Market Square, is planned to house the businesses that support the nearby high-tech firms.

The grocery site has been moved from the original plan to a more visible location on the 207th connector the freeway to generate interest from prospective tenants.

Residential

Fairview features a variety of living styles including single family homes, attached homes and apartments. Home to about 100 families now, the residents of Fairview all seem



Civic buildings, such as the recently-completed post office and planned city hall, add to the mix of uses that makes Fairview a real community.

to know each other and enjoy walking around their community.

Fairview now has 138 single family homes, 37 rowhouse units, 14 townhomes and 12 duplexes. A 124-unit apartment complex, breaking ground in 1998, will be 35 dwelling units to the net acre, with three stories over secured parking and 35% of the site retained as gardens and open space.

Infrastructure

Much of the infrastructure was built up front, including the street system, which is 85% complete. The village features a network of walkways that allows residents to safely walk to any destination in the village. Stonework bridges over Fairview Creek connect residential areas with commercial and civic uses, and blend into the surrounding natural areas. Wider sidewalks, alleys and park-like water detention ponds also add to the charm and livability of the village.

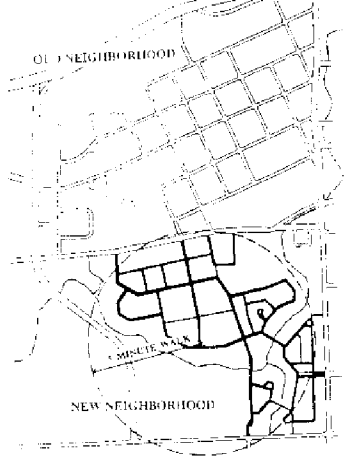
MARKET CONSIDERATIONS

At the outset of development, Fairview's population of 3,500 persons was expected to nearly triple within the next five to 10 years, propelled by relatively low land costs in the area, good access, a burgeoning high-tech industry nearby and a strong regional economy. Conventional marketing studies for the area favored development of standard subdivision single-family homes and steered away from denser, multi-use projects. Rick Holt felt that because marketing studies generally focus on past performance



Strong architectural guidelines, and a variety of housing styles contribute to the sense of community at Fairview. The homes incorporate features such as pitched roofs, front porches and stoops, recessed or alley-accessible garages, and quality windows that are appealing from the street and encourage neighborliness.

FAIRVIEW VILLAGE CONTEXT



The design of Fairview Village features easy walkability and provides services which will be used equally by residents of the old and new neighborhoods. Graphic by: ennertz & Coyte, Architects, and Town Planners.

rather than on future trends, it would not be useful to undertake a marketing analysis for Fairview Village, a project unlike any existing developments in the area. The target market at Fairview is middle- to upper-income residents including empty nesters, double-income professional couples and young families. The original price range for homes was \$140,000 to \$225,000 on lots that average 5500 square feet. But, as the homes were built, Holt & Haugh discovered that there was a higher-end market than they had originally anticipated, due to the number of high-tech and other professional employers locating nearby. Adjusting to the marketplace, they are now offering upper-end homes priced up to \$360,000.

Marketing Strategy

The developers recognized that many potential buyers were not familiar with the village concept, so they emphasized education in their marketing strategy using extensive illustrations to help people envision what the village would look like. Typical real estate ads were not as effective as more sophisticated ads aimed at more discriminating buyers. The increased demand for housing in the area, the visibility of the new connector with the freeway, and word of mouth from current residents are all fueling the market for Fairview homes.

TRANSPORTATION EFFICIENCY & LIVABILITY FEATURES

Transit Access

The village is located on two transit lines. A bus stop and special bus pull-out lane are located within a five-minute walk of all residents of Fairview Village and the Old Town section of Fairview. Relocating an existing bus stop created a transportation hub where direct service to light rail and downtown Portland is available.

Pedestrian-Focused Environment

The mix of uses within the village, such as parks, shops, and civic and commercial buildings enhance opportunities for walking and biking. Likewise, requirements for front porches, rear garages on alleys, traditional street grids, ornamental street lighting fixtures, lighted bollards, wide sidewalks and on street parking to slow

traffic are intended to foster neighborly "low-tech interactions," where residents stroll after dinner and stop to chat with neighbors.

Security Measures

Raised residential lots give homeowners a greater vista and place them in a command position with a heightened feeling of security. Lighting the alleys provides added security.

Parks and Open Space

Seven pocket parks with recreational areas were created for the residential neighborhoods. A larger, 2.5 acre community park anchors the south end of the village.

Reduced and Shared Parking

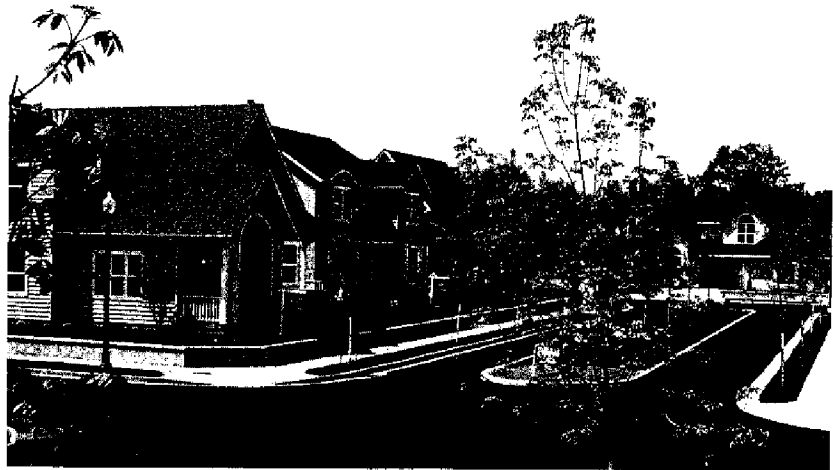
Parking is reduced in the proposed retail and mixed-use commercial areas. The parking ratio for apartments above retail shops is 1.5 instead of the standard 2 spaces per unit. Shared parking for the proposed church, city hall, retail and apartments above the Market Square stores also reduces the amount of land devoted to parking.

Compatibility with the Existing Town Fabric

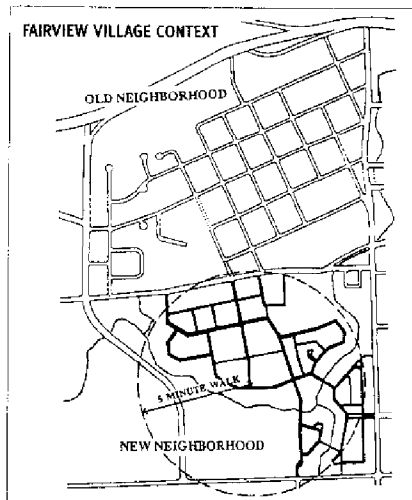
The Fairview design guidelines, which specifically promote a traditional architectural style of the period between 1890 and 1940, are aimed at ensuring that Fairview Village will be architecturally compatible with the nearby Old Town section of Fairview.

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EXPERIENCED GAINED

Design Standards

Incorporating precise development and design standards into zoning that is specific to the plan helps protect both the city and the developer. The city gains some assurance that the quality of the finished product will be as high as initially promised by the developer. The developer gains some assurance that the finished houses will be well designed and high quality.

Community Involvement

The charette process was instrumental in accelerating the approval for the zone change by helping people understand each other's view points and by producing a plan that incorporated a broad range of expectations.

Financing

Be prepared to invest a higher ratio of capital to debt for projects without comparable sales data. At Fairview, the lack of comps meant that appraisals were coming in about 10-15% below the actual sales figures,

raising the equity to debt ratio, and the cost of the project. While each piece of the project has outperformed its appraisal so far, the profit margins have been lower due to the higher costs of equity financing. However, the second phases of each product type have been appraised at higher values because the first phase provided the necessary comps. The lesson here is that the first phase of each product type is the hardest and most expensive, so developers should do more than one phase of each product to amortize costs over more phases or units.

Long-Term Vision

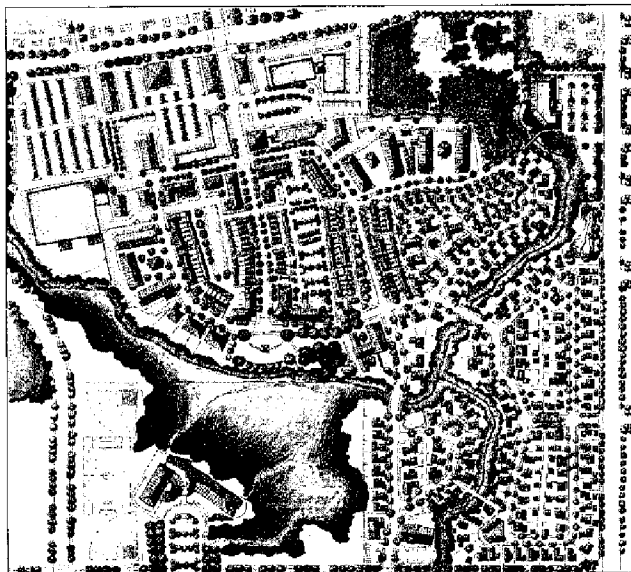
Believe in your vision and stick with it. If you are not a strong advocate for your concept, people will try to alter the plan to fit their needs, and the result is a piecemeal project, not a complete neighborhood.

Construction Quality

Selling the concept of the village means that all of the pieces must be built to quality standards. If one piece is substandard, the other pieces are also denigrated. At Fairview, this meant that quality control was paramount in every project. While the developers started out using several builders, they quickly found that some did not build to their standards and put the whole village in jeopardy. To remedy the situation, they now have a hand in every project and have formed a construction company which is building half of the residential projects.

Product Mix

Provide a mix of residential product types and prices. Fairview's homes are about one-third starter, one-third mid-range, and one-third upper end. This means there is not a glut of any one type of home and they are able to match almost every buyer with a product in their price range.



The plan for Fairview Village blends homes, offices, retail space and parks into a neighborhood that is scaled to people rather than to their cars.

Total acreage	95 acres
Acreage for residential	39 acres
Total dwelling units	550
Gross density for residential	12.6 units/acre
Average lot size	5,500 sq. ft.

LAND USE PLAN

Site	Acres*	% of Total Site*
Residential (550 d.u.)	39	41
General Commercial	4	4
Retail**	14	15
Public buildings	2	2
Office	7	7.5
Park/open space	7	7.5
Tracts***	3	3
Joint parking	3	3
Streets	16	17
Total	95	100

* Approximate figures

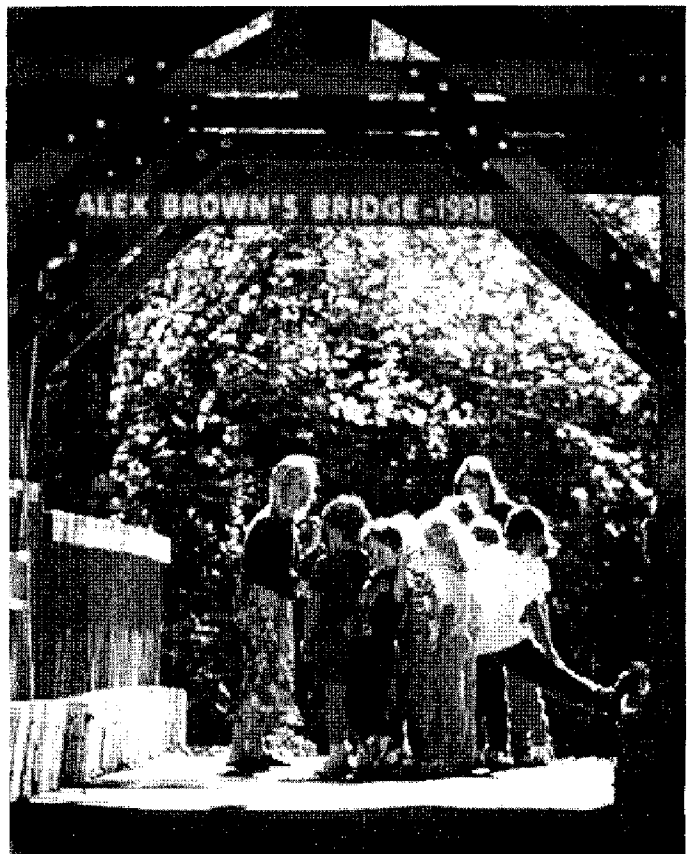
** Apartments above retail shops are not netted out

*** include areas dedicated for water quality, parks, potential shared parking

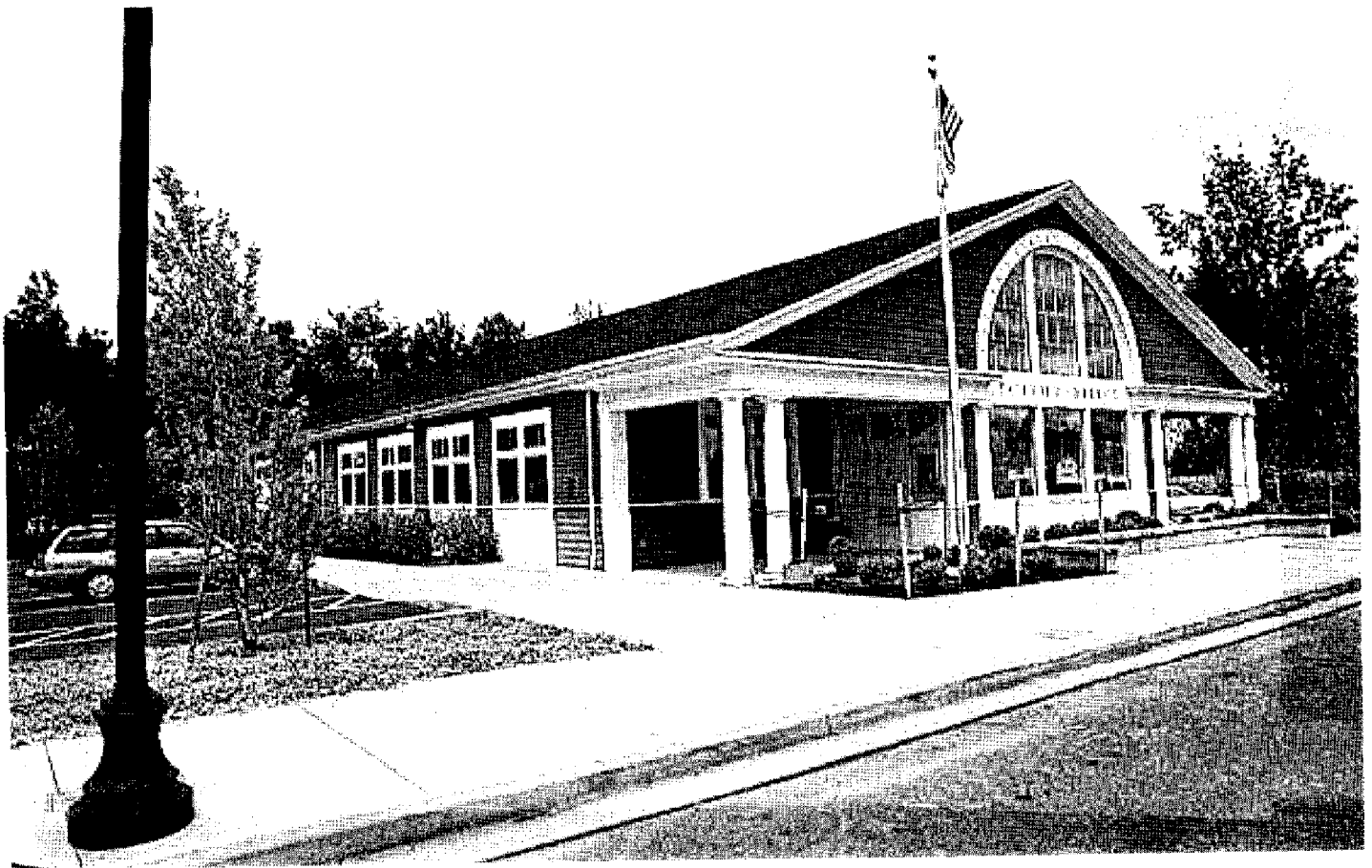


DESIGN FOR MIXED
USE TOWN CENTER
IN FAIRVIEW
VILLAGE

COVERED BRIDGE OVER
ONE OF TWO DRAINAGE-
WAYS IN FAIRVIEW
VILLAGE



US POST OFFICE BUILDING WITHIN FAIRVIEW VILLAGE



CORNER VIEW OF SINGLE FAMILY HOMES SEPARATED FROM THE STREET BY A POCKET PARK WITHIN FAIRVIEW VILLAGE

ROW HOUSES AT
FAIRVIEW
VILLAGE



DESIGN FOR
HIGHER DENSITY
DWELLINGS AT
FAIRVIEW
VILLAGE

CLOSER VIEW OF
POCKET PARK BY
SINGLE FAMILY
HOMES IN
FAIRVIEW
VILLAGE



DUPLEX ELEVATED FROM THE STREET AT FAIRVIEW VILLAGE



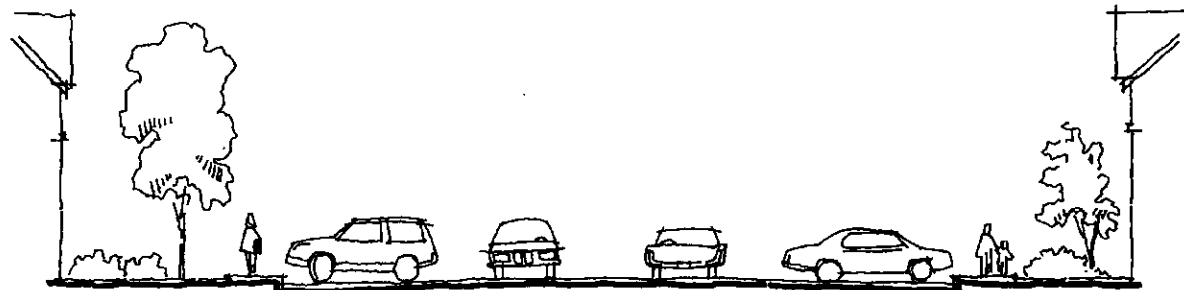
SINGLE FAMILY HOME WITH RECESSED GARAGE AT FAIRVIEW VILLAGE

Case Studies

City of Corvallis Code Update



Case Study Redesign



Existing



Final Report - June 9, 2000

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Introduction

The Code Update Project

This report is part of the City of Corvallis' effort to update the Corvallis Land Development Code (LDC). The purpose of the LDC Update Project is “to implement the policies of the Comprehensive Plan by developing new, user-friendly LDC language/graphics and zones and revising existing LDC language/graphics and zones to:

1. Promote mixed land use and pedestrian-oriented and pedestrian-scaled opportunities, within both existing and new commercial and neighborhood areas;
2. Promote a pedestrian-friendly and mixed use environment along the downtown riverfront area;
3. Promote the transition from a heavy industrial area along the Willamette River in South Corvallis (i.e., the Evanite and Open Door site) to land uses and site/building designs that are more compatible with the surrounding residential neighborhood and open space public benefits of the Willamette River Greenway;
4. Promote the transition of industrial development along Highway 99W in South Corvallis from the traditional industrial site development design to light industrial-office land uses and site/building designs that emphasize a more aesthetic streetscape orientation, as well as buffering between the heavier industrial uses to the west and residential uses east of the highway;
5. Provide revised annexation provisions consistent with new annexation Comprehensive Plan policies;
6. Provide technical assistance with an effort to address existing LDC “housekeeping” issues (e.g., discrepancies, conflicting language, etc.), including keeping track of new terms/definitions to incorporate into the LDC; and

7. Provide technical assistance throughout the LDC Update process, including presence at meetings.” (Source: Project Scope of Work, page 1.)

Purpose

The purpose of this report is to test the feasibility of selected draft standards that have been developed thus far during the LDC Update project. The intent is to provide graphic and cost data to help project participants evaluate the draft standards and identify potential refinements.

The overall approach is to redesign seven built projects in Corvallis by applying the draft Code standards as if they were in place when the projects were approved. The seven sites are:

- **Crystal Lake Apartments** — Located in South Corvallis on Crystal Lake Drive. 98 units on 9.98 acres. Zoned RS-12 (PD).
- **Grand Oaks Summit** — Located on Southwest Grand Oaks Drive within the Grand Oaks Summit Planned Development in West Corvallis. Eight detached single family homes. Zoned RS-6 (PD).
- **Rite-Aid Neighborhood Center** — Located at the southwest corner of NW 9th Street and NW Circle Boulevard in North Corvallis. Existing zoning: Linear Commercial. Proposed zoning: Major Neighborhood Center.
- **11th and Van Buren Neighborhood Center** — Located at the northwest, southwest and northeast corners of NW 11th Street and NW Van Buren Avenue. Existing zoning: Shopping Area. Proposed zoning: Minor Neighborhood Center.
- **Trinomial Building** — Located at 1318 NW Ninth Street. A 7600 square foot building on a 0.46-acre site. Existing zoning: Linear Commercial. Proposed zoning: Mixed Use Community Shopping.

- **Stoneybrook Retirement Community** — Located at SW Country Club Drive and SW 49th Street in West Corvallis; a 31-acre retirement, single family, and duplex development. Existing zoning: RS-6 and RS-12. Proposed zoning: same.
- **Circle and Kings Neighborhood Center** — Located at the northeast corner of NW Circle Boulevard and NW Kings Boulevard. Existing zoning: Shopping Area. Proposed zoning: Major Neighborhood Center.

Method

The following summarizes the method used in this report.

1. **Selection of Sites.** The case study sites were selected by the City of Corvallis. The City contacted the property owners and provided site plans, elevations, and photos of the projects. The City also provided the Code standards to be used.
2. **Redesigns.** A redesign of the site plan (and one elevation) were prepared for each site, as if the draft Code standards were in effect. Where Code interpretations or clarifications were required, the City provided them.
 - a. The redesigns attempted to hold the original building program where possible. This allowed key elements of the original intent for the project to be maintained, and minimized new variables that complicate the cost comparison. Adjustments available through the Lot Development Option were avoided or minimized.
 - b. The redesigns were generally the minimal adjustments to the original plans that were necessary to meet the new Code. They are not intended to be the ideal application of the Code or underlying Comprehensive Plan policies.
3. **Cost Estimates.** Cost estimates were prepared for those elements of the plans *that were changed* from the original plan. For

example, if additional landscaping or the number of entries changed, costs were calculated to estimate the *added or deleted* cost for those selected features.

Typical, representative costs for changed features were estimated (e.g., 100 square feet more landscaping at \$2 per sq. ft.). These were then added down to yield an estimate of added or reduced cost (i.e., net change in cost) attributable to the new standards. A representative overall project cost (e.g., \$55 per sq. ft.) was then calculated. When the net change in cost was added to the overall cost, the estimated percent change was then calculated. The typical costs used in the calculations were derived from the experience of Otak architects, with input from the site developers when this information was readily available.

It is important to note that this method intentionally yielded a measure of the relative change in cost (e.g., 5 percent more, or 2 percent less) due to Code requirements. It is not intended to be an absolute measure of cost that can be compared to what an individual developer actually paid for construction, because each builder and project is unique with respect to costs.

4. **Rent/Lease Impacts.** Estimates of the impact on residential rent or commercial lease rates were prepared, where applicable. These were accompanied by economic observations as to how the draft Code requirements and associated costs might affect the feasibility of the project.
5. **Practitioner Focus Group.** The draft results are reviewed by two focus groups of architects, builders, developers, and real estate professionals. One group reviewed the residential case studies and one group reviewed the commercial case studies. Originally, the case studies involved all sites except the Stoneybrook Retirement Community site and the Circle & Kings Neighborhood Center site. These sites were added as additional case studies after comments from the focus groups were received.

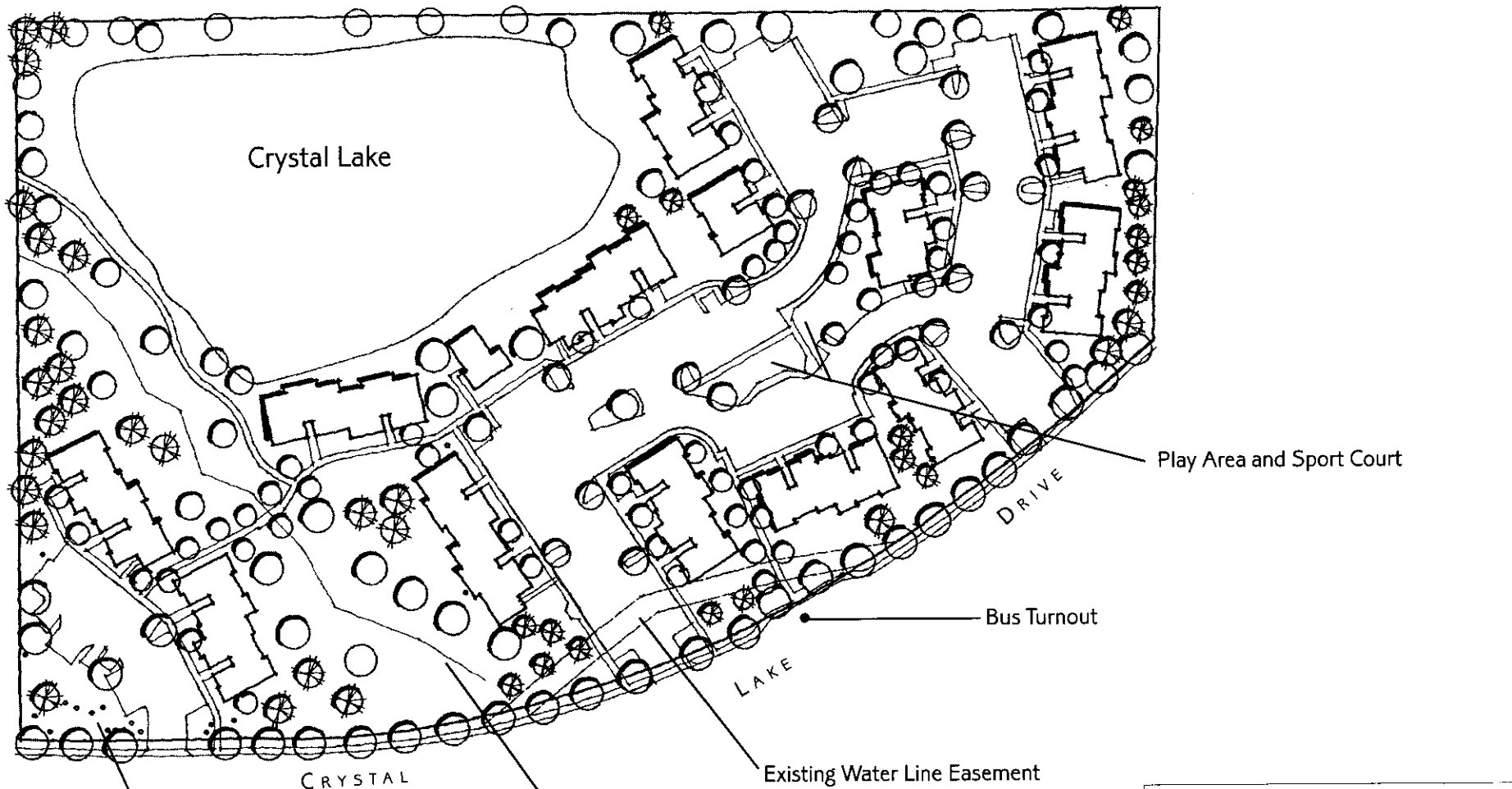
6. **Community Review.** The draft results were reviewed by the community. For the Corvallis Case Studies, the results underwent review by the project's Technical Review Groups and the general public at a community open house.

Scope of Review

The case study process focused on selected elements of the draft Code. The redesigns do not reflect all requirements of the Land Development Code. Further, the drawings are intentionally simplified to emphasize key site design elements (e.g., building orientation) and building forms (e.g., articulation) that are influenced by the Code.

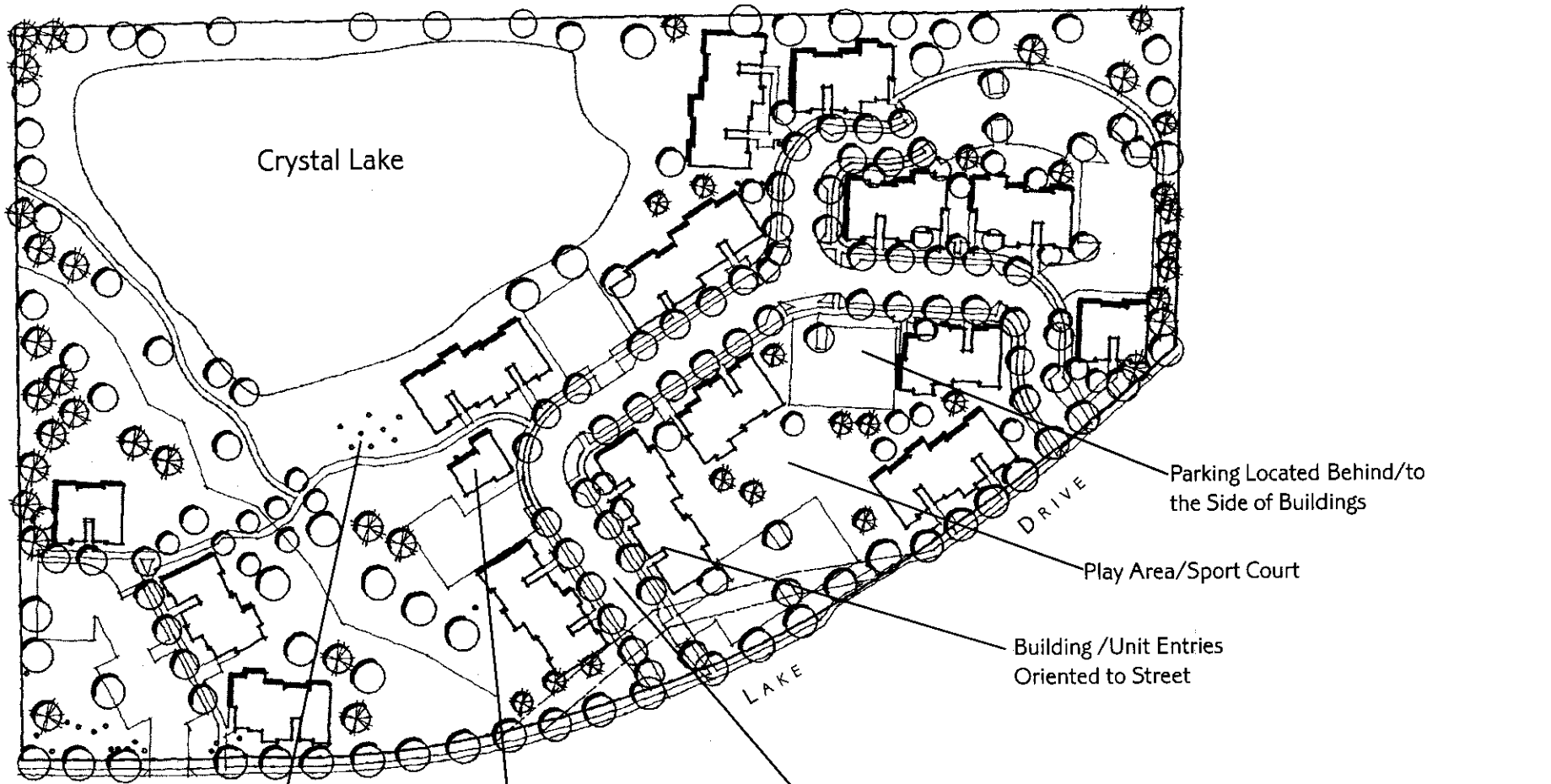
The redesigns address the elements of the applicable zone, the draft Pedestrian Oriented Design Standards, and Chapter 4.2 – Landscaping, Buffering, Screening and Lighting.

Crystal Lake Apartments



Crystal Lake Apartments
Existing Plan

Land Use Program	
Zoning	RS-12 (PD)
Site Size	9.98 acres
Units	98
Density	9.8 units/acre
Parking	182 spaces



Additional Existing
Trees Preserved

Relocated Recreation
Center

- Internal Street with
- Parallel Parking
 - Planter Strips/Sidewalks
 - Street Trees

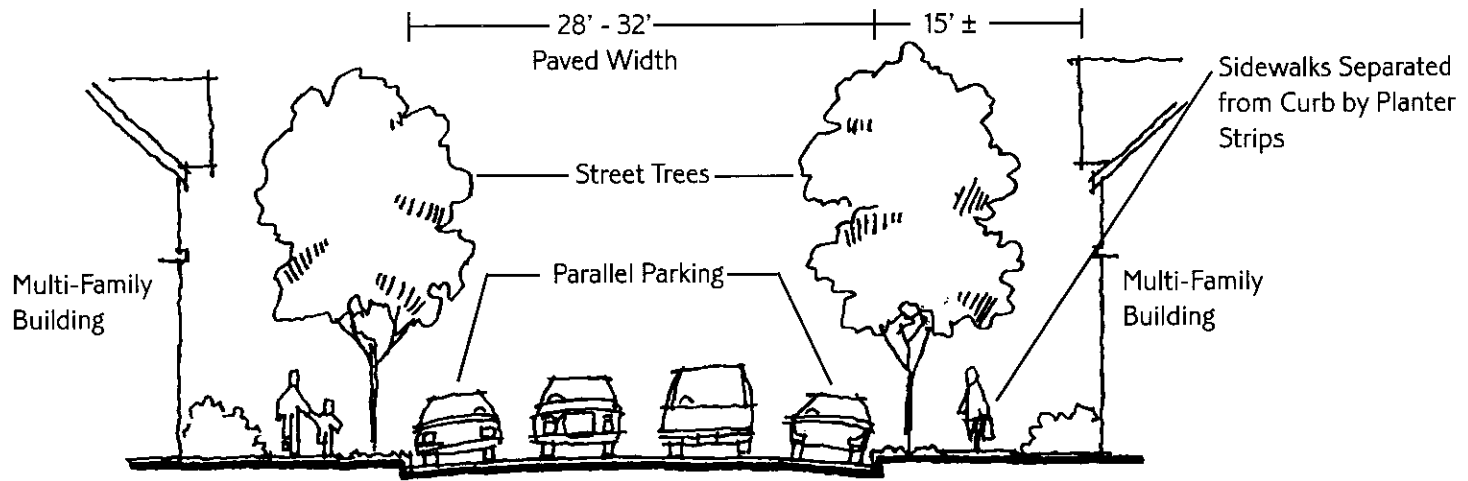
Parking Located Behind/to
the Side of Buildings

Play Area/Sport Court

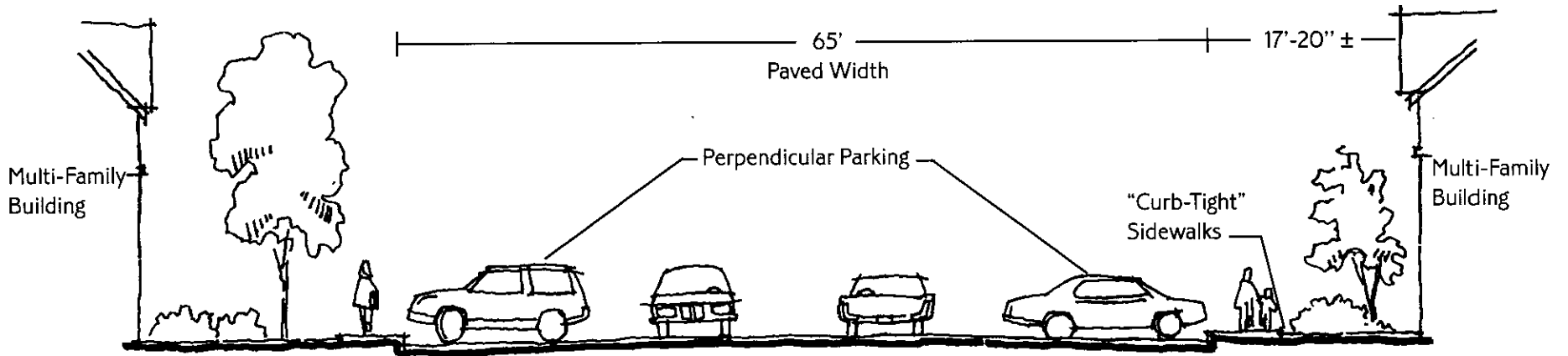
Building /Unit Entries
Oriented to Street

Crystal Lake Apartments Revised Plan

Land Use Program	
Zoning	RS-12 (PD)
Site Size	9.98 acres
Units	98
Density	9.8 units/acre
Parking	182 spaces

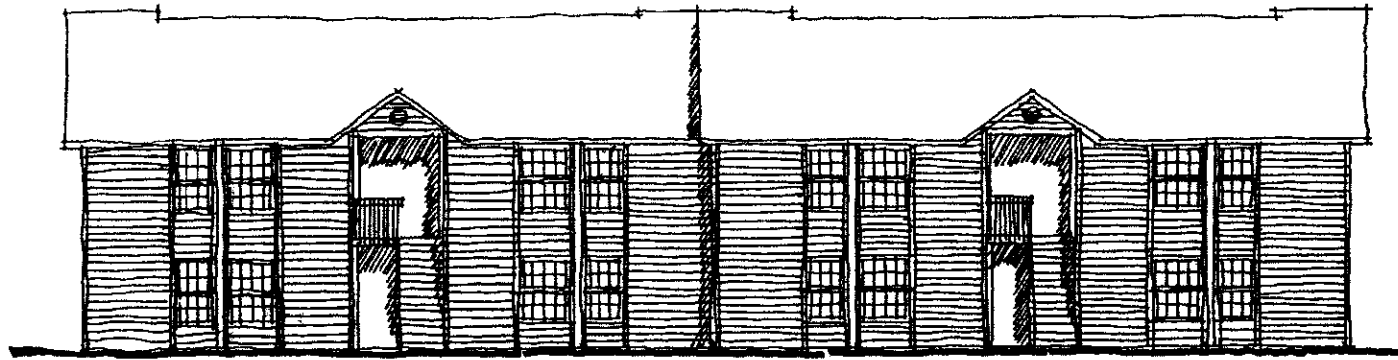


Cross-Section Revised

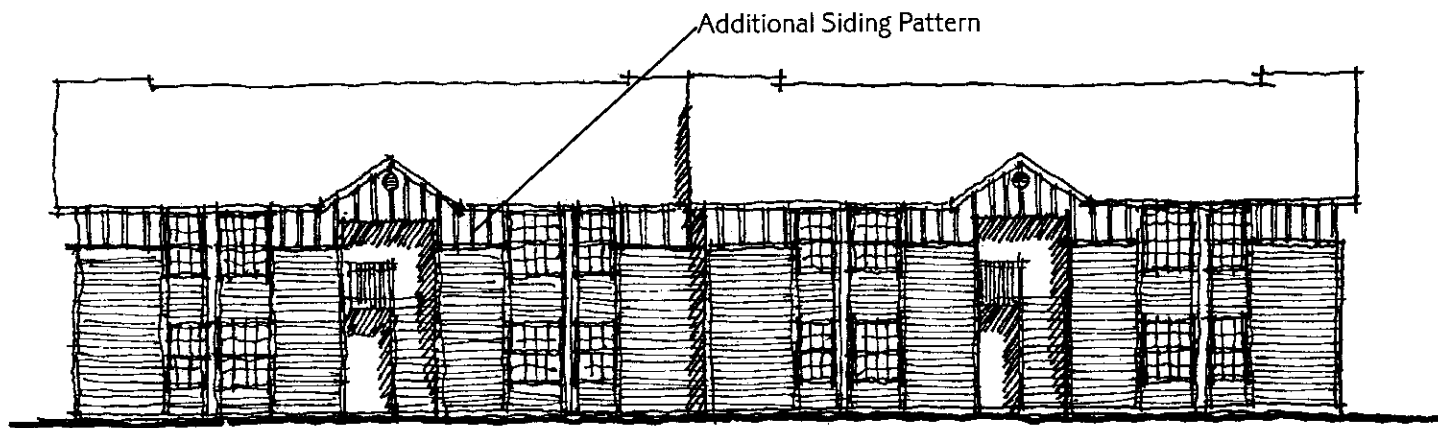


Cross-Section Existing

Crystal Lake Apartments

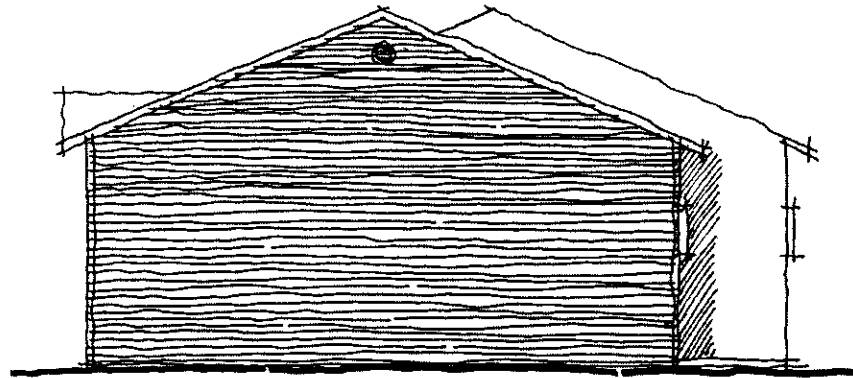


Original Elevation
Front

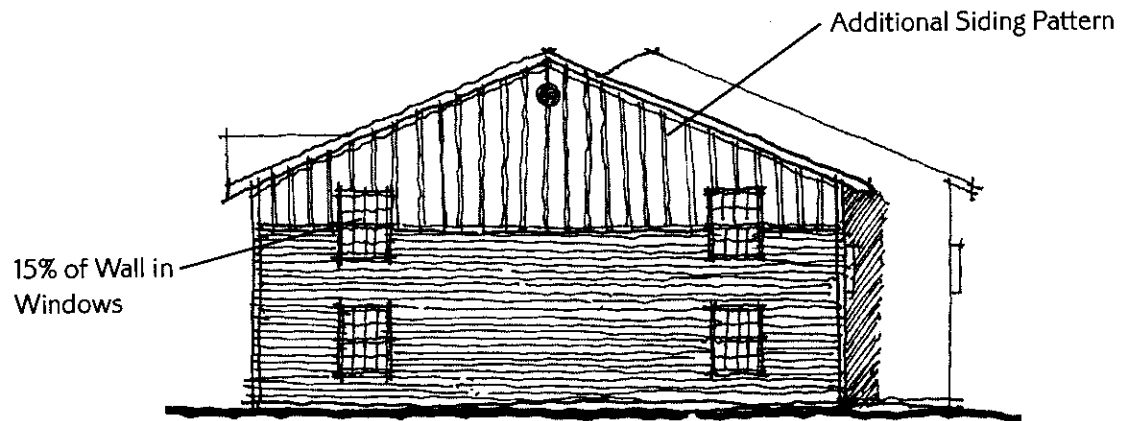


Revised Elevation
Front

Crystal Lake Apartments



Original Elevation
End



Revised Elevation
End (endwalls facing public streets and paths)

Crystal Lake Apartments

Crystal Lake Apartments

Redesign Findings

How the Project Would Have Changed

- Same number of units and parking spaces.
- 13 apartment buildings in the existing plan – 15 apartment buildings in the revised plan (due to more 4- and 6-unit buildings as opposed to 8-unit buildings).
- Fewer apartments with direct views to Crystal Lake (24 to 28 in the original plan, 20 in the revised plan).
- Recreation center is relocated and no longer is at the end of the entry view.
- Play area and sport court relocated from center to an internal open space.
- Preservation of a fir and alder tree grove (about 8 to 12 12" trees) adjacent to the lake.
- Circulation and parking reconfigured into a “street” form:
 - Existing plan - driveway and head-in parking form
 - Revised plan - 28' wide local “street” with parallel parking, planter strip, street trees, and parking courts. The “block” perimeter (adjacent to Crystal Lake Drive) is approximately 1,000 feet.
- Apartment parking is less proximate to some units.
- Asphalt paving is reduced by about 10,300 square feet.
- Sidewalk paving reduced by about 1350 square feet — pedestrian circulation is improved overall due to the “street” form.
- Windows added to select end walls of units — 60 windows added.

Summary of Cost Changes

- Costs up by an estimated 0.97 percent (\$679 per unit)

Code Comments

Building Orientation (PODS __.60.01)

- No changes to the pavement thickness were assumed for the internal “street,” per direction from the City. This is an interpretation of subsection .01(a).
- Recorded easements, environmental areas (e.g., Ryan Creek) and similar unbuildable areas should not be included in the “frontage” counted in order to meet the “Percent of Frontage” requirements in subsection .01(b).

Parking Location (PODS __.60.02)

- Provision of usable open space should be added to the list of exceptions that allow parking to the side of buildings.

Mix of Housing Types (RS-12, 3.6.70)

- The requirement for 3 “housing types” was met in the redesign by providing 3 “building types” (e.g. 4 unit, 6 unit, and 8 unit buildings), through an interpretation by staff. The Code text should be clarified to be explicit on this application of the standard to apartment projects.

Preservation of Significant Plants and Trees (4.2.20)

- The redesign preserves more trees than the existing plan, in the spirit of this standard. Section 4.2.20(1) uses the term “to the greatest extent practicable”. This phrase could be interpreted to require further tree preservation, which likely would have had the effect of reducing the density on this site. Clarification of what is “practicable” should be considered.

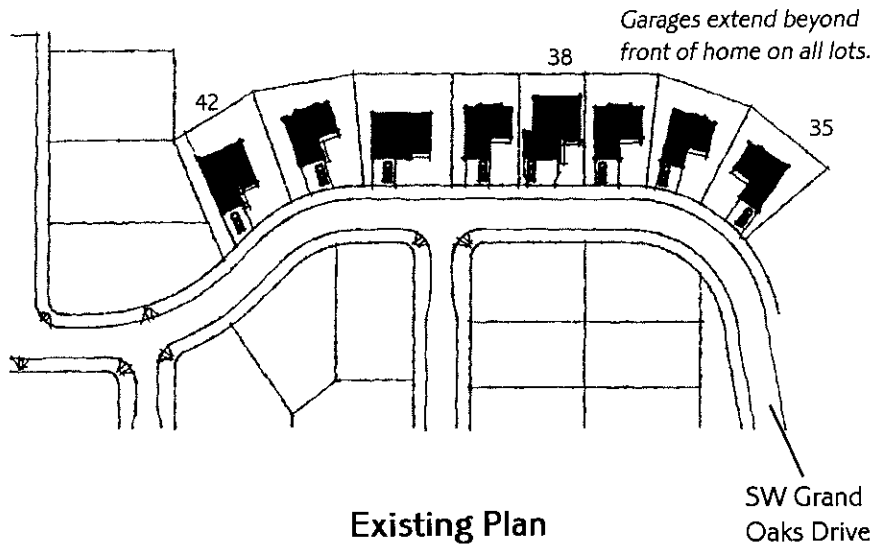
Crystal Lake Multifamily Costs

Description	Unit	Quantity	Unit Cost	Cost
Asphalt Paving - 79,693 Existing/69,398 SF Proposed 79,693 SF - 69,398 SF = 10,295 SF Paving Deleted	SF	10295	(\$2.25)	(\$23,163.75)
Concrete Sidewalks - 24,242 SF Existing/22,894 SF Proposed 24,242 SF - 22,894 SF = 1,348 SF Sidewalks Deleted	SF	1348	(\$3.75)	(\$5,055.00)
Landscaping 1,348 SF of Sidewalks Deleted Adding 1,348 SF of Landscaping	SF	1348	\$2.75	\$3,707.00
10,295 SF of Paving Deleted Adding 10,295 SF of Landscaping	SF	10295	\$2.75	\$28,311.25
25 Street Trees Added	EA	25	\$200.00	\$5,000.00
Building Area - 107,266 SF Existing/107,838 SF Proposed 107,838 SF - 107,266 SF = 572 SF Building Area Added	SF	572	\$60.00	\$34,320.00
Building Exterior Perimeter - 5,063 LN FT Existing/5,133 LN FT Proposed 5,133 LN FT - 5,063 LN FT = 70 LN FT Building Perimeter Added 70 LN FT x 20' High = 1,400 SF	SF	1400	\$4.75	\$6,650.00
Building Windows - Added (4) 4' x 5' Side Windows ((4) on (15) Building End Wall = 60	EA	60	\$280.00	\$16,800.00
Added Cost to Meet Requirements			Total	\$66,569.50

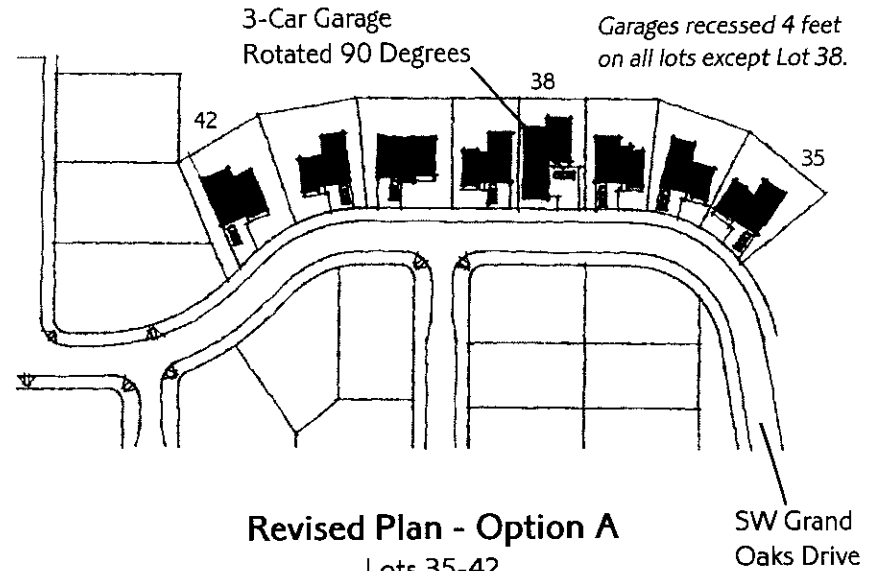
Item	Quantity	Unit of Measure	Unit Cost	Base Cost	Added Costs	New Cost	Percent Change
Building/Site	94,120	sq. ft. of building	\$63.00	\$5,929,560.00	\$66,569	\$5,996,121	1.12%
Land	323,009	sq. ft.	\$2.98	\$962,567		\$962,567	
Total Project				\$6,892,127	\$66,569	\$6,958,696	0.97%

	Total Project Cost	Units	Cost/Unit
Base Cost	\$6,892,127	98	\$70,328
With Added Costs	\$6,958,696	98	\$71,007
Change Per Unit			\$679.28

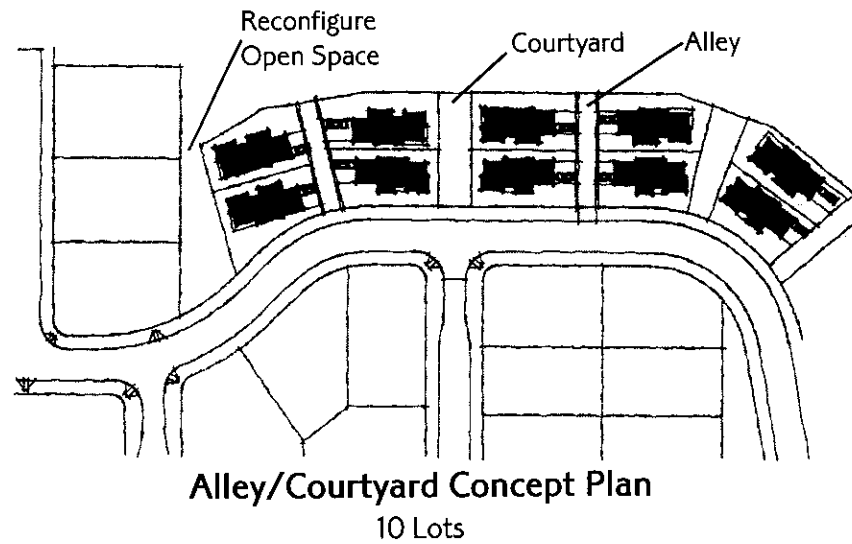
Grand Oaks Summit



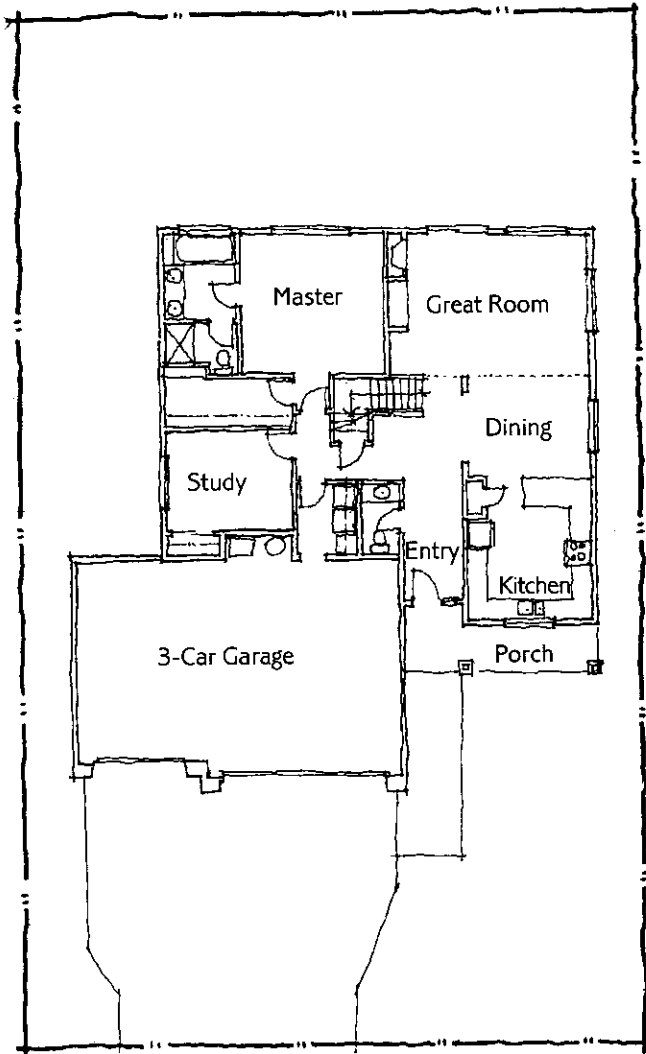
Existing Plan
Lots 35-42



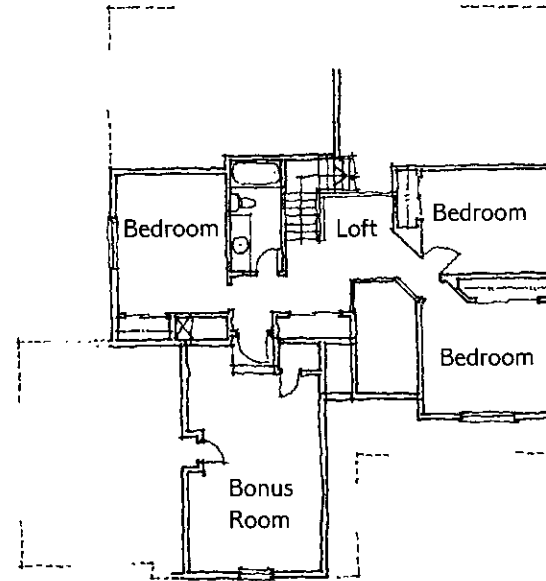
Revised Plan - Option A
Lots 35-42



Grand Oaks Summit

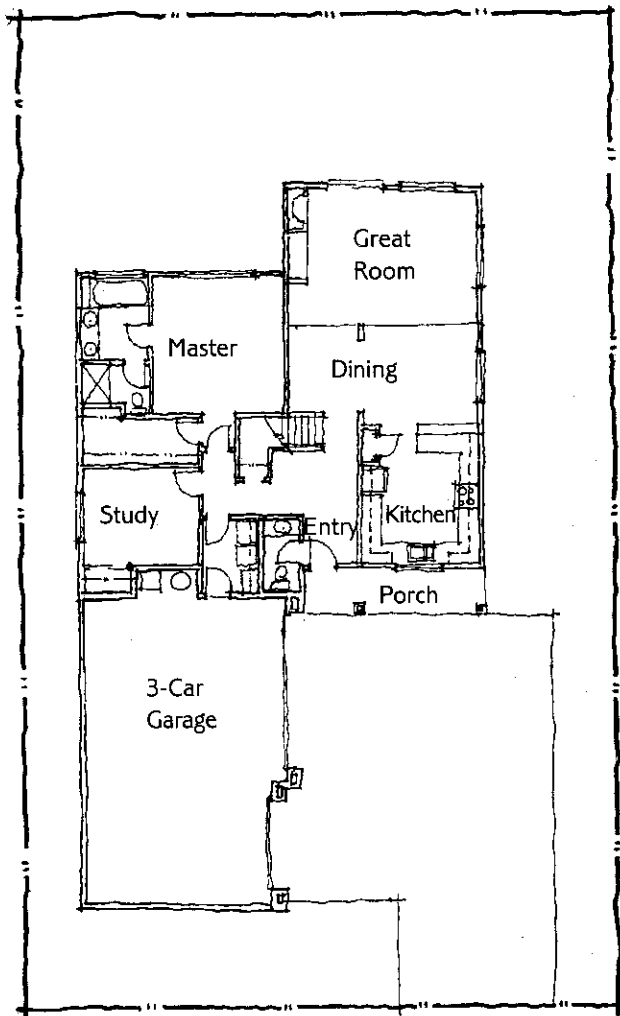


First Floor

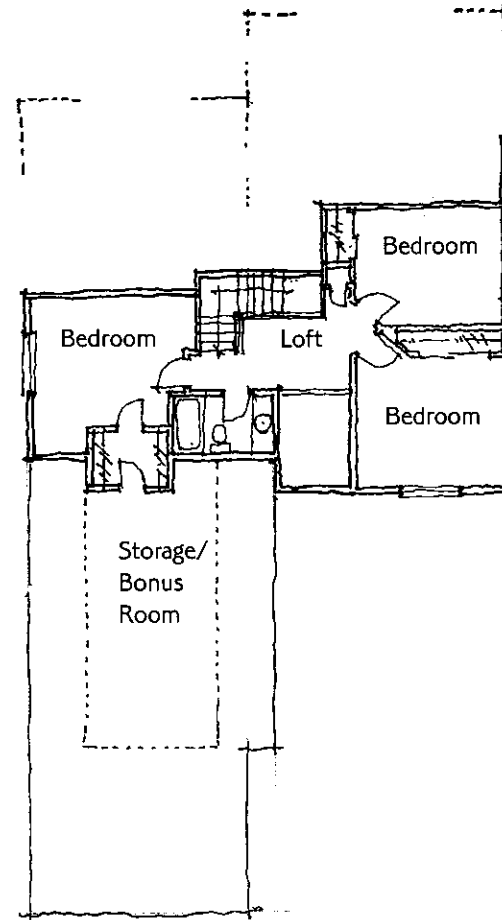


Second Floor

Grand Oaks Summit
 Floor Plans - Existing
 Lot 38

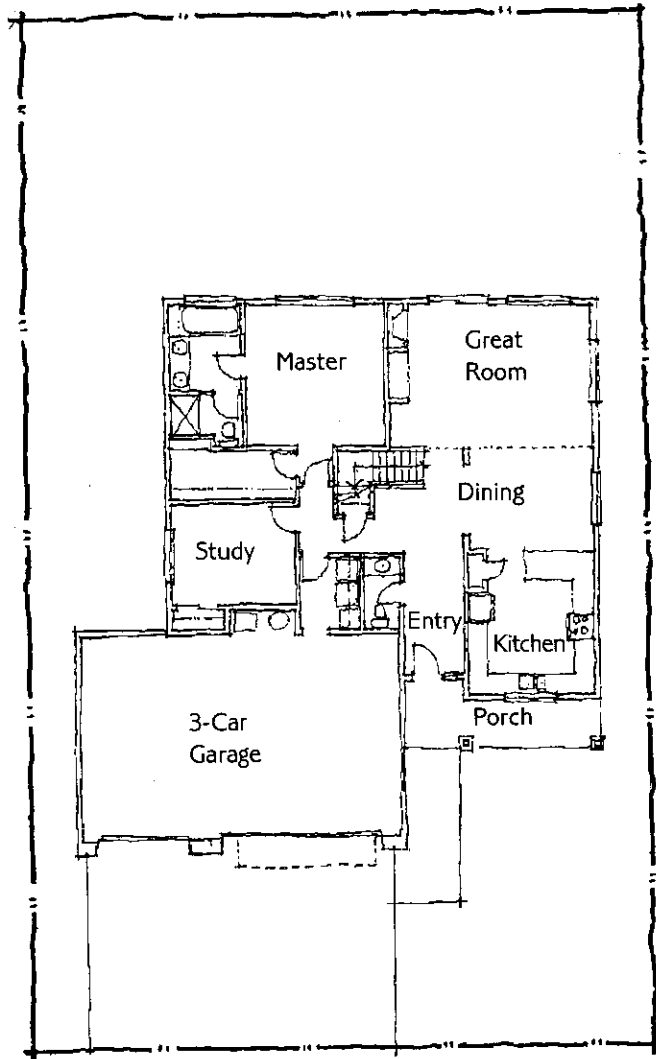


First Floor

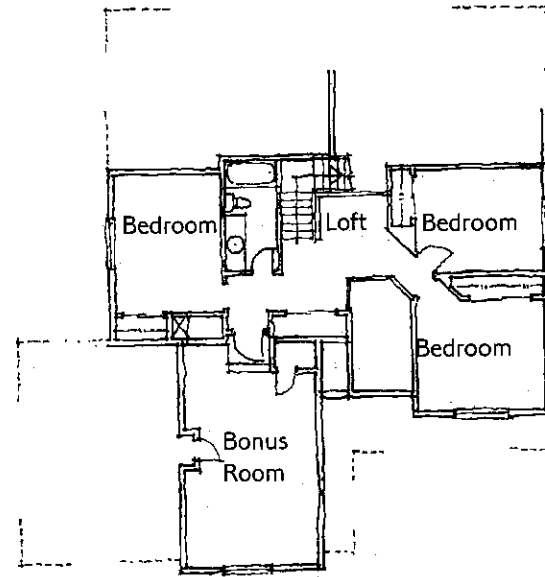


Second Floor

Grand Oaks Summit
 Floor Plans - Option A
 Lot 38

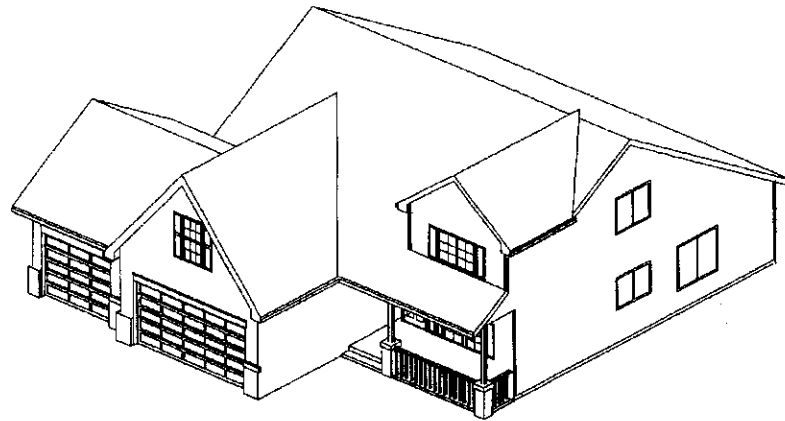


First Floor

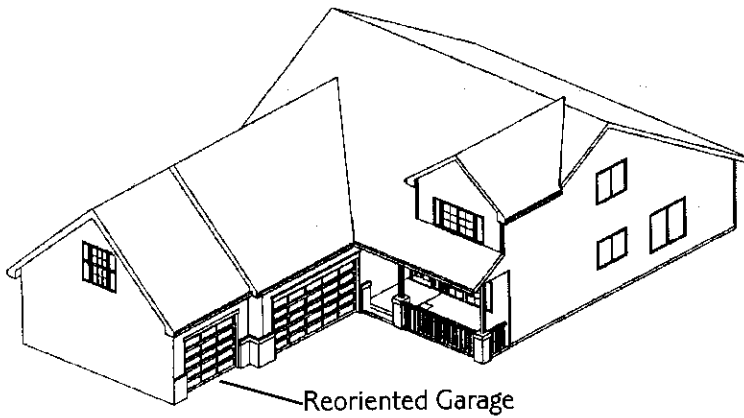


Second Floor

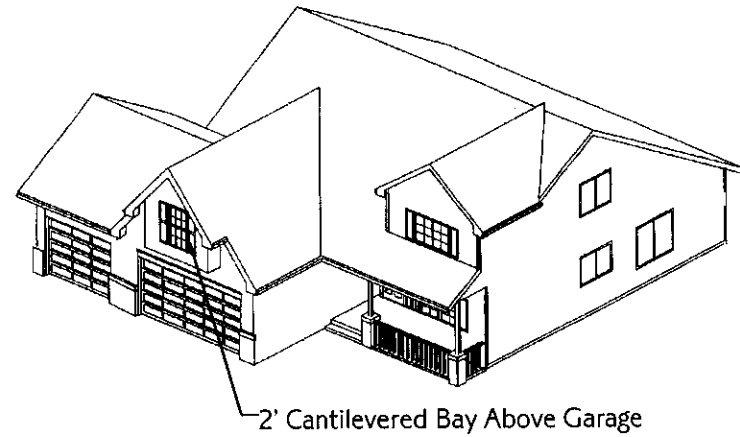
Grand Oaks Summit
 Floor Plans - Option B
 Lot 38



Existing

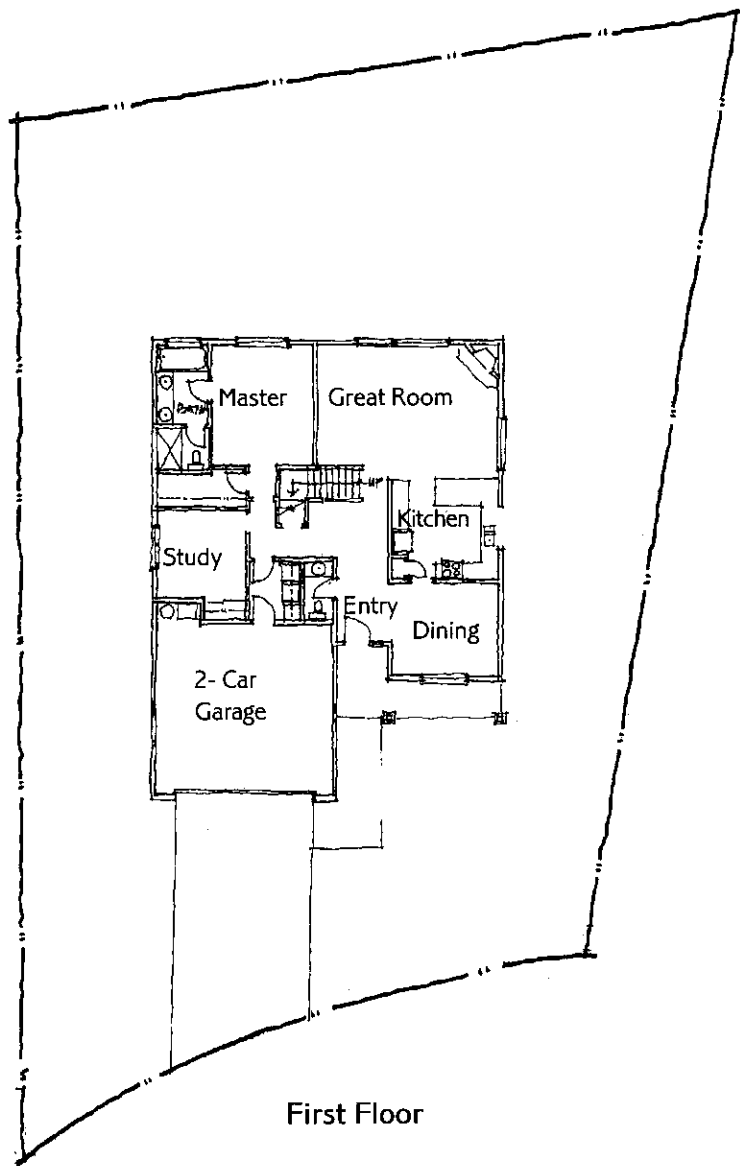


Option A

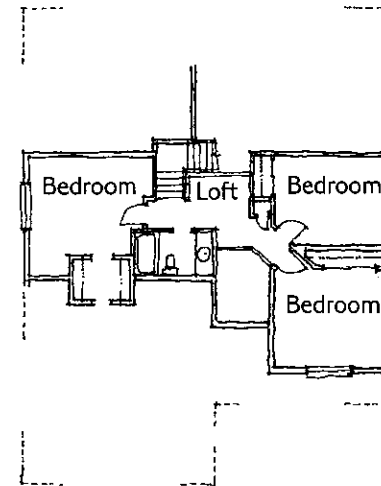


Option B

Grand Oaks Summit
Lot 38

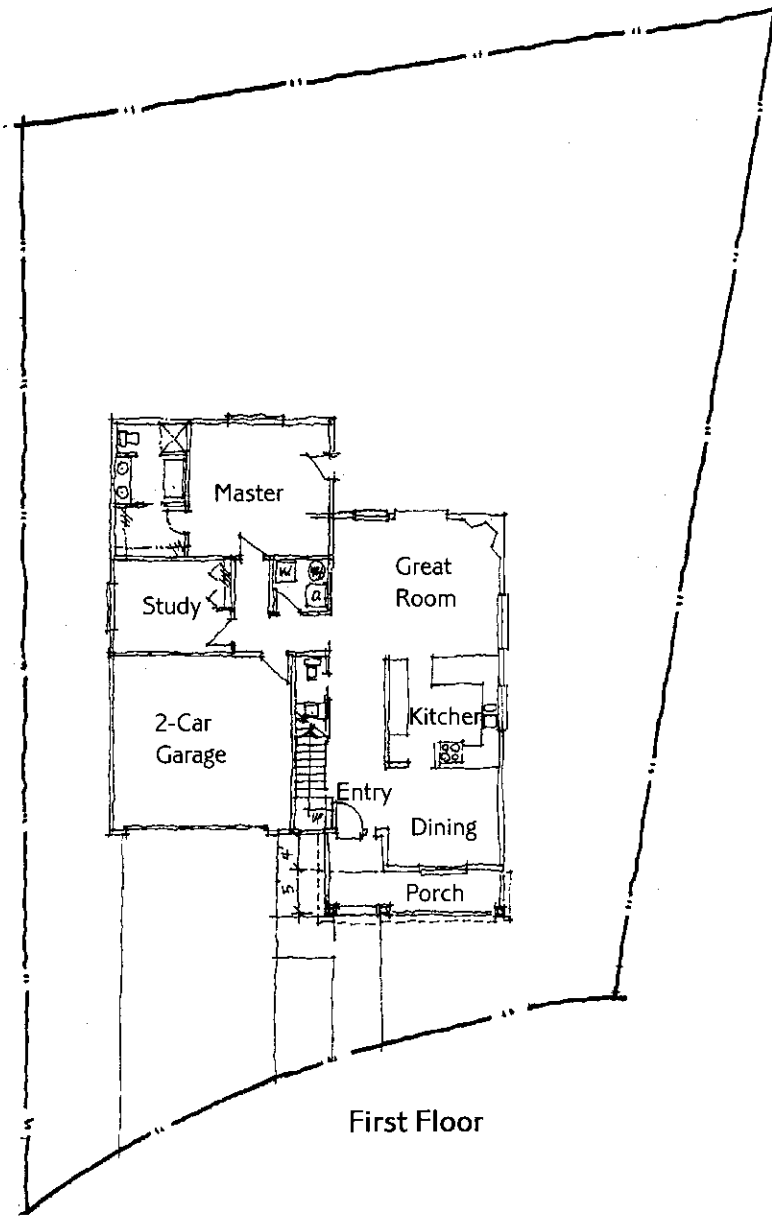


First Floor

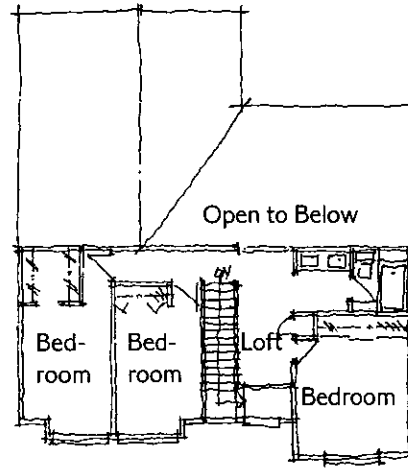


Second Floor

Grand Oaks Summit
Floor Plans - Existing
Lot 42

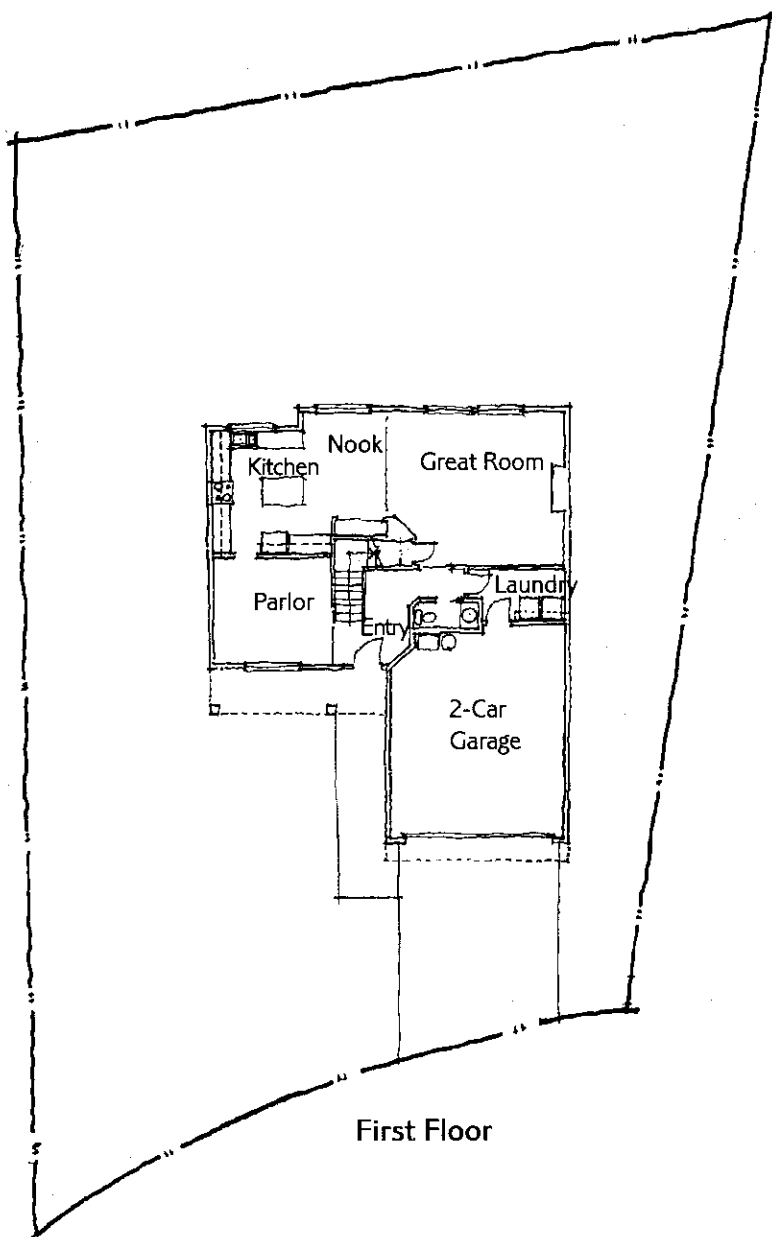


First Floor

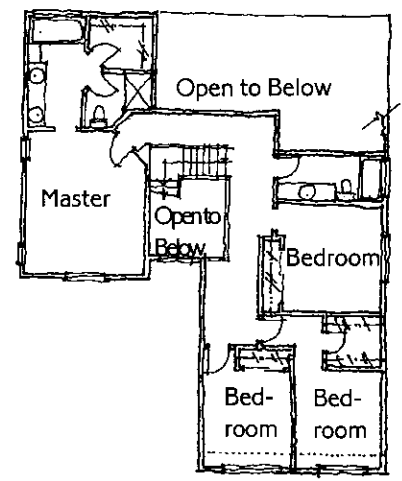


Second Floor

Grand Oaks Summit
 Floor Plans - Option A
 Lot 42

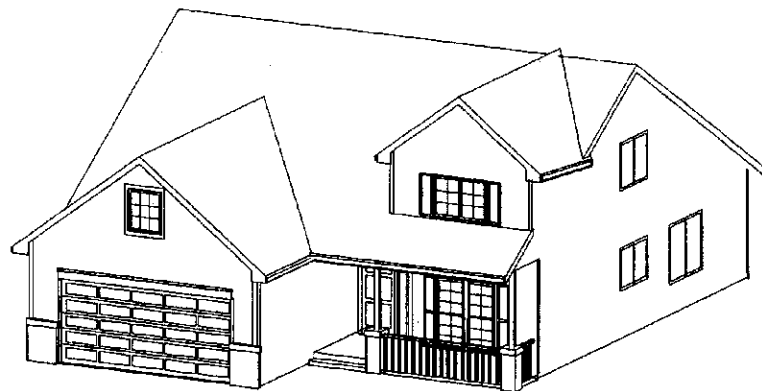


First Floor



Second Floor

Grand Oaks Summit
 Floor Plans - Option B
 Lot 42



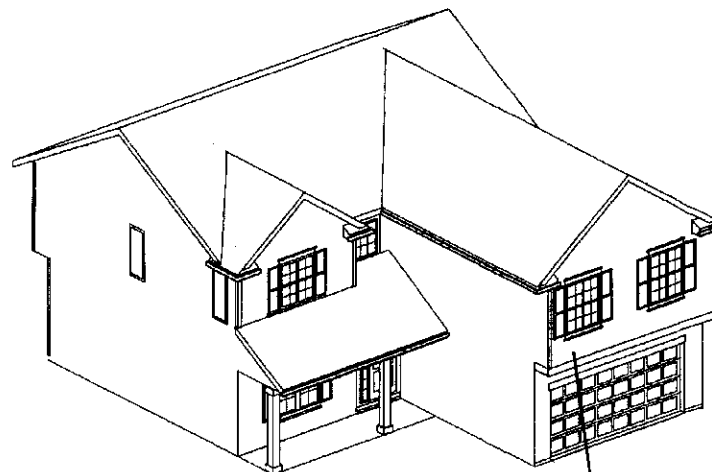
Existing



2' Cantilevered Bay
Above Garage

Recessed
Garage

Option A



2' Cantilevered Bay
Above Garage

Option B

Grand Oaks Summit

Lot 42

Grand Oaks Summit

As illustrated on the plans, this case study is for eight homes in the Grand Oaks planned development. For analyzing the floor plans and cost changes, two lots were selected for detailed review. Lot 38 was selected because it has a three-car garage. Lot 42 was selected as representative of the remaining homes, all of which have two-car garages.

Redesign Findings

How the Project Would Have Changed

- Number of lots and lot areas held constant
 - Front setbacks changed:
 - Existing Plan — generally has a front setback of 25 feet to the garage face
 - Revised Plans — generally has a front setback of 19-25 feet to the front porch or garage face
 - Lot 38 — rotated garage is approximately 8 feet from the front lot line
 - Garages are dealt with as follows:
 - Lot 38, Option A: The garage is rotated consistent with subsection (4) of the PODS nine “Garage and Carport placement” options.
 - Lot 38, Option B: The garage faces the street and is recessed 2 feet beneath living space, consistent with subsection (9) of the PODS nine “Garage and Carport placement” options.
 - Lot 42, Option A: The garage is recess 4 feet from the front of the home, consistent with subsection (2) of the PODS nine “Garage and Carport placement” options.
 - Lot 42, Option B: The garage faces the street and is recessed 2 feet beneath living space, consistent with subsection (9) of the PODS nine “Garage and Carport placement” options.
 - The redesigns of the floor plans for lots 38 and 42 generally retain the same square footage of the homes.
- In the Option A redesigns, rear yards increased for all lots except lot 38, which stayed about the same. Conversely, front yards are smaller in the Option A redesigns.
 - In the Option A redesigns, distances between the homes generally decreased, with the homes on lots 38 and 39 being significantly closer together.

Summary of Cost Changes

- Estimated cost impacts are: Lot 38, Option A: +\$1,967; Lot 38, Option B: -\$750; Lot 42, Option A: +\$1,969; Lot 42, Option B: \$951. These costs do not include the cost of adjusting commercially available house plans. The developer of Grand Oaks estimates such plan adjustment costs at approximately \$1000 per plan.
- See additional comments in the Market and Financial Impact section.
- When Building, Site Work and Land costs are totaled, the estimated total cost changes are : Lot 38, Option A: +0.9%; Lot 38, Option B: -0.5%; Lot 42, Option A: +1.0%; and Lot 42, Option B: +0.5%.

Code Comments

- With the exception of the garage placement standard in PODS 4.10.50-02, the existing plan met all of the Pedestrian Oriented Development Standards.
 - The Option B plans do not comply with the threshold requirement for “dwellings with front-loaded garages” to have a maximum of 50% of the garage wall area facing the street. For Lots the 38 and 42 Option B homes to comply, it would require an exception to the standard (e.g. through a PD approval) or a standard that allows approximately 60% of the frontage to be garage area.
- The text in 4.10.50-03(2) (Facade variation) should be clarified to remove the reference to “the 3 lots” surrounding the subject lot.

Grand Oaks Summit Lot #38 - Scheme A

Single Family Three-Car Garage Costs

Description	Unit	Quantity	Unit Cost	Cost
Concrete Driveway & Sidewalks - 871 SF Existing/1,038 SF Proposed 1,038 SF - 871 SF = 167 SF Driveway Added	SF	167	\$3.75	\$626.25
Landscaping 167 SF of Driveway Added Deleting 167 SF of Landscaping	SF	167	(\$2.75)	(\$459.25)
House Corners - Result of Sliding the Left Side of Plan 9' Forward (1) Inside, (1) Outside building Corner & Additional Siding Added	EA	2	\$900.00	\$1,800.00
Added Cost to Meet Requirements			Total	\$1,967.00

Square footages noted above for existing concrete driveways and sidewalks are an approximation. No sidewalks were shown on existing site plans to front porches. For our calculations, a 5-foot wide sidewalk from the edge of driveway to the porch was assumed to calculate the above concrete driveway and sidewalk square footages.

In addition, house plans were modified to incorporate the garage revision in such a way that the total square footages at the first and second floors remained virtually the same as the existing plan. In the case of this house, interior spaces on both floors were basically unchanged. To accommodate the garage revision without changing square footage from the existing house the left half of the plan on both floors was slid 9 feet forward on the site.

To facilitate the required garage revision for this site, 167 SF of additional driveway was added and the same amount of landscaped site area was removed and two additional building corners and associated siding were added at a total cost of \$1,967.00. This total cost would increase to \$2,426.25 if the houses were sold without landscaping installed.

The garage revision also resulted in various yards being reconfigured. Instead of the rear yard being rectangular, it has become more of a dogleg. With this reconfiguration, the smallest depth dimension of the yard is approximately 3 feet shallower than the original yard depth but the long dimension of the dogleg is approximately 6 feet deeper than the original yard depth. In addition, a larger side yard of 14 feet instead of 5 feet is available while the front yard is reduced to basically a large concrete driveway. The greatest impact from this revision is basically the loss of a front yard while some of this could be offset by a larger side yard.

The above cost estimate does not include costs for the revision of commercial available plans. The developer of Grand Oaks Summit estimates the modification of plans would cost approximately \$1,000 for the Scheme A plan.

Grand Oaks Summit Lot #38 - Scheme B

Single Family Three-Car Garage Costs

Description	Unit	Quantity	Unit Cost	Cost
Garage Square Footage - 20'0" x 1'6" Garage Area Removed				
20 Feet x 1.5 Feet + 30 SF Garage Area Removed	SF	30	(\$25.00)	(\$750.00)
<i>Added Cost to Meet Requirements</i>			Total	(\$750.00)

In Scheme B no driveway or sidewalks were revised from the original resulting in no site cost changes. The only revision is in the depth of the garage creating a flat garage door elevation requiring a removal of 30 SF of garage area. In all other respects, the house plans are the same.

The result of the garage area reduction is a total decrease in house cost of \$750.00. In addition, there are no changes to the size of yards or adjustment of the house on the site as in Scheme A.

The above cost estimate does not include costs for the revision of commercial available plans.

Grand Oaks Summit Lot #42 - Scheme A Single-Family Two-Car Garage Costs

Description	Unit	Quantity	Unit Cost	Cost
Concrete Driveway & Sidewalks - 696 SF Existing/865 SF Proposed 865 SF - 696 SF = 169 SF Driveway Added	SF	169	\$3.75	\$633.75
Landscaping 212 SF of Driveway Added Deleting 212 SF of Landscaping	SF	169	(\$2.75)	(\$464.75)
House Corners - Result of Sliding the Left Side of Plan 11' Back (1) Inside, (1) Outside Building Corner & Additional Siding Added	EA	2	\$900.00	\$1,800.00
Added Cost to Meet Requirements			Total	\$1,904.00

Square footages noted above for existing concrete driveways and sidewalks are an approximation. No sidewalks were shown on existing site plans to front porches. For our calculations, a 5 foot wide sidewalk from the edge of driveway to the porch was assumed to calculate the above concrete driveway and sidewalk square footages.

In addition, house plans were modified to incorporate the garage revision in such a way that the total square footages at the first and second floors remained virtually the same as the existing plan. In the case of this house, interior spaces on both floors were reconfigured to match the square footage of the existing house plan.

To facilitate the required garage revision for this site, basically 169 SF of additional driveway was added and the same amount of landscaped site area was removed, two additional building corners and associated siding were added at a total cost increase of \$1,969.00. This total cost would increase \$2,368.75 if the houses were sold without landscaping installed.

The garage revision also resulted in the rear yard being reconfigured. Instead of the rear yard being rectangular it has become more of a dogleg. With this reconfiguration, the smallest depth dimension of the yard is approximately 3 feet shallower than the original yard depth but the long dimension of the dogleg is approximately 7½ feet deeper than the original yard depth.

The above cost analysis does not include costs for the revision of commercially available plans. The developer of Grand Oaks Summit estimates the modification of plans would cost approximately \$1,000 for the Scheme A Plan.

Grand Oaks Summit Lot #42 - Scheme B

Single-Family Two-Car Garage Costs

Description	Unit	Quantity	Unit Cost	Cost
Concrete Driveway - 5'-0" x 6'-0" Area of Sidewalk Added 5 Feet x 6 Feet = 30 SF Sidewalk Added	SF	30	\$3.75	\$112.50
Landscaping - 335 SW Reduction of House Ground Floor - 30 SF above 335 SF - 30 SF = 305 SF Landscape Added	SF	305	\$2.75	\$838.75
Added Cost to Meet Requirements			Total	\$951.25

Square footages noted above for existing concrete driveways and sidewalks are an approximation. No sidewalks were shown on existing site plans to front porches. For our calculations, a 5-foot wide sidewalk from the edge of the driveway to the porch was assumed to calculate the above concrete driveway and sidewalk square footages.

In addition, a new house plan with living space over the garage was used to meet the planning code requirements. To facilitate the required garage revision for this site, 30 SF of sidewalk and 305 SF of landscaped site area were added. With minor refinements to the home, the floor area could be adjusted to match the existing home.

Grand Oaks Summit Costs

Lot 38 - Option A

Item	Quantity	Unit of Measure	Unit Cost	Base Cost	Added Costs	New Cost	Percent Change
Building	2535	sq. ft.	\$58	\$147,030	\$1,800	\$148,830	1.2%
Site Work	1	lump sum		\$11,400	\$167	\$11,567	1.5%
Land	1	lump sum		\$67,000		\$67,000	
Total Project Cost				\$225,430	\$1,967	\$227,397	0.9%

Lot 38 - Option B

Item	Quantity	Unit of Measure	Unit Cost	Base Cost	Added Costs	New Cost	Percent Change
Building	2535	sq. ft.	\$58	\$147,030	(\$750)	\$146,280	-0.5%
Site Work	1	lump sum		\$11,400	\$0	\$11,400	
Land	1	lump sum		\$67,000		\$67,000	
Total Project Cost				\$225,430	(750)	\$224,680	-0.3%

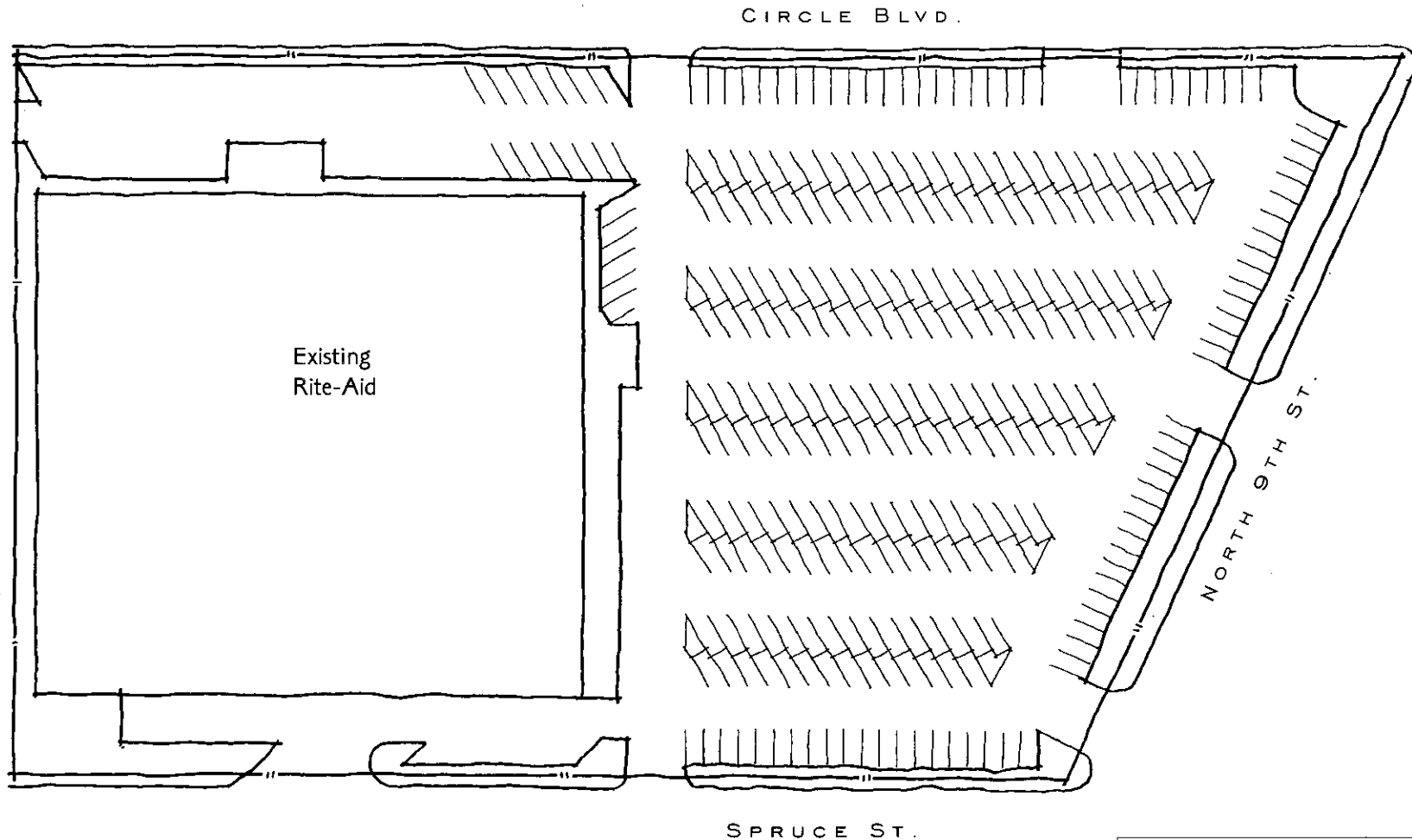
Lot 42 - Option A

Item	Quantity	Unit of Measure	Unit Cost	Base Cost	Added Costs	New Cost	Percent Change
Building	2075	sq. ft.	\$54	\$112,050	\$1,800	\$113,850	1.6%
Site Work	1	lump sum		\$12,800	\$169	\$12,969	1.3%
Land	1	lump sum		\$72,000		\$72,000	
Total Project Cost				\$196,850	\$1,969	\$198,819	1.0%

Lot 42 - Option B

Item	Quantity	Unit of Measure	Unit Cost	Base Cost	Added Costs	New Cost	Percent Change
Building	2075	sq. ft.	\$54	\$112,050	\$0	\$112,050	
Site Work	1	lump sum		\$12,800	\$951	\$13,751	7.4%
Land	1	lump sum		\$72,000		\$72,000	
Total Project Cost				\$19,850	\$951	\$197,801	0.5%

Rite-Aid Neighborhood Center



CIRCLE BLVD.

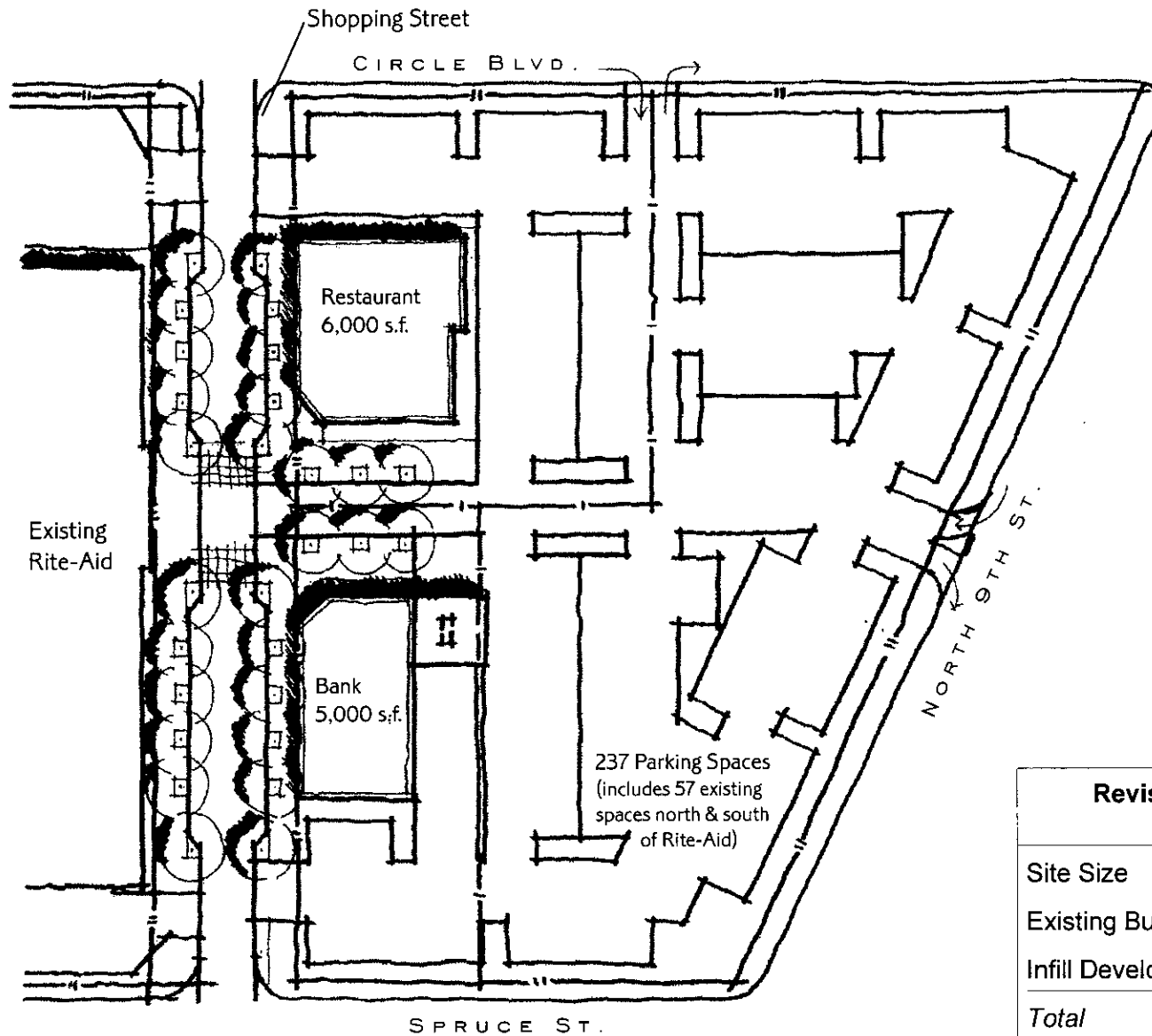
Existing
Rite-Aid

NORTH 9TH ST.

SPRUCE ST.

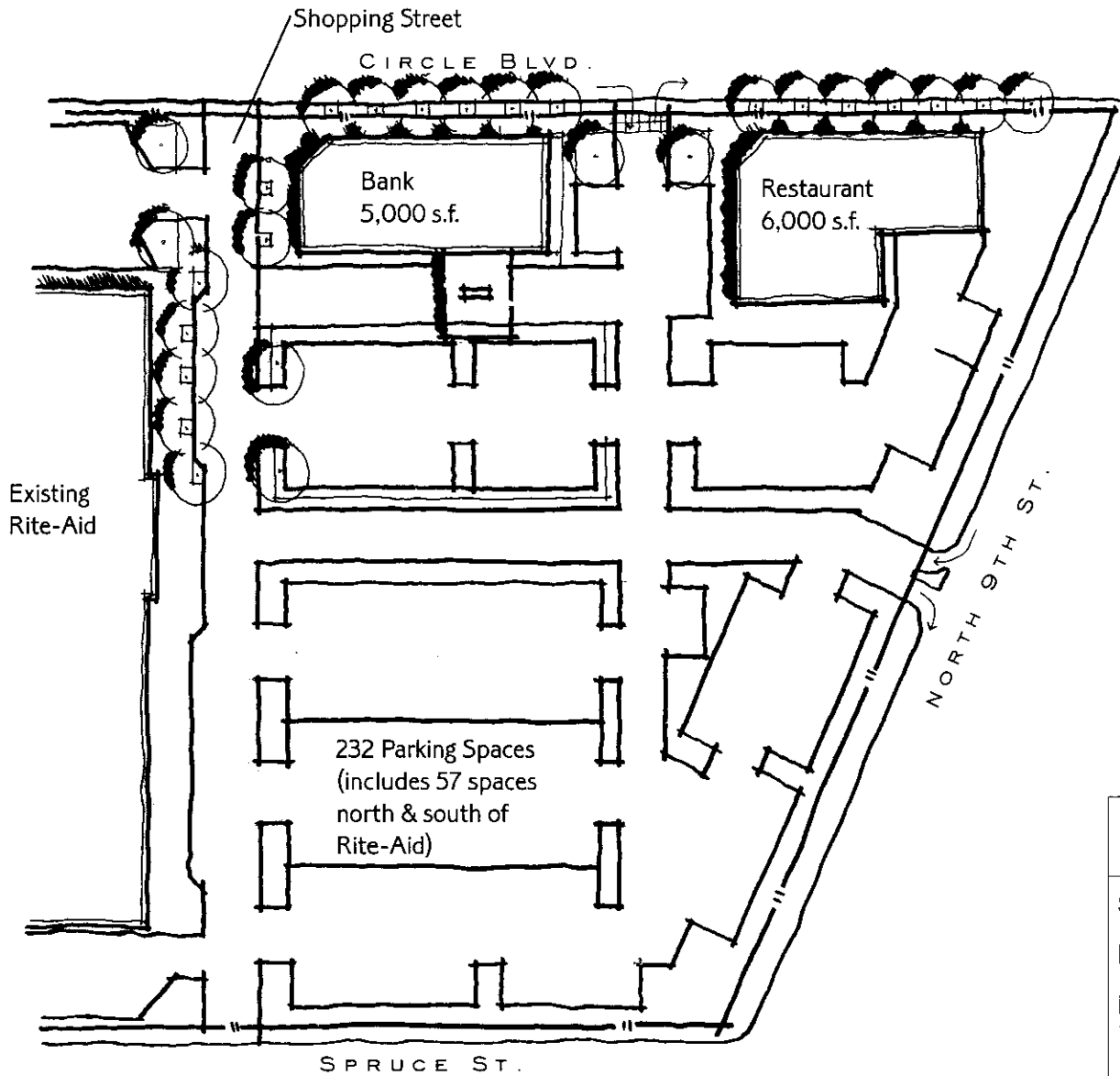
Rite-Aid Site
Existing Plan
Major Neighborhood Center

Existing Site Development Summary	
Site Size	5.3 acres
Building Size	74,146 s.f.
Parking	338 spaces
Floor Area Ratio	0.32
Parking Ratio	4.6 spaces/1,000 s.f.



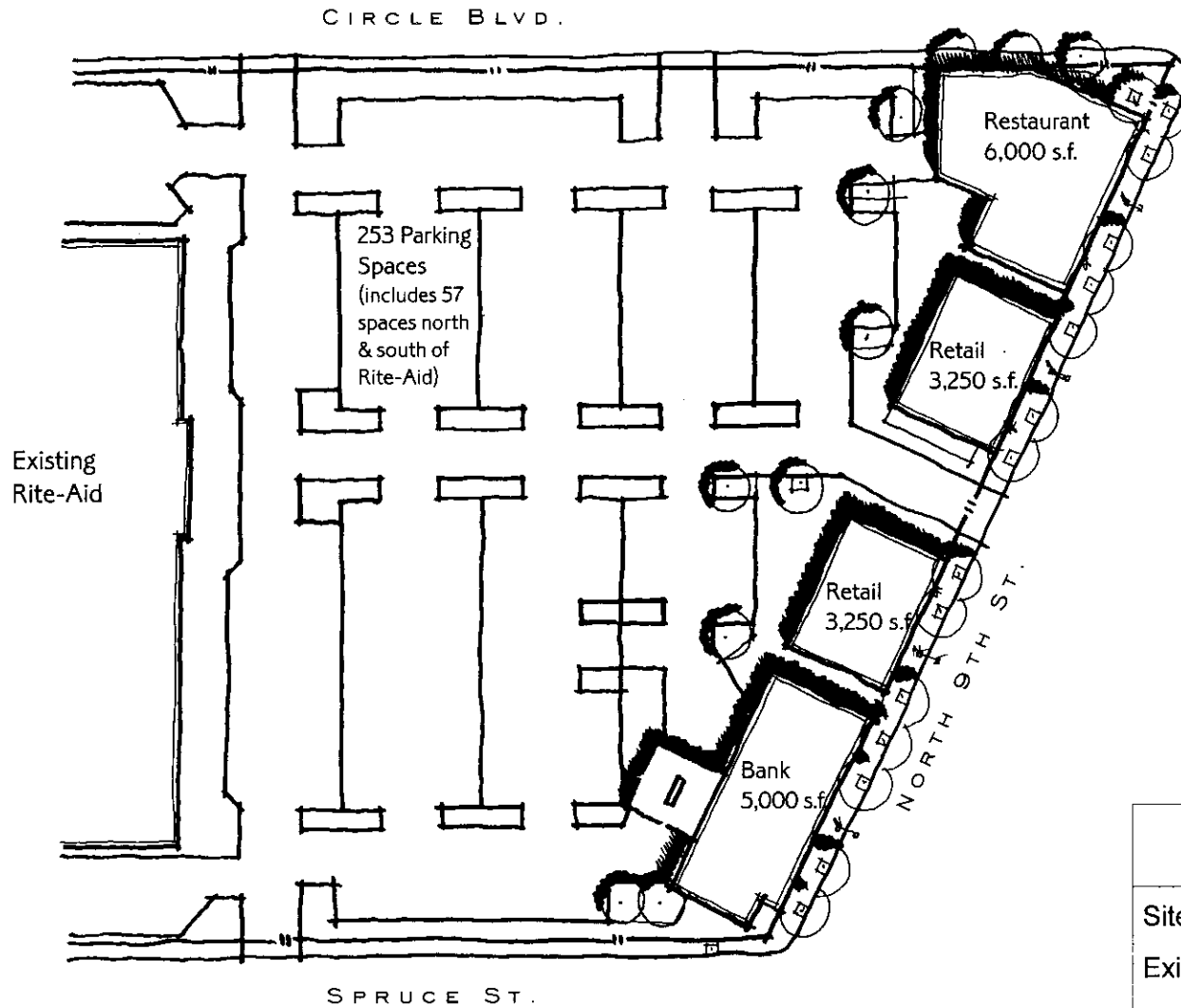
Rite-Aid Site
 Revised Plan, Option A-1
 Major Neighborhood Center

Revised Site Development Summary	
Site Size	5.3 acres
Existing Building	74,146 s.f.
Infill Development	11,000 s.f.
<i>Total</i>	<i>85,146 s.f.</i>
Parking	237 spaces
Floor Area Ratio	0.37
Parking Ratio	2.8 spaces/1,000 s.f.



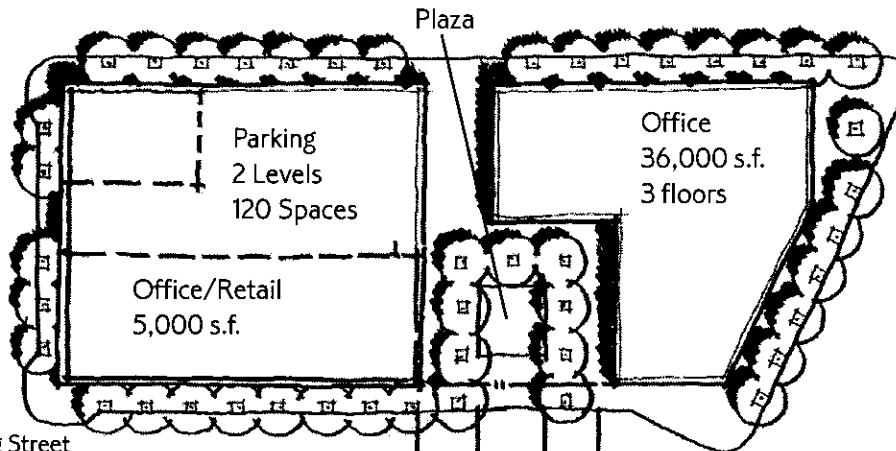
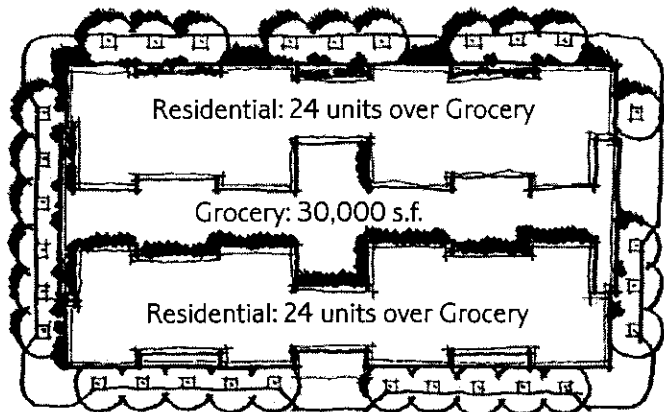
Rite-Aid Site
 Revised Plan, Option A-2
 Major Neighborhood Center

Revised Site Development Summary	
Site Size	5.3 acres
Existing Building	74,146 s.f.
Infill Development	11,000 s.f.
<i>Total</i>	<i>85,146 s.f.</i>
Parking	232 spaces
Floor Area Ratio	0.37
Parking Ratio	2.8 spaces/1,000 s.f.

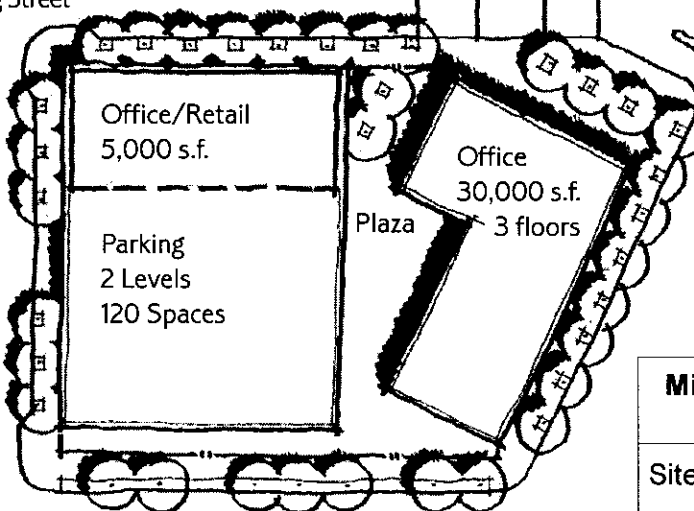
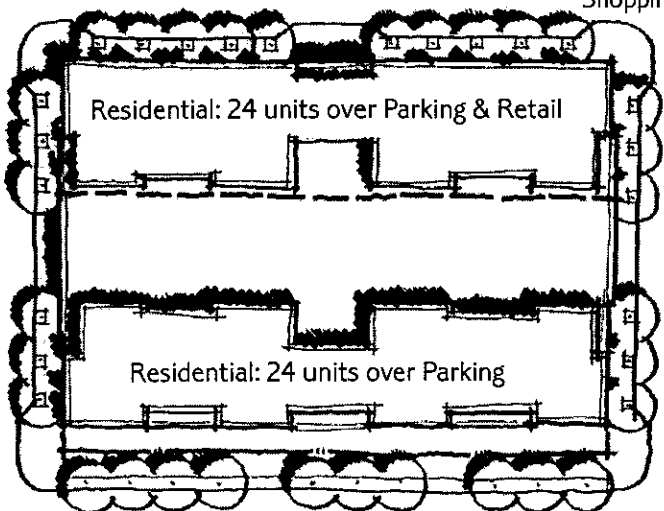


Rite-Aid Site
 Revised Plan, Option A-3
 Major Neighborhood Center

Revised Site Development Summary	
Site Size	5.3 acres
Existing Building	74,146 s.f.
Infill Development	17,500 s.f.
<i>Total</i>	<i>91,646 s.f.</i>
Parking	253 spaces
Floor Area Ratio	0.40
Parking Ratio	2.8 spaces/1,000 s.f.

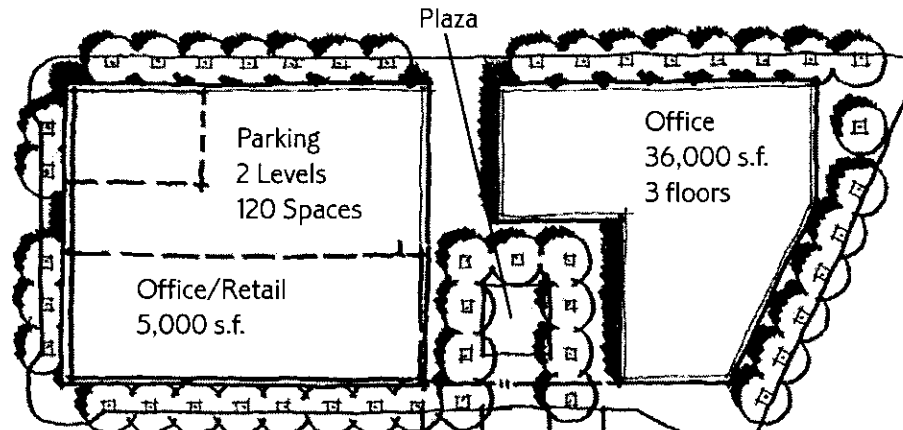
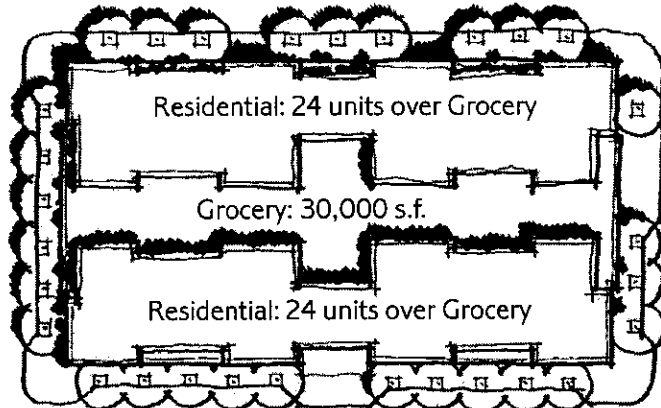


Shopping Street

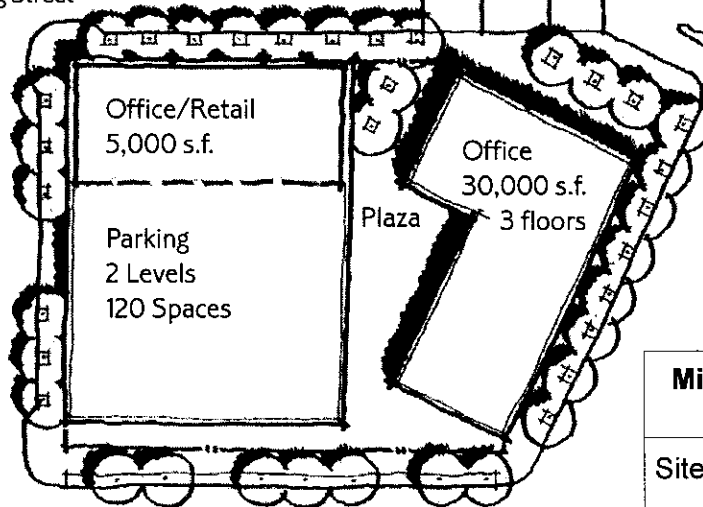
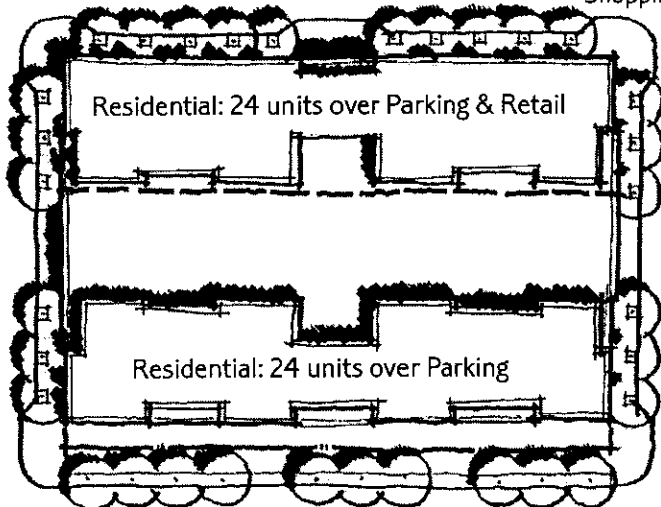


Mixed Use Redevelopment Summary	
Site Size	5.3 acres
Office	66,000 s.f.
Retail	20,000 s.f.
Grocery	30,000 s.f.
Residential	96 units
Parking	375 spaces
Floor Area	195,200 s.f.
Floor Area Ratio	0.85

Rite-Aid Site
 Mixed-Use Redevelopment (full build-out)
 Major Neighborhood Center

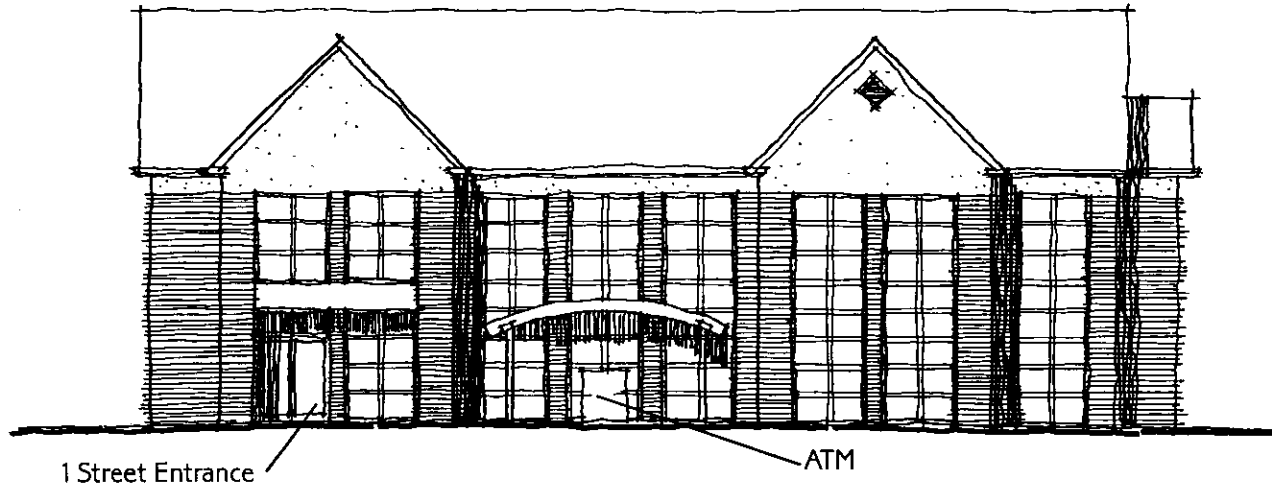


Shopping Street

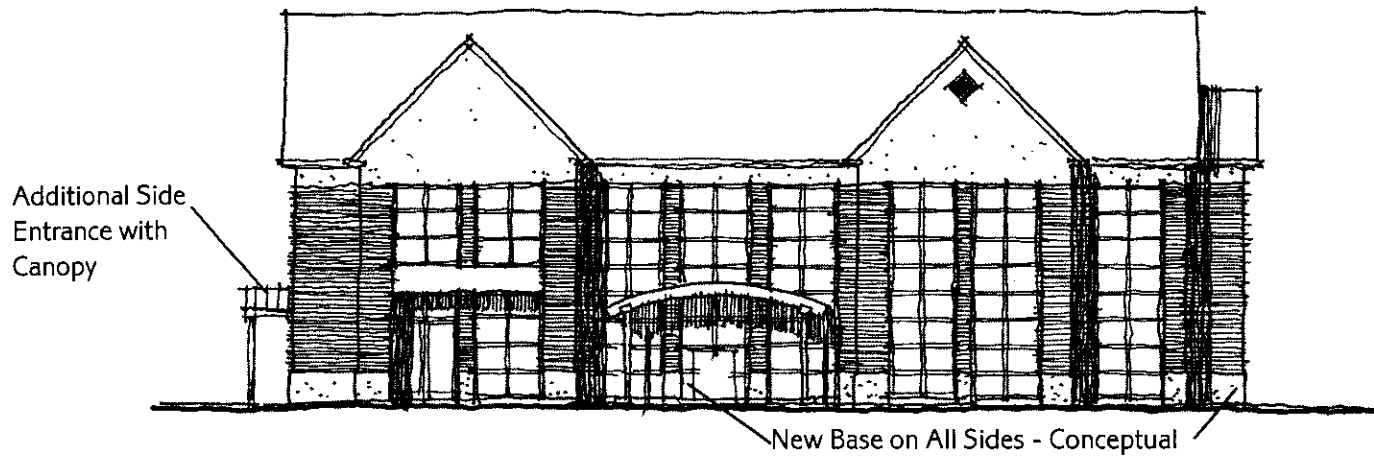


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Rite-Aid Site
 Mixed-Use Redevelopment (full build-out)
 Major Neighborhood Center

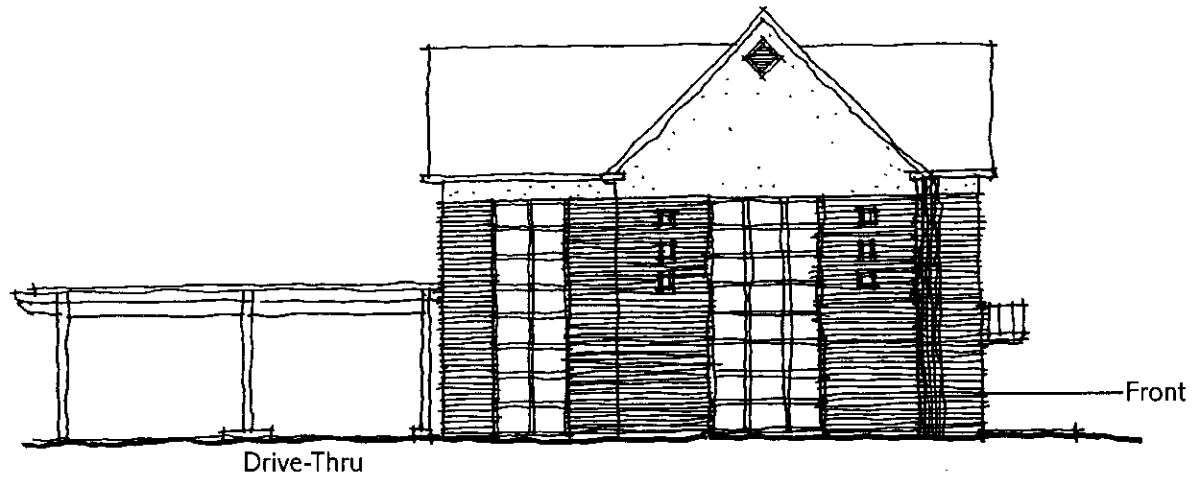


Existing Elevation - Front

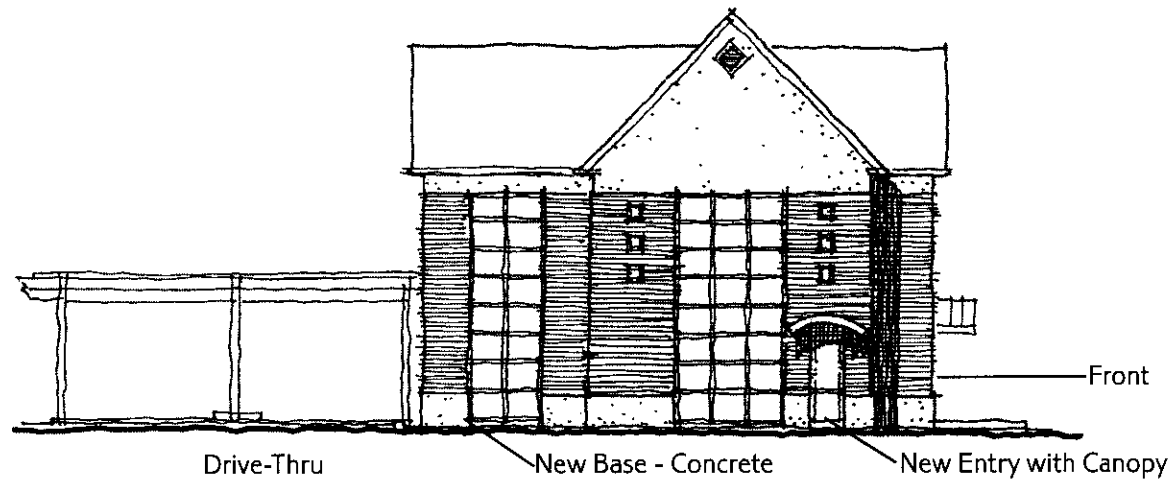


Revised Elevation - Front

Rite-Aid Site
Bank Study



Existing Elevation - Side



Revised Elevation - Side

Rite-Aid Site Bank Study

Rite-Aid

This case study evaluated three “infill” options for adding two new commercial buildings to the existing site, *and*, a redevelopment plan for the entire site assuming the property was extensively redeveloped for a mixed use project.

Infill Options

- Option A-1 adds approximately 11,000 square feet of retail space in front of the Rite-Aid store. The “internal” siting of the new stores is required to comply with the “Shopping Street” standards, particularly:
 - “(a)...Shopping streets shall not include more than two travel lanes...;
 - (d)...Speeds...shall be in no case greater than 25 mph: and,
 - (e)...On-street parking is required along shopping streets.” (Draft 5, Standards for Shopping Streets, pp. SSS-1 and 2).
- Option A-2 adds approximately 11,000 square feet of retail space oriented to Circle Boulevard.
- Option A-3 adds approximately 17,500 square feet of retail space oriented to North 9th Street. The additional infill is attributable to the efficiencies gained in the parking field when the angled portion of the site is used for buildings.

Options A-2 and A-3 do not comply with the above-cited Shopping Street standards. They were included here as site studies to support discussion and evaluation of the draft Code.

Option A-1: Description and Redesign Findings

- The Shopping Street runs north-south between Circle and Spruce, formalizing the existing driveway into a “street”.
 - A “T-shaped” pedestrian area (framed by buildings) is created along two sides of the new stores and the east entrance of the Rite Aid store.
- Views of the Rite Aid east entrance and nursery display are significantly reduced.
 - Except for the on-street parking along the T-shaped pedestrian area, parking is more distant from the Rite Aid east entrance. The closest spaces in the parking field of the existing plan are about 40 feet away, as compared to about 140 feet in Option A-1.
 - The Floor-Area Ratio (or FAR, a measure of site use intensity) is increased from .32 to .37.
 - The parking ratio is significantly reduced from 4.6 spaces per 1000 square feet of gross leasable area to 2.8/1000. The 2.8 ratio complies with the Land Development Code minimum of 2.5 for retail. Developers may choose to utilize the Code maximum of 3.25/1000. The actual parking ratio is dependant upon both the amount of floor area and the specific uses.
 - The eastern driveway that accesses Circle Boulevard is shifted west approximately 50 feet.

Comparison of the Three Infill Options

- All three options demonstrate the potential for infill of new stores that are oriented to public or private streets.
- Options A-2 and A-3 orient to the existing arterial streets and therefore result in lower quality pedestrian environments than Option A-1.
- In contrast to the previous finding, however, Options A-2 and A-3 improve the visual character of Circle Boulevard and North 9th Street, *and*, do not block the view of the Rite Aid east entrance as much as Option A-1.
- Option A-3 has the interesting characteristic of accommodating more retail and providing greater total parking (253 spaces as compared to 237 and 232). This is attributable to the parking efficiencies gained by placing buildings along the angled portion of the site.
- The three options have varying provision of a continuous sidewalk from the existing public streets to the east entrance of Rite Aid, as required by PODS 4.10.70.02(a). Options A-1 and A-2 achieve the greatest degree of compliance with this standard.

Bank Redesign Findings

This case study evaluates *new* infill stores, so there were no existing buildings to redesign to evaluate costs. As a surrogate, city staff selected the new Oregon State Bank in downtown for evaluation. The following findings assume placement of the bank as shown on Option A-1.

- The bank conforms to the building orientation and drive-through placement requirements on all three options.
- An additional entrance and canopy was added so that customer entrances are located adjacent to all streets, as required by PODS 4.10.70.01(a)(2).
- A concrete “base” was added to comply with the PODS 4.10.70.04(d).

Summary of Cost Changes

Costs that are unique to Option A-1 were evaluated. The estimate of \$8,070 is extremely low for several reasons:

- The 12-foot sidewalks and street trees associated with the Shopping Street were relatively low cost items.
- The reconfiguration of the parking lot would require islands, landscaping and sidewalks that are required by the LDC today, therefore they would not contribute new, unique costs.
- The Corvallis State Bank is a quality building that meets most of the new standards. Evaluation of a typical suburban style bank would likely result in more changes and a different set of cost impacts.
- Only one building was evaluated - the options show the potential for between two and four new infill buildings.

At the request of the City, additional cost analysis was performed (*please see last table of this section*). This analysis estimates the value of the two new pads, then estimates the “added costs” based on the results of the Trinomial Building study. Site improvements were estimated in order to factor in the rebuild of the parking lot, and

provide a basis for estimating additional costs that are attributable to the Shopping Street. Land costs were also included based on the assumption that the bank and restaurant would purchase their building footprint plus an additional 15% of the footprint around it. With these assumptions, the analysis results in the following findings:

- The new Code would result in additional costs as follows: Buildings +4.8%, Site Improvements +3.4%, Total Project +3.4%.

Mixed Use Redevelopment Plan Description and Findings

- The plan was based on a complete demolition and redevelopment of the site. We first looked at the option of leaving the Rite-Aid and infill buildings in place, and adding more mixed use to the parking lot. This approach was abandoned because it would require a significant amount of structured parking (to make up for lost surface parking) for the gain of a relatively small amount of mixed use.
- The plan creates four complete blocks, with block faces ranging from about 200 feet to 320 feet.
- The Shopping Street is internal to the plan to maximize the pedestrian environment. It is aligned to meet the front of the adjacent retail area to the east.
- Three story office uses are located at the east end, where they would be highly visible and supported by two-level parking structures on their west side. Small retail and office spaces within the parking structures face the Shopping Street.
- The northwestern block has a 30,000 square foot grocery on the ground floor and two levels of apartments above, similar to the Belmont Dairy development in Portland.
- The southwestern block has residential over retail (facing the shopping street) and parking, with the parking serving both the residential and the grocery store.
- With residential parking assumed at 1 space per unit, the commercial and office parking ratio would be 2.4 spaces per 1000 square feet.

Code Comments

- *Setbacks* - Table 2 in the Neighborhood Center Zone (4.10.40.07) should be clarified to allow the front setback to be measured from an internal Shopping Street.
- *Alleys* - The requirement for alleys on all new blocks would be problematic for the Mixed Use Redevelopment Plan in this case study. The City should consider requiring alleys when surface parking is proposed, but encouraging them when structured parking is proposed.
- *Shopping Streets* - The City should retain the shopping street concept but consider flexibility in the Shopping Streets standards for infill and redevelopment sites like Rite Aid. After discussion with the CTRG, the Shopping Street Standards (4.0.070(m)(3)) were amended as follows:
 - (a) **Auto Amenities (lane widths and number of travel lanes).** Auto lane widths shall comply with Tables 4.0-1, Functional Classification System and 4.0-2, Shopping Street Standards. Shopping streets generally should not include more than two travel lanes (not including turn lanes as required, or consistent with, Chapter 4.0.70). However, applicants or the City may propose shopping street designations for streets with more than two travel lanes as part of the Master Site Plans for Neighborhood Centers.
 - (e) **Managed Speed.** Speeds along shopping streets shall be in conformance with Table 4.0-1, Functional Classification System and generally should be no greater than 25 mph. In situations where limitations on site development warrant, streets with higher established speed limits may be designated at shopping streets.
 - (f) **On-Street Parking.** On-street parking is required along shopping streets. parallel parking is required where on-street bike lanes are provided/required. Where there are no bike lanes, angled parking is permissible on existing Neighborhood Collector streets designated as shopping streets.
- *Pedestrian Circulation* - Section 4.10.70.02(a) should be clarified to allow breaks in the continuous internal sidewalk where required for reasonable auto circulation on the site. See the east-west driveway on Options A-1, A-2 and A-3 for an illustration of this issue.

Rite-Aid/Major Neighborhood Commercial Costs

Cost Estimate for Bank Building and Shopping Street in Option A-1

Description	Unit	Quantity	Unit Cost	Cost
Concrete Sidewalks - 1,040 SF Sidewalks Added	SF	1040	\$3.75	\$3,900.00
Landscaping - 10 Street Trees in Wells Added	EA	10	\$600.00	\$6,000.00
Asphalt Paving - 1,040 SF Asphalt Paving Removed	SF	1040	(\$2.25)	(\$2,340.00)
Masonry Veneer Exterior Wall - 193'-8" Long by 2'-6" High 484 SF of Masonry Veneer Wall Removed	SF	484	(\$20.00)	(\$9,680.00)
Concrete Exterior Base Wall - 193'-8" Long by 2'-6" High 484 SF of Masonry Veneer Wall Added	SF	484	\$15.00	\$7,260.00
Building Storefront Entry Door - (1) 3'-0" x 8'-0" Entry Door Added	EA	1	\$1,080.00	\$1,080.00
Building Storefront Entry Canopy - (1) Added	EA	1	\$1,850.00	\$1,850.00
<i>Added Cost to Meet Requirements</i>			Total	\$8,070.00

Cost Estimate for Option A-1 Redesign (2 new buildings and site improvements)

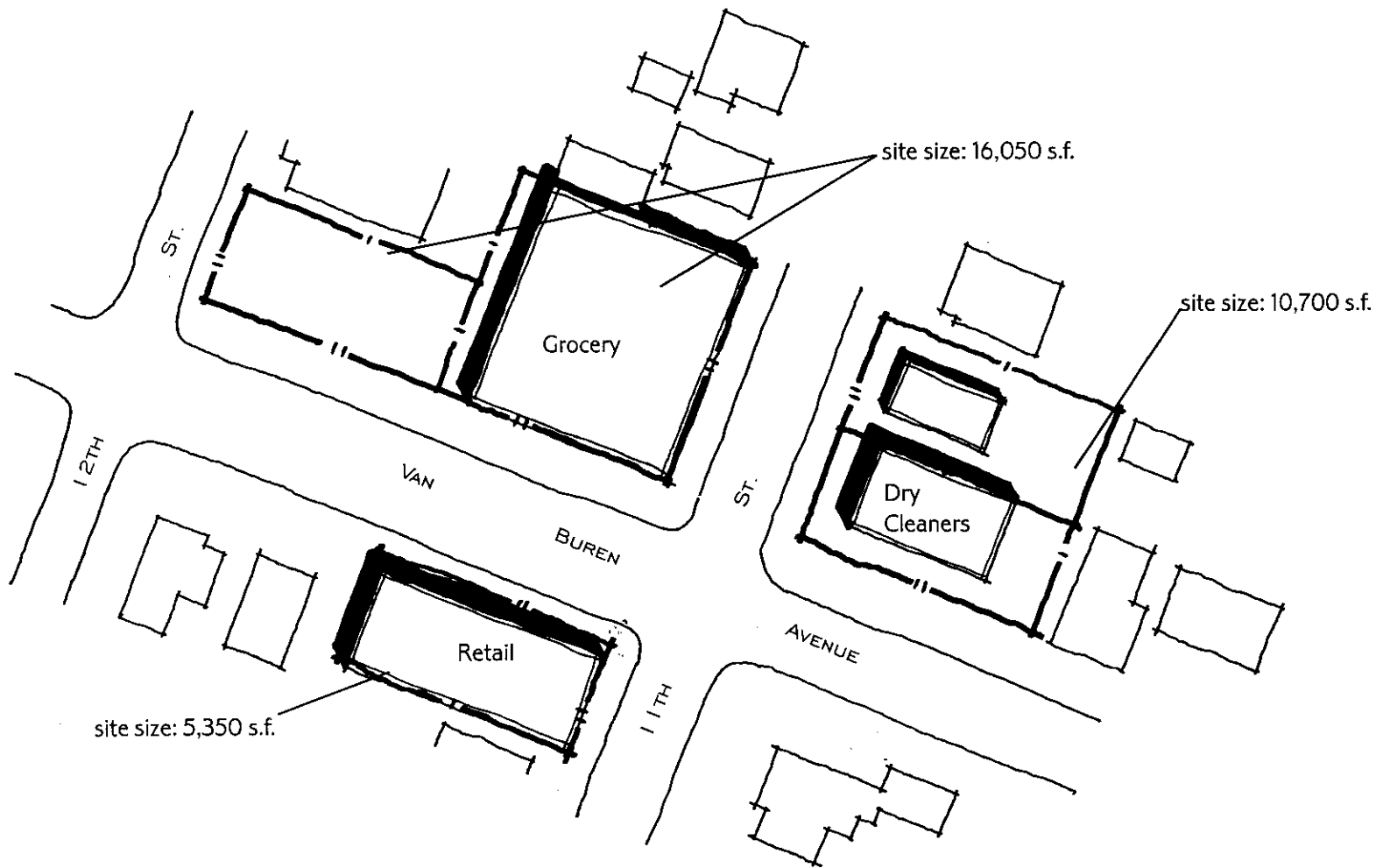
Item	Quantity	Unit of Measure	Unit Cost	Base Cost	Added Costs	New Cost	Percent Change
Buildings (Finished)	11,000	sq. ft.	\$80.00 ¹	\$880,000	\$42,240 ²	\$922,240	4.8%
Site Improvements	89,328	sq. ft.	\$2.50	\$223,320	\$7,560	\$230,880	3.4%
Land (pads +15%)	12,650	sq. ft.	\$27.50	\$347,875		\$347,875	
Total Project				\$1,451,195	\$49,800	\$1,500,995	3.4%

¹ Unit cost provided by City of Corvallis, based on discussion with commercial builders and examination of building permit files.

² Added costs based on the 4.8% estimated for the Trinomial Building. Specific costs for the bank and restaurant assumed in this study were not available.



11th & Van Buren

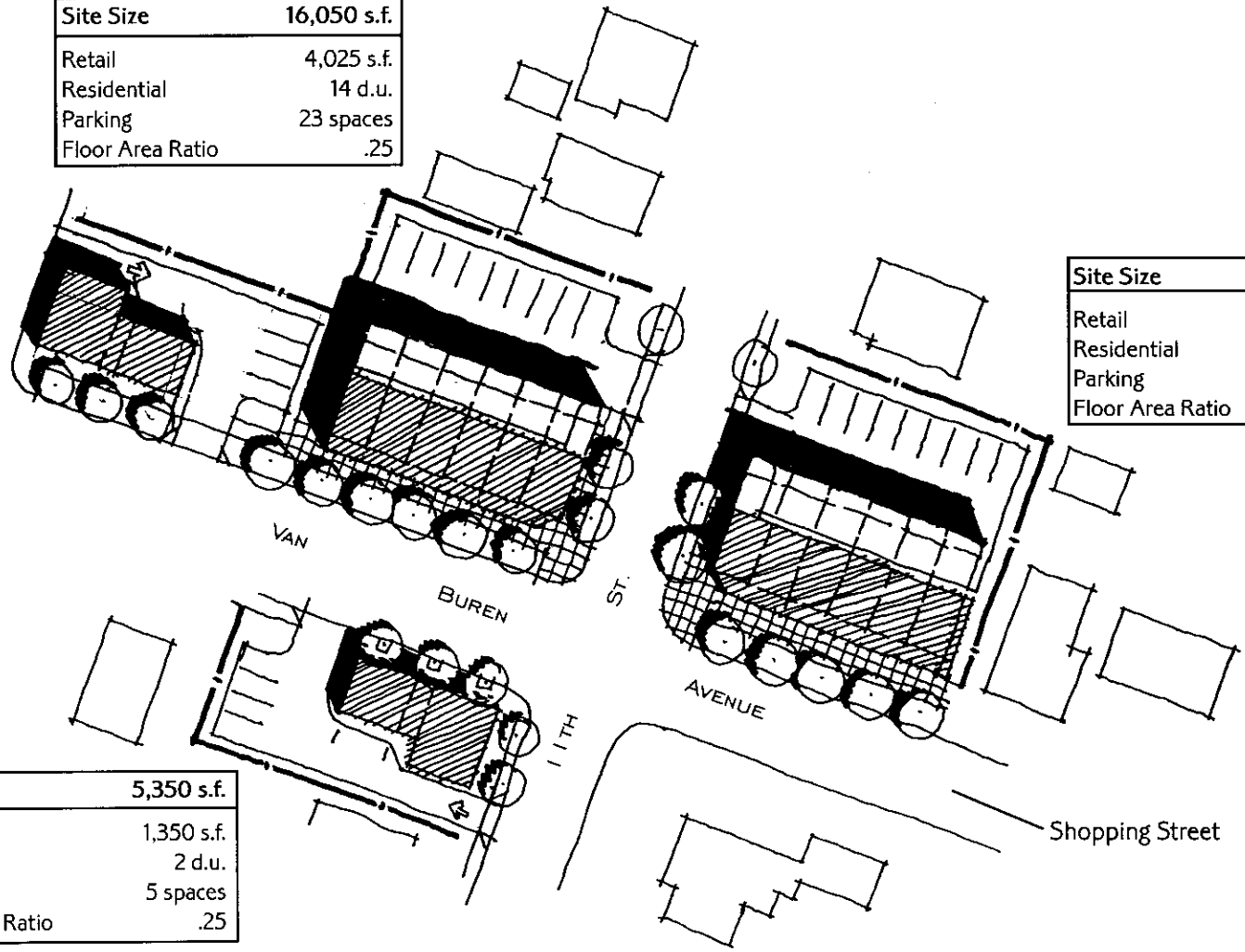


11th & Van Buren
Minor Neighborhood Center - Existing Plan

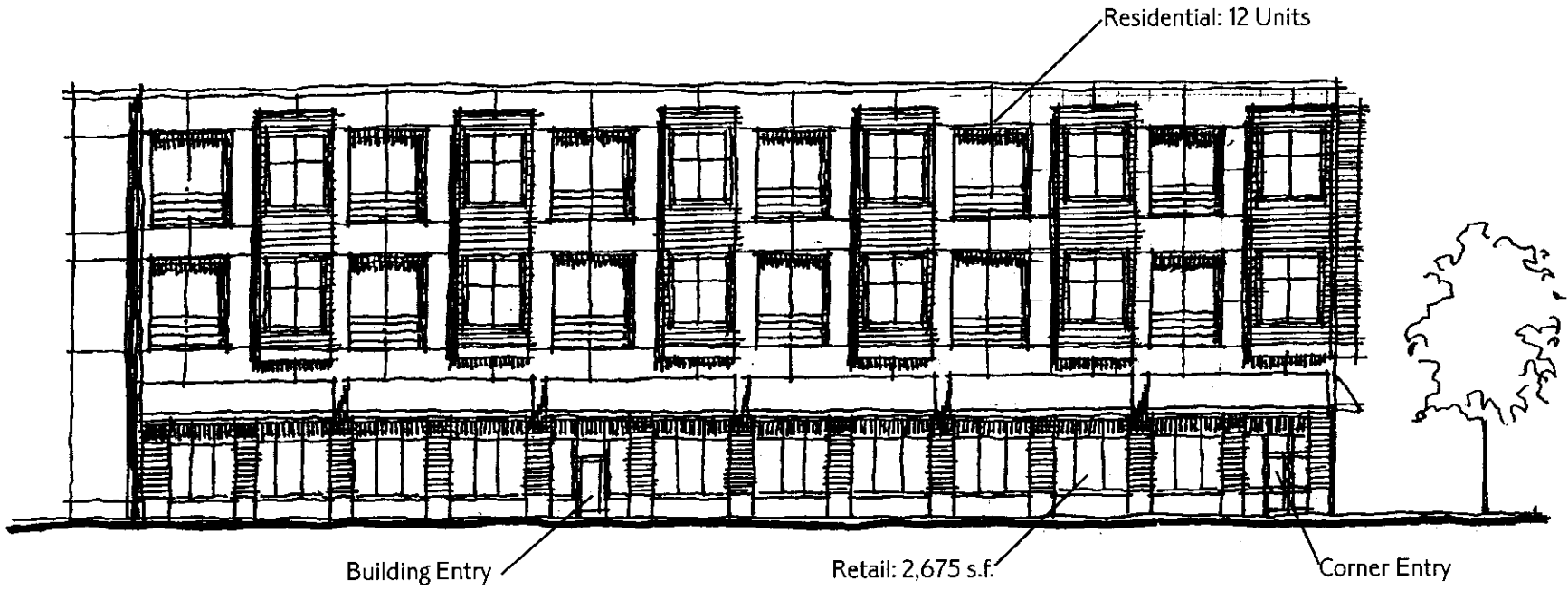
Site Size	16,050 s.f.
Retail	4,025 s.f.
Residential	14 d.u.
Parking	23 spaces
Floor Area Ratio	.25

Site Size	10,700 s.f.
Retail	2,675 s.f.
Residential	12 d.u.
Parking	18 spaces
Floor Area Ratio	.25

Site Size	5,350 s.f.
Retail	1,350 s.f.
Residential	2 d.u.
Parking	5 spaces
Floor Area Ratio	.25



11th & Van Buren
 Minor Neighborhood Center - Revised Plan



11th & Van Buren
Minor Neighborhood Center
Elevation - Van Buren Avenue
Proposed Mixed-Use Building

11th and Van Buren

This case study evaluates the 11th and Van Buren Minor Neighborhood Center for redevelopment of the existing commercial uses to be mixed use.

Description and Redesign Findings

- Buildings were sited at all four corners of the Neighborhood Center.
- The center is redeveloped for four buildings, with buildings fronting the streets and parking to the side and behind.
- The two smaller buildings were designed as storefront retail spaces and a second floor of two dwelling units, all served by surface parking spaces. The two larger buildings have storefront retail space and two levels of residential above served by surface and “tuck under” parking.
- Minimum parking ratios of 1 space per unit and 2.5 spaces per 1000 square feet of retail were provided. On-street parking is counted to achieve the 2.5 ratio.
- The minimum required commercial FARs (0.25) are achieved.
- Pedestrian amenities and Common Public Spaces (NC Zone, 4.10.40.04) are achieved through 12 foot sidewalks (with a scored pattern or pavers) in front of the larger buildings.

Impact of Mixed Use on Redevelopment Feasibility

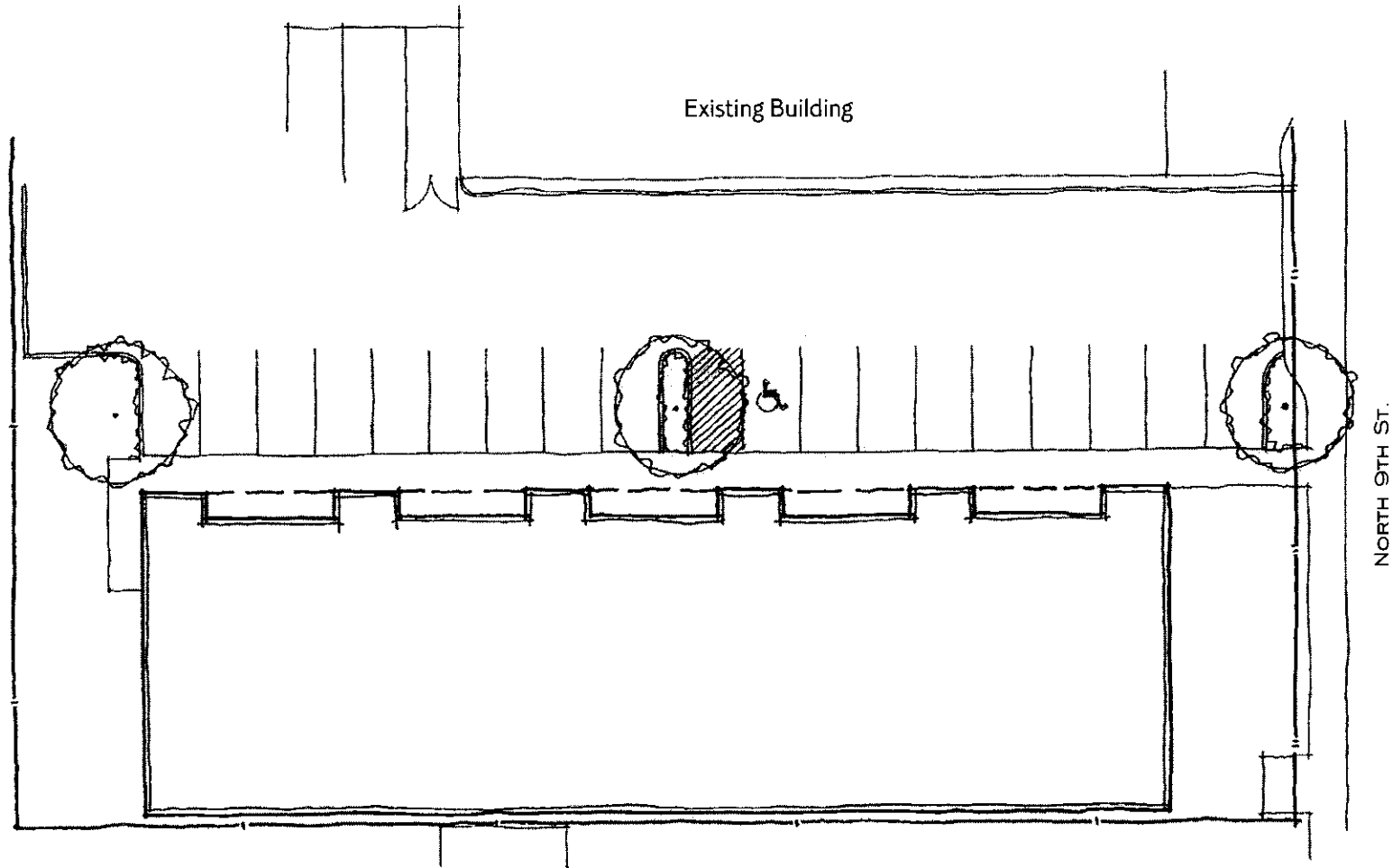
An evaluation by Hobson Johnson and Associates, land use economists, reports three key findings:

1. Redevelopment of the site (for either single or the proposed mixed use design) is probably not feasible at this time due to the high costs of redevelopment and relatively low commercial lease rates in Corvallis.

2. Adding second floor apartments would likely hurt a developer’s return on investment, because net rents are lower for residential than retail or office on the second floor.
3. Corvallis can encourage mixed use by subsidies ranging from discounted permit fees to tax abatements, and by encouraging use of state and federal subsidies (e.g. tax credits).

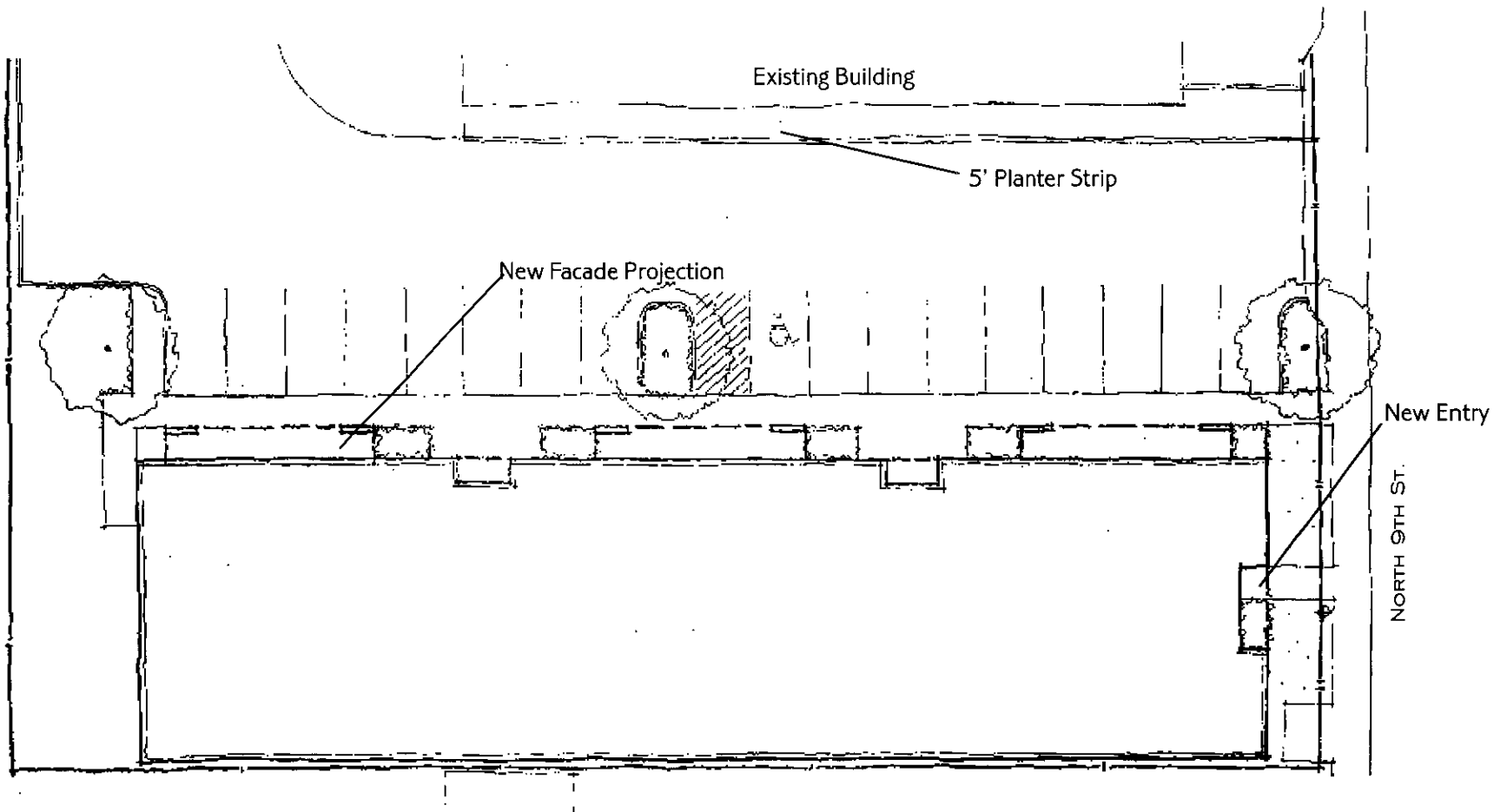
Please see the Market and Financial Analysis section of this report.

Trinomial Building



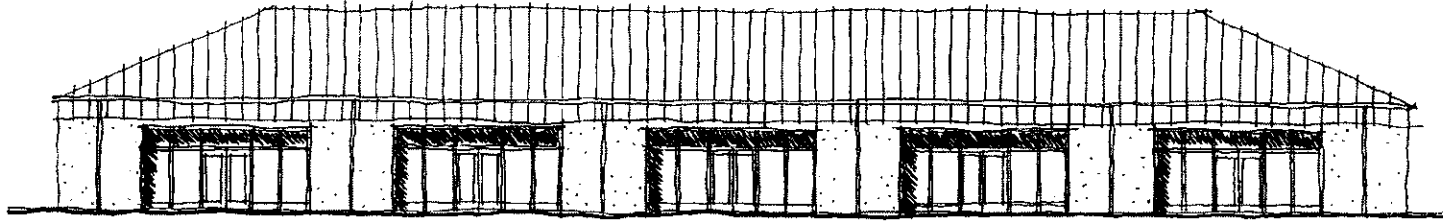
Trinomial Building
Existing Plan

Site Summary	
Site Size	20,000 s.f.
Zoning	LC
Building Area	7,600 s.f.

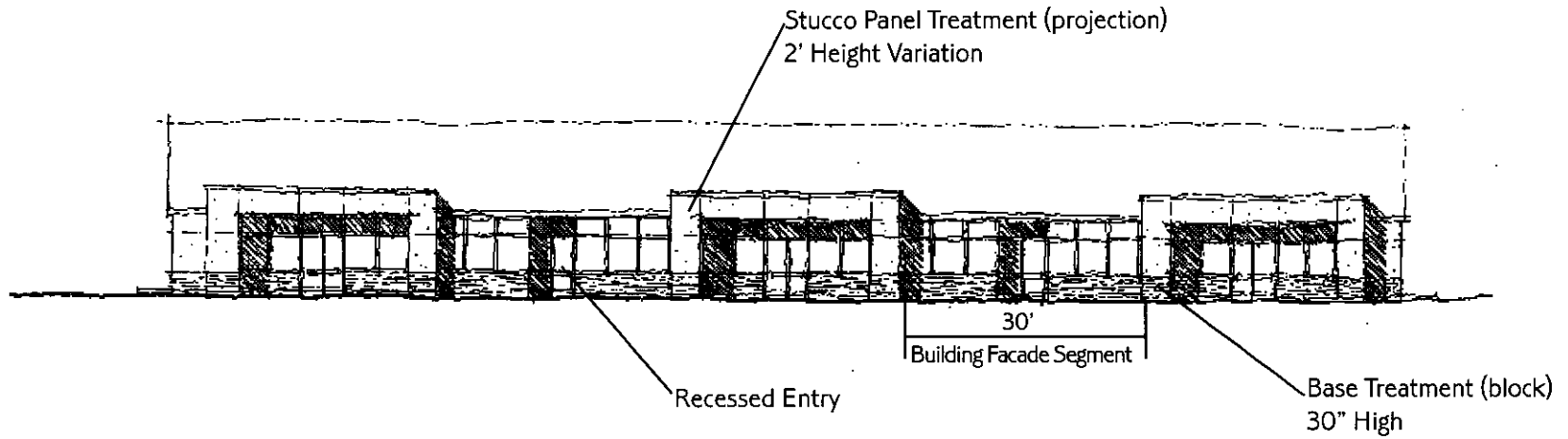


**Trinomial Building
Revised Plan**

Site Summary	
Site Size	20,000 s.f.
Zoning	MUCS
Building Area	7,600 s.f.
<i>(No change in number of parking spaces)</i>	

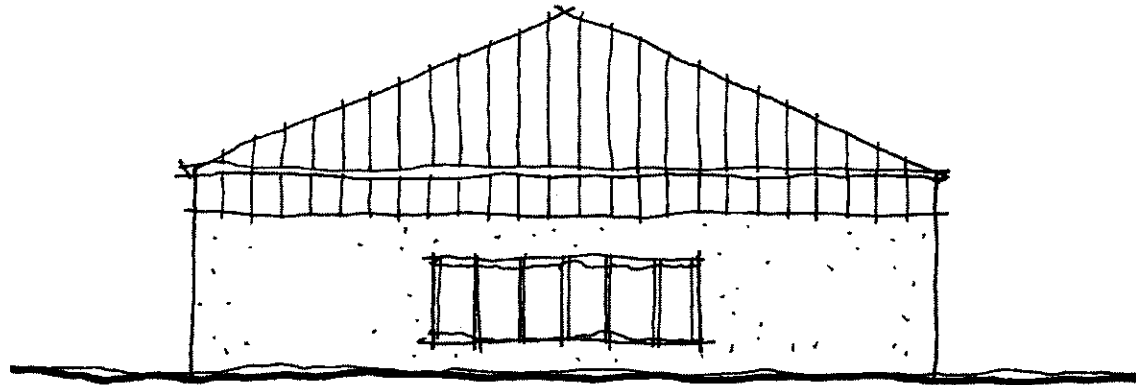


Existing Elevation - North

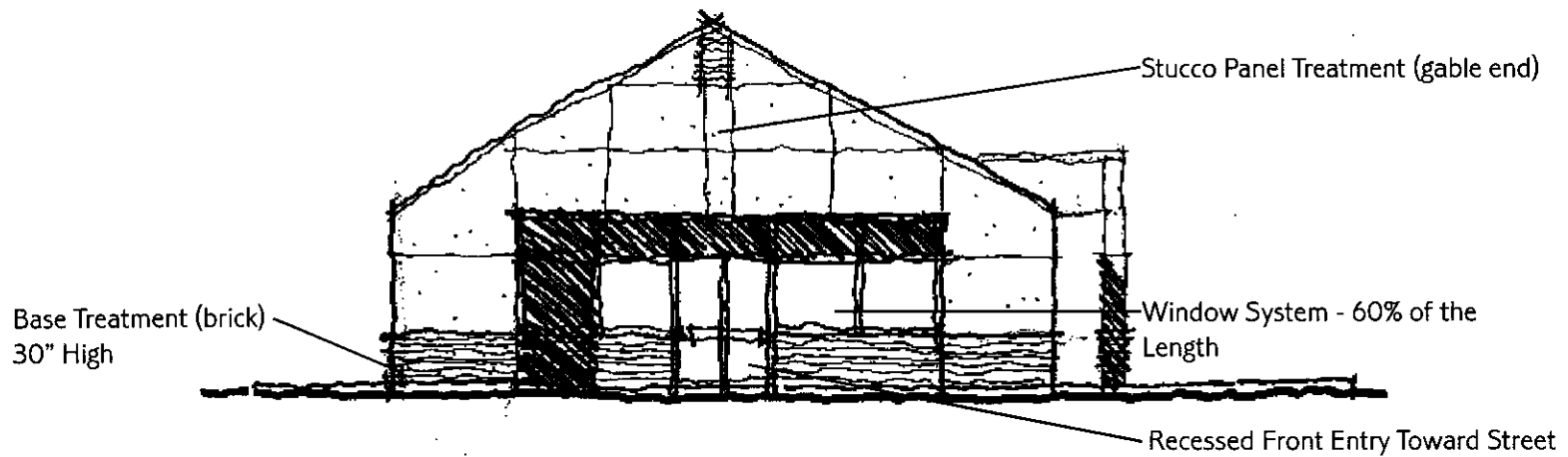


Revised Elevation - North

Trinomial Building



Existing Elevation - East



Revised Elevation - East

Trinomial Building

Trinomial Building

Redesign Findings

How the Project Would Have Changed

- A primary entrance (recessed) was added to the North 9th Street side (east elevation).
- Windows were increased on the east elevation to be 60 percent of the length.
- Base (block) and treatments were added to all facades.
- The north elevation was modified in have articulated building wall segments that are a maximum of 30 feet in length.
- New facade projections were added to the north elevation.
- A five-foot planter strip was added in the north side of the access driveway.
- Due to the minimum dimensions of the driveway and parking spaces, the additional five foot planter had the impact of reducing the building depth by five feet. The building space was recaptured by elongating the building eastward.

Summary of Cost Changes

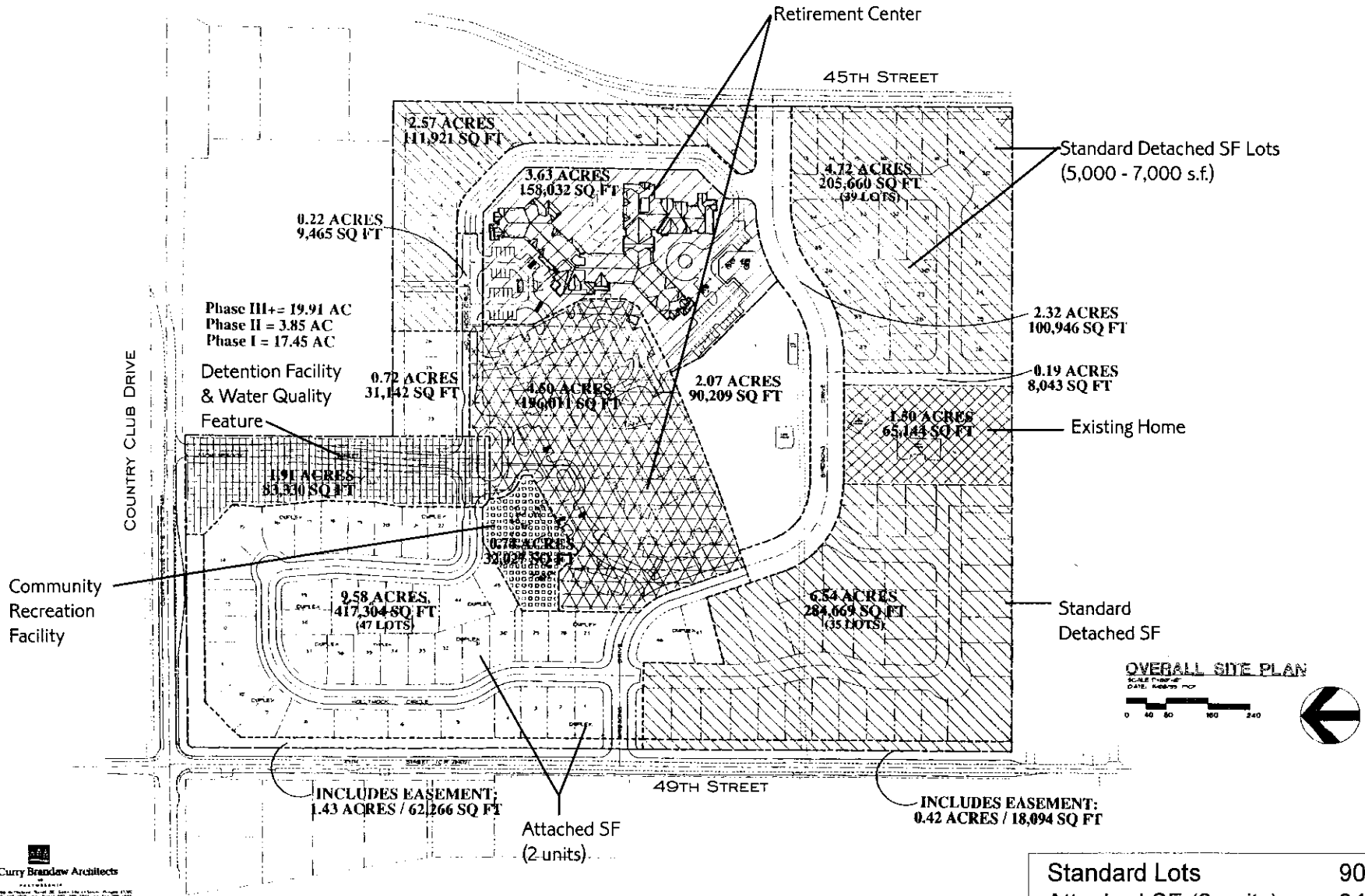
- Costs were increased by 4.8% for the finished building, 1.6% for site improvements, and an estimated 3.4% for the total project.

Trinomial Building Commercial Costs

Description	Unit	Quantity	Unit Cost	Cost
Concrete Sidewalks - 1,200 SF Existing/1,668 SF Proposed 1,668 SF - 1,200 SF = 468 SF Sidewalks Added	SF	486	\$3.75	\$1,822.50
Landscaping - 922 SF Existing/458 SF Proposed 922 SF - 458 SF = 464 SF of Landscaping Removed	SF	464	(\$2.75)	(\$1,276.00)
Building Area - 7,600 SF Existing/7,600 SF Proposed 7,600 SF - 7,600 SF = 0 SF Building Area Added or Removed	SF	0	(\$40.00)	(\$0.00)
Rastera Exterior Wall - 321 SF Walls Removed	SF	321	(\$16.00)	(\$5,136.00)
Concrete Masonry Unit Walls with Furring - 772 SF Walls Added	SF	772	\$16.00	\$12,352.00
Concrete Masonry Unit Walls (2 Sided) - 120 SF Walls Added	SF	120	\$14.00	\$1,680.00
Building Storefront - 213 SF of Storefront Removed	SF	213	(\$28.00)	(\$5,964.00)
Roof Framing - 1,170 SF of Roof Framing Added	SF	1170	\$5.00	\$5,850.00
Standing Seam Metal Roofing - 0 SF Added or Removed	SF	0	\$11.00	\$0.00
Stud Framed Stucco Walls - 285 SF of Walls Removed	SF	285	(\$13.00)	(\$3,705.00)
Stud Framed Stucco Soffits - 304 SF of Soffit Removed	SF	304	(\$11.00)	(\$3,344.00)
Stucco Walls - 1,482 SF of Walls Added	SF	1,482	\$12.00	\$17,784.00
Stud Framed Stucco Soffits - 498 SF of Soffit Added	SF	498	\$11.00	\$5,478.00
Built-up Roofing - 1,170 SF Added	SF	1170	\$3.75	\$4,387.50
Added Cost to Meet Requirements			Total	\$29,965.00

Item	Quantity	Unit of Measure	Unit Cost	Base Cost	Added Costs	New Cost	Percent Change
Building (finished)	7,600	sq. ft.	\$80	\$608,000	\$29,382	\$637,382	4.8%
Site Impacts	12,400	sq. ft.	\$2.50	\$31,000	\$479	\$31,479	1.6%
Land	20,000	sq. ft.	\$12.50	\$250,000		\$250,000	
Total Project				\$889,000	\$29,861	\$918,861	3.4%

Stoneybrook Retirement Community



Stoneybrook Retirement Community Existing Plan

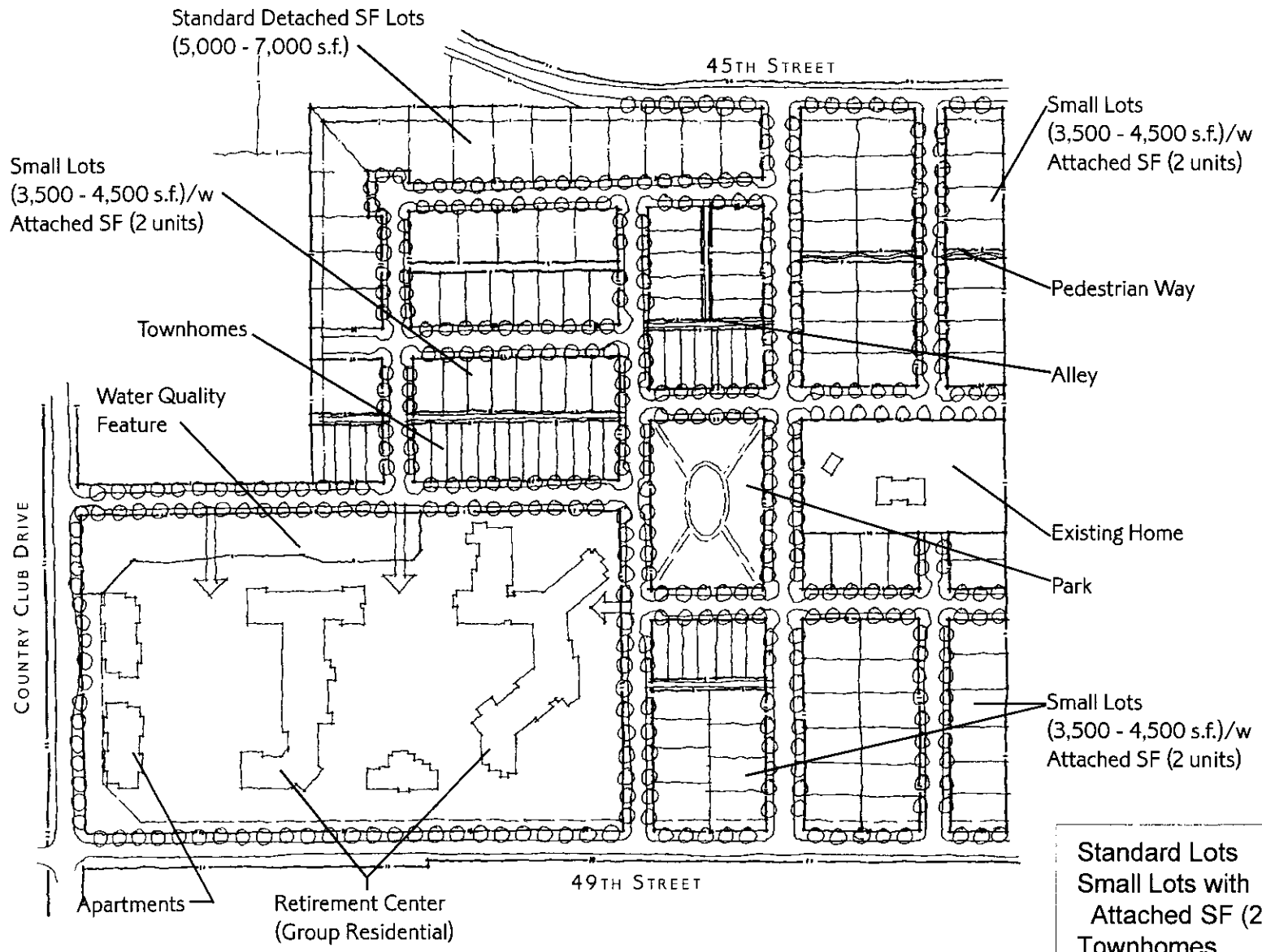
Standard Lots	90
Attached SF (2 units)	24
Existing Home	1
Apartments	24
	139



Curry Brandaw Architects

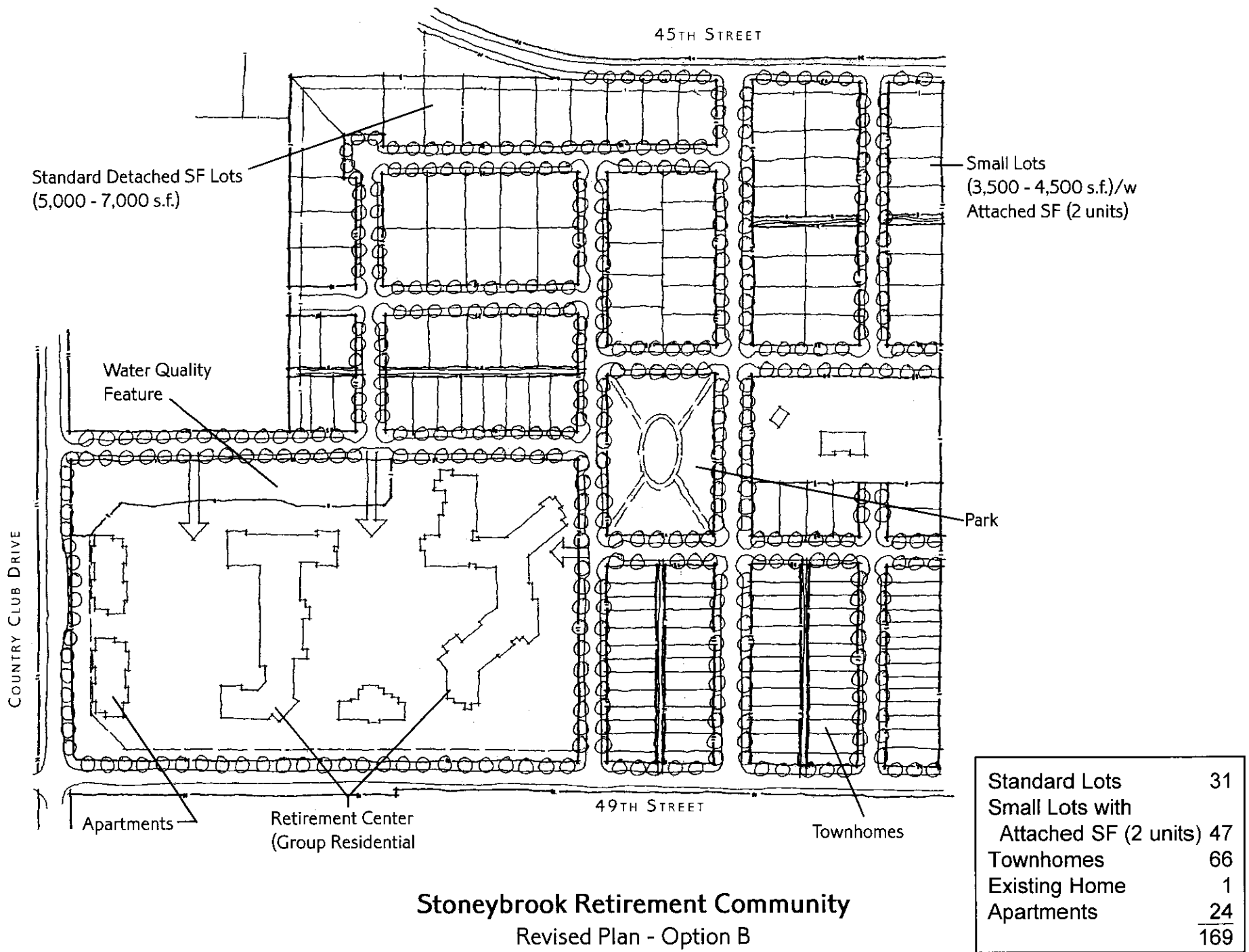
ARCHITECTS

1000 SW 10th Street, Corvallis, Oregon 97331



Stoneybrook Retirement Community
Revised Plan - Option A

Standard Lots	38
Small Lots with Attached SF (2 units)	64
Townhomes	31
Existing Home	1
Apartments	24
	<u>158</u>



Stoneybrook Retirement Community
Revised Plan - Option B

Stoneybrook Retirement Community

The Stoneybrook case study was intended to evaluate compliance with the new RS-6 standards, including the standards requiring a mix of housing types. Two site plans were prepared. Option A includes a new mix of housing types that were “integrated” into the development by orienting like uses along streets and using alleys as the transition point between one housing type and another. Option B was designed to use more of a “clustered” approach by grouping like uses into general areas of the site.

Redesign Findings

How the Project Would Have Changed

- Option A has 134 lots, as opposed to 115 on the existing plan. Option B has 145 lots.
- The street pattern was reconfigured to form a block pattern. Many of the blocks have alleys.
- The 3-story retirement buildings and future apartments were relocated to the north, focusing the denser uses closer to similar zoning and planned transit service on Country Club Drive.
- A small neighborhood park was added.

The following table compares the mix of housing types.

	Existing		Option A		Option B	
	#	%	#	%	#	%
R-6 Zone						
Standard Lots (5,000 - 7,000 sq. ft.)	90	78	38	28	31	22
Small Lots (3,500 - 4,500 sq. ft.)						
Attached SF (2 units)	24	21	64	48	47	32
Townhomes	0	0	31	23	66	45
Existing Home	1	1	1	1	1	1
Subtotal	115	100%	134	100%	145	100%
R5-12 Zone						
Apartments	24	17	24	17	24	17
Retirement*	120	83	120	83	120	83
Subtotal	144	100%	144	100%	144	100%
Total	259		278		289	

* Group Residential Units are not counted toward project density. A Group Residential use is considered a single land use type.

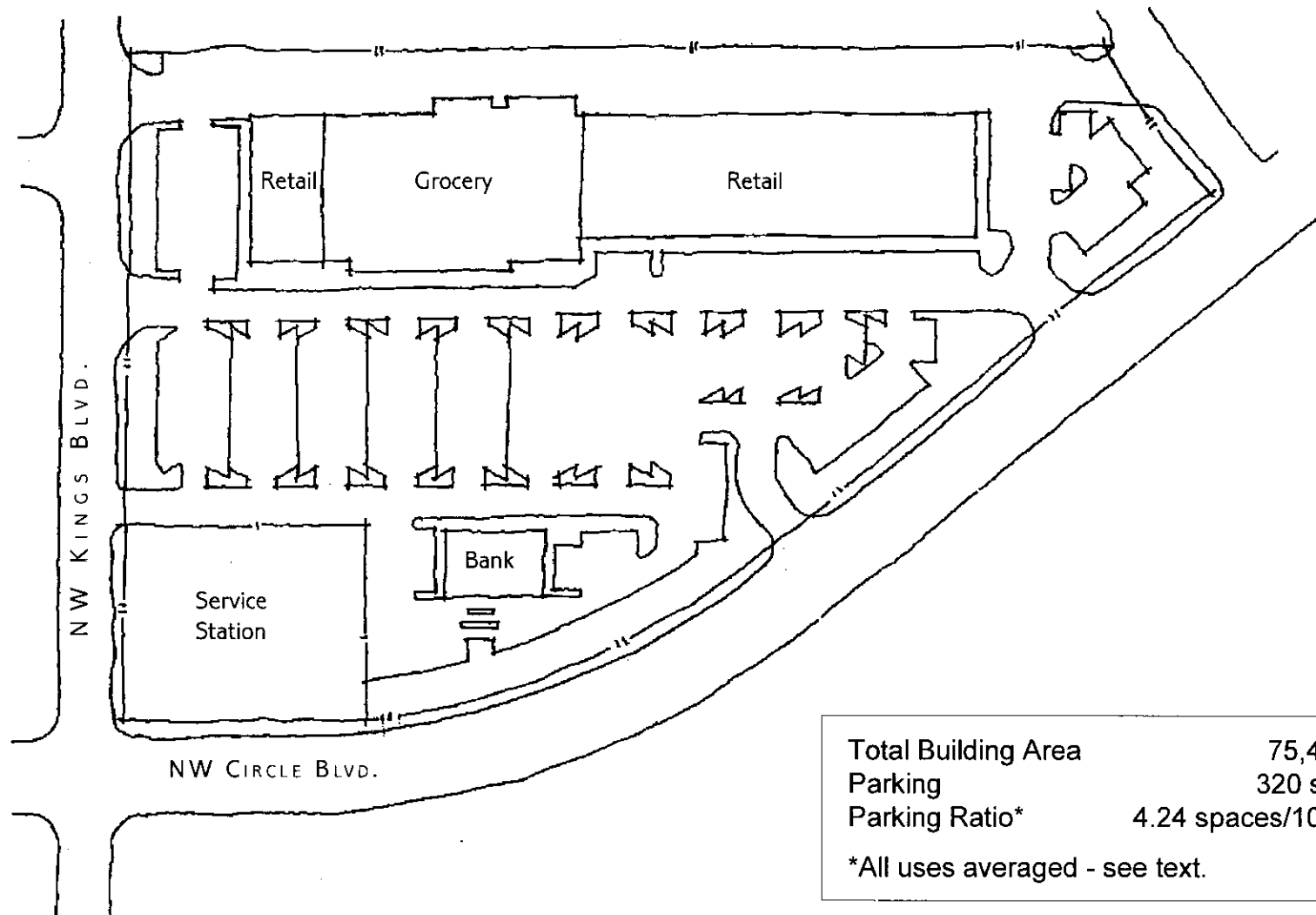
Summary of Cost Changes

- Costs were not evaluated for this case study.

Code Comments

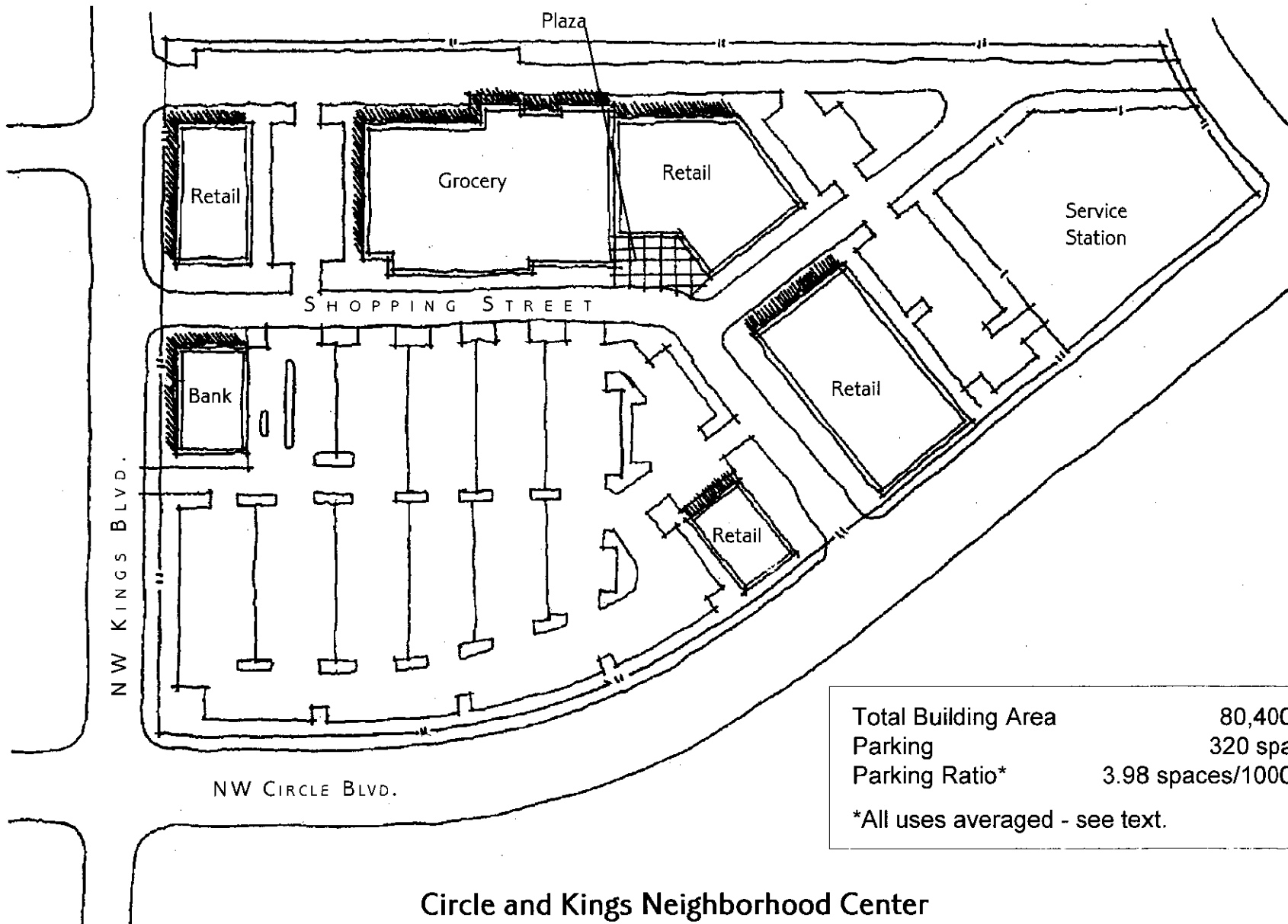
- The case study demonstrated that the new housing options available in the RS-6 zone can provide for a greater range of housing types and an increase in density.
 - In evaluating compliance with the housing mix table (located at the end of LDC Chapter 4.9), we observed that greater flexibility for compliance would occur if the required mix of housing could be met by providing a mix of “building types” and/or “housing types”. Staff indicated that this issue had already been raised and a Code revision proposed. The case study supports the need for this revision.

Circle and Kings Neighborhood Center



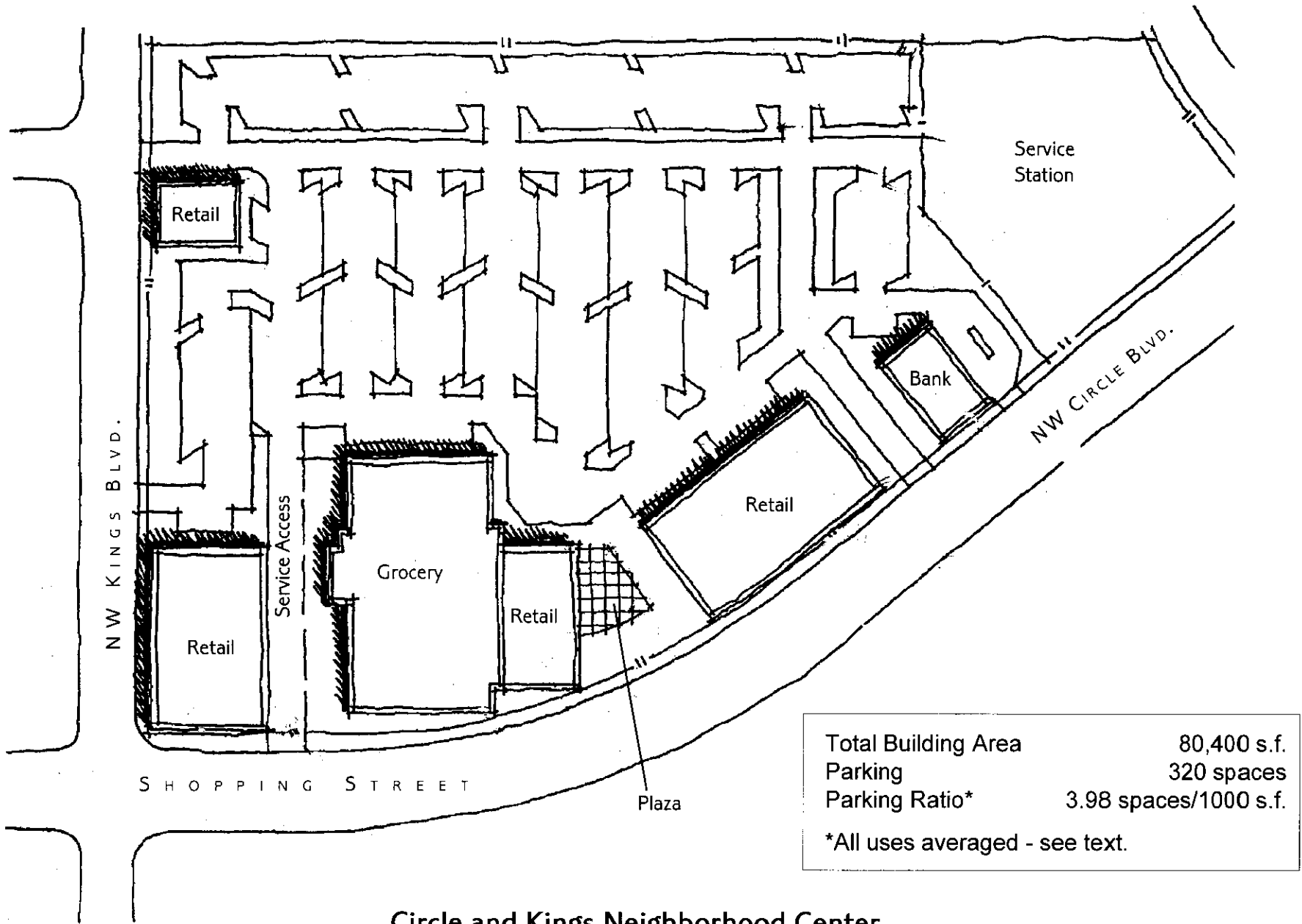
Total Building Area	75,400 s.f.
Parking	320 spaces
Parking Ratio*	4.24 spaces/1000 s.f.
*All uses averaged - see text.	

Circle and Kings Neighborhood Center
Existing



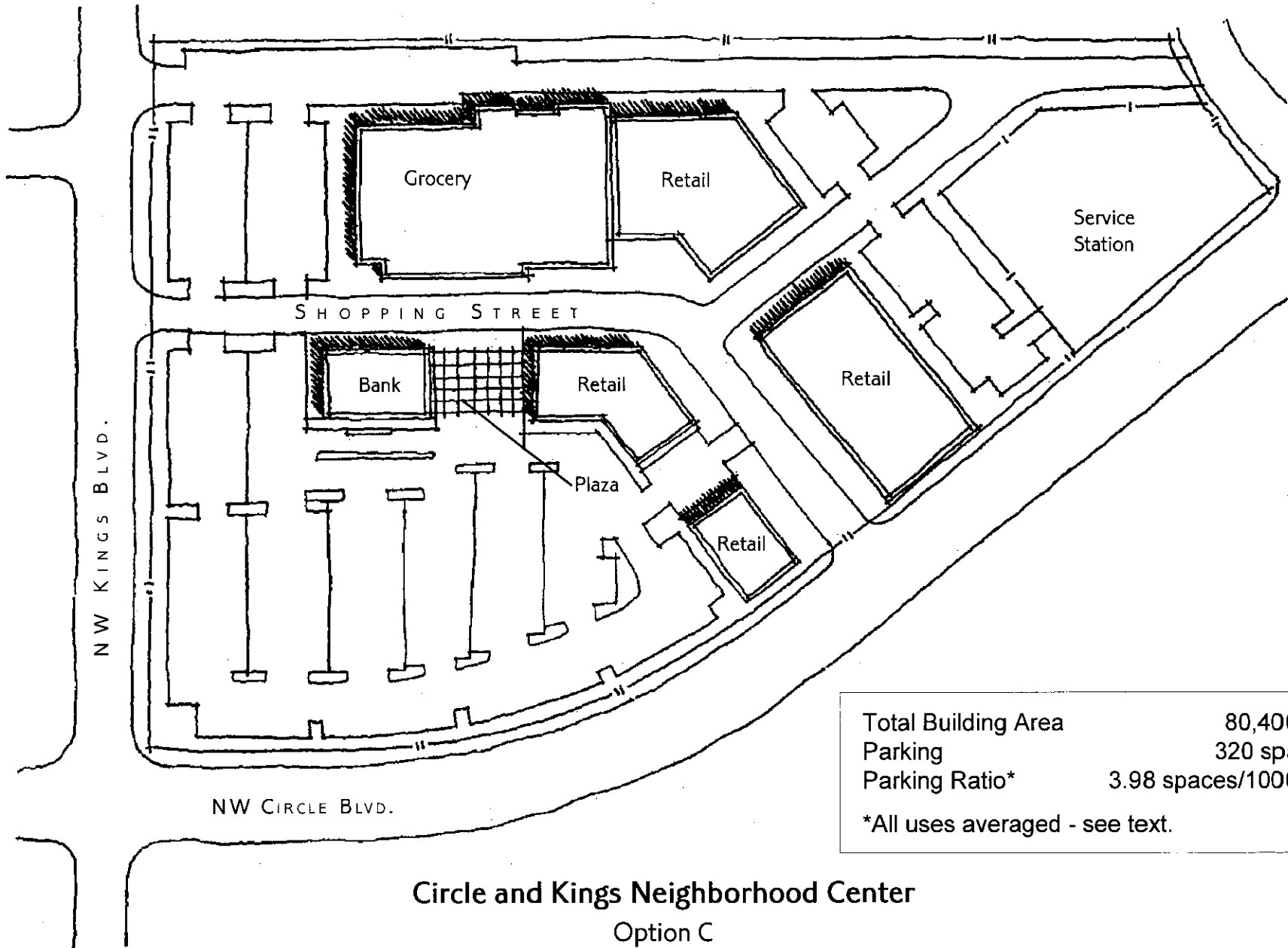
Total Building Area	80,400 s.f.
Parking	320 spaces
Parking Ratio*	3.98 spaces/1000 s.f.
*All uses averaged - see text.	

Circle and Kings Neighborhood Center
Option A



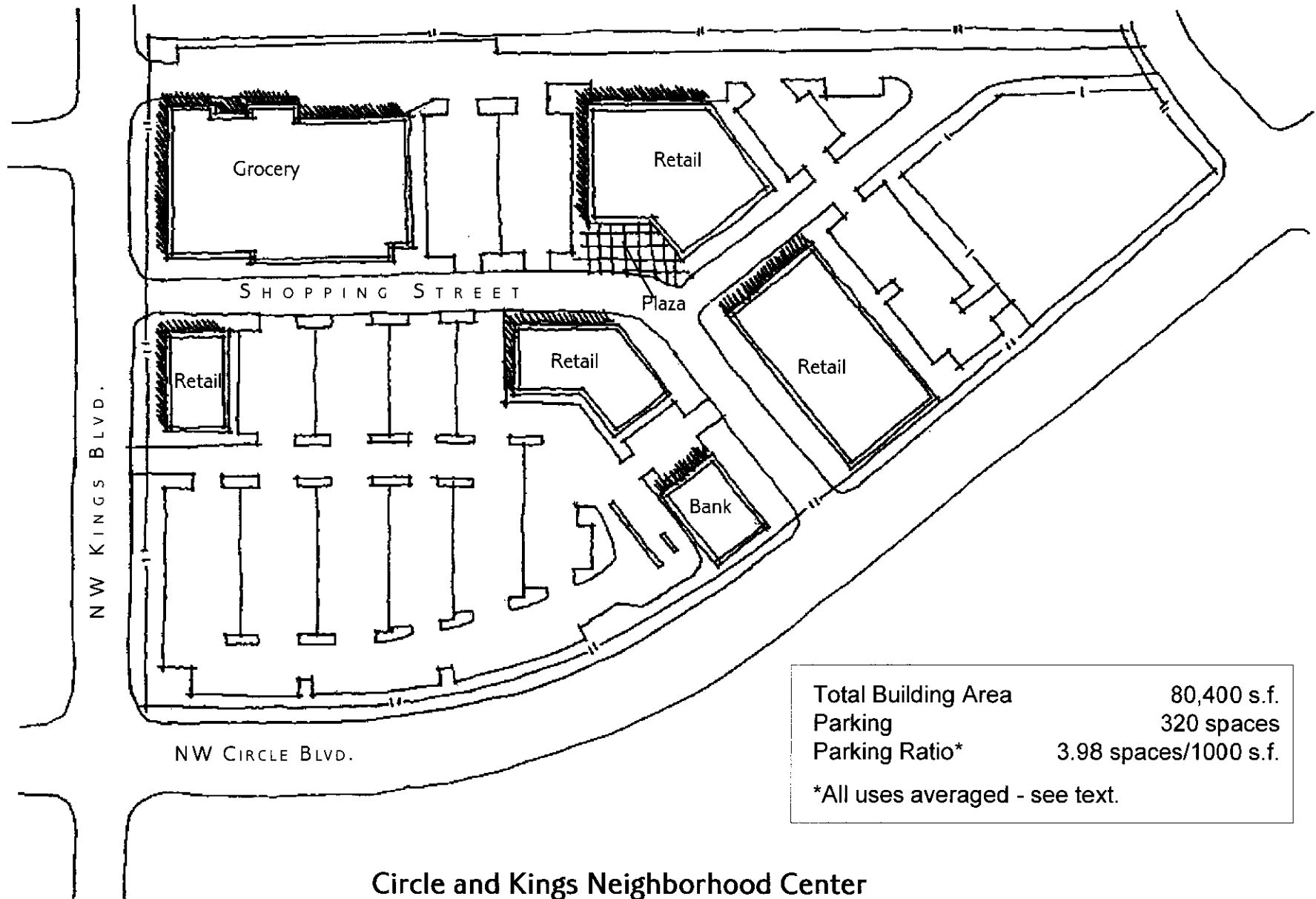
Total Building Area	80,400 s.f.
Parking	320 spaces
Parking Ratio*	3.98 spaces/1000 s.f.
*All uses averaged - see text.	

Circle and Kings Neighborhood Center
Option B



Total Building Area	80,400 s.f.
Parking	320 spaces
Parking Ratio*	3.98 spaces/1000 s.f.
*All uses averaged - see text.	

Circle and Kings Neighborhood Center
Option C



Total Building Area	80,400 s.f.
Parking	320 spaces
Parking Ratio*	3.98 spaces/1000 s.f.
*All uses averaged - see text.	

Circle and Kings Neighborhood Center
Option D

Circle and Kings Neighborhood Center

The Circle and Kings Neighborhood Center case study is intended to provide an evaluation of a shopping center redesign as if the existing site layout could be completely modified (i.e., a clean slate) and the original development program were rebuilt. The Circle and Kings site is an existing development, so the location of existing streets and adjacent land uses are “held” in the study. As directed by the city, it is assumed that the existing gas station can be relocated.

Four site plan options were prepared. All four options included approximately 5000 square feet of additional retail development. Without this additional retail, the existing parking ratios can be maintained in each of the redesigns. The existing parking ratio is approximately 4.24 spaces per 1000 square feet of floor area. It is important to note that this ratio is a blended average, i.e., all uses are averaged together. The average is highly influenced by the four restaurants and fitness center, which have relatively high parking requirements under the Code. With the additional 5000 square feet of retail, the parking ratios are reduced to near the minimum required by the Code, with a blended average of approximately 3.98 spaces per thousand square feet of building area. The actual parking demand could change significantly with a different mix of tenants in the center.

Redesign Findings

How the Project Would Have Changed

- Option A has an internal Shopping Street, with a fairly typical location of buildings along principally one side of the Shopping Street.
- Option B illustrates a design where all buildings are brought forward to Circle Boulevard and Kings Boulevard. This approach enhances the visual quality and pedestrian character of Circle Boulevard, and results in a relatively continuous parking field on the internal portion of the site. It would require flexibility in the Shopping Street standards as recommended in the commentary for the Rite Aide Case study.

- Option C illustrates an internal Shopping Street location, but with buildings on both sides of the Shopping Street. This approach enhances the pedestrian character of the Shopping Street. This option may require an exemption from the PODS requirement for locating buildings at street corners (no building is located at the corner of Kings Boulevard and the Shopping Street).
- Option D is a variation on Option C, intended to balance good pedestrian character along a portion of the shopping street while placing more parking close to the grocery store and meeting the corner building orientation requirement Option C does not address. The visibility of the grocery store is also enhanced as compared to Option C.

Summary of Cost Changes

- Costs were not evaluated for this case study.

Code Comments

This case study reinforces the key finding from the Rite Aid case study: that there is no clear single choice for the location of Shopping Streets on development sites. Each option has different advantages and disadvantages for both the public objectives embodied in the code and private development feasibility.

- Option A demonstrates that the Shopping Street standards, as written, do not necessarily result in a shopping center layout that is much different from what could be developed under the existing code.
- Based on the above comment, the City should consider clarifying the text of 3.14.0.02 to say that the approval of a Shopping Street in a Major Neighborhood Center should be done as part of a discretionary review of a Master Site Plan (when such plans are required).
- Overall, the case study reinforces the current code process for review of Major Neighborhood Center Master Site Plan in a discretionary review. In such a review (e.g., a Conditional Development review) the advantages and disadvantages of various options can be discussed in the context of review criteria that include pedestrian orientation.

Market & Financial Analysis

DATE: June 1, 2000
TO: Mr. Joe Dills
OTAK
FROM: HOBSON JOHNSON & ASSOCIATES
SUBJECT: City of Corvallis Case Studies

EXECUTIVE MEMORANDUM

The purpose of this memorandum is to address the cost implications and feasibility of proposed Smart Development Land Development Code (LDC) amendments under review by the City of Corvallis. To test the impact that the proposed amendments would have on development feasibility, seven case studies were completed. Cost figures provided by OTAK were analyzed in four case studies, and considered along with previous consultant experience and interviews with knowledgeable real estate professionals.

The seven case studies included in this analysis represent a variety of commercial and residential land uses:

1. Multi-family infill: Assumed redesign of the Crystal Lake Apartments, a 98-unit apartment project located on a 9.98 acre site;
2. Single Family redesign: Redesign of eight contiguous single-family dwellings in the Grand Oaks Summit planned development;
3. Major neighborhood commercial infill: Addition of new retail in the parking lot of the existing Rite Aid store at Circle Blvd. and 9th streets;
4. Minor neighborhood commercial redevelopment: Redevelopment of three sites along Van Buren Avenue between 10th and 11th streets;
5. Community shopping center redesign: Redesign of a 7,600 square foot retail building at 1318 9th Avenue;
6. Stoneybrook Retirement Community: Redesign of a 31-acre retirement, single family, and duplex development in West Corvallis; and
7. Circle and Kings Neighborhood Center: Redesign of a shopping center located at the corner of NW Circle Boulevard and NW Kings Boulevard.

In each case study that involved a cost analysis, the additional monthly rent needed to cover the additional costs associated with the LDC amendments were calculated based on the following assumptions:

Multi-Family:¹

- ◆ *\$0.80 per-square-foot rental rates;*
- ◆ *A stabilized occupancy rate of 95%; and*
- ◆ *A desired capitalization rate of 9%.*

Retail:²

- ◆ *\$15 per-square-foot for in-line stores or pads in anchored centers;*
- ◆ *\$13 per-square-foot for retail space in smaller unanchored centers;*
- ◆ *A stabilized occupancy rate of 95%; and*
- ◆ *A desired capitalization rate of 9%.*

II. CASE STUDIES

Case Study 1: Crystal Lake Apartments

Crystal Lake is a thirteen-building 98-unit apartment complex located on Crystal Lake Drive in Corvallis. Smart Development LDC amendments would result in several changes to this project, including the following:

- ◆ *Parking is moved from the front of buildings to parking courts distributed throughout the property. The net effect reduces the amount of paved area by approximately 11,600 square feet and increases the amount of landscaping by the same amount;*
- ◆ *Increases the number of buildings from 13 to 15 while maintaining the same total number of apartment units; and*
- ◆ *Addition of 60 windows to the sides of buildings.*

The total estimated cost of developing the existing project in today's market is approximately \$6.9 million³. The additional cost associated with the proposed changes is \$66,569.50, a 0.97% increase. The following table summarizes the additional rent required to cover these costs.

¹ Weighted average rent for newer Class A apartments in Corvallis.

² Based on statistics from Jackson Cooper & Associates

³ Includes land and building costs.

TABLE 1 – ADDITIONAL RENT PER UNIT SUMMARY

	Additional Rent Per Month Per Unit	Additional Rent Per-Square-Foot	Percent Increase In Rent 1/
Landscaping and Pavement	\$1.18	\$0.0014	0.18%
Buildings	\$5.50	\$0.0066	0.83%
Windows	\$2.26	\$0.0027	0.34%
Entire Property	\$8.94	\$0.0107	1.35%

1/ Applies \$.80 per square foot rental rate to 830 square foot average unit sizes.

Developers and property managers that reviewed the proposed changes stated the project's marketability would be enhanced by the revised site plan that is consistent with Smart Development amendments. Comments included:

- ◆ *Having landscaping and sidewalks in front of buildings rather than parking would increase the project's curb appeal;*
- ◆ *Clustered parking would work because no tenant would be too far away from their unit, particularly if parking spaces are assigned; and*
- ◆ *The windows on the side of the buildings would increase the value of these units. Trammell Crow Residential, the largest multi-family developer in the nation, charges at least \$10 per month more for end units because they have more natural light than interior units. The rent premium could be higher depending on the view from these windows.*

Given the above, the additional cost associated with the Smart Development LDC amendments could easily be recovered through a relatively modest increase in rent.

Case Study 2: Grand Oaks Summit

This case study is based on the redesign of eight single-family homes located in the Grand Oaks Summit planned development in Corvallis. The primary change is that the proposed LDC amendments would require these homes to have garages that are recessed from the main façade.

For the purposes of estimating the impact that the proposed amendments would have on costs, OTAK redesigned homes on two of the eight lots. Lot 35 has a three-car garage design. Lot 42 has a home with a two-car garage. Because the other six lots have two car

garages, changes to Lot 42 are expected to be representative. The costs associated with the two recessed garage designs are compared to the existing garage forward design below.⁴

TABLE 2 –ADDITIONAL COST FOR RECESSED GARAGES

	Development Costs 1/	Net Change	Percent Change
Lot 38 Existing 2/	\$225,430		
Option A 2/	\$227,397	\$1,967	0.9%
Option B 2/	\$224,680	(\$750)	(0.3%)
Lot 42 Existing 3/	\$196,850		
Option A 3/	\$198,819	\$1,969	1.0%
Option B 3/	\$197,801	\$951	0.5%

1/ Includes land
2/ 2,535 square foot home
3/ 2,075 square foot home

As illustrated, the impacts on cost are negligible. Designs with slightly higher costs could be more than offset by the generally larger back yards found in the recessed garage designs, and similar-to-better architectural designs. Thus, the net impacts are mostly positive.

However, the eight homes included in the case study do not fully illustrate the impacts that can result if a recessed garage design is required on all lots:

- ◆ *Recessing the garage can result in closer placement of homes on lots with narrow street frontages. This problem is somewhat illustrated in the case study with lots 35 and 36. When the full width of the home is brought forward to the narrow portion of the lot, the distance between the homes is significantly reduced.*
- ◆ *This impact can be offset by pulling the garage further back; however, this solution would reduce the size of the back yard and increase the costs of paving. This would have a negative impact on value.*
- ◆ *Adding an alley and a garage to the back of the lot is another solution. It, however, is less efficient than the above and results in even smaller back yards and higher development costs. Limited market evidence suggests that most households are not willing to pay the extra cost for a typical detached home with a rear garage. The size and price of the home are more important for most buyers. Higher income households are generally the only group willing to pay for this largely aesthetic improvement. Buyer preferences could change as more alley blocks are available in the market.*

⁴ The cost increase does not include the \$1,000 approximate cost of changing existing architectural plans. This cost is expected to be a one-time cost that can be spread over several homes.

- ◆ *Finally, it is not possible to add a rear alley in many interior infill lots, or financially feasible on lots with a significant amount of topography. The increase cost of grading and accessing garages on steep slopes is too great.*

These issues illustrate the need to have flexibility in the Code. Without the ability to have an adjustment, the amendments may reduce development feasibility, housing affordability, and the ability to encourage infill development.

OTAK also developed an alley/courtyard plan that would increase the number of homes on the subject property from 8 to 10. No costs were provided, thus the financial impacts of this change were not analyzed. From a marketing perspective, however, small lot homes have more limited market appeal than larger lot homes. They appeal mainly to older couples (empty nesters) and single parent, female-headed households.

Case Study 3: Rite Aid Infill Development

Case Study 3 assumes additional retail space is added to the existing Rite Aid site located at intersection of Circle Boulevard and North 9th Street. OTAK developed three infill and one redevelopment option for this site.

- ◆ *Option A-1: Add approximately 11,000 square feet of retail space in front of the Rite Aid store.*
- ◆ *Option A-2: Add approximately 11,000 square feet of retail space along Circle Boulevard.*
- ◆ *Option A-3: Add approximately 17,500 square feet of retail space along North 9th Street.*
- ◆ *Mixed-Use Redevelopment: Develop the entire parking lot with a high-density mix of uses including office, retail, apartments, and parking structures.*

Development of Option A-1 under existing vs. proposed regulations is the focus of this analysis. Under the proposed regulations there would be:

- ◆ *More windows,*
- ◆ *Slightly more landscaping and wider sidewalks;*
- ◆ *More building articulation; and*
- ◆ *Potentially a second entrance into the buildings.*

The cost difference between the two options is estimated to be \$49,800. Based on marketability, it is unlikely that even this relatively small increase in cost could be offset by the 2.9% rent premium required to offset it. It is more likely that overall rents in the property would decrease under Option A-1. The Rite Aid space is likely to become less valuable because visibility to the store would be

obscured and parking would become more inconvenient. A requirement to add a second entrance into the new buildings may also be viewed negatively by tenants due to security concerns.

If Options A-2 or A-3 were selected, they would likely be viable. The placement of the pads under Option A-2 is better. While Option A-3 still obscures views of Rite Aid, the large amount of retail space that could be added would make this scenario compelling from a financial perspective, particularly if visibility to Rite Aid could be increased through signage and/or minor modifications to the existing site plan.

Corvallis' current LDC establishes a minimum of 2.5 surface parking spaces per 1,000 sq. ft. for most retail and office uses, with a maximum of 3.25/1,000 sq. ft. As shown below, all options are at the low end of this range. The parking ratios proposed in the three infill options are compared to the existing site as follows:

**TABLE 2 –DEVELOPMENT SUMMARIES
 COMMERCIAL INFILL OPTIONS**

	GLA Sq/Ft	Parking Spaces	Parking Ratio
Existing	74,146	338	4.6
Option A-1	85,146	237	2.8
Option A-2	85,146	232	2.7
Option A-3	91,646	253	2.8

GLA = gross leasable area

Absent creative financing and/or unique ways to reduce cost, the Mixed-Use Redevelopment Option is not expected to be viable in the near term. Rental rates in North Corvallis are not expected to support this scale of mixed-use development in the near-term, particularly with structured parking. The economics of mixed-use development are difficult and not viable in most locations in Oregon outside of Portland's Central City at this time.

The challenge in making mixed-used development work financially is the need to pay higher construction costs that cannot be offset by a commensurate increase in rental income. Construction costs for mixed-use projects are higher than single use structures for a number of reasons including structured parking, increased likelihood that elevators will be needed, and the need to separate occupancy types by more expensive fire rated construction. For example, a recent analysis for a mixed-use development in the Goose Hollow District of Portland revealed that monthly parking rates in the structured parking garage would need to total approximately \$180/month just to break even.⁵ There are few places that will bear these rates for parking.

⁵ Also assumes the garage would be 95% occupied at these rates.

Case Study 4: Minor Commercial Redevelopment

Case study 4 assumes approximately three sites along Van Buren Avenue between 10th and 11th are redeveloped. The existing buildings would be replaced with two and three story mixed-use buildings with ground floor retail and upper floor apartments.

There have been several examples of mixed-use development in the Portland metropolitan area, including the Belmont Dairy, the Standard Dairy, and others. These projects have received strong residential market acceptance, and mostly strong retail acceptance. However, virtually all mixed-use projects located outside Northwest Portland, the Lloyd District, and Downtown Portland have needed a substantial amount of subsidy to be developed.

As noted earlier, lease rates in Corvallis are not expected to support mixed-use development currently. Additionally, “back of the envelope calculations” indicate it may not be financially viable to redevelop existing structures with single use buildings currently given the need to purchase an improved property, demolish it, and pay for new construction. Creative financing, public subsidies, and unique joint ventures can make redevelopment more viable.

At this site, adding second floor apartments to ground floor retail would likely hurt a developer’s return on investment. The cost of construction for these land uses is fairly similar in mixed-use structures, while net rents⁶ differ substantially. Net retail rents in this type of development in this area of Corvallis are approximately \$1.10 per-square-foot-per-month, approximately 100% higher than expected net rents for apartments (\$0.56 per-square-foot per-month).

Corvallis can provide subsidies to encourage this type of development and accelerate when it will occur. Local subsidies can range from discounted permit fees to tax abatements. They are often used in conjunction with state (bonds) and federal (tax credits, HOME and block grant funds, etc.) subsidies.

Case Study #5: Trinomial Building

The Trinomial Building is a 7,600 square foot commercial center located at 1318 NE 9th Street in Corvallis. The proposed LDC amendments would result in the following changes:

- ◆ *Addition of a five-foot planter strip on the north side of the building.*
- ◆ *Addition of large windows and a building entrance to the east elevation (currently faces 9th).*
- ◆ *Additional building treatment added to the based on the building.*
- ◆ *Additional building articulation (façade projections and recessed entries) every 30 feet on the north elevation.*

⁶ Gross rent less operating expenses

The additional cost associated with the above changes is \$29,965.00. This represents a 3.4% increase in the total development costs. The following table summarizes the additional rent required to cover these costs.

TABLE 3 --ADDITIONAL RENT PER SQUARE FOOT SUMMARY

	Financial Effect
Additional Costs To Meet Code	\$29,965.00
Times: Capitalization Rate	9%
<i>Plus: Stabilized Vacancy Factor</i>	<i>\$134.84</i>
<i>Equal: Needed Rent</i>	<i>\$2,831.69</i>
Divide: By Total Leasable S.F.	7,600
<i>Equals: Needed Rent 1/</i>	<i>\$0.37</i>
<i>Current Assumed Lease Rate</i>	<i>\$13.00</i>
<i>Percent Increase</i>	<i>2.9%</i>

1/ Represents net increase in NNN rent per square foot needed to cover costs.

The larger windows coupled with an improved building appearance would make the center more attractive. The windows on the street would provide more display space and visibility, advantages that should offset security problems (theft) created by having two entrances into one tenant space. Therefore, the relatively small (2.9%) increase in rent is expected to be achievable and offset the increased cost of construction.

Appendices

APPENDIX A
CASE STUDY 1:
MULTI-FAMILY REDESIGN
CRYSTAL LAKE APARTMENTS

PROJECT DESCRIPTION

Name: Crystal Springs Apartments
Location: Crystal Lake Drive
Project: 98 unit apartment building located on a 9.98-acre site.

PROPOSED CHANGES 1/	Change	Per Unit Cost	Total Cost
a. Removed Asphalt Paving (square feet)	(10,295)	\$2.25	(\$23,163.75)
b. Removed Sidewalks (square feet)	(1,348)	\$3.75	(\$5,055.00)
c. Additional Landscaping (square feet)	11,643	\$2.75	\$32,018.25
d. Additional Trees	25	\$200.00	\$5,000.00
e. Additional Building Area (square feet)	572	\$60.00	\$34,320.00
f. Added Building Exterior (square feet)	1,400	\$4.75	\$6,650.00
g. Added Windows	108	\$280.00	\$16,800.00
Total Added Cost			\$66,569.50

FINANCIAL IMPACT

Total Additional Cost of Project	\$66,569.50
Times: 9% Cap Rate	<u>\$5,991.26</u>
Equals: Net Operating Income (Divided by 12 for per month figure)	\$499.27
Divide: By 60% to Determine Adjusted Gross Income	\$832.12
Divide: By Stabilized Occupancy (95%) to Determine Gross Income	\$875.91
Divide: By Number of Units	<u>98</u>
Equals: Net Increase in Monthly Rent Per Unit Needed to Cover Costs	\$8.94
a. Paving & Landscaping Part	\$1.18 13%
b. Building Part	\$5.50 62%
c. Window Part	\$2.26 25%

1/ OTAK

SOURCE: OTAK and Hobson Johnson & Associates

APPENDIX B
CASE STUDY 2:
SINGLE FAMILY REDESIGN
GRAND OAKS SUMMIT

PROJECT DESCRIPTION

Name:	Grand Oaks Summit
Location:	Grand Oaks Drive
Land Use:	Eight single-family homes some with two and three car garages

PROPOSED CHANGE

Garages to be recessed behind the main plane of the house.

FINANCIAL IMPACT ON TWO CAR GARAGE MODEL, Lot #42 1/

OPTION A

Increase Driveway and Sidewalks (696 sf existing/865 sf proposed)	\$633.8
Landscaping (212 sf of driveway added, 212 sf of landscaping eliminated)	(\$464.8)
Added House Corners (exterior and interior corners)	\$1,800.0
<hr/>	
<i>Total Hard Cost Difference</i>	<i>\$1,969</i>
<i>Total Construction Costs 1/</i>	<i>\$196,850</i>
<i>Average Home Sales Price 2/</i>	<i>\$235,000</i>
<i>Percent Increase In Construction Costs</i>	<i>1.00%</i>
<i>Percent Increase In Sales Price</i>	<i>0.84%</i>

OPTION B

Increase Driveway and Sidewalks (30 sf)	\$112.5
Removed Landscaping	\$838.75
<hr/>	
<i>Total Hard Cost Difference</i>	<i>\$951.3</i>
<i>Total Construction Costs 1/</i>	<i>\$196,850</i>
<i>Average Home Sales Price 2/</i>	<i>\$235,000</i>
<i>Percent Increase In Construction Costs</i>	<i>0.48%</i>
<i>Percent Increase In Sales Price</i>	<i>0.40%</i>

FINANCIAL IMPACT ON THREE CAR GARAGE MODEL, Lot #38 1/

OPTION A

Concrete Driveway & Sidewalk (871 sf existing/1,038 sf proposed)	\$626.25
Landscaping (212 sf of driveway eliminated, 212 sf of landscaping added)	(\$459.25)
House Corners (added costs from exterior and interior corners)	\$1,800.00
<hr/>	
<i>Total Hard Cost Difference</i>	<i>\$1,967.00</i>
<i>Total Construction Costs 1/</i>	<i>\$225,340</i>
<i>Average Home Sales Price 2/</i>	<i>\$275,000</i>
<i>Percent Increase In Construction Costs</i>	<i>0.87%</i>
<i>Percent Increase In Sales Price</i>	<i>0.72%</i>

OPTION A

<i>Reduce Garage Square Footage (30 sf)</i>	<i>(\$750.00)</i>
<i>Total Construction Costs 1/</i>	<i>\$225,340</i>
<i>Average Home Sales Price 2/</i>	<i>\$235,000</i>
<i>Percent Change In Construction Costs</i>	<i>-0.33%</i>
<i>Percent Change In Sales Price</i>	<i>-0.32%</i>

1/ Form OTAK

2/ From Dennis Phalisch the developer

SOURCE: OTAK and Hobson Johnson & Associates

APPENDIX C
CASE STUDY 3:
MAJOR COMMERCIAL INFILL
RITE AIDE SITE

DEVELOPMENT COSTS UNDER EXISTING REGULATIONS

a. Building Costs	11,000	\$80.00	\$880,000.00
b. Site Improvements	89,328	\$2.50	\$223,320.00
c. Land	12,650	\$27.50	\$347,875.00
<i>Subtotal</i>			\$1,451,195.00

DEVELOPMENT COSTS UNDER PROPOSED REGULATIONS

a. Increased Building Costs	11,000	\$83.84	\$922,240.00
b. Increased Cost for Site Improvements	89,328	\$2.58	\$230,880.00
c. Land	12,650	\$27.50	\$347,875.00
<i>Subtotal</i>			\$1,500,995.00

NET DIFFERENCE **\$49,800.00**

FINANCIAL IMPACT

<i>Total Additional Cost of Project</i>	<i>\$49,800.00</i>
Times: 9% Cap Rate	\$4,482.00
Plus: Stabilized Occupancy (95%) Factor	\$224.10
<i>Equals: Needed Increase In Net Operating Income</i>	<i>\$4,706.10</i>
Divide: By Total Leasable Square Feet	11,000
<i>Equals: NNN Rent Per Square Foot Required to Cover Additional Costs</i>	<i>\$0.43</i>
Divide: Assumed NNN Lease Rates	\$15.00
<i>Equals: Percent NNN Increase Required to Cover Additional Costs</i>	<i>2.9%</i>

1/ From OTAK

SOURCE: OTAK and Hobson Johnson & Associates

APPENDIX D
CASE STUDY 5:
COMMUNITY SHOPPING SITE REDESIGN
TRINOMIAL BUILDING

PROJECT DESCRIPTION

Name:	Trinomial Building
Location:	1318 NW 9th
Description:	7,600 square foot multi-tenant building with 17 total parking spaces.

PROPOSED FAÇADE CHANGES I/	Change	Per Unit Cost	Total Cost
a. Concrete Sidewalks (square feet)	486	\$3.75	\$1,822.50
b. Landscaping (square feet)	(464)	\$2.75	(\$1,276.00)
c. Exterior Wall Added	(321)	\$16.00	(\$5,136.00)
d. Concrete Masonry Wall w/ Furring Added	772	\$16.00	\$12,352.00
e. Concrete Masonry Wall Added	120	\$14.00	\$1,680.00
f. Building Storefront Removed	(213)	\$28.00	(\$5,964.00)
g. Added Roof Framing	1,170	\$5.00	\$5,850.00
h. Remove Framing From Stucco Walls	(285)	\$13.00	(\$3,705.00)
i. Remove Framed Stucco Soffits	(304)	\$11.00	(\$3,344.00)
j. Add Stucco Wall	1,485	\$12.00	\$17,820.00
k. Add Framed Stucco Soffits	498	\$11.00	\$5,478.00
l. Build-up Roof	1,170	\$3.75	\$4,387.50
<i>Total Added Cost</i>			\$29,965.00

FINANCIAL IMPACT OF FAÇADE CHANGES

Additional Costs to Meet Requirements:	\$29,965.00
Times: Capitalization Rate (9%)	\$2,696.85
Plus: Stabilized Occupancy (95%) Factor	\$134.84
<i>Equals: Income Needed to Cover Additional Cost</i>	\$2,831.69
Divide: By Total Leasable Square Feet	7,600
<i>Equals: NNN Rent Per Square Foot Required to Cover Additional Costs</i>	\$0.37

SOURCE: OTAK and Hobson Johnson & Associates

***** MEMORANDUM *****

NOVEMBER 13, 2000

TO: MAYOR AND CITY COUNCIL
FROM: JON S. NELSON, CITY MANAGER
SUBJECT: MEASURE 7

A handwritten signature in black ink, appearing to read "Jon", is written over the "FROM:" line of the memorandum.

There will be additional information presented to the City Council on Measure 7 prior to the November 20th public hearing on the Land Development Code.

C: Scott Fewel, City Attorney
Ken Gibb, Community Development Director

2085

MEMORANDUM

From: Ken Gibb, Community Development Director 
To: Mayor and City Council
Date: November 9, 2000
Re: Public Hearing for **LAND DEVELOPMENT CODE UPDATE PROJECT AND RELATED CASES** (LDT00-00002, CPA00-00007, and ZDC00-00009)

I. ISSUE

Periodic Review Work Task 9 requires the City of Corvallis to update its Land Development Code (LDC) to be consistent with the Comprehensive Plan adopted by the City Council on December 21, 1998, and approved by the Land Conservation and Development Commission on June 26, 2000. On September 20, 2000, the Corvallis Planning Commission forwarded to City Council for consideration of Draft C of the Land Development Code, a map of the proposed Zone Changes and Comprehensive Plan Map designation changes, and some minor changes to the text of the Comprehensive Plan.

The City Council held work sessions on October 10th, 12th, 17th, 19th, 24th, and 26th, 2000, to review the Planning Commission's recommendations in detail and to provide the public an additional opportunity to identify and discuss issues with Draft C of the Code, the proposed zoning map changes, and the proposed Comprehensive Plan map and text amendments. During these work sessions, changes were made to each of these items. Simultaneous with these work sessions, a technical editor reviewed the Code and identified technical wording and format changes that needed to be done. The proposed documents incorporate the changes made by the City Council during its October, 2000 work sessions, and the changes suggested by the technical editor. In making the changes suggested by the technical editor, City staff was very careful not to alter the intent of the document.

The proposed documents (with associated background information) are presented with this memo for the City Council to consider for adoption.

II. BACKGROUND

Update of Comprehensive Plan Text and Map - State law requires that the City update its primary land use planning documents via a process called Periodic Review. As part of this Periodic Review process, the City updated its Comprehensive Plan and Map, with City Council adoption in December, 1998. The Comprehensive Plan and Map were updated through a two-year, citizen-based public process that started with an update of the City's Vision Statement, and resulted in the City's current 2020 Vision Statement. The Vision Update was then followed by work that included many citizen work groups and resulted in changes to the policies of the Comprehensive Plan and changes to many land use designations on the Comprehensive Plan map. The revised Comprehensive Plan and map were acknowledged by the State on June 26, 2000.

Some of the major themes of the new Comprehensive Plan and map pertain to the concept of “comprehensive neighborhoods” and pedestrian-oriented development, including the introduction of revised development standards, mixed uses, and an increase in choices for housing types and living environments.

Update of Land Development Code Text and Map - Also as part of the State-mandated Periodic Review process (Work Task 9), the City is required to update its Land Development Code and District (Zoning) map to implement the newly adopted policies of the Comprehensive Plan and newly adopted land use designations of the Comprehensive Plan map. The changes proposed in these legislative amendments (LDT00-00002, CPA00-00007, & ZDC00-00009) are intended to accomplish this required implementation of the new Comprehensive Plan and map. The changes are also designed to address inconsistency and legal issues related to the Land Development Code text and map, as well as the Comprehensive Plan text and map. The changes were developed as part of a 1½-year long public process that included review by two technical review groups (consisting of City Councilors, Planning Commissioners, and citizen representing business and other community interests), as well as review through numerous open houses, targeted stakeholder meetings, and other public meetings. Information regarding the development of the proposed legislative amendments has been widely publicized over the last 1.½ years via status reports within the City Newsletter, ads in the Gazette Times, information on the City’s web site (www.ci.corvallis.or.us/cd/pl/lcdcupdate.html), information at the Corvallis Public Library, information at the Corvallis Planning Division office, and mailed notices (including mailed notices to all property owners whose properties are proposed to receive a land use designation change).

In June, 2000, all owners of property proposed to receive a land use designation change were notified of two public workshops to discuss the land use changes. As a result of input from those meetings, several adjustments to the proposed land use map changes have been incorporated.

In July, 2000, the Planning Commission held five public workshops to further refine the draft changes by reviewing them in detail and providing the public an additional opportunity to identify and discuss issues with the draft Code, the proposed zoning map changes, and the proposed Comprehensive Plan map and text amendments.

On September 6, 2000, the Planning Commission held a public hearing and deliberated on September 13th and 20th. The recommendations from these work sessions and the public hearing were brought to the City Council as: Draft C of the Land Development Code text; some minor Comprehensive Plan text amendments; and the Comprehensive Plan and zoning map changes.

On October 10th, 12th, 17th, 19th, 24th, and 26th, 2000, the City Council held workshops to review the Planning Commission’s recommendations in detail and to provide the public an additional opportunity to identify and discuss issues with Draft C of the Code, the proposed zoning map changes, and the proposed Comprehensive Plan map and text amendments. During these work sessions, changes were made to each of these items. Simultaneous with these work sessions, a technical editor reviewed the Code and identified technical wording and format changes that needed to be done to ensure clarity. The proposed documents incorporate the changes made by the City Council during its October, 2000 work sessions, and the changes suggested by the

technical editor. In making the changes suggested by the technical editor, City staff was very careful not to alter the intent of the document.

III. DISCUSSION

Specific criteria, policies, and information which apply to the proposed legislative amendment to the Land Development Code (LDT00-00002), Comprehensive Plan map and text amendment (CPA00-00002, and zoning map change (ZDT00-00009), were addressed in the August 25, 2000, staff report to the Planning Commission and in this November 9, 2000 memo to the City Council. As its findings to support its recommendation for City Council approval of LDT00-00002, CPA00-00007, and ZDC00-00009, the Planning Commission adopted the information in the August 25, 2000 staff report, as well as two September 6, 2000 supplemental staff memos to the Planning Commission, the September 12, 2000 supplemental staff memo to the Planning Commission, the September 13, 2000 supplemental staff memo to the Planning Commission, and the minutes of the September 6, 13, and 20, 2000 Planning Commission meetings (Attachment IX).

A. PLANNING COMMISSION RECOMMENDATION

1. Topics addressed in the August 25, 2000 staff report to the Planning Commission include:

(a) Legislative Amendment to the Land Development Code (LDT00-00002)

Proposal (pages 5 through 9)
Criteria, Discussion, and Conclusions (pages 9 through 56)
Recommendation and Findings (pages 56 through 68)
Statewide Planning Goal Analysis (referenced in findings and conclusions)
(pages 123 through 133)

(b) Comprehensive Plan Map and Text Amendment (CPA00-00007)

Proposal (pages 69 through 72)
Criteria, Discussion, and Conclusions (pages 72 through 90)
Recommendation and Findings (pages 90 95)
Statewide Planning Goal Analysis (referenced in findings and conclusions)
(pages 123 through 133)

(c) Zoning Map Change (ZDT00-00009)

Proposal (pages 96 through 99)
Criteria, Discussion, and Conclusions (pages 99 through 117)
Recommendation and Findings (pages 118 through 122)
Statewide Planning Goal Analysis (referenced in findings and conclusions)
(pages 123 through 133)

2. Topics addressed in the supplemental staff memos to the Planning Commission include:

(a) Two September 6, 2000, supplemental staff memos to the Planning Commission

A listing of additional discussion items and additional testimony, respectively.

(b) September 12, 2000, supplemental memo to the Planning Commission

Additional discussion items raised by the Planning Commission, additional information requested by the Planning Commission, additional testimony, and a matrix of all discussion items raised in testimony or by the Planning Commission to assist with the Planning Commission deliberations.

(c) September 13, 2000, supplemental memo to the Planning Commission

Additional testimony.

3. Topics addressed in the September 6, 13, and 20, 2000 Planning Commission meeting minutes include:

(a) Public testimony;

(b) Planning Commission deliberations; and

(c) Planning Commission recommendation, findings, and conclusions.

B. CHANGES SUBSEQUENT TO PLANNING COMMISSION RECOMMENDATION

As indicated above, following the October, 2000 City Council work sessions and review by the technical editor, City staff incorporated the recommended changes into the proposed Land Development Code, Comprehensive Plan text and map changes, and zoning map changes. The proposed documents (with associated background information) are presented with this memo for the City Council to consider for adoption. The currently proposed draft of the Code is called "Draft D." A discussion of several points is outlined below in the categories of: 1) Legislative Amendment to the Land Development Code; 2) Minor Text Amendments to the Comprehensive Plan; and 3) Map Amendments to the Comprehensive Plan and Zoning Map.

1. Legislative Amendment to the Land Development Code

Draft D of the Land Development Code (Exhibit A) is a legislative amendment to the Land Development Code (LDT00-00002) to implement the adopted Policies of the Comprehensive Plan, to address inconsistencies and legal issues, and to incorporate technical edits for clarity. The precise nature of these amendments is discussed within

the August 25, 2000, staff report to the Planning Commission (pages 5 through 9 of Attachment IX of Attachment IX). Discussion, findings, and conclusions, including a Statewide Planning Goal analysis, are included within that staff report. The August 25, 2000 staff report to the Planning Commission, and the information contained within subsequent written documents pertaining to this case, Exhibit C and Attachments I through IX of this staff memo, are hereby included in the record of this hearing.

During the City Council work sessions identified above, a number of changes were made to the Planning Commission-recommended draft of the Land Development Code. These changes are identified within the meeting minutes for those Council work sessions (Attachment II) and have been incorporated into the proposed Draft D of the Code (Exhibit A). Most significant of the Council-recommended changes included changes to the new commercial zones of Mixed Use Community Shopping (MUCS), Mixed Use General Commercial (MUGC), and Neighborhood Center (NC); and changes to the commercial portion of the pedestrian standards within section 4.10.70 of Chapter 4.10 - Pedestrian Oriented Design Standards. In general, the total of these changes resulted in the increase of allowed uses and size of uses, the increase of allowed building footprints, and the increase in options available to meet the pedestrian standards for civic, commercial and industrial development. Additionally, changes were made to some of the procedural chapters within Article II.

Below is a discussion of some follow-up issues identified by the City Council, and issues identified by City staff during a final review of the Code after making the Council- and technical editor-directed changes. In addition to these changes, some of the more substantial formatting edits suggested by the technical editor are highlighted. While staff views these formatting edits as needed to result in a more consistent and clear Code document, they do not change the intent of the Code requirements.

- (a) Changes to Chapter 1.4 - Nonconforming Uses; Chapter 2.12 - Lot Development Option (LDO); Chapter 2.7 - Extension of Services; and Chapter 2.8 - Vacating of Public Lands and Plats

Consistent with direction from the City Attorney's Office and discussion at the work sessions, the review criteria has been changed in Chapter 1.4 - Nonconforming Uses; Chapter 2.12 - Lot Development Option (LDO); Chapter 2.7 - Extension of Services; and Chapter 2.8 - Vacating of Public Lands and Plats (see discussion below regarding associated amendment of Comprehensive Plan policy 3.2.7). For all of these land use case types except the LDO, the review criteria were simply not applicable and have been removed. For Lot Development Option, which is a general development review process, the review criteria in Comprehensive Plan policy 3.2.7 require the use of more discretion than is considered appropriate for this type of review. New clear and objective review criteria have been inserted.

(b) Reorganization of the Livability Indicators and Benchmarks within Chapter 2.6 - Annexations

Consistent with Council direction, the categories of the livability indicators and benchmarks within Chapter 2.6 - Annexations, have been changed to be consistent with the categories within the City's Vision 2020 Statement. As the category titles within the Vision 2020 Statement didn't directly correspond to all the livability indicators and benchmarks within Chapter 2.6, the changes were made based on further analysis of the text of the Vision 2020 Statement. However, Council comments are welcomed regarding this reorganization to ensure that the individual livability indicators and benchmarks are placed appropriately within the Vision 2020 Statement categories.

(c) Changes to Chapter 2.10 - Major Neighborhood Center Master Site Plan Requirements

Staff identified a number of changes that were needed in this chapter to make it consistent with the procedural requirements of other procedural chapters within Article II. Additionally, as the majority of the provisions in this chapter already referred to the provisions for Conditional Development review in Chapter 2.3, the threshold requirements that determine whether modifications to an approved Master Site Plan are classified as a Minor Master Site Plan Modification or a Major Master Site Plan Modification were changed to match those within Chapter 2.3.

(d) Changes to Chapter 3.9 - Mixed Use Residential (MUR) Zone

This chapter has been reformatted to be consistent with the other residential chapters.

(e) Parking Standards in Chapter 3.15 - Riverfront (RF) Zone

Per Council direction, the parking standards have not changed from Draft C. Staff has shared these standards with the Downtown Parking Commission and its consultant for review. Should the consultant's and Downtown Parking Commission's final recommendations suggest a need to modify the parking provisions within Chapter 3.15, such changes can either be processed as a separate legislative amendment to the Land Development Code at that time or included into a future phase of the Land Development update process. The parking study consultant review of the proposed riverfront parking standards has been completed by Kittelson and Associates and will be provided to the Council under separate cover.

(f) Changes to Chapter 3.14 - Neighborhood Center (NC) Zone, Chapter 3.19 - Mixed Use Community Shopping (MUCS) Zone, Chapter 3.20 - Mixed Use General commercial (MUGC) Zone, and Chapter 4.10 - Pedestrian Oriented Design Standards

Public input during the City Council work sessions identified a number of concerns that property owners had with the new commercial zones and the nonresidential portion of the new pedestrian standards (section 4.10.70) in Chapter 4.10. Primary among these concerns were 15,000 sq. ft. building footprint size limitations within the MUCS Zone and a limited set of choices for meeting the nonresidential requirements of the Pedestrian Oriented Design Standards (PODS) in Chapter 4.10 (section 4.10.70). The City Council responded to these concerns by increasing the maximum allowable building footprint for most uses in the MUCS Zone to 25,000 sq. ft. (Chapter 3.19 of Exhibit A) and by broadening the array of choices available within the PODS both for expansions of existing buildings and for new development (Chapter 4.10 of Exhibit A). Within the MUCS Zone, the Council placed a use size limitation of 10,000 sq. ft. for the use types of convenience sales and personal services, eating and drinking establishments, and food and beverage retail sales; and a 15,000 sq. ft. use size limitation for the use type of general retail sales.

For Minor Neighborhood Centers located on collector or arterial streets, the Council increased the maximum allowable building footprint from 20,000 to 25,000 sq. ft. and increased the maximum allowable use size from 5,000 to 15,000 sq. ft. (Chapter 3.14 of Exhibit A). The Council also added a maximum building footprint size of 55,000 sq. ft., exclusive of outdoor storage, within the MUGC Zone.

(g) Street Standards in Chapter 4.8 - Manufactured Dwelling Facilities

Per Council direction staff investigated the possibility of applying City street requirements to Chapter 4.8 - Manufactured Dwelling Facilities. A number of recent changes in State Statute and Administrative Rules make such a change problematic. First, Manufactured Dwelling Facility standards have been included as a Specialty Code within the Uniform Building Code. These codes are considered minimum/maximum standards, meaning that jurisdictions can allow neither lesser nor greater standards than those in the Specialty Code. Although currently the State Manufactured Dwelling Facility standards provide only a minimum, the State Building Codes Division is in the process of rule-making, from which minimum and maximum standards are likely to emerge.

State planning rules regarding needed housing have also changed recently. Cities are required to provide for all types of "needed housing," and Manufactured Dwelling Facilities are identified as needed housing. Cities are also disallowed from creating rules that make provision of a needed

housing type from being "unreasonably expensive." Due to both of these State positions regarding Manufactured Dwelling Facility standards, it is recommended that Code Chapter 4.8 not be amended to raise the street standards above the current level. It is likely that the standards in this chapter will need to be revisited once State rule-making is complete.

(j) Agricultural Use Types Allowed In Chapter 3.37 - Agriculture - Open Space (AG-OS) Zone

Per Council direction, the AG-OS Zone was amended to allow, via Plan Compatibility Review, some agricultural use types on lands with a Comprehensive Plan map designation of Open Space-Conservation. Subsequent to the Council workshops, a concern was raised regarding the potential for new buildings to be added to these lands. To address this concern, staff consulted with the City and County Parks and Recreation Departments and concluded that Plan Compatibility Review was an appropriate level of review on Open Space-Conservation lands where agricultural use types were proposed without buildings. Staff also concluded that Conditional Development review was the appropriate level of review on Open Space-Conservation lands where agricultural use types were proposed with buildings. Chapter 3.37 of the Code was amended accordingly.

(i) Conclusions Regarding the Legislative Amendment to the Land Development Code (LDT00-00002)

The changes to the Land Development Code resulting from the Planning Commission's recommendations, the City Council's recommendations during the public workshops, and the technical editor's recommendations have had no negative impact on the accuracy and applicability of the analysis of the Statewide Planning Goals and the findings and conclusions relating to LDT00-00002 and contained in the August 25, 2000, staff report to the Planning Commission.

One additional finding of fact and associated conclusion should be added. This finding addresses a written testimony opinion that the City is required to complete the added Periodic Review Work Tasks 11 and 12 (that pertain to conducting additional analyses of housing and economic development) prior to adoption of this Land Development Code. The wording of the proposed additional finding is:

Adoption of LDT00-00002 - Discussions with State Department of Land Conservation and Development staff indicate that the City is obligated, based on the City's existing Periodic Review work program, to continue through the process of adopting a Land Development Code that implements the Comprehensive Plan as approved by the Department of Land Conservation and Development Commission on June 26, 2000. The

new Code will take effect when acknowledged by the State Department of Land Conservation and Development.

The City is making all efforts in this Code Update project to fully preserve its capacity to respond to specific Comprehensive Plan policy reviews as specified in work tasks 11 and 12. Subsequent Code Updates under Periodic Review may be necessary in order to implement acknowledged work tasks 11 and 12. As mentioned, discussions with the State advise that the City is obligated to proceed now with the current Code Update project. Discussions with the State also advise that it is appropriate and acceptable to proceed in the future to make modifications to the Land Development Code or Comprehensive Plan that may be identified through the completion of Work Tasks 11 and 12, following both City adoption and State acknowledgment of those two work tasks. The City's existing Periodic Review work program deadline for task 9 (the Code Update project) was December, 1998, and is considered overdue. The City's deadline for completing work tasks 11 and 12 is June 26, 2001.

Given the above, completion of the Land Development Code Update project (LDT00-00002), is consistent with the Statewide Planning Program's Periodic Review, administered by the Oregon Department of Land Conservation and Development.

This new finding of fact is hereby included in the recommended motion for adoption of LDT00-00002 at the end of this memorandum.

2. Text Portion of Comprehensive Plan Amendment

This Comprehensive Plan amendment (CPA00-00007) is a legislative amendment to the Comprehensive Plan to address issues raised during the development of Draft D of the Land Development Code and to correct inconsistencies. The precise nature of these amendments is discussed within the August 25, 2000, staff report to the Planning Commission (pages 69 through 72 of Attachment IX of Attachment IX). Discussion, findings, and conclusions, including a Statewide Planning Goal analysis, are included within that staff report. The August 25, 2000 staff report to the Planning Commission, and the information contained within subsequent written documents pertaining to this case, Exhibit C and Attachments I through IX of this staff memo, are hereby included in the record of this hearing.

During the City Council work sessions identified above, a number of minor changes were made to the Planning Commission-recommended amendment to the Comprehensive Plan. These changes are identified within the meeting minutes for those Council work sessions (Attachment II) and have been incorporated into this memo. Following is a discussion of the changes and some issues identified by staff during a final review of the Comprehensive Plan amendment after the work sessions.

(a) Changes to Comprehensive Plan Policy 3.2.7

Consistent with direction from the City Attorney's Office and discussion at the City Council work sessions, some changes to Comprehensive Plan policy 3.2.7 are needed. Policy 3.2.7 addresses required compatibility review criteria and lists the planning procedures that are subject to this criteria. A new planning procedure for Refinement Plans, added to Chapter 2.5 of the Code as a procedure subject to Planning Commission review, needs to be included in policy 3.2.7. Several planning procedures listed in policy 3.2.7 need to be removed as explained below.

Policy 3.2.7 lists Chapter 1.4 - Nonconforming Uses, Chapter 2.12 - Lot Development Option (LDO), Chapter 2.7 - Extension of Services, and Chapter 2.8 - Vacating of Public Lands and Plats as being subject to its compatibility review criteria. For all of these land use case types except the LDO, the review criteria are simply not applicable. For Lot Development Options, a general development (staff-level) review process is required and the review criteria in Comprehensive Plan policy 3.2.7 require the use of more discretion than is considered appropriate for this type of review. New clear and objective review criteria have been inserted into the Code to provide this clear and objective criteria.

In response to these issues, the first paragraph of Comprehensive Plan policy 3.2.7 is proposed to be amended as follows:

3.2.7 ~~All special developments, lot development options, intensifications, changes or modifications of nonconforming uses, Comprehensive Plan amendments, Zone Changes, Conditional Developments, Subdivisions and Major Replats, Planned Developments, Refinement Plans, and Annexations other than Health Hazard Annexations, changes, and district changes~~ shall be reviewed to assure compatibility with less intensive uses and potential uses on surrounding lands. Impacts of the following factors shall be considered:

- A. Basic site design (i.e., the organization of uses on a site and its relationship to neighboring properties);
- B. Visual elements (i.e., scale, structural design and form, materials, etc.);
- C. Noise attenuation;
- D. Odors and emissions;
- E. Lighting;
- F. Signage;
- G. Landscaping for buffering and screening;
- H. Transportation facilities; and
- I. Traffic and off-site parking impacts.

(b) Definition for Neighborhood Center Study Area

This item was forwarded by the Planning Commission, but also needs to be noted as an additional element to the Comprehensive Plan text amendment that was addressed in the August 25, 2000 staff report to the Planning Commission. During the Planning Commission review of proposed Comprehensive Plan and Zoning map changes an issue associated with the "Study Area" circles on the Comprehensive Plan map was identified. These circles were not intended to indicate the precise locations of areas to be studied as possible neighborhood centers. Rather, they were intended to be conceptual in nature. This issue is being addressed in both amendments to both the Comprehensive Plan text and map (the latter eliminates the study area circles from the map and places a note on the map discussing the concept of the study areas). The text amendment addressing this issue is the inclusion of a "Study Area" definition into the Comprehensive Plan definition for Neighborhood Centers. This new definition includes minimal locational criteria, for Neighborhood Center Study Areas. The Planning Commission-recommended definition reads as follows:

Study Areas - Areas of the City that are more than 1/4-mile from an existing Neighborhood Center (Major or Minor), with density sufficient to support a Neighborhood Center.

(c) Central Business District Term

When the Comprehensive Plan was adopted, the designation in Article 40 - Comprehensive Plan map Legend and on the map for the Central Business area was inadvertently called "Central Business District." This terminology could be confusing and it is suggested that the named for land with this Comprehensive Plan designation be changed back to "Central Business" in Article 40 and on the map.

(d) Bridge Language

Article 51.5 of the Comprehensive Plan is a policy that outlines how the Comprehensive Plan is to be used between its adoption and the completion and State acknowledgment of an updated the Land Development Code that implements the Plan's many policies. Article 51.5 is the Comprehensive Plan's "bridge language." At the time of the Comprehensive Plan adoption, the date of January 1, 2001, was identified as the "sunset" date for the bridge language in Article 51.5.. This date was selected to indicate City Council's intent to complete the Land Development Code update within a 2-year window. With the adoption of these proposed documents, the City Council will have completed this task; however, it must also be recognized that the new Land Development Code will not take effect until it is approved by the State. Given that this will be at least a number of months beyond January 1, 2001, the City Attorney's Office recommends that Article 51.5 be amended to read:

51.5. Land Development Code Update

Following the adoption of this Comprehensive Plan Revision, the City will update various implementing ordinances, including amendments to the Land Development Code. During the period of time between adoption of this Revised Comprehensive Plan and adoption of Land Development Code amendments fully implementing this Plan, or on January 1, 2001, whichever is earlier and acknowledgment of the Land Development Code amendments by the Land Conservation and Development Commission, along with the resolution of any appeals of that acknowledgment, conflicts between the policies of the adopted Comprehensive Plan and the existing Land Development Code shall be resolved in the following fashion:

51.5.a Discretionary Land Use Decisions. Policies from this Comprehensive Plan shall be used in evaluating Comprehensive Plan Amendments, District Changes, and Annexation requests filed after the effective date the City Recorder has received written acknowledgment of this revised Comprehensive Plan adoption by the Land Conservation and Development Commission. Also, Where the current Land Development Code refers to Comprehensive Plan policies as review criteria for land use applications, whether by general reference to the Comprehensive Plan or by a reference to a specific policy, the appropriate hearing authority decision maker shall use applicable policies from this Comprehensive Plan. In the case of a specific reference to a policy within an earlier Comprehensive Plan, the appropriate hearing authority shall determine what policies from this Comprehensive Plan address the same policy issues as the referenced policy from an earlier Comprehensive Plan. Specifically, policies from this Comprehensive Plan shall be used as part of the appropriate review criteria for Planned Development, Conditional Development, Lot Development Option, Extension of Service, Appeals, and Vacation applications. Once the Land Development Code is revised to implement this Comprehensive Plan, or on January 1, 2001, whichever and is earlier acknowledged by the Land Conservation and Development Commission, this policy will no longer be in effect.

51.5.b Maps. Until such time as the Land Development Code Development District map is revised to implement the Comprehensive Plan map, the existing development districts shall apply. Once the Land Development Code Development District map is revised to implement this Comprehensive Plan, or on January 1, 2001, whichever and is

earlier acknowledged by the Land Conservation and Development Commission, this policy will no longer be in effect.

51.5.c Non-Discretionary Decisions. Non-discretionary land use decisions shall be made using applicable existing Land Development Code provisions. Where the standards of a specific existing Land Development Code provision conflict with an updated Comprehensive Plan Policy, the specific Land Development Code provision will prevail until the relevant section of the Land Development Code is revised or amended, or on January 1, 2001, whichever is earlier, and acknowledged by the Land Conservation and Development Commission. Once the Land Development Code is amended or revised to implement this Comprehensive Plan, this policy will no longer be in effect.

51.5.d Repealer. Once the Land Development Code is amended to implement this Comprehensive Plan, and acknowledged by the Land Conservation and Development Commission, this policy will no longer be in effect, or on January 1, 2001, whichever is earlier.

To be able to enact the recommended changes outlined above before the sunset date of January 1, 2001 is reached, it is recommended that the these changes to Article 51.5 be adopted by the City Council as a separate motion from the remainder of the proposed changes involved with CPA00-00007.

(e) Conclusions Regarding the Text Portion of the Comprehensive Plan Amendment (CPA00-00007)

The text changes to the Comprehensive Plan resulting from the Planning Commission's recommendations, the City Council's recommendations during the public workshops, and additional staff and City Attorney's Office recommendations have had no negative impact on the accuracy and applicability of the analysis of the Statewide Planning Goals and the findings and conclusions relating to LDT00-00002 and contained in the August 25, 2000, staff report to the Planning Commission.

3. Zoning Map Change and Map Portion of Comprehensive Plan Amendment

These Comprehensive Plan and Zoning map Changes (CPA00-00007, and ZDC00-00009) are legislative amendments that amend the Zoning map to implement the adopted Comprehensive Plan map and address inconsistencies, that address issues raised during the development of Draft D of the Land Development Code, and that correct inconsistencies in the Comprehensive Plan

map. The precise nature of these amendments is discussed within the August 25, 2000, staff report to the Planning Commission (pages 69 through 72, and 96 through 99 of Attachment IX of Attachment IX). Discussion, findings, and conclusions, including a Statewide Planning Goal analysis, are included within that staff report. The August 25, 2000 staff report to the Planning Commission, and the information contained within subsequent written documents pertaining to this case, Exhibit C and Attachments I through IX of this staff memo, are hereby included in the record of this hearing.

During the City Council work sessions identified above, a number of changes were made to the Planning Commission-recommended "Draft Proposed Zoning and Comprehensive Plan Map Changes" map. These changes are identified within the meeting minutes for those Council work sessions (Attachment II) and have been incorporated into the current draft of the map (Exhibit B). Following is a discussion of a Comprehensive Plan and Zoning map amendment request received after the City Council finished its work sessions.

(a) Change to High Density Residential (RS-20) Instead of MUCS for 727 SW 10th Street

As part of the proposed legislative zoning map changes, the zoning map designation for the property at 727 SW 10th Street is proposed to be changed from Shopping Area (SA) to Mixed Use Community Shopping (MUCS). The Comprehensive Plan map designation for the property is Mixed Use Commercial. The request, proposed by Terry Gerding, is to change the Comprehensive Plan map designation from Mixed Use Commercial to High Density Residential and the change the proposed legislative zoning map change to RS-20 instead of MUCS (Attachment I).

The property is a small parcel with a private residence abuts property to the north that recently changed to High Density Residential (RS-20) as part of CPA00-00003. To the south, the subject property abuts Medium Density Residential (RS-9) land. It is at the north end of SW 10th Street, which dead-ends into the previously mentioned High Density Residential (RS-20) property.. Given the recent approval of High Density Residential (RS-20) property immediately to the north of the subject site, and the very small size of the site (approximately 7,200 sq. ft.), it is recommended that the Council consider including the request in the proposed legislative map changes.

(b) Removal of Neighborhood Center Study Area Circles

As mentioned, during the Planning Commission review of proposed Comprehensive Plan and Zoning map changes an issue associated with the "Study Area" circles on the Comprehensive Plan map was identified. These circles were not intended to indicate the precise locations of areas to be studied as possible neighborhood centers. Rather, they were intended to be conceptual in nature. This issue is being addressed in both amendments to both the Comprehensive Plan text and map. The map part

of the amendment eliminates the study area circles from the Comprehensive Plan map and places a note on the map discussing the concept of the study areas, consistent with the new definition of study areas.

(c) Conclusions Regarding the Zoning Map Change and the Map Portion of the Comprehensive Plan Amendment (CPA00-00007 and ZDT00-00009)

The changes to the "Draft Proposed Zoning and Comprehensive Plan Map Change" map resulting from the Planning Commission's recommendations, the City Council's recommendations during the public workshops, and the last map change request presented by Mr. Terry Gerding have had no negative impact on the accuracy and applicability of the analysis of the Statewide Planning Goals and the findings and conclusions relating to LDT00-00002 and contained in the August 25, 2000, staff report to the Planning Commission.

One additional finding of fact and associated conclusion should be added. This finding addresses a written testimony opinion that the City is required to complete the added Periodic Review Work Tasks 11 and 12 (that pertain to conducting additional analyses of housing and economic development) prior to adoption of these legislative map changes. The wording of the proposed additional finding is:

Adoption of CPA00-00007 and ZDT00-00009 - Adoption of LDT00-00002 - Discussions with State Department of Land Conservation and Development staff indicate that the City is obligated, based on the City's existing Periodic Review work program, to continue through the process of adopting a Land Development Code (which includes its associated Zoning Map) that implements the Comprehensive Plan as approved by the Department of Land Conservation and Development Commission on June 26, 2000. The new Code and associated map changes will take effect when acknowledged by the State Department of Land Conservation and Development.

The City is making all efforts in this Code and map Update project to fully preserve its capacity to respond to specific Comprehensive Plan policy reviews as specified in work tasks 11 and 12. Subsequent Code and map Updates under Periodic Review may be necessary in order to implement acknowledged work tasks 11 and 12. As mentioned, discussions with the State advise that the City is obligated to proceed now with the current Code and map Update project. Discussions with the State also advise that it is appropriate and acceptable to proceed in the future to make modifications to the Land Development Code (and/or map) or Comprehensive Plan (and/or map) that may be identified through the completion of Work Tasks 11 and 12, following both City adoption and State acknowledgment of those two work tasks. The City's existing Periodic Review work program deadline

for task 9 (the Code Update project) was December, 1998, and is considered overdue. The City's deadline for completing work tasks 11 and 12 is June 26, 2001.

Given the above, completion of the Land Development Code and map Update project (including CPA00-00007 and ZDC00-00009), is consistent with the Statewide Planning Program's Periodic Review, administered by the Oregon Department of Land Conservation and Development.

This new finding of fact is hereby included in the recommended motion for adoption of CPA0000-00007 and ZDC00-00009 at the end of this memorandum.

IV. REQUESTED ACTIONS

Staff requests the following actions on the part of the City Council:

A. COMPREHENSIVE PLAN AMENDMENT (CPA00-00007)

1. Text Amendment to Article 51.5

It is recommended that the City Council approve the legislative amendment to Article 51.5 of the Comprehensive Plan text, as presented in this staff memo, to continue the bridge language regarding the implementation of the Comprehensive Plan until a revised Land development Code is acknowledged by the State Land Conservation and Development Commission. With regard to this portion of Comprehensive Plan amendment CPA00-00007, the Council has the following options:

OPTION #1 - Approve the request as proposed, thereby accepting the recommendation of the City Attorney's Office to approve this part of CPA00-00007;

OPTION #2 - Modify the request; or

OPTION #3 - Deny the request.

Based on the findings contained in the August 25, 2000 staff report to the Planning Commission, and the findings contained within this staff memo, staff recommends **Option #1**. If the City Council agrees with this recommendation, staff recommends that the Council entertain the following motion:

MOTION: The City Council moves approval of the portion of CPA00-00007 that pertains to the amendment of Comprehensive Plan Article 51.5 as depicted in this staff memo, subject to the review and approval of a final order.

2. **Text Amendment to Article 40, as presented in the August 25, 2000 staff report to the City Council; text amendment to Article 40 to include the new definition for a neighborhood center "Study Area," as depicted in this staff memo; text amendment to Article 40 to change the term "Central Business District" to "Central Business;" and text amendment to policy 3.2.7, as depicted in this staff memo**

It is recommended that the City Council approve the legislative amendment to:

- (a) Article 40 of the Comprehensive Plan text, as presented in the August 25, 2000 staff report to the City Council;
- (b) Article 40 of the Comprehensive Plan text to include the new definition for a neighborhood center "Study Area," as depicted in this staff memo;
- (c) Article 40 of the Comprehensive Plan text to change the term "Central Business District" to "Central Business;" and
- (d) Policy 3.2.7, as depicted in this staff memo, to modify the list of planning procedures subject to policy 3.2.7.

With regard to this portion of Comprehensive Plan amendment CPA00-00007, the Council has the following options:

OPTION #1 - Approve the request as proposed, thereby accepting the recommendations of the Planning Commission, the City Attorney's Office, and staff to approve this part of CPA00-00007;

OPTION #2 - Modify the request; or

OPTION #3 - Deny the request.

Based on the findings contained in the August 25, 2000 staff report to the Planning Commission, and the findings contained within this staff memo and its exhibits and attachments, staff recommends **Option #1**. If the City Council agrees with this recommendation, staff recommends that the Council entertain the following motion:

MOTION: The City Council moves approval of the portion of CPA00-00007 that pertains to the amendment of Comprehensive Plan text as outlined in "a-d" above, subject to the review and approval of a final order.

3. **Map Amendment, as presented in Exhibit B as the "Draft Proposed Zoning and Comprehensive Plan Map Changes" map; with the addition of the Gerding request described in this memo and shown in Attachment I**

It is recommended that the City Council approve the legislative amendment to the Comprehensive Plan map:

- (a) As presented in the Exhibit B as the Draft Proposed Zoning and Comprehensive Plan Map Changes map; and
- (b) As requested by Mr. Terry Gerding in this memo and Attachment I, such that the map designation for 727 SW 10th Street is changed from Mixed Use Commercial to High Density Residential.

With regard to this portion of Comprehensive Plan amendment CPA00-00007, the Council has the following options:

- OPTION #1 - Approve the request as proposed, thereby accepting the recommendations of the Planning Commission, and staff to approve this part of CPA00-00007;
- OPTION #2 - Modify the request; or
- OPTION #3 - Deny the request.

Based on the findings contained in the August 25, 2000 staff report to the Planning Commission, and the findings contained within this staff memo and its exhibits and attachments, staff recommends **Option #1**. If the City Council agrees with this recommendation, staff recommends that the Council entertain the following motion:

MOTION: The City Council moves approval of the portion of CPA00-00007 that pertains to the amendment of Comprehensive Plan map as outlined in “a and b” above, subject to the review and approval of a final order.

B. LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE (LDT00-00002)

It is recommended that the City Council approve the legislative amendment to the Land Development Code (LDT 00-00002) to implement the adopted policies of the Comprehensive Plan, to address inconsistencies and legal issues, and to provide clarity through technical edits. These changes are represented in Exhibit A as Draft D of the Land Development Code.

With regard to this legislative amendment to the Land Development Code (LDT00-00002), the Council has the following options:

- OPTION #1 - Approve the request as proposed, thereby accepting the recommendations of the Planning Commission and staff to approve LDT00-00002;
- OPTION #2 - Modify the request; or

OPTION #3 - Deny the request.

Based on the findings contained in the August 25, 2000 staff report to the Planning Commission, and the findings contained within this staff memo and its exhibits and attachments, staff recommends **Option #1**. If the City Council agrees with this recommendation, staff recommends that the Council entertain the following motion:

MOTION: The City Council moves approval of LDT00-00002, as depicted in Exhibit A - Draft D of the Land Development Code, subject to the review and approval of a final order.

C. ZONING MAP CHANGE (ZDC00-00009)

It is recommended that the City Council approve the legislative amendment to the Zoning map:

1. As presented in the Exhibit B as the Draft Proposed Zoning and Comprehensive Plan Map Changes map; and
2. As requested by Mr. Terry Gerding in this memo and Attachment I, such that the zoning map designation for 727 SW 10th Street is changed from Shopping Area (SA) to High Density Residential - RS-20.

With regard to this Zoning Map Change, the Council has the following options:

OPTION #1 - Approve the request as proposed, thereby accepting the recommendations of the Planning Commission and staff to approve ZDC00-00009;

OPTION #2 - Modify the request; or

OPTION #3 - Deny the request.

Based on the findings contained in the August 25, 2000 staff report to the Planning Commission, and the findings contained within this staff memo and its exhibits and attachments, staff recommends **Option #1**. If the City Council agrees with this recommendation, staff recommends that the Council entertain the following motion:

MOTION: The City Council moves approval of ZDC00-00009 as outlined in “a and b” above, subject to the review and approval of a final order.

V. ATTACHMENTS

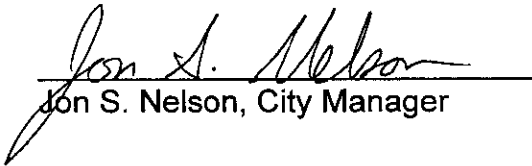
EXHIBIT A - Proposed Land Development Code (Draft D)

EXHIBIT B - Draft Comprehensive Plan and Zoning Map Changes Map

- EXHIBIT C - Planning Commission Notice of Disposition
- ATTACHMENT I - Miscellaneous Additional Testimony Received During and After the October, 2000 City Council Work Sessions
- ATTACHMENT II - Minutes from the October, 2000 City Council Work Sessions
- October 10, 2000
 October 12, 2000
 October 17, 2000
 October 19, 2000
 October 24, 2000
 October 26, 2000
- ATTACHMENT III - October 26, 2000 Memo to City Council from Ken Gibb, Community Development Director
- ATTACHMENT IV - October 24, 2000 Memo to City Council from Kathy Seeburger, Associate Planner (re: additional property owner mapping requests)
- ATTACHMENT V - October 24, 2000 Memo to City Council from Kathy Seeburger, Associate Planner (re: letter from Bert Meyer)
- ATTACHMENT VI - October 19, 2000 Memo to City Council from Kelly Schlesener, Planning Manager
- ATTACHMENT VII - October 17, 2000 Handout with Additional Testimony
- ATTACHMENT VIII - October 16, 2000 Memo to City Council from Fred Towne, Associate Planner, and Kelly Schlesener, Planning Manager
- ATTACHMENT IX - September 29, 2000 Memo to City Council from Ken Gibb, Community Development Director
- ATTACHMENT I - Planning Commission Minutes for September 20, 2000 Meeting
- ATTACHMENT II - Written Testimony Submitted After September 20, 2000 Planning Commission Deliberations
- ATTACHMENT III - Planning Commission Minutes for September 13, 2000 Meeting
- ATTACHMENT IV - Supplemental Staff Memo to Planning Commission dated September 13, 2000 (re: additional testimony)

- ATTACHMENT V - Supplemental Staff Memo to Planning Commission dated September 12, 2000
- ATTACHMENT VI - Planning Commission Minutes for September 6, 2000 Meeting
- ATTACHMENT VII - Supplemental Staff Memo to Planning Commission dated September 6, 2000 (re: additional testimony)
- ATTACHMENT VIII - Supplemental Staff Memo to Planning Commission dated September 6, 2000 (re: additional discussion items)
- ATTACHMENT IX - August 25, 2000 Staff Report to Planning Commission

Review and Concur:


Jon S. Nelson, City Manager

DRAFT PROPOSED ZONING & COMPREHENSIVE PLAN MAP CHANGES

(Includes Planning Commission & City Council Recommendations)

Last Revised 11-8-2000

ATTACHMENT A

Notes:

Neighborhood Centers:
The Major and Minor Neighborhood Center Circles on the Comprehensive Plan Map will be centered on the areas zoned Neighborhood Center (Major or Minor) on the Zoning Map.

A Comprehensive Plan Text Amendment is recommended to include the following definition for Neighborhood Center Study Area:
"Areas of the City that are more than 1/4-mile from an existing Neighborhood Center (Major or Minor), with density sufficient to support a Neighborhood Center."

Drainageways:
Publicly-owned drainageways are proposed to be zoned Agriculture - Open Space (AG-OS). The appropriate zoning for privately-owned drainageways will be evaluated in conjunction with a future phase of the Land Development Code Update.

Key to Explanatory Tags:

- Changes to Implement Adopted Comprehensive Plan, as Recommended by Technical Review Groups and/or Planning Commission
- Proposed Corrections to Zoning Map and/or Comprehensive Plan Map Discrepancies
- Other Recommended Zoning Map and/or Comprehensive Plan Map Changes
- Proposed Agriculture - Open Space Zoning for City-Owned Properties Subject to Open Space - Conservation Comprehensive Plan Designation
- Property Owner Mapping Requests
- Proposed Removal of Planned Development Overlay on Zoning Map

City of Corvallis Planning Division
Proposed Zoning & Comprehensive Plan Map Changes
For Review: November 20, 2000 City Council Public Hearing
(Last Revised November 8, 2000)

Zoning Map Designations:
(Limited to Those Designations Shown on Map)

Residential:

- RS-3.5 = Low Density Residential
- RS-5 = Low Density Residential
- RS-6 = Low Density Residential
- RS-9 = Medium Density Residential
- RS-9(U) = Medium Density Residential - University
- RS-12 = Medium-High Density Residential
- MUR = Mixed Use Residential

Commercial:

- MUCS = Mixed Use Community Shopping
- MUGC = Mixed Use General Commercial
- Minor NC = Minor Neighborhood Center
- Major NC = Major Neighborhood Center

Industrial:

- GI = General Industrial
- MUE = Mixed Use Employment
- LI-O = Limited Industrial - Office
- RTC = Research Technology Center
- MUT = Mixed Use Transitional

Other:

- RF = Riverfront
- AG-OS = Agriculture - Open Space
- Planned Development Overlay

Comprehensive Plan Map Designations:
(Limited to Those Designations Shown on Map)

Residential:

- LD = Low Density Residential
- MD = Medium Density Residential
- MHD = Medium-High Density Residential
- MUR = Mixed Use Residential

Commercial:

- MUC = Mixed Use Commercial

Industrial:

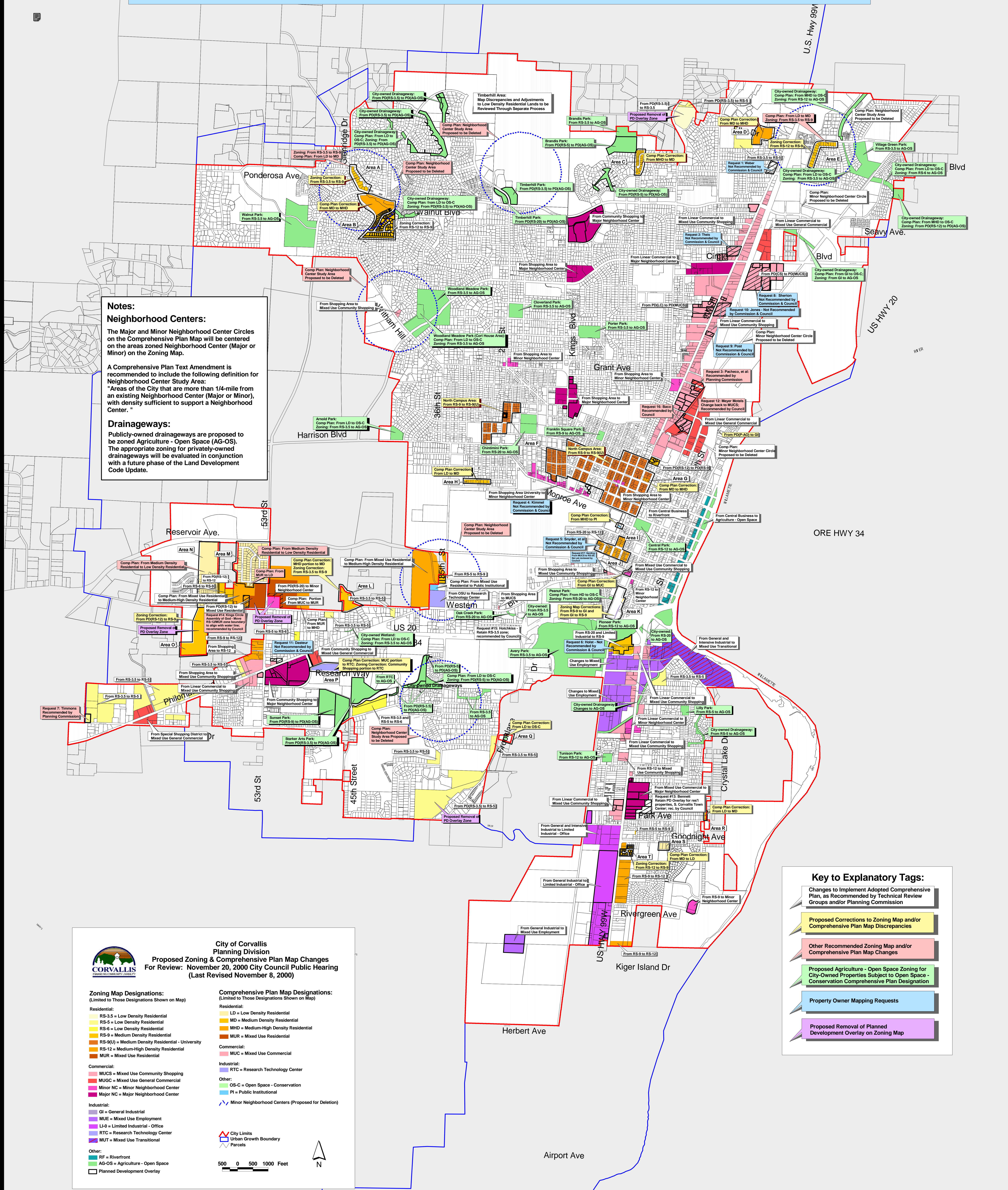
- RTC = Research Technology Center

Other:

- OS-C = Open Space - Conservation
- PI = Public Institutional
- Minor Neighborhood Centers (Proposed for Deletion)

City Limits
Urban Growth Boundary
Parcels

500 0 500 1000 Feet



**CORVALLIS PLANNING COMMISSION
NOTICE OF DISPOSITION**

ORDER 2000-113

CASE: Land Development Code Update Project - Land Development Code Text Amendment (LDT00-00002); Comprehensive Plan Map and Text Amendment (CPA00-00007); and Development District (Zone) Change (ZDC00-00009)

REQUEST: Consider adoption of major revisions to the Corvallis Land Development Code and Development District (Zoning) Map that address requirements of the City's recently acknowledged Comprehensive Plan. In addition, consider several revisions to the Comprehensive Plan Map and Text

APPLICANT: City of Corvallis
Community Development Department
P.O. Box 1083
Corvallis, OR 97339

LOCATION Citywide

The Corvallis Planning Commission reviewed the proposed Land Development Code Text Amendment (LDT00-00002); Comprehensive Plan Map and Text Amendment (CPA00-00007); and Development District (Zone) Change (ZDC00-00009) at a public hearing on September 6, 2000, and conducted deliberations on September 13, 2000 and September 20, 2000. At the Planning Commission meeting on September 20, 2000, the Commission recommended that the City Council approve the requests with some amendments. The Planning Commission adopted findings of fact contained in the staff report dated August 25, 2000, the supplemental staff memo dated September 12, 2000, and the minutes dated September 6, 13 and 20, 2000.

The Planning Commission's recommended amendments to the requests are outlined in the minutes dated September 13 and 20, 2000 and are also reflected in the September 29, 2000 staff memo to the City Council and in "Draft C" of the Land Development Code which will be presented to the Council during the Council's work sessions in October, 2000.

Due to the cost of printing the large documents referenced above, these documents have not been attached to this Notice of Disposition. However, all of the documents may be viewed at the Planning Division office at 501 SW Madison Avenue, at the Public Library at 645 NW Monroe Avenue, or on the City's web site at www.ci.corvallis.or.us.

As the Planning Commission's actions are recommendations only, they are not appealable. The City Council will hold workshops on the Land Development Code Update Project requests throughout October, 2000, and will follow the workshops with a public hearing. The City Council will make a final decision on the Land Development Code Update Project requests after it conducts its public hearing, which is tentatively scheduled for November 20, 2000.

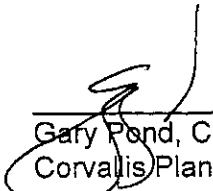

10-17-00
Gary Pond, Chair
Corvallis Planning Commission

EXHIBIT C

ATTACHMENT I

Miscellaneous Additional Testimony Received During and After the October, 2000 City Council Work Sessions

To: The Corvallis City Council (LCD Hearings)

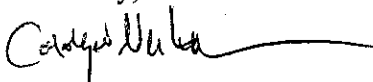
Oct. 11, 2000

I really like the direction Corvallis is going. I think the work groups are to be commended on the fine job done on the Comp Plan and the LDC in what must have been an arduous and time-consuming process. Judging by the number of pedestrian-oriented developments with neighborhood centers springing up around the country, it seems that a new movement has been born and I'm happy to see that Corvallis too has incorporated many of these progressive new ideas, factoring in human needs, human scale, and limited resources. Furthermore, the character of our town is being maintained by sticking with historical precedent and keeping the downtown as the main commercial center. Albany has gone the other direction and operates on outdated notions of unlimited resources. It has a wonderful historical downtown that it undermines by supporting miles of car-oriented, ugly, and alienating stripmalls.

I'm very pleased, therefore, to see the emphasis on pedestrian and bike accommodations in new development here, including commercial. I also like the new standards for residential and commercial building. These kinds of economies of scale and energy indicate an awareness that husbanding our resources will benefit us now and even more in the future. I hope that the various types of mixed use zones will prove that both livability and financial profits are compatible. I believe that a healthy balance of uses will not only create financial health but reduce the chances of an area becoming unsightly and slummy—this can happen anywhere, but is more likely to happen where there is a lack of pride in ownership and no inherent aesthetic. If at least the latter is in place, the former can be regenerated. Corvallis citizens can walk to local providers which have the diversity and charm of old Europe. Why do Americans find Europe charming? Because there is inherent beauty in even the most monumental buildings, which were designed for lifting the human spirit rather than lifting the human wallet. "If you build beautiful buildings, people will behave beautifully." – Bette Midler

I guess it's inevitable that the people who like strip malls will want to resist the new standards (as I noticed in a couple of letters in Draft C of the LDC). Now that we have reached the 50,000 mark, the door is open to this mentality, but as a member of the buying public I would like to support a healthy downtown area over big box stores. I like the human scale, the diversity of shops, and the often very individualized locally owned shops. I prefer regional uniqueness to the generic sameness that makes every town look like every other town. I'm sorry to see that Borders Books and Music has driven out a whole range of small and interesting stores. I hope that is not the future of 9th St., which not only looks more generic every day but is starting to look a little like Fresno. Everyone should have to spend time in Fresno. It's a city without a heart, with oversized sprawling monolithic commercial centers, competing signs (so many that it is counterproductive and you can't find anything), and endless wastelands of parking lots spinning off in every direction. There is no focal point, no sense of community. These centers line 4 lane roads with median strips down the middle, disallowing any way to cross over to the other side, and you're taking your life in your hands if you're a pedestrian or a cyclist. The same bad planning can be seen in Salem, Beaverton, and elsewhere. They have magnified their traffic problems many-fold, and have admitted that there is no way that they can ever create roads fast enough to keep pace with the traffic burden. I would not wish this on anyone, and this is why I'm so pleased with the new standards proposed in Draft C.

Sincerely,



Carolyn Ver Linden

P.S. QUESTION ON ATTACHMENT V (PART 2) ON THE PAGE ABOUT NEIGHBORHOOD CENTERS (NC) ZONE, NC-1 8/20/99 ABOUT THE 5 POTENTIAL NC'S - IS ONE OF THEM REALLY GOING TO BE ON THE NE QUADRANT OF NW WALNUT BLVD / NW KING'S BLVD? ISN'T THAT UNDEVELOPED LAND?

To: Mayor Helen Berg, Members of the City Council, and City Administration
From: Susan Christie, Chair, Bicycle/Pedestrian Advisory Commission *Susan Christie*
Subject: MUCS and MUGC Zones, Specifically Northwest 9th Street
Date: October 12, 2000

I am writing on behalf of the Bicycle/Pedestrian Advisory Commission, whose members wish me to encourage you to stand by the new "pedestrian friendly" land development codes that are being drafted for Northwest 9th Street. The infrastructure is there, with bike lanes and sidewalks, and transit regularly serves the area. However, the placement of many of the buildings doesn't comply with state guidelines for encouraging modes of transportation other than the private car, nor does the area conform to the vision outlined in our new Comprehensive Code. The current unattractive, car-oriented development pretty much forces people to drive, even if they would rather not. The area is especially difficult for pedestrians, who must negotiate large parking lots to get to the stores. Construction of much affordable housing in the neighborhood means that young parents often are afoot with small children.

Many of us would like to bequeath something other than strip malls, big box stores, and asphalt deserts to future citizens. Northwest 9th Street could someday be an attractive part of the community, serving the neighborhoods in the area well. We can lay the groundwork for this vision now, rather than give up on this part of town and let it further deteriorate, with increasing traffic problems and "comic book" development. In addition, we need to use our land wisely. Buildings with huge footprints and oceans of car parking are simply not wise use of valuable land.

I am aware that there is resistance to the new codes among property owners and business people in the area. I have been reading through some of the testimony presented to the Planning Commission and some of the missives are little short of actual threats! The testimony brings up all those old issues: (1) Different codes will mean declining property values, (2) Corvallis is supporting a type of development that is not friendly to business, (3) Banks will raise their rates so that small businesses won't be able to get loans, and all the others.

I would counter that citizens all across the country are becoming heartily sick of the "uglification" of their cities and are demanding something better—true urban development rather than suburban sprawl. We have something better in much of Corvallis. Our livability is very high and our property values are the highest in the state. We have a national reputation as a community in which people can actually walk and ride their bikes. Might we be doing something right?

I urge you to work with those who are reluctant to proceed with the new codes and impress upon them the importance of encouraging human-scale development in the northwest part of town, if they truly want to attract more customers. Where it is not practical at present to front the buildings to the street, perhaps something can be done with park strips, access consolidation, covered walkways, and other pedestrian amenities addressed in other parts of the code (Chapter 4.10, Pedestrian Oriented Design Standards).

I do fear one thing, which is that out-of-state property owners and businesses may control much of the area around Northwest 9th, in which case they are not likely to care about traffic problems, livability, or development of human-scale, attractive buildings. Yes, we understand the importance of their investment, and their rigid adherence to "what is working financially," but this must not deter us from working toward a better kind of development for the citizens who live and shop in the neighborhood. If Northwest 9th Street becomes more "people friendly," the businesses can only benefit.

Again, we encourage you to work for something better for Corvallis than suburban sprawl, traffic congestion, ugly big boxes, strip malls, and acres of asphalt between the sidewalk and the stores.



Community Development
Administration
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6981
Fax (541) 766-6936

community.development@ci.corvallis.or.us

October 17, 2000

Jackson Cooper
Commercial Associates
202 NW Sixth Street
P O Box 906
Corvallis, OR 97339

Dear Jackson,

Thank you for your October 16th letter regarding the Land Development Code (LDC) update process.

Your letter was addressed to Staff and included a request to delay adoption of the LDC update. Since completion of the LDC update by the end of the current term is a City Council goal, we will forward this request to the Council for consideration. However, as you know, we are near the end of a two-year process to update the LDC and a four-year concentrated Periodic Review work program. Over the last 18 months, citizen-based Technical Review Groups (TRGs) and the Corvallis Planning Commission worked to develop the recommendations that are before the Council. The TRGs were appointed to include a variety of interests. For example, the Commercial TRG included a local business owner, commercial real estate broker, contractor/developer and attorney and architect who often represent commercial real estate interests.

You have offered a team of attorneys, planners and economists to develop solutions. Given the stage we are at in the process, I recommend that this team develop proposals for the Council work sessions/public hearing that are consistent with the direction of the Comprehensive Plan recently developed by the community and approved by the Land Conservation and Development Commission (LCDC). Specific recommendations that fit within the format of the proposed Code will be the most helpful for review by the City Council.

I would like to address a couple of items identified in your letter:

- As you indicated, LCDC did amend our Periodic Review work program to conduct additional analyses of housing and economic development. This includes the use of the Linn-Benton Regional Housing and Economic Development Study's economic opportunity analysis. The City of Corvallis participated in this study and will use the results to help update the economic opportunities analyses. This will be completed by June of 2001. Any changes to the City's Comprehensive Plan and/or Land Development Code that would be warranted by the additional information will be considered at that time. The City's approach of moving ahead with the LDC update which implements the major policies of the Comprehensive Plan and then coming back with any changes related to the additional work tasks has been endorsed by Department of Land Conservation and Development (DLCD) staff.
- Your letter indicated the proposed LDC amendments mandated mixed use development. That is not the case as the proposed changes allow but do not require a mix of land uses in commercial zones.
- Your letter states that there are proposed new maximum parking ratios. This code update does not significantly change the maximum parking requirements which were established in 1993 with the adoption of the current Code. The ratios you quoted are part of the current regulations and are not proposed to be altered. There is a proposal regarding structured parking for large parking lots. This is an item that the Council is considering during the work sessions and your input on this issue is encouraged.

We will make sure that the Council receives your letter and this response during their work session this evening.

Sincerely,



Ken Gibb
Director



RECEIVED

OCT 16 2000

Comm Dev Admin

202 NW Sixth Street • P.O. Box 906
Corvallis, OR 97339
(541) 754-6320
FAX (541) 758-0508

October 16, 2000

Ken Gibb / Planning Staff
501 SW Madison Ave
Corvallis OR 97333

Dear Ken and Planning Staff:

We represent a coalition of business, development, and institutional interests that is concerned about the proposed regulations contained in the Land Development Code (LDC) (Revision C), especially those related to commercial and industrial development. The City is undertaking a major revision of LDC as the final step in its Periodic Review. We urge you to delay adoption of the revised LDC and direct staff to work with us to upgrade the proposed LDC for the following reasons:

- The City has not completed the update of its Economic Opportunities Analysis (Work Task 11) as required by the Land Conservation and Development Commission's (LCDC) Periodic Review Order #001-223. The purpose of the update is to identify the range of commercial, office, and industrial activities required to accommodate the City's 20-year projected growth and determine the land use regulations and non-residential land supply needed in each category to meet this need. Adopting new LDC text and map amendments prior to undertaking this study is flawed from both a policy and technical perspective. Moreover, this provides the substantive grounds for a legal challenge to LCDC.
- In the proposed revision, the ability to develop non-residential uses, particularly retail uses, is significantly constrained by restrictive design and development standards, e.g., mandatory requirements for mixed-use; size, location, and building orientation requirements, and inadequate parking ratios; and/or discretionary review, e.g., mandatory Plan Compatibility, Conditional Development, and/or Planned Development review. Although we also support the adoption of zoning regulations that encourage more compact growth and pedestrian/transit-friendly development, this must be balanced against economic feasibility and consumer preference.

A perfect example of these constraints is the proposed new maximum parking ratios. The proposed parking minimum for retail uses is 2.5 spaces/1,000 gross square feet (1 space/400 gsf) with the maximum allowance of 3.25 spaces/1,000 gsf for parking in surface lots, given the provision in 4.1.20(o) that the maximum parking ratio cannot exceed 30% of the minimum ratio. An exception is granted for structured parking, when an increase of up to 50%, or up to 3.75 spaces/1,000 gsf, is allowed. Even in structured parking, the cost of which is currently not

UCILT10160-43A

E-mail: pacrealcor@proaxis.com

feasible in a community of our size, the maximum parking ratios are grossly inadequate given accepted industry standards. It is noteworthy that in the Portland Metropolitan Area where Metro has adopted mandatory parking maximums in its Urban Growth Management Functional Plan¹¹ in compliance with the State Transportation Planning Rule (TPR), the maximum parking ratio for "retail/commercial, including shopping centers" is 5.1/1,000 gsf for sites within 1/4 mile of transit service and 6.1/1,000 gsf for sites beyond 1/4 mile.

Retail developers will not develop new retail projects that are hobbled by an inadequate parking supply, especially when they have to compete with existing retailers who have developed prior to the adoption of such restrictions. Moreover, lenders are unwilling to finance projects where a lack of adequate parking is likely to result in the business' failure.

Even if such projects are built, it is fanciful to assume that Corvallis residents will respond to an artificially constrained parking supply by using alternative modes of transportation. In most instances, residents will not, now or in the future, carry a week's grocery shopping home on foot, a television or dry cleaning on the back of a bicycle, or bags of fertilizer or sheet rock on the bus, especially in inclement weather. While making retail developments more accessible to pedestrians, bikers, and transit patrons is necessary and admirable, this must be balanced with the need for auto accessibility, which includes adequate trip-end parking. Moreover, the City ignores the fact that residents frequently combine retail trips with other activities, such as commutes between home, work, school, recreation, and children's activities in what are referred to as "linked" trips. A vast majority of "linked trips" are undertaken by auto.

By constraining development of a full range of commercial activities, including auto-oriented uses, residents will seek the commercial opportunities they prefer by driving to other communities, thus, increasing trip lengths and reducing opportunities for linked trips. This in turn will increase vehicle miles traveled (VMT) and traffic congestion, which is the antithesis of what the proposed new regulations are attempting to achieve, i.e., reduction of VMT and more reliance upon alternative modes.

This is just one example of the problems created by the proposed new regulations. We can present a compelling case for the constraints on non-residential development related to unreasonable building size and orientation requirements and mandates for mixed-use development that the market may not yet support.

For the legal, policy, technical, and practical reasons described above, we believe that adoption of Revision C of LDC is premature. We urge the City Council to complete the required Economic Opportunities Analysis Update and work with the business community, as well as other interested parties, to review the proposed commercial and industrial zoning districts. We have assembled a skilled team of professionals, including a land use attorney, land use

¹¹Source: Urban Growth Management Plan (11/21/96), Table 2, Regional Parking Ratios.

planner, and urban economist, with extensive expertise in this area, whose services we would like to offer to the City so that we may develop workable solutions to the above problems. We truly believe that there are opportunities to upgrade the current development code to encourage more compact development and pedestrian/transit orientation while responding to the realities of the market and needs/preferences of City residents.

Please advise as to how we may proceed.

Sincerely,

COMMERCIAL ASSOCIATES

A handwritten signature in cursive script, appearing to read "Jackson Cooper".

Jackson Cooper, CCIM
Principal

MEMORANDUM

To: Mayor & City Council
From: Tony Howell *Tony*
Subject: Possible modifications to LDC Draft C
Date: October 19, 2000

Revision to Structured Parking Provision (p. 4.1-4)

- p. Structured Parking Required – For ~~commercial, office, and industrial~~ development with off-street vehicle parking requirements in excess of 200 spaces for each of the first 3 stories, all parking in excess of the minimum shall be located in underground or structured parking facilities. In such cases, the parking maximum may be increased to 50 percent in excess of the minimum off-street vehicle parking required by Section 4.1.30 below.

This may not be the best wording. It is intended to exempt residential from this requirement (consistent with the Comp Plan), and to give a possible incentive to add upper floor uses. Each floor would be allowed 200 spaces before this requirement is triggered (so a 2-story bldg would be allowed 400 spaces, or greater, before they hit the structure requirement). Assuming upper floor office uses have different peak use times, it would increase the available parking for first floor retail uses during retail peak times without having to go over the minimum parking allotment. (It is probably good to keep in mind that for most retail or office uses with a minimum requirement of 1 space to 400 sq. ft., they will need to be 80,000 sq. ft. before they hit the 200-space trigger, or 160,000 sq. ft. for a 2-story bldg.)

Potential Revisions to PODS standards for Commercial Uses (p. 4.10-15 thru 19)

One way to reduce many of the problems cited by 9th Street property owners is to increase the flexibility of ways they can meet the Building Orientation and Pedestrian Circulation standards in the PODS chapter.

1. For expansions of existing uses, they now can choose 2 from each of the Building Orientation and Pedestrian Circulation menus (while new development is required to do all of them). This could be modified to allow expansions of existing buildings to choose at least one from each menu and 4 total (2+2 or 1+3), since they may have an easier time meeting some of the Ped Circulation standards. In addition, as recommended by Kirk Bailey, expansions of existing buildings for non-customer, non-public uses could be allowed to meet only one Building Orientation standard. (These should probably only be allowed in the MUCS and MUGC zones.)
2. Add standards to Ped Circulation menu that would be requirements (or options) for new development, and would be additional options to choose from for expansions of existing buildings:

8

- a) On existing 5-lane arterials or arterial highways, agreement to not object to future median or pedestrian island, if proposed.
 - b) For lots abutting existing streetside sidewalks, rebuild sidewalk with standard planting strip.
3. Add options to Ped Circulation menu for expansions of existing buildings only:
- a) Consolidation of driveways (each driveway removed would count toward one of the 2-3 required options).
 - b) Expand landscape buffer (by 20 ft?) between sidewalk and current/remaining parking or drives.
 - c) Provide fewer than minimum parking stalls because of approved shared parking arrangement with abutting property.
 - d) Provide covered ped walkways.
4. Add option to Building Orientation menu for expansion of existing buildings in MUCS & MUGC only:
- a) Allow entrance to be off sidewalk or courtyard along side of building within 50 feet of street (variation of Kirk Bailey suggestion).



October 19, 2000

OCT 23 2000

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Helen Berg
Mayor of Corvallis and
Corvallis City Councilors
PO Box 1083
Corvallis OR 97339

Board Members

John Herrington, President
John Dickman, Vice President
John Coleman, Secretary
Karen Grant, Co-Treasurer
Bob Baird
Marla Fackrell
Pat Lampton
Patrick Magee
Todd Marsh
Joel Rae
Judy Roberts

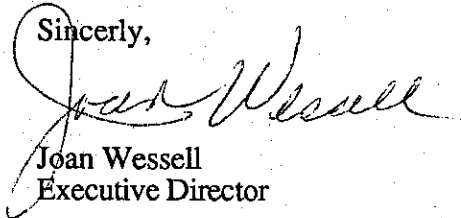
Joan Wessell,
Executive Director

Dear Mayor Berg and Corvallis City Councilors:

DCA Support of 9th Street Businesses

There seem to be a lot of questions about the Land Development Code rewrite especially as it applies to 9th Street. The DCA is in favor of not being so hasty as to adopt something that has so many open questions surrounding it. The DCA suggests that the City do further study and include business interests in the conversation.

Sincerely,



Joan Wessell
Executive Director

Ex-Officio

Kathleen Gager,
City Planning
John Anderson,
Benton County
Patrick Peters,
City Council
Mary Nolan,
Chamber of Commerce
Nichole Maher,
Associated Students OSU
Joany Hecker,
Bookkeeper

"To proactively improve and promote the economic, aesthetic vitality of Downtown Corvallis"

An organization that honors diversity

10

October 22, 2000

The Corvallis City Council

Re: Re-zoning of Central Park Neighborhood

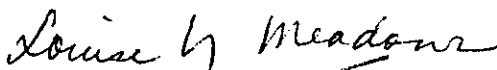
Dear City Council,

We are residents of the Central Park Neighborhood that is being considered for downzoning from RS20 to RS12. In addition to living in this neighborhood, we own a total of 11 houses all located in this area.

We have been kept fully informed of the effort to downzone this neighborhood and have supported this conversion because it reflects the current mix of housing. Therefore we urge you to approve this zone change.

Yours truly,

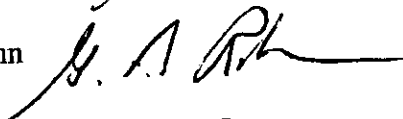
Louise Y. Meadows,



James Zottola



G. F. Rohrman



Collin Daggett



MEMORANDUM

To: Mayor & City Council
From: Tony Howell *Tony*
Subject: More possible modifications to LDC Draft C
Date: October 24, 2000

Minor Neighborhood Centers (p. 3.14-8 & 9)

Consider increasing maximum building footprint in Minor NCs on collectors or arterials to 25,000 sq. ft. (from 20,000), and maximum use size in these locations to 15,000 sq. ft. (from 5,000). Leave limit as is for other locations.

This would be consistent with our change in MUCS from 15,000 to 20,000 bldg size and 10,000 sq. ft. use limit. When we came up with the bldg and use sizes for Minor NC, we were trying to cover all situations, including those where they were located in a neighborhood on local or neighborhood collector streets (such as in Rivergreen development). However, all other existing Minor NCs are on collectors or arterials, and many have uses or bldgs greater than the current draft maximum (Walt's Market at 11th & Van Buren, Canned Foods outlet at 10th & Beca, etc.). This would still protect situations where smaller ones are more appropriate, but allow a medium-sized neighborhood grocery to go here rather than be targeted toward MUCS.

More Potential Revisions to PODS standards for Commercial Uses

- p. 4.10-19: Add sentence to element *f* that covers appropriate pedestrian connections to abutting properties (for example, from old Cannery Mall to Avery Square). *This would be a requirement for new development, and an additional option for expansions of existing buildings.*
- p. 4.10-24: *If we allow proposed exception for expansions to build storage area, etc, off the back of existing bldg, our current wording would require them to add windows to the front of their building. Add alternative for expansions of existing bldgs to meet this requirement only for newly constructed portion of building, with exception for non-public additions to rear.*

Revision to MUCS (and maybe MUGC)

- 1) *MUCS has a number of deep lots (such as Office Max) and long, narrow lots that could be consolidated, making it hard to orient all bldgs to 9th or 3rd Street. Consider adding option of internal shopping street to which bldgs would be oriented.*
- 2) Kirk Bailey's proposal re signage to deal with "shadowing" issue.

BACO

COMMERCIAL PROPERTY DEVELOPMENT & MANAGEMENT
650 NW Harrison Blvd.
CORVALLIS, OREGON 97330

TELEPHONE (541) 757-1241
FACSIMILIE (541) 757-1242

RECEIVED
OCT 25 2000
Comm Dev Admin

October 25, 2000

Corvallis City Council

HAND DELIVERED

re: Request zone change in Proposed Revised Land Use Map Changes dated 8/23/00
at 802-808 NW Buchanan Ave., Corvallis

Dear Counselors;

REQUEST:

The proposed August 23, 2000 Zoning & Comprehensive Plan Map shows our property depicted on exhibit "A" attached, to be in the new MUGC (mixed use general commercial) designation.

We believe the more appropriate zone would be MUCS (mixed use community shopping). The present use of the property and foreseeable uses of the property more closely fit permitted uses in the MUSC zone. The property is currently in the Linear Commercial zone.

LOCATION:

This property exceeds three acres located one block east of Ninth Street. It is bounded to the west by the renovated Sunnybrook Dairy building and the Lube Express, east is the railroad track, north is Buchanan Avenue and Pacific Power & Light sub-station, and to the south is Dixon Creek and United Rental.

Four buildings are located on the property with addresses 802 through 808 NW Buchanan Avenue. Access to the property is over our 65 foot frontage just east of Lube Express onto Buchanan Avenue.

SITE UTILIZATION: Presently these businesses are operating at the addresses designated:

802 Buchanan	Evergreen Technologies, Inc. – design,manuf,sales computer components
804	Evergreen Technologieis, Inc.
	Les Schwab, Inc. - storage
	Digital Inspections, Inc. - design,sales of electric/gas utility software
806	Evergreen Technologies, Inc.
proposed	Department of Justice, State of Oregon - civic administration services
808	Evergreen Technologies, Inc.

13

COMPARISON OF ZONE DISTRICT USES:

	User Name	Present Zone Linear Comm.	Proposed Zone MUGC	Requested Zone MUCS
802	Evergreen Tech	Permitted (P)	not permitted (N)	Permitted (P)
804	Evergreen Tech	P	N	P
	Les Schwab	P	N	N
	Digital Insp. Inc.	P	N	P
806	Evergreen Tech	P	N	P
	Dept of Justice	P	N	N
808	Evergreen Tech	P	N	P

The requested zone MUCS more closely matches the current and expected uses of the property.

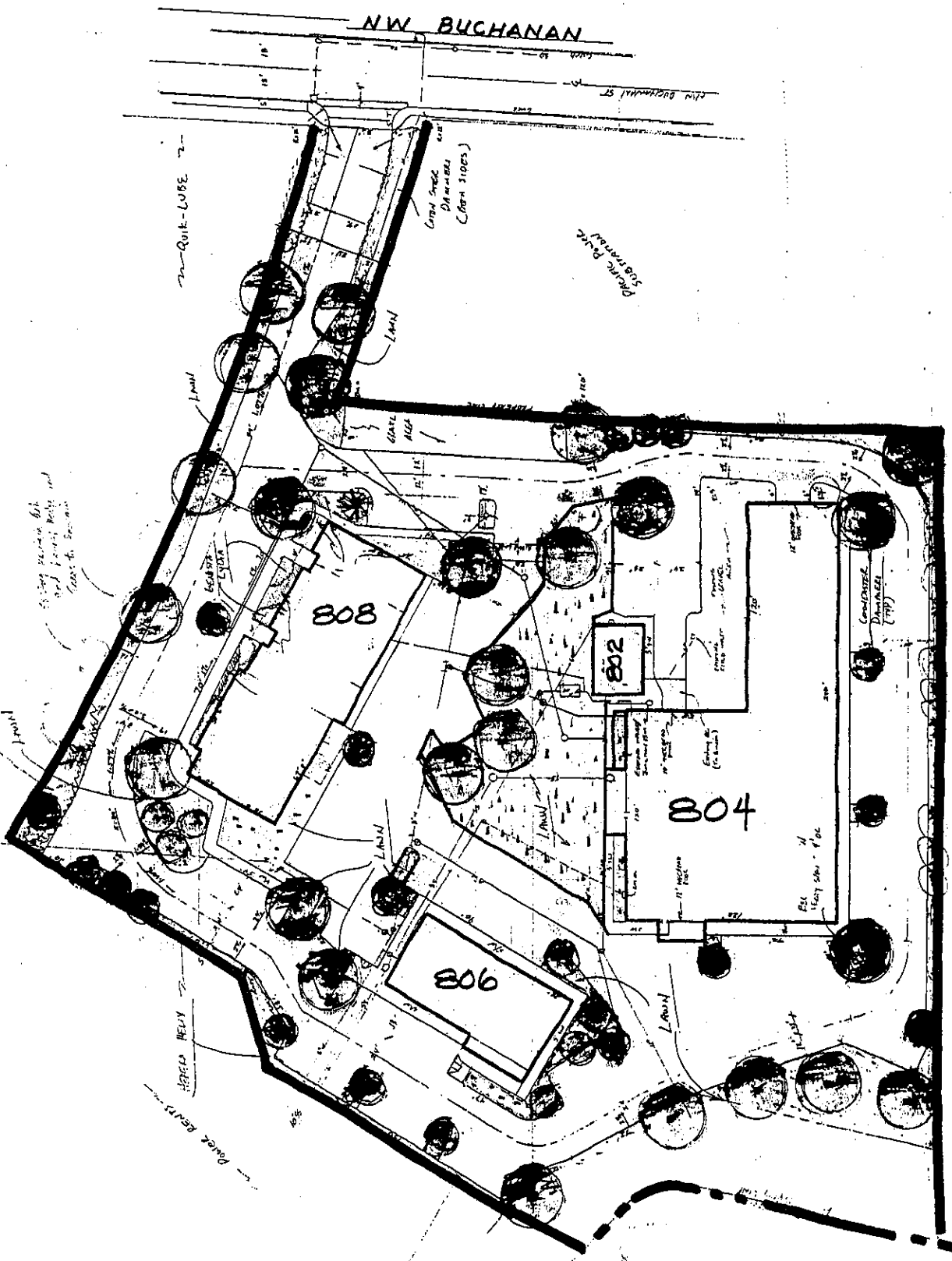
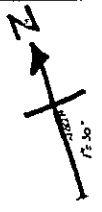
Cordially,



Terry Allen
BACO, a partnership

encl.

14



NW BUCHANAN

QUICK-LOPE

Large brick
Driveway
(Barri-stops)

Public
Storage

B08

B02

B04

B06

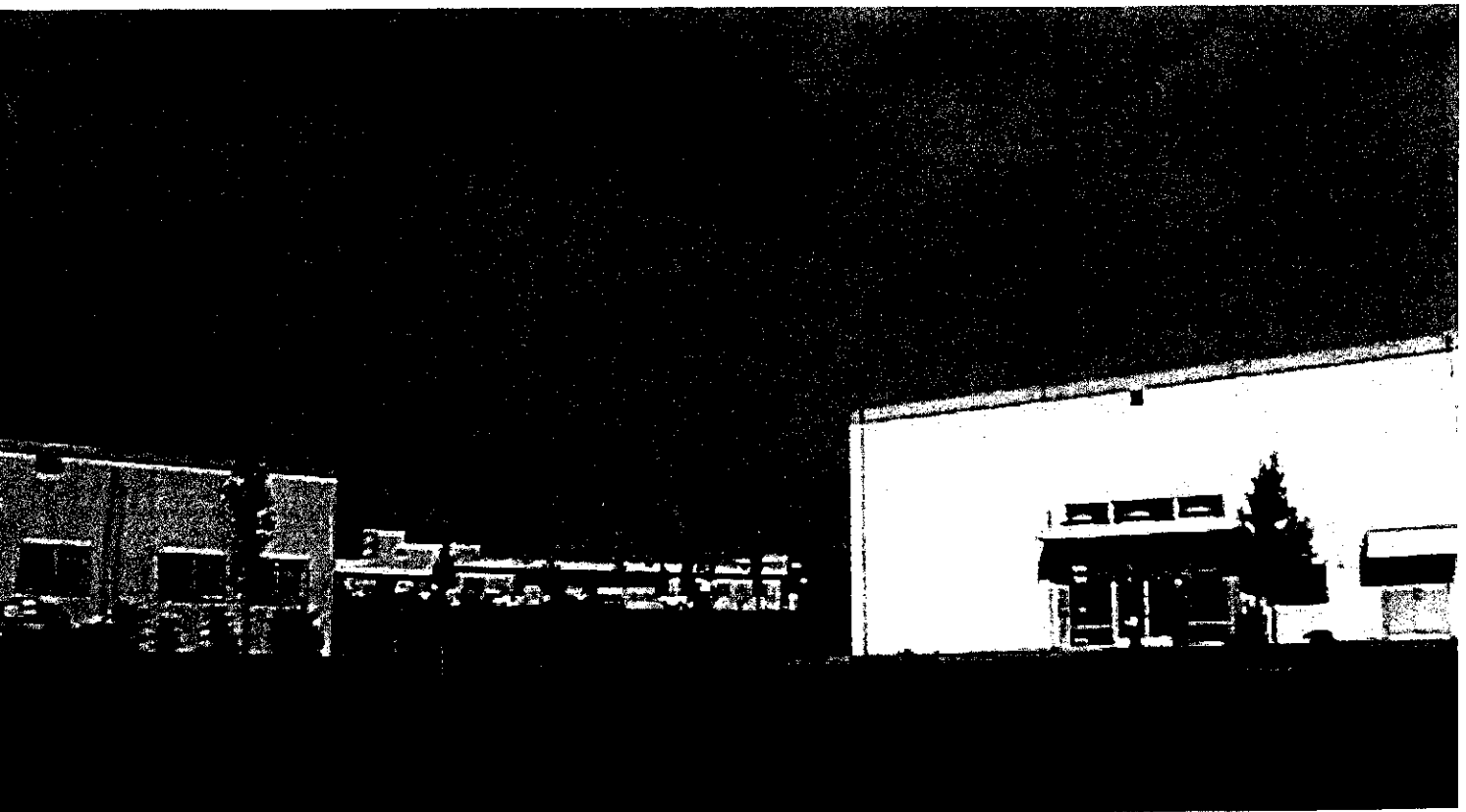
RAILROAD

← VILLAGE & PUBLIC INLEAD →

BICO - City of Washington	
Bart - Bob Buchanan Jr	
2000 1st St NW	
Washington DC 20005	
Project No:	1000000000
Date:	8-12-86
Scale:	AS SHOWN
Author:	PLANNING
Checked:	PLANNING
Drawn:	PLANNING



Building 808 N.W. Buchanan looking N.E. back to driveway entrance



Buildings 806, 808, 804 N.W. Buchanan looking N.W. back along internal driveway system



Building 804 N.W. Buchanan entrance on south face of building;
interior of building



October 26, 2000

Dear Mayor Berg and Corvallis City Council Members

Thank you for all your dedication in trying to make things better for Corvallis. Since this summer, when I was notified by Fred Towne about the planned zoning changes for 9th Street, I have attended about 30 hours of meetings. I admire you for the time you've invested in this effort. I do wish we had known about the 2020 Vision Statement or Comprehensive Plan at the stage when input from the commercial owners of auto oriented businesses might have made a big difference.

A lady at the Planning Commission meeting in September said she was on the committee that formulated the Comprehensive Plan. She stated that she thought only two or three meetings covered the commercial considerations. She also said that after listening to the Woodstock's representative and other business members at the September 6th meeting, she thinks that their decisions need to be reconsidered regarding the commercial changes proposed.

The proposal for pedestrian refuge islands in the Comp Plan really concerns me:

"8.12 North 9th Street Area

8.12.3 The City shall develop Standards that minimize conflicts between abutting land uses and the transportation function of 9th Street and enact adopted provisions of the Transportation Alternatives Analysis that address issues such as driveway consolidation, access conflicts, and pedestrian refuge islands."

Protecting the vibrant 9th Street business community that has evolved over the last 50 years is important to Corvallis. It does not compete with the downtown area. As an auto oriented commercial center, all pedestrian refuge islands on 9th Street need to follow the example of the Circle islands. They were designed to NOT interfere with the property value of Robert Wilson's investment by blocking the entrance to Rite Aid and Richeys. This same consideration needs to be spelled out for 9th Street. Please add proper language to 8.12.3 that protects business entrance and exit in the center turn lane. ie. "and pedestrian refuge islands that do not interfere with business entrance and exit in the center turn lane."

A big part of the success of 9th Street has been easy auto access and the visible parking close to the front doors. We felt an immediate impact from the blocking of easy access during construction on 9th. During the Walnut project we felt a 30% decline in sales during construction. When ODOT blocked the road in front of our Albany store for months, the one way entrance to the business brought a 50% decline in sales. If this were a long-term loss it would close a business. We survived the financial devastation of the 9th Street ghost town of the 1980's that Carol Harman mentioned. She said you couldn't find a renter for 9th street. Our block had 5 out of 10 storefronts empty. We really suffered financially because I owned 2 of those vacancies. Removing easy access could recreate that environment

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Randy Jones sets a wonderful example for landscaping. I would suggest a property tax credit reward system to acknowledge those businesses that have had the resources to make such a contribution to the beauty of 9th street.

Pedestrian crosswalks that offer red carpet walkways from the curb to the front doors of businesses might also be helpful and realistic, without inconveniencing the majority of the buying customers who drive cars. As a major pedestrian on 9th Street I have never been bothered by walking across the parking lots. The safety issue I have had has been the danger I feel when I walk past alleys in the downtown or when walking south on 9th Street toward Burger King. There is poor visibility for autos exiting when things are so close to the sidewalk. The proposal to move buildings on 9th close to the street concerns me for safety and business operation and really needs to be addressed before the final tweaks and oversights of the comprehensive plan are carved in stone. The shadowing problem Kirk Bailey mentions regarding signs also extends to other areas of concern for me in the continued health of our business community. Safety, appearance, inconvenience of handicapped customers, the flow of business operation for auto oriented businesses are just a few of my concerns.

I appreciate your time and recognize that I am probably more sensitive to these issues than many people. We sold our first stereo in 1975 at the corner of 9th and Walnut. Since then I have seen many other Stereo businesses come and go. I was a customer in Eugene before there was a mall downtown. We owned a business on Charnelton next to the "Pedestrian Oriented" mall. We experienced the painful loss as neighbor after neighbor tried and failed in that environment. Please move slowly and listen to the business people of Corvallis who will suffer the financial impact of these decisions.

Sincerely



Sue Napier
1306 NW 17th
758-6545

Baco Request

Proposed From
Linear Commercial
to MUCS

9th Street

Buchanan Ave

Proposed From
Linear Commercial
to MUGC

Request:
Change zone
for highlighted
parcels from
MUGC
to MUCS.

Proposed From
Linear Commercial
to MUCS

RECEIVED

NOV 3 2000

November 13, 2000

TO: City Council

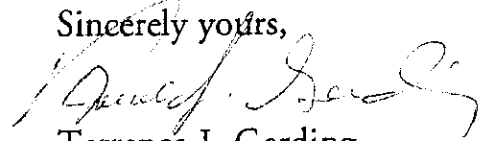
Comm Dev Admin

My residence at 727 SW 10th is changing zones from Shopping Area (SA) to Mixed Use Community Shopping (MUCS) as part of these code update zoning map changes.

I would like to request a comprehensive plan map designation of high density residential and a zoning map designation of RS-20 to be similar to the recent change to the adjacent property to the north (Assessor's tax parcel #12-5-2-BB, tax lot #16100).

Please address your request as part of the mapping changes to the code update process. Thank you for your cooperation.

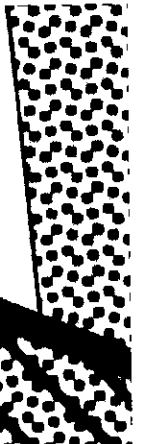
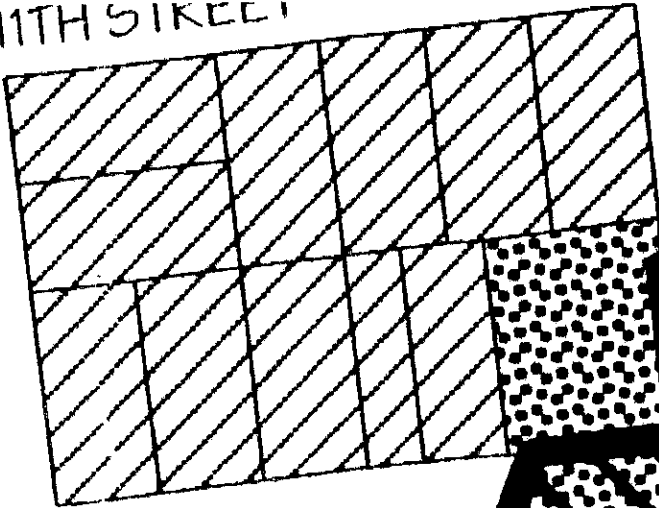
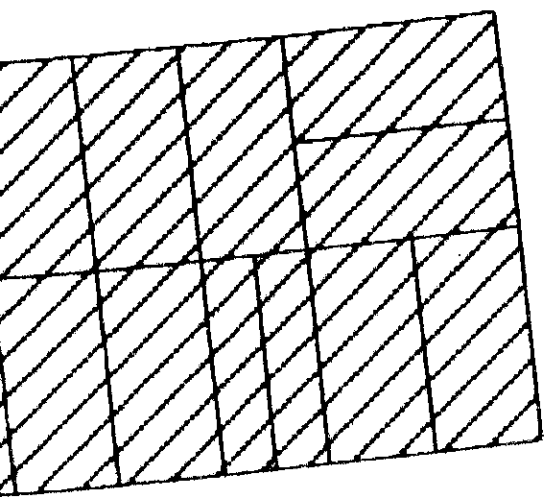
Sincerely yours,



Terrence J. Gerding

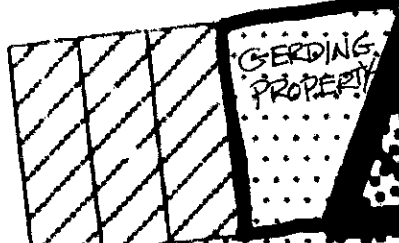
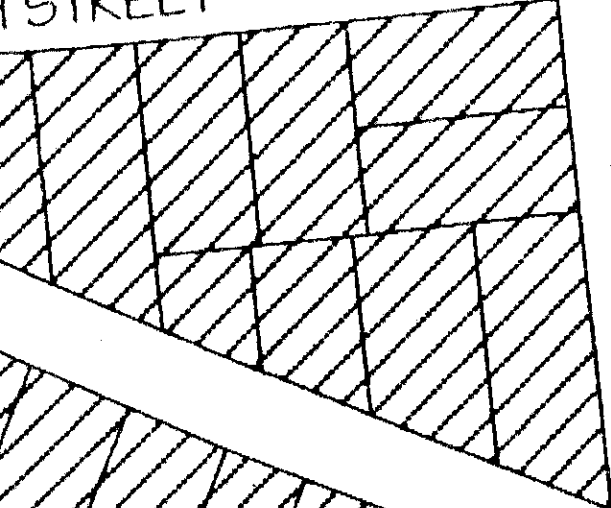
758-5468

11TH STREET



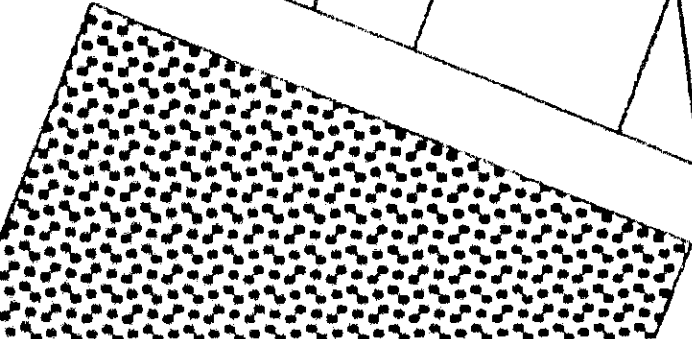
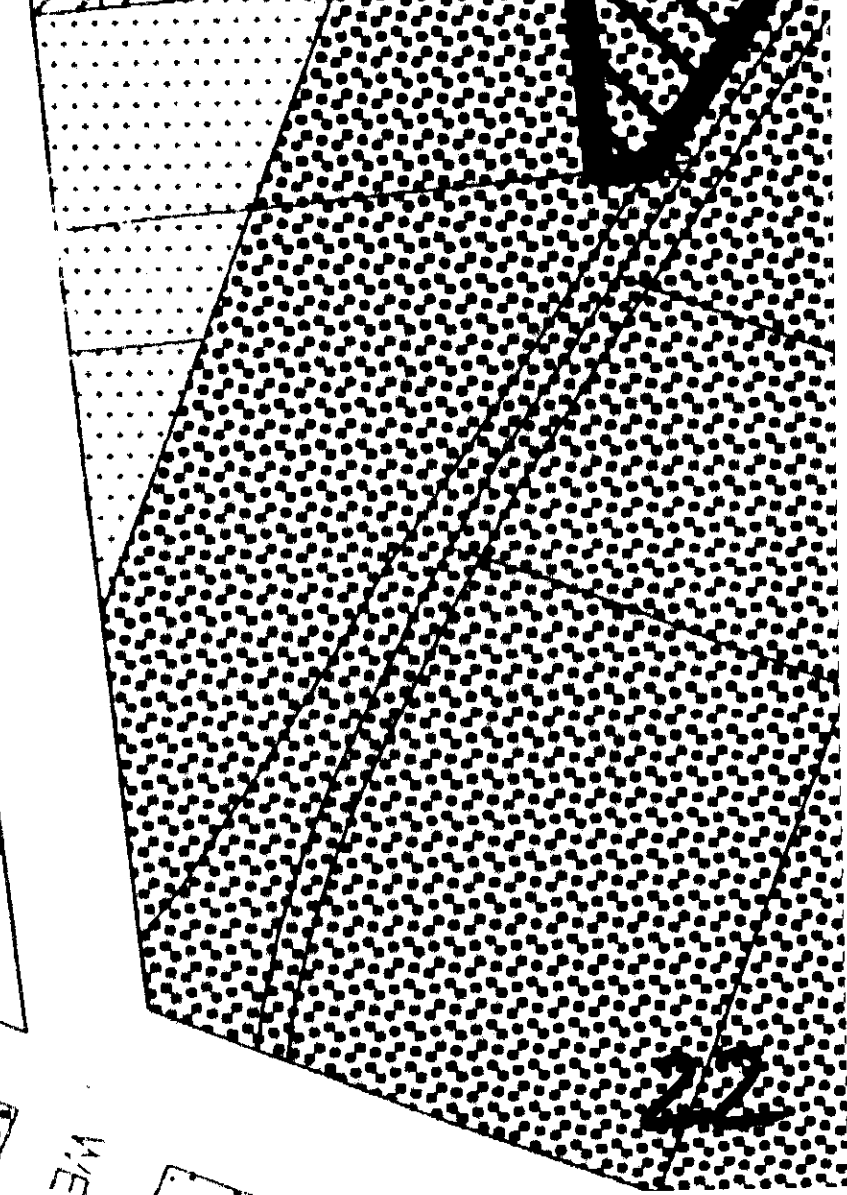
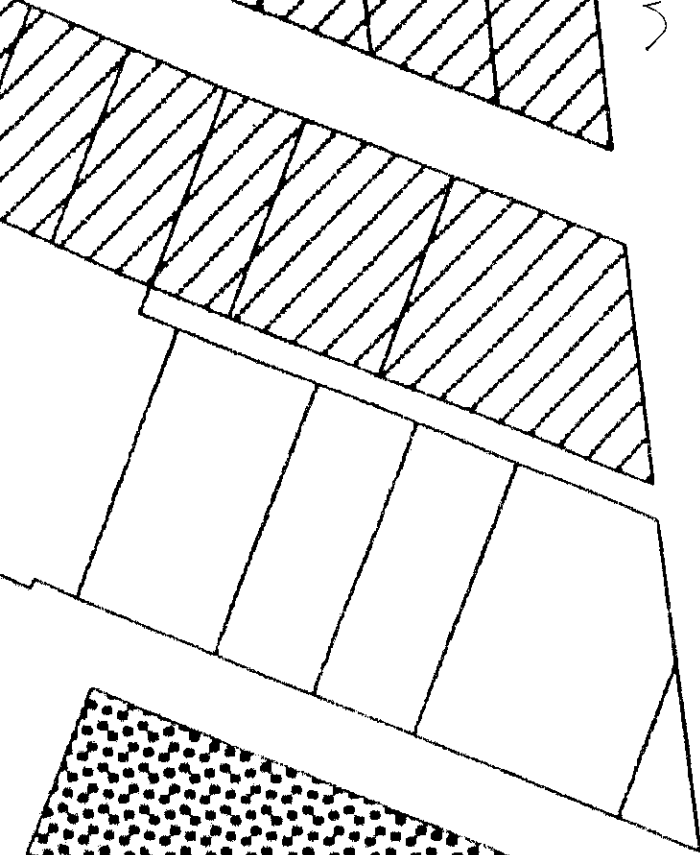
10th Street

STREET



GERDING PROPERTY

Western



ME

GERDING REQUEST

**Proposed From Shopping Area to
Mixed Use Community Shopping**

Western Blvd

**Request:
Change Zone From Proposed MUCS
to RS-20; Change Comp Plan From
MUC to High Density Residential**

What kind of Corvallis is the new city planning leading to?

What do we really want for our town?

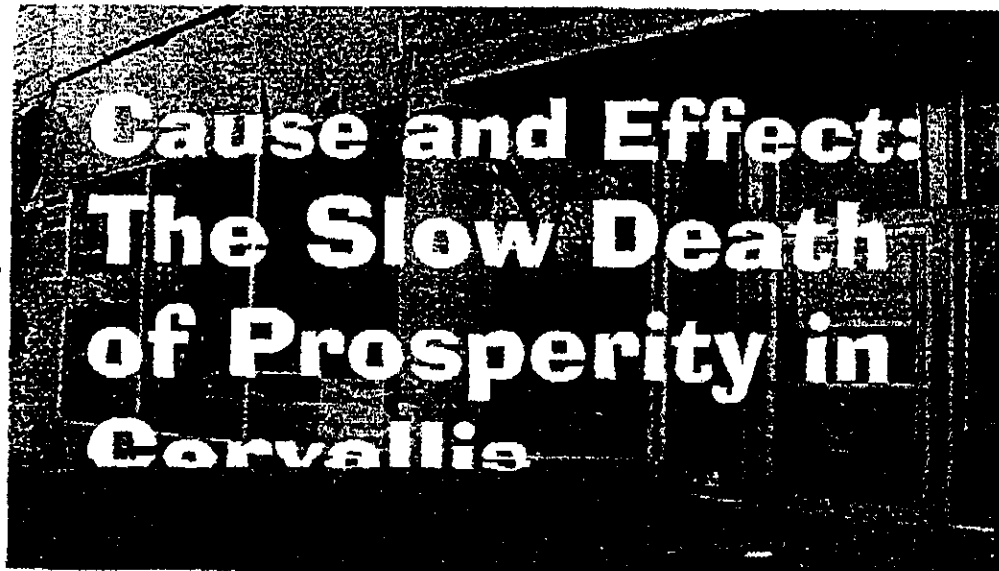
What do we expect from our elected officials?

What can we do to influence public policy?

Learn about the important issues facing our community and the steps being taken to redress our problems at the Corporate Round Table Open Forum breakfast

VP at the Chamber of Commerce, 757-1505 or e-mail: info@corvallischamber.com

Chamber Members: 4 members



Wednesday, December 13, 2000

7:30-9:00 a.m.

CH2M Hill Alumni Center

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Just the F.A.X.

October 20, 2000

Code Work Session- Tuesday. Last Tuesday's City Council Code update work session was largely taken up with testimony either in support of or in opposition to aspects of the Code. There was certainly a lot of testimony about 9th street. We first heard from a block of people who see the Code update as a good thing because it will keep "big boxes" (i.e. national or regional chain retail of any size) out of Corvallis. The statements of several 9th Street merchants and property owners who would be severely impacted by the new Code restrictions provided a fascinating contrast. "I'm not a 'big box'," implored Randy Jones. "We're your friends and neighbors," added Carol Harmon. The ardent proponents of the new Code are overlooking something very important; all this major coding and rezoning will have negative impacts on the real lives of local people. In their striving to achieve a utopian community, they keep forgetting that one person's utopia is another person's despair.

We might add that it isn't just the lives of local business-owners that are going to be negatively impacted. The Pedestrian Oriented Design Standards, while making it easier for people to get around on foot, are going to result in some serious inconveniences for vehicular circulation. There is no question that in the greater scheme of things, Americans are much more reliant on private cars than many others. Given current modes of fueling all these private cars, it would be nice if we could cut down on single occupancy vehicle usage. In fact, there is talk of a state mandate to decrease vehicle miles traveled by 10% over the next ten years. That said, there are some tasks for which cars are necessary, not the least of which is driving out of town because shopping is so limited in Corvallis. Even in the days prior to the invention of the car, people used wagons for numerous of things— or they stayed home and didn't have a lot of freedom, especially if they were women with young children.

Today, we might envision popping down to the corner market for the forgotten loaf of bread and bottle of wine, provided there is a corner market that can survive on local foot traffic. Few of us, however, are truly willing to walk to the store with the average shopping list. It might be feasible for some to hook a trailer onto a bicycle and go to the store that way. These are the folks who are in relatively good health, don't have children, and live in town and don't have to commute to an outlying community from home to work and back because housing is too expensive in Corvallis. When I lived in Europe during the 1980's, I was car-less for eight years. European cities have to be 'pedestrian-oriented' because there are too many people living in too little space and the city streets, more often than not, literally developed from farm-to-field livestock trails. I got by, but let it be known that there was nothing 'utopian' about riding a bicycle two miles to my son's kindergarten with a three-year old in a rear child seat and a one-year old in a front child seat through the ice of a Munich winter. The fact that the bicycle amenities were great did not negate the fact that I was miserable.

Code Work Session- Thursday. At last night's (October 19) work session, the Council took up the issue of the MUCS and actually sounded like they would get into a very substantive discussion. Charlie Tomlinson, Betty Griffiths and Walt Schmidt, in particular, brought up profound questions and concerns about intent, what the ripple affects will be, and whether there might not be other ways to achieve the goals of the Comprehensive Plan. Community Development Director Ken Gibb allowed that the current Code draft represents just "one of the ways of doing it and the one we chose." Several Council members commented that the severe restriction for building footprint in an area that is acknowledged in the new Code as being more auto-dependent than the Neighborhood Centers doesn't make any sense. Even in the Minor Neighborhood Centers, which are supposed to really steer away from an emphasis on the car, bigger buildings are allowed than in the MUCS zones. Those zones, according to the Code, are supposed to serve community-wide needs and are supposed to accommodate both pedestrian and auto-orientations. Restricting the size of buildings so that only smaller shops can go into those areas, but having bigger buildings and uses in the Neighborhood centers where people are 'supposed' to walk seems backwards.

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The Code draft was changed recently to make prior existing uses conforming, rather than 'grandfathered.' However, Betty Griffiths brought up a valid concern about economic downturns. If a merchant goes out of business and if that building stays empty for a year (a very real possibility with even a modest downturn), that status as conforming because of a prior existing use will be cancelled. The property in question will then have to conform to the new Code. Griffiths left a lot unsaid, but the scenario seems pretty clear; we're going to see lot of deterioration along 9th Street in the years to come, because this will no longer be an economically viable area to develop and do business. Again, proponents of the new Code don't seem to understand a very basic thing; developers don't "have" to follow the new Code. They can stop developing in Corvallis altogether, which will lead not to a dream Corvallis, but a decaying one.

These were all issues that came up before the Council got down to the work of going step-by-step through the details of the Code. This portion of the evening was full of meat and almost gave one hope. In the end, though, Mayor Berg said that the Council had a goal to approve the new Code by December, and suggested that they shouldn't be going back to revisit the fundamentals. Of course, the fundamentals are exactly what they should be revisiting. The new Code is seriously flawed, and if approved, we're going to be living with the consequences of those flaws for years to come.

During the discussion of details, the over-reliance on the review process came up as a topic. Very few uses in any of the commercial zones are permitted outright. In the MUCS, almost everything is subject to a review. The clear and objective standards that are required by the state are notably lacking in our new Code. There's a real question as to whether or not we can legally get away with that, but curiously enough, the legalities never came up. What did come up were some peculiar ideas. The arduous review process became an "opportunity," in Ed Barlow-Pietrick's phraseology. Patrick Peters maintained that it is desirable to have most uses and sizes subject to a review process, because it "encourages dialogue" between developers and Planning Division staff. The problem is that developers, including just the Average Joe who wants do some remodeling, don't want to "dialogue" with City staff. It's expensive, it's time-consuming, and it carries with it absolutely no guarantee of resulting in a fair and reasonable conclusion. What people want is to know exactly what they can do with a clear, achievable set of guidelines, and to be able to do it without having to go through a convoluted rite of passage.

It appears that some tweaking in a positive direction will be carried out, but it may still not be adequate because root problems with the Code are not addressed. To make matters worse, Tony Howell pushed at the end of the evening for a 55,000 sq. ft building footprint limitation in the Mixed Use General Commercial zones, which in the current Code draft have no footprint limitations. This will affect the 5th Street/Buchanan areas, the northeast corner of Circle and Highway 99, and two small areas along Philomath Boulevard. Charlic Tomlinson agreed the limitation was reasonable, and Mayor Berg instructed staff to put it in the next draft. "We'll take it to the public hearing," she said, "and see if we get any comments about size." She said that she is sure the only things that will come up at the public hearing are the Pedestrian Oriented Design Standards, and that the new size restriction in the MUGC will not be an issue. She's likely to be quickly disillusioned even before it gets to public hearing.

The remaining City Council work sessions are scheduled for October 24 (Majestic Theater) and October 26 (Downtown Fire Station). The meetings will be held from 5:30 p.m. The Code draft is available online for your reading pleasure (<http://www.ci.corvallis.or.us/cd/pl/ldcupdatedrafts.html>). For more information, contact Mary Nolan or Patty Mulder at the Chamber (757-1505).

Just the F.A.X.

October 27, 2000

Code Update. The final City Council work sessions were held this week, and as expected, they are plowing on ahead toward the goal of getting the Code approved by the end of this year. Tuesday's session was largely devoted to the Riverfront zone, meaning the west side of 1st Street. The Benton County Historical Society plans to put the revamped Homer Museum in the old Copeland Lumber building, and they have expressed concern about the building design requirements in the Code for that zone. Many of them are in conflict with the structure of the building in question and the needs of a museum, such as the Code requirement for a preponderance of windows (direct sunlight being decidedly unhealthy for artifacts). The City Council and staff feel that this is a non-problem, because the Benton County Historical Society will be able to request a discretionary review for their structure. Again, there seems to be no recognition of the fact that the more that people have to go through special review processes, the more difficult any type of development will be.

Other issues that came up at Tuesday's meeting had to do with minimum and maximum building height requirements along 1st Street. Charlie Tomlinson felt uneasy about a maximum allowable height of 75 feet (about 6 stories), whereas George Grosch, Mike Beilstein, and Tony Howell feel that 3-6 stories will better allow for mixed retail, office and residential uses. Parking, too, was discussed. One way staff has implemented the 'decreased reliance on the automobile' language in the Comprehensive Plan is to limit parking. This applies to all zones, not just the Riverfront zone. City Council members made no real dissension, although there was some discussion of parking structures initiated by Betty Griffiths. She would support one, but is concerned that it not be "ugly."

Thursday's meeting was devoted to unfinished business. Ninth Street merchants Sue Napier of the Stereo Zone and Randy Jones of Randy Jones Chevrolet also presented their concerns during the visitors' propositions portion at the beginning of the evening. They gave very impassioned testimony as to how the plans for 9th Street will harm the businesses in this area. Napier noted that 9th Street north of Circle Blvd. used to be a "ghost town," but it now has a healthy balance of locally owned and operated small businesses, and is really quite a vibrant area that serves particular community needs. She walks 9th Street often, and has never felt endangered. And despite the fact that she is a walker, she would never walk 9th Street to shop. "I'm not going to walk to Wild Birds Unlimited to pick up my 20 lbs. of birdseed," she said.

Randy Jones implored the Council to slow down the process. He said that he appreciates the fact that the Council has set a goal to get the Code update project done by the end of this City Council. "But don't take the ramifications lightly just because you want to get it done," he beseeched them. He also stated that these plans for 9th Street could actually hurt the downtown area, as well. "By downsizing 9th Street, you're trying to make it into a Main Street, and that will put 9th Street in direct competition with downtown." At the moment, 9th Street does not compete with downtown in any way, because it serves a very different purpose in the community. We should keep that localized diversity of purpose intact.

All of the 9th street merchants who have testified during this portion of the process have demonstrated that 9th Street is already 'human scaled', to use Code terminology. The human, personal dimension is there. Ninth Street is not just buildings and traffic; it's real local people whose private lives could be destroyed by the rash implementation of an experimental planning model. We have to extend a special thanks to Randy Jones, Sue Napier, Ron Thies of University Honda, and Carol Harmon, owner of the Wild Birds Unlimited building and neighboring properties, for sharing their concerns and their stories. Mayor Helen Berg thanked Napier for

bringing a "unique perspective," to the City Council, but the perspective of the 9th Street merchants is not unique; rather, it is the real story of that part of our town.

On the positive side, last night's discussion did broaden the Pedestrian Oriented Design Standards of the new Code, but only by a small degree. This is the part of the Code that would supposedly make all areas of Corvallis more pedestrian and bicycle "friendly," but the PODS are as much about aesthetics as they are about safety. Do buildings with contrasting exterior surfaces really make it easier and safer to get around via walking and bicycling? We doubt it. The problems of the Code are not so much in the details of the PODS – although those are bad enough – but in the fundamental planning models the City is attempting to implement.

Just the F.A.X.

November 3, 2000

Post-Postmodern Malaise Comes to Corvallis. Corvallis is desperate for a sense of community. We have lost our identities and our souls in vast, barren, wastelands of suburban housing developments. Every morning we migrate en masse out of the isolation boxes of postwar development and into the isolation boxes of the urban workplace. Every evening, we reverse the direction, leaving downtown Corvallis a series of windswept parking lots punctuated by half-empty high-rises. At home, we are *out there* with nowhere to go and nothing to do. Our bodies and minds are trapped in a maze of endless tract homes, disrupted every few miles by psychically jarring strip shopping centers and enormous malls. We are center-less, or worse, we have embraced the pointless acquisition of goods as our center, because there is nothing else to do. Perpetual, outward sprawl has reached a crisis point in Corvallis. Corvallis is an inhumane, modernist nightmare and we citizens have become cultural automatons.

Or have we? Does the above description sound like the Corvallis you know? If it does, then the New Urbanist project was made for us, for it is precisely that sort of suburban blight that New Urbanism is supposed to fix. If you've ever been exposed to the endless suburbia outside Washington, DC, for example, and you read the above description using "Fairfax County" instead of "Corvallis," it will ring true. To a lesser degree, you could even think of Portland, and substitute "Beaverton" for "Corvallis." But I would wager that when you read the above paragraph as is, it just doesn't sound right. The reason it doesn't sound right is because Corvallis as it already exists is the type of community that New Urbanist planners would like to see happen in the vast, suburban sprawls surrounding America's metropolitan centers.

If we are already living the New Urbanist dream why are our city planners and our City Council so fixated on "fixing" Corvallis? Why does Mike Beilstein repeatedly say that Corvallis is turning into Los Angeles? Why are Tony Howell and George Grosch so desperate for six-story buildings along the Riverfront? Why is Mayor Berg adamant that the City Council approve the new Land Development Code before the end of next month? If we aren't in a crisis of suburban sprawl, what is all the fuss about and why is our Council in such a hurry? Perhaps the answer is that, within the last five years, Corvallis city planners became enamoured with the New Urbanist project as it started to play out in the suburbs, and simply failed to realize that Corvallis does not have the same problems that New Urbanism is designed to alleviate. Perhaps they read the May 15, 1995 *Newsweek* report on New Urbanism, and thought it sounded great. Perhaps they saw idealistic images of Seaside, Florida in the film 'The Truman Show,' and fell in love (thereby missing a major point of the movie). Perhaps some of them wished they were in planning environments where the exciting New Urbanist experiments were taking place, and in a misguided attempt to make things better here, imagined problems that we don't have.

We can't say with any certainty how this whole thing got started in Corvallis, but it is now time we step back and really think about what it is our city staff and elected officials are doing. In short, they are taking a new planning model that arose in response to a given situation, and imposing it on a completely different set of circumstances. The annals of anthropology are full of horror stories about what has happened to cultures and communities that were forced to undergo radical changes because rules that developed in other cultures were slapped upon them. Anyone with a global perspective can see that this practice generally doesn't work very well and can even lead to disaster.

This is not to say that there aren't things that could happen in Corvallis that would increase our town's 'livability.' We might even take specific elements from the New Urbanist project and adapt them to parts of Corvallis. We might improve things by making retail development easier in residential areas. We might improve things by making retail development easier all over town, as a matter of fact. Just allowing the people of Corvallis to stay at home to shop instead of driving to Albany or points further would make this town a better place to be. But even while we do this, we have to recognize that Corvallis already has a center, that Corvallis does not have vast wastelands of sprawl, that Corvallis is already 'human scaled,' that many people who are fortunate enough - or choose - to live close to the center of town on the 'flats' already do make use of their bicycles and do walk.

On November 20, 7:30 p.m. at La Sells Stewart Center, the City Council will conduct a public hearing on the new Land Development Code. In the weeks prior to that, the Just the FAX will be devoted to preparing for

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that event. Next week, we'll look at some of the details in the Code that could present new problems for Corvallis rather than fixing existing ones. The following week, we will look at what Corvallis really needs and what we might do to get achieve realistic goals that mean something to us, not to suburban L.A. or Washington, DC or Portland.

For More Information. Want to read up on this New Urbanism thing? Check out these websites:

<http://www.e-architect.com/pia/rudc/oldcity.asp>

<http://detnews.com/EDITPAGE/SA111028/CANTOR.html>

<http://sac.uky.edu/~blshea1/beaumont/newsweek.htm>

To look at the new Corvallis Code – if you dare – go to <http://www.ci.corvallis.or.us/cd/pl/ldcupdate.html>

ATTACHMENT II

Minutes from the October, 2000 City Council Work Sessions

October 10, 2000

October 12, 2000

October 17, 2000

October 19, 2000

October 24, 2000

October 26, 2000

CITY OF CORVALLIS
CITY COUNCIL WORK SESSION MINUTES

October 10, 2000

I. ROLL CALL

The October 10, 2000 Corvallis City Council work session was called to order at 5:47 pm by Mayor Berg. All Councilors were present, as well as City Manager Nelson, Community Development Director Gibb, Planning Manager Schlesener, Associate Planner Towne, City Recorder Mariner, and Mr. Stewart, minute-taker.

II. UNFINISHED BUSINESS

A. Land Development Code Update

Mayor Berg made brief remarks, expressed appreciation to staff, the Planning Commission, the Technical Review Groups, citizens, etc. She noted that an updated Land Development Code (LDC) has been a principal Council goal during this term of office. She said the updated LDC is built upon the 1998 Comprehensive Plan which is built the Vision 2020 effort. She explained the materials at Councilors' places: 1) a Wendy Mader update; 2) Central Park Neighborhood Association group letter; 3) a letter from the Economic Development Partnership; 4) the May 1999 LDC update timeframe; and, 5) two rewording proposals from staff.

Community Development Director Gibb gave a brief overview of the update process and indicated that Planning staff were both available to help the Council through the process; e.g., background on policy direction; minor changes to the LDC; etc.

Visitors' Comments

John Foster, 1205 NW Fernwood Circle, gave an overview of the written testimony that he submitted to the Council. He urged the Council to adopt the updated LDC without significant changes.

I. Article I - General Provisions

Councilors discussed the following provisions of Article I:

1.0 OK

1.1 OK

1.2 Legal Framework

1.2.10 (Rules of Construction)

Councilor Charlie Tomlinson questioned use of the word "liberally" and asked whether it should, in fact, be "literally." He expressed his preference for "consistently." Ms. Schlesener noted that, if something is not highlighted or stricken, then it is from the current Code.

Council asked staff to consult the City Attorney.

1.2.90.02 (Interpretation of Development District Boundaries)
Councilor Griffiths suggested clarification of paragraph e.

Staff agreed to try to make this less confusing.

1.2.100.02 (Annual Review [of Development Review Fees])
Clarification of the meaning of "non-uniformed" employees was requested.

Fees are tied to COLA; staff will look at the provisions.

1.2.120 (Rough Proportionality)
Ms. Schlesener clarified the origin of this section, which was added by the City Attorney's Office in response to a Tigard court case regarding "takings." The purpose was to define due process to avoid an appeal. City Manager Nelson clarified that it also puts the burden of defining "rough proportionality" onto the developer.

Council asked staff to consult the City Attorney's office for clarification. Mr. Nelson agreed, but noted this was their suggestion.

1.3 Enforcement

1.3.60.04.b.9. (Civil Penalties and Remedies)
Councilor Wogaman indicated that the second sentence has two conditions: the Municipal Judge can determine both whether a condition on a property existed, and if so, whether it violated code. He indicated that the third sentence should contain the same language. It was noted that the City Attorney's office has not reviewed the section.

Planning staff indicated that they will revise the language and review it with the City Attorney.

1.4 Nonconforming Development

1.4.30.02 (Damage to a Nonconforming Structure within the 100-Year Flood Plain)
It was noted the provision's language was provided by Development Services and Public Works following FEMA's regulations. Councilor Griffiths clarified that "substantially" in this context is 50% of market value.

1.4.50.01 (Commercial Uses...)
Ms. Schlesener explained that the revised language is to clarify uses of specific parcels and include a more recent date. It was noted that Les Schwab is the business located in tax lots 700 and 701 of paragraph b.

1.6 Definitions

In "Day Care, Commercial Facility" strike "of common parentage."

With regard to "five unrelated adults" in the definition of "Family," it was noted the wording is State-mandated. In addition, the ORS citation should be mentioned in the Code.

The loose definition of "Human Scale" was questioned; however, it was generally agreed the definition is appropriate as "human scale" is only used in the Purpose statement.

Councilor Beilstein left at 6:50 pm.

2. Article IV - Development Standards

4.0.6 (Street Requirements)

Council agreed to title this section "Public and Private Street Requirements."

Council agreed that paragraph "i, Alley Standards," for residential and nonresidential properties will specify that, if an alley is the only access to a residential property, it will be no narrower than 12 feet.

Council also agreed one-way alleys accessing residential properties will have angled garage access of a "minimum" of 45 degrees. With regard to structures being six feet from tract boundaries to allow a turning radius, staff agreed to rewrite the provision.

With regard to "additional standards for nonresidential alleys," Council agreed the sidewalk requirement for alleys which abut parking lots could be deleted.

In "j," add "and private" streets.

Table 4.0-1 (Street Functional Classification System)

Add "2 - 12 ft" plant strips on arterial highways. Staff noted an oversight amendment to the Comprehensive Plan will be made.

Councilor Barlow-Pieterick suggested changing the traffic calming definition on neighborhood streets to "permissible" from "typical." Councilor Howell explained that it is "typical" because of the surrounding residential area.

"Traffic calming" will be defined.

4.1 Parking, Loading, and Access Requirements

4.1.20.i. (Availability of Parking Spaces)

Councilor Schmidt indicated the problem of temporary structures occupying parking spaces for prolonged periods of time. Mr. Towne indicated that the definition for temporary outdoor markets can handle this, with its 45 day per year use limit. Councilor Howell stated that the code will have to take into account whether a temporary structure is occupying required parking. Councilor Peters also indicated that required parking will grow while the structure is in use as well. There was some question as to the enforceability of such codes.

Suggestions included requiring registration of temporary uses and/or permits, or lowering the number of contiguous days such temporary structures may exist.

4.1.20.p. (Structured Parking Required)

Planner Towne indicated that this paragraph is entirely new and needs Council review. Councilor Peters indicated that there is a potentially unfair situation if a building of a size that requires just less than the 200 space threshold wishes to expand its parking to its maximum allowable, over two hundred spaces, when a slightly larger building would be

required to expand by expanding its parking into a structure. Planner Schlesener suggested that perhaps the requirement could be tied to the maximum allowable parking for a building.

The Council agreed to consider such implementation.

Councilor Peters suggested striking the word "requirements," making the passage read "For development with off-street vehicle parking in excess of 200 spaces..." making the Code fair in his aforementioned scenario, and keeping the parking area to a minimum.

Councilor Howell suggested there should be an additional maximum granted per floor of development, to encourage vertical rather than horizontal growth; in paragraph "r," handicap spaces should also not count toward a structure requirement.

Planning staff agreed to provide additional draft proposals on structured parking later in the work sessions.

4.1.30.c. (Commercial Use Types)

Ms. Schlesener cited the Economic Development Partnership memorandum which suggested a new commercial use type should be defined: "Call Centers" for technical support and telemarketing firms, with ratios of one parking space per 150 square feet of gross floor area due to the density of those industries.

Council agreed to consider adding the commercial use type at the October 17th meeting and placing it in appropriate chapters. Council directed staff to bring back definitions.

4.1.70.d.3. (Covering)

Add "covered racks" to wording.

4.2 Landscaping, Buffering, Screening, and Lighting

4.2.20.a. (Significant Plants and Trees)

Revised wording for 4.2.20.a.1. and 4.2.20.a.3 was distributed.

Mayor Berg stated that the definition of "Significant Shrub" needs to be reconciled throughout the Code, since different sections differ in height by a foot.

Definitions will return during the commercial review.

4.2.80 (Site and Street Lighting)

Ms Schlesener noted this provision is as yet fairly unrefined and is likely to change in future updates to the LDC. The views on lighting issues fall into two camps: one focusing on light spilling onto neighboring properties, and another focusing on obscuring the night sky.

4.3 Accessory Development Regulations

4.3.30.f.

Councilor Wogaman noted a conflict with 4.3.40.a. in defining what constitutes an accessory structure.

Councilor Peters left at 8:10 pm.

4.4 Land Division Standards

4.4.30.01 Accessway

Ms. Schlesener explained that the areas for required accessways do not have to be completely occupied, but have to be available for development of paved drives.

4.5 Flood Control and Drainageway Provisions

4.5.10 (Purposes)

Councilor Howell asked that "animal habitat" be replaced with "fish and wildlife habitat" to ensure the definition is as broad as possible.

Planning staff indicated the wording will be replaced as the stormwater plan is approved, but noted the general change should be made.

4.5.80.c.5.

Councilor Tomlinson inquired whether a. and b. could be deleted. Councilor Griffiths explained that not many changes had been made to the Chapter because of the pending drainageway master plan.

4.5.60 (Standards in the Floodway Fringe)

Ms. Schlesener cited the difference between the 100 year floodplain and the floodway fringe.

4.7 Corvallis Sign Regulations

4.7.80.05 (General Requirements for the Use of Banner Signs)

Ms. Schlesener clarified that a "banner" requires a permit if it contains advertising.

4.7.90 (Allocation Provisions and Sign Standards by Zone)

Councilors and staff discussed signs and illumination in various zones. Ms. Schlesener opined signs are approved as part of the overall development plan. Councilor Barlow-Pieterick expressed his belief there should be restrictions.

Council will discuss maximum heights for monument signs at the October 17th meeting.

4.8 Manufactured Dwelling Park Standards

Councilor Howell suggested that these parks should have the same public and private road standards as other developments to try to integrate such facilities into the community, instead of requiring separation as is now done. Mr. Towne explained the State has many laws governing such facilities so research would be required to change the codes.

Staff will look at State law.

4.10 Pedestrian Oriented Design Standards

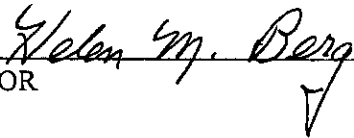
4.10.50.01 (Building Orientation, Privacy, and Facades Adjacent to Pedestrian Areas)

There was some discussion focusing on making sidewalks more efficient than parking access in residential districts. It was noted there would not be a parking area between the dwelling and the street. The Council decided that the codes already reflected those goals.

III. ADJOURNMENT

Mayor Berg adjourned the meeting at 8:45 pm.

APPROVED:


MAYOR

ATTEST:

CITY RECORDER

CITY OF CORVALLIS
CITY COUNCIL WORK SESSION MINUTES

October 12, 2000

I. ROLL CALL

The October 12, 2000 Corvallis City Council work session was called to order at 5:30 pm by Mayor Berg. All members of the Council were present, with the exception of Patrick Peters who arrived at 5:40 pm, as well as City Manager Nelson, Community Development Director Gibb, Planning Manager Schlesener, Advance Planner Towne, and minute-taker Stewart.

II. VISITOR COMMENTS

Greg Benett of South Corvallis requested that the Planned Development Overlay (PD) zone be retained for the residential properties in South Corvallis. He stated that the area is a "Town Center," said that the PD is the fulfillment of Comprehensive Plan goals, and noted that the flexibility of public hearings required by the zone are beneficial to Corvallis. Councilor Tomlinson stated that he heard an opinion from G-T publisher Gary Sawyer that the PDs have the opposite effect, making changes more difficult by requiring public process and delays.

Elaine Cull of the Central Park Neighborhood Association said the Association has submitted a letter and stated that the Association stands behind the original Central Park Neighborhood Plan that was adopted as part of the Comprehensive Plan, now that their challenge to the plan has been resolved.

III. UNFINISHED BUSINESS

A. Land Development Code Update

1. Article II - Administrative Procedures

Councilors discussed the following provisions of Article II:

2.0 Public Hearings

2.0.40.03.d (Components of the Proceedings)

Councilor Tomlinson questioned the phrase "areas of bias" stating that announcing one's areas of bias is nearly impossible. Planner Schlesener noted that the City Attorney recommended that wording be placed in the Legislative section (2.0.40), but not the Quasi-judicial section (2.0.50). Mayor Berg asked the Council to defer deliberation on this matter to a later date and asked staff to check with the City Attorney's Office..

2.0.40.05 (Findings of Fact)

Councilor Tomlinson suggested changing "may state findings of fact" to "shall state findings of fact."

Council asked staff to check with the City Attorney.

2.0.50 (Quasi-Judicial Hearings)

Councilor Grosch suggested including suggested meeting procedures for applicants' meetings with the public. Planning staff stated the code is not the appropriate place to note such proceedings. They noted that the application packet contains information from the Committee for Citizen Involvement (CCI) handbook, and suggested that the Council review the application packet provided to developers.

Council agreed.

2.0.50.03 (Prenotification to Neighborhoods)

The Council debated requiring notification to all registered neighborhood associations as well.

Council decided to leave it as a matter of operational policy, and not amend the code.

2.0.50.06 (Proceedings)

Councilor Tomlinson noted the lack of a "sur-rebuttal" step in subparagraph l. Councilor Howell clarified that another term is used, noting sur-rebuttal should be used instead. Councilor Tomlinson asked whether statements of bias should be required, as in section 2.0.40.03.d.

Mayor Berg suggested consulting the City Attorney.

2.1 Comprehensive Plan Amendment Procedures

2.1.30.11 (Map Errors)

Councilor Barlow-Pieterick suggested requiring Planning staff to notify the Council when administrative error corrections are made to the Map, so the Council can be aware of the changes. Planner Schlesener indicated that was possible. Councilor Howell suggested that affected property owners also be notified.

The Council did not make any decisions on this matter.

2.2 Zone Changes

2.2.20 (Purpose)

Councilor Tomlinson questioned the use of the word "private" in section d. Mayor Berg suggested "individual" as a suitable replacement with a clearer meaning. Councilor Grosch noted that "lessen" is also perhaps inappropriate, and suggested "balance;" Mayor Berg pointed out that, while the interests of the individual and community need to be balanced, their influence does not.

The Council decided to simply change "private" to "individual."

2.2.40.10 (Map Errors)

As in 2.1.30.11, Councilor Barlow-Pieterick suggested requiring Planning staff to notify the Council when administrative error corrections are made to the Map, so that Council can be aware of the changes. Planner Schlesener indicated that was possible. Councilor Howell suggested that affected property owners also be notified.

2.3 Conditional Development

2.3.30 (Conditional Development Procedures)

The Council noted changes that should be carried out globally, particularly in 2.3.30.01.b.6.(h), noting that there should be the requirement to mark how pedestrian traffic systems will connect to the network already in place.

2.3.40 (Conditional Development Modification)

Councilor Griffiths requested clarification of this language. Ms. Schlesener noted that the technical editor is working on the section. Ms. Griffiths questioned the meaning of "year." Ms. Schlesener indicated that it is a calendar year, and noted that similar language appears in Chapters 2.3, 2.4, and 2.5.

The Council decided to make a global change.

2.3.40.01.a (Conditional Development Modification)

Councilor Grosch questioned who decides "small;" Ms. Schlesener pointed out that the definition is on the two preceding pages.

Mayor Berg suggested changing the word "small" to "limited."

2.4 Subdivisions and Major Replats

2.4.30 (Tentative Plat Review Procedures)

Councilor Howell suggested changing, globally, "animals" to "fish and wildlife," as "animals" can potentially be construed narrowly. Ms. Schlesener noted that a preservation plan also needs to be included in this section.

Staff made note of the required changes.

2.5 Planned Development

2.5.30 (General Provisions)

Councilor Howell suggested that developers be able to submit more than one plan simultaneously, allowing greater flexibility and an ability to deal with a fluctuating market.

The Council decided that it would be better as a Phase 2 project, and suggested that inquiries be made as to whether that would be beneficial to developers.

2.5.50.01.a.9 (Graphic Requirements)

Councilor Wogaman questioned why November 21st is used instead of December 21st for shadow analysis.

Staff will consult.

Councilor Howell, responding to Mr. Benett's earlier testimony, noted that the mapping meeting on October 24th was the appropriate place to discuss it.

The Council decided to handle the issue in the October 24th meeting.

2.5.90 (Expedited Land Division Procedures)

Ms. Schlesener took the opportunity to ask the Council to review this section for discussion at a later meeting. She indicated that the section is new, and the language needs refinement, but also requires Council direction.

2.6 Annexations

2.6.30.01.b (Major Annexation)

Councilor Tomlinson noted that this paragraph should read "three conditions," not "four conditions."

The Council noted the change.

2.6.30.07 (Methodologies...)

Councilor Tomlinson began a discussion of the livability benchmarks. He suggested:

- * The divisions in the table should be divided as the Vision Statement is divided.
- * Disassociation of development plans from annexation requests under "Future Development Plans" in the table, so that the public is not confused that annexation implies that development will happen as proposed.
- * Under "Natural features", reword to say, "While we do not yet have a benchmark, we do value the protection of natural resources in our annexation policies. It is considered an advantage if significant natural features are protected through annexation."
- * Add "Affordable housing," which might state "it is considered an advantage that more than 50% of the housing is considered "affordable" to the economic indicators section.

Councilor Beilstein agreed that affordable housing should be a benchmark. Ms. Schlesener indicated that Corvallis Neighborhood Housing Services (CNHS) is uncomfortable with finding a way to benchmark affordable housing prior to a job-to-housing ratio study.

The Council decided to insert a placeholder in the code.

While discussing economic factors, the Council questioned the "Unemployment" benchmark. Councilor Howell stated that he would like to see a placeholder inserted, such as "balance of income with housing prices." Councilor Griffiths suggested changing the heading from "Unemployment" to "Employment/Housing." Mayor Berg mentioned that, as a benchmark, topography can be used: affordability of housing is directly related to the flatness of the land it occupies.

The Council agreed to insert both "Employment/Housing" (replacing "Unemployment") and "Affordable Housing" as placeholders.

Councilor Tomlinson continued, suggesting the addition of another benchmark, "Economic Diversification," which would only apply to commercial and industrial zones. He suggested using Comprehensive Plan Policy 8.2.1 and adding a benchmark indicating whether pedestrian and bike access connects to the existing network and extends it.

2.7 OK

2.8 Vacating of Public Lands and Plats

2.8.15 (Exemptions)

Councilor Wogeman suggested changing the word "chapter" to "process" in middle of paragraph a., as the exempt parties are defined later in the same chapter.

2.8.30.06.c (Review Criteria)

Councilor Howell suggested that the word "traffic" should be rephrased as "transit" or "transportation circulation."

The Council agreed to the change.

2.9 OK

2.10 OK

2.12 Lot Development Option

2.12.30.03 (Determination of Lot Development Option Type)

Councilor Howell indicated the need for flexibility in setbacks for alleys as discussed at the October 10th meeting. This section will require examination to see if changes are needed.

The Council asked staff to investigate.

2.13 OK

2.14 OK

2.15 Hillside Development and Density Transfer

2.15.30 (Applicability)

Ms. Schlesener indicated that the section is currently not used, as development has been governed by Comprehensive Plan policies related to hillsides and any requested variations have been processed through a Planned Development process. A future phase of the Code update will more fully implement into the Code the Comprehensive Policies regarding hillsides.

2.16 OK

2.18 OK

2.19 OK

2. Article III - Development Districts

3.0 Use Classifications

3.0.30.01 (Listing of Use Classifications)

Councilor Tomlinson asked whether fraternities and sororities should have been separated from group residential, and the purpose thereof.

The Council asked staff to research another term that includes non-fraternity group residential such as Acacia, Columbia, and Beaver houses in the fraternity definition.

3.0.30.03.w (Parking Lot Kiosk)

Council suggested the language be clarified.

3.1 OK

3.2 OK

3.3 OK

3.4 OK

3.5 OK

3.6 RS-12 Medium High Density Residential Zone

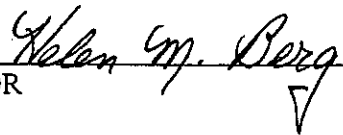
3.6.20.03 (General Development)

Council asked staff to clarify this section, noting that Item 3 does not apply when Item 2 is being used as a side yard.

III. ADJOURNMENT

Mayor Berg adjourned the meeting at 8:45 pm.

APPROVED:


MAYOR

ATTEST:

CITY RECORDER

CITY OF CORVALLIS
CITY COUNCIL WORK SESSION

October 17, 2000

I. ROLL CALL

Mayor Berg called the meeting to order at 5:30 pm. All councilors were present, except Patrick Peters, who was excused.

II. UNFINISHED BUSINESS

A. Visitor's Comments

Kirk Bailey, Planning Commissioner, reviewed his October 16th memorandum to the Council, and added the following testimony:

- * The Council should consider allowing approval of several fairly complete options within a PD, allowing one or another to be built (no mix and match) which would provide more certainty and flexibility with regard to timing;
- * Indicated his support of the proposed Riverfront Zone parking proposal, feeling it to be a good compromise.

Walter Barken (Co-president and representative of League of Women Voters of Corvallis) reviewed a letter that he submitted at the meeting:

- * Stay with the provisions of the Vision 2020 (Downtown is the focus; commercial districts have good public realm);
- * The proposed LDC supports the Comprehensive Plan well (minimum setbacks, smaller building footprints, no "big box" stores);
- * LDC makes good financial sense (big boxes take from local business and cause traffic problems);
- * The proposed LDC also reduces impacts of raised SDCs by being more efficient land use.

Jack Wolcott (Owner of Grass Roots Bookstore) noted his support of the proposed LDC, particularly size limitations, which support local small businesses;

- * It is difficult to reverse the degradation of quality of life that sprawl creates.

In response to a question from Mayor Berg, he stated his belief that the proposed Ninth Street changes are an improvement, and, though it will take some business emphasis away from Downtown, it will make the City a nicer place to live. He said the proposed LDC gives small businesses a chance to survive.

John Foster (see October 10th written comments) testified that he felt the proposed LDC is good. He noted that no one in the Vision workshops liked the Ninth Street development pattern. He said the proposed LDC allows gradual change. He expressed his belief that the compromises made by the Planning Commission are good, but recommended against going further.

Gary Feuerstein (Endex Engineering) opined that the LDC imposes severe economic considerations, but should also give significant incentives, primarily parking. The parking standard should not be a suburban standard. He said that, as the proposed LDC stands right now, the standard is not much better than that. In response to Councilor Tomlinson, he said the building height could be higher than 75'.

Jerry Davis (Second Street property owner) indicated his support of previous testimony with regard to the Riverfront Zone and the recommendations of the Riverfront Commission

Randy Jones (family-owned business "Randy Jones Chevrolet") stated that he is unsure of how the rezoning will affect his business, particularly with regard to expansion as his business needs increase. He noted that General Motors requires the ability to expand to meet future needs. He posed the following questions:

- * Can he sell property as a whole?
- * Can he expand property ownership as demand increases?
- * Can he sell to another use?
- * Can he rebuild within the existing footprint after a fire?
- * What setbacks and/or parking requirements will be required if he expands?
- * When do the pedestrian requirements kick in?

Councilor Howell clarified that the square foot requirements are the implementation of the Comprehensive Plan (CP) designation policies (e.g., the hierarchy imposed by the CP).

Rebecca Landis indicated her support of the Vision 2020 and the proposed LDC; particularly the size, setback, and parking requirements and its support of local small businesses.

John Evans (Second Street property owner) stated his belief that Downtown parking is a non-problem. He said buildings will only be built when all parties to development are satisfied with available parking. He suggested that the City continue along the Comprehensive Plan Vision 2020 path. He said that citizens don't want Corvallis to be like any other strip development.

Carol Harman (Owner of two Ninth Street buildings) asked the Council to study whether the traffic on Ninth street is generated by the businesses or by the street's arterial use, and use that information for the LDC update. She also made the following points:

- * When OSU games let out, traffic flows north;
- * She supports Randy Jones remarks;
- * "Grandfathering" does not work for owners who lease to others;
- * In the 1980s, the Roller Rink tenant could not meet the requirements for parking and landscaping improvements;
- * Islands were originally placed on Circle and have since disappeared (relates to pedestrian refuges);
- * Businesses on Ninth Street are friends and neighbors in the community;
- * Preserve the ability to attract the retail trade needed to survive;
- * Moving buildings to the street affects visibility; and
- * Eliminating accesses is difficult; different uses have different access needs.

Ron Thies (University Honda) said he located his business on Ninth Street because it was all that was available at the time, and had the correct zoning. He would like to continue to be an allowed use in the district, as his business is expanding and the new zoning is far more restrictive than the zoning under which he purchased his land fourteen years ago.

Corrine Sherton (representing KMart Center) stated K-Mart's assumption that the PD allowance in MUCS addresses buildings approved but not yet built on December 31, 2000. She asked that that language be placed in the LDC. She also suggested alternate language to the 20 percent or 3000 square foot expansion requirements.

Kent Daniels (Second Street property owner) expressed his support for the Riverfront Zone changes. He suggested that Council look for other incentives to attract business Downtown and to the riverfront. He said Ninth Street looks the way it does because of the lack of landscaping in the street right-of-way. He also noted Ninth Street is a problem because small businesses are moving there instead of Downtown.

B. Land Development Code Update

Planning staff reviewed the Land Development Code Chapters to be discussed with the Council.

1. Article III - Commercial and Industrial Districts

3.11 Professional / Administrative Offices

3.11.20.03 (General Development)

Councilor Tomlinson asked that subparagraph c., "Participant Sports and Recreation (Indoor)," be subject to Conditional Development instead of Plan Compatibility Review.

The Council decided to make the change.

3.16 CB (Central Business) Zone

3.16.20.01 Primary uses permitted outright

Councilor Griffiths requested that the language in items 2(a) through 2(d) be clarified since "intensifying an underdeveloped site" can be misinterpreted to allow replacing buildings instead of adding units.

3.19 MUCS (Mixed Use Community Shopping) Zone

Council discussed grandfathering and non-conforming use definitions, but made no changes to the proposed LDC, as all uses in question are allowed outright, and simply have building size limitations.

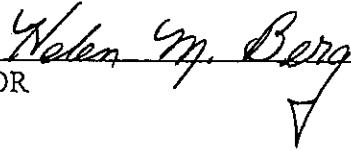
3.23 LI (Limited Industrial) Zone

Council asked staff to prepare alternate pedestrian requirements for civic and commercial uses in this zone.

III. ADJOURNMENT

The meeting was adjourned at 8:45 pm.

APPROVED:



MAYOR

ATTEST:

CITY RECORDER

CITY OF CORVALLIS
CITY COUNCIL WORK SESSION

October 19, 2000

I. ROLL CALL

Mayor Berg called the meeting to order at 5:37 pm. All Councilors were present, with the exception of Councilor Grosch.

II. UNFINISHED BUSINESS

A. Visitor's Comments

Marvin Gloege (representing Benton County Historical Society) outlined his submittal to the Council, proposing an amendment to section 3.15 (Riverfront Zone) of Draft "C" of the proposed Land Development Code (LDC), as well as outlining the concerns of the Society relating to the draft. He stated the Society's intent to, eventually, build a museum on the property (formerly owned by Copeland Lumber Company) in the Riverfront Zone. He reiterated that the Society has the following concerns:

- ▶ Minimum building height of three stories may be restrictive for their design;
- ▶ 60% first-floor building frontage glass can be damaging to exhibits as well as limit flexibility of internal design;
- ▶ Five required entrances is too many for climate control and security reasons; and
- ▶ Zero setback may unduly constrain the design.

In summary, he believes the proposed LDC section (which is retail-oriented) may not fit their needs.

Responding to inquiry from Councilor Griffiths, Mr. Gloege indicated that the Historical Society's Board would not be opposed to going through the Planned Development process. Councilor Howell inquired as to the purpose of amending the code. Mr. Gloege indicated that it is primarily the "purpose" statement of the chapter that he feels is not specific enough to a civic use of this type so that, when the development occurs, there will be flexibility for their design. Councilor Howell stated that he has severe reservations about adopting as many changes as were suggested, particularly with respect to glass and setback, but that amendment to the "purpose" statement in particular is appropriate.

B. Land Development Code Update

1. Continued Review of Article III - Commercial and Industrial Districts

Associate Planner Towne explained the purposes of the Major and Minor Neighborhood Center (NC) districts and the Mixed Use Community Shopping (MUCS) and Mixed Use General Commercial (MUGC) districts, outlining the transit style of each, and the method for proposing variations.

3.14 Neighborhood Center (NC) Zone

3.14.20.01.a.4 (Locational Criteria)

Councilor Howell recommended that Major and Minor zones have different frontage requirements along streets.

The Council agreed to have staff investigate.

3.14.30 (Permitted Uses)

Councilor Howell questioned having the same requirements for small and large religious assemblies, suggesting a size threshold to trigger the review criteria.

The Council asked staff to investigate.

3.14.40.07 (Development Standards)

Councilor Howell suggested a footnote to Table 2 stating that park strips and separated sidewalks be considered an advantage. Mayor Berg suggested a footnote that setback is from the existing right-of-way.

The Council asked staff to make the change.

3.19 MUCS (Mixed Use Community Shopping) Zone

3.19.30 (Permitted Uses)

Staff noted that the permitting threshold may be more effective as 7500 square feet.

Council agreed and directed staff to make this change.

Councilor Tomlinson suggested striking the note at the bottom of page 3.19-5 as it is redundant.

Staff made note.

3.19.40.01.a (Use and Building Size)

Councilor Tomlinson suggested expanding the uses allowed to exceed the 15,000 square foot limit. Councilor Howell suggested expanding the maximum footprint to 25,000 square feet, with a 10,000 square foot use limitation for uses that are better in an NC Zone.

The Council decided to pursue that option, and have staff develop a table of uses that would be limited or not.

3.19.40.03 (Commercial Floor Area Ratio)

Councilor Barlow-Pieterick suggested cross-referencing FAR to Floor Area Ratio in the definition section.

3.20 MUGC (Mixed Use General Commercial) Zone

3.20.30 (Permitted Uses)

Councilor Howell suggested that Technical Support Centers may be more appropriate in MUCS due to the fact that they are largely human-oriented uses.

Staff noted that Religious Assemblies should be subject to Plan Compatibility Review in this zone.

Mayor Berg suggested noting that non-allowed uses are marked "N" in this section.

The Council asked staff to make the changes.

3.20.40.01 (Use and Building Size Limitations)

Councilor Howell suggested a 55,000 square foot limit on building footprint, not including outside storage in MUGC Zones, to keep these zones from being overly attractive to businesses that may be better with the stricter requirements of the Neighborhood Center zone.

The Council asked staff to add the requirement.

4.10 Pedestrian Design Standards

4.10.70.01 (Applicability)

Councilor Howell suggested that, in MUCS/MUGC Zones, choosing a total of four total compliances instead of two PODS and two Building Orientation Standards for existing structures be allowed.

The Council asked staff to draft language for review at the October 26th meeting.


4.10.70.02.a (Building Orientation)

Staff suggested exempting interior buildings from the requirement for MUCS and MUGC zones.

III. ADJOURNMENT

The meeting was adjourned at 9:00 pm.

APPROVED:



MAYOR

ATTEST:

CITY RECORDER

CITY OF CORVALLIS
CITY COUNCIL WORK SESSION

October 24, 2000

I. ROLL CALL

Mayor Berg called the meeting to order at 5:35 pm. All council members were present, with the exception of Patrick Peters and Ed Barlow-Pieterick.

II. UNFINISHED BUSINESS

2.5 Planned Development

Planning Manager Schlesener handed out draft language to be added to the end of Chapter 2.5 and to replace the existing draft language on Expedited Land Divisions. This new draft language pertains to Refinement Plans and Expedited Land Divisions and will be discussed at the Council's 10/26 Work Session.

Background on Mapping

Ms. Schlesener explained the process and history of the mapping changes. She and Associate Planners Towne and Seeburger noted that there are four properties with outstanding issues, as follows:

- ▶ Greg Bennett requested that the Planned Development (PD) overlay be retained on the residential portion of the South Corvallis Town Center. Staff is supportive of the request to retain the PD overlay in that area because of the specific Comprehensive Plan language regarding the Town Center.
- ▶ Bill Hotchkiss requests that the zoning not be upgraded to RS-5 from RS-3.5 due to floodplain issues.
- ▶ Kings Circle Assembly of God requests alignment of the RS-12/MUR (Mixed Use Residential) zone boundary to the existing waterline easement, where 55th Street would exist if it were continuous. Staff suggested making the change on the west half of the property, but noted that the eastern portion of the change would require more work.
- ▶ Meyer Motels requested remaining as MUCS, (Mixed Use Community Shopping) cancelling a previous request to change to MUGC (Mixed Use General Commercial).

A. Visitor's Comments

Elaine Cull (Central Park Neighborhood Association) noted that the Association wishes to make clear that they are not in agreement with the challenge to the down-zoning in the five-block area in the Central Park Neighborhood from RS-20 to RS-12.

Kate Dwire expressed her support for the down-zoning, noting its importance to the quality and character of the neighborhood.

Greg Bennett elaborated on his request, stating that the neighborhood is expecting to be heard via the PD process.

B. Land Development Code Update

1. Mapping

Bennett Request

Ms. Schlesener requested that the minutes reflect the reasoning for retaining the PD on undeveloped residential land in the South Corvallis Town Center, while it was removed elsewhere in town, noting that this is a special case because of the specific Comprehensive Plan language.

The Council decided to retain the PD overlay in the LDC Draft, granting the request.

Councilor Howell elaborated that there was specific policy language and a map pertaining to the South Corvallis Town Center in the Comprehensive Plan, distinguishing this property from other residential properties.

Hotchkiss Request

Councilor Beilstein indicated his support of the owner, as the re-zoning will not noticeably change the availability of housing in Corvallis due to the size of the property.

The Council agreed to the request.

Kings Circle Assembly of God Request

Councilor Howell indicated his support for the rezoning of the area west of the waterline as RS-12, but requested that the eastern portion of the request remain as RS-12 as well, to act as a buffer zone to the single family dwellings abutting the property.

The Council concurred, and granted the request for the area west of the waterline.

Meyer Motels Request

Council supported the owner's withdrawal of the request to change from MUCS to MUGC.

Additional Drainageway OS-AG

Councilor Howell requested that staff locate and double-check drainageways that are complete City-owned parcels and include them in the proposal to change to OS-AG zoning. Staff will recheck to make sure all appropriate parcels have been included.

2. Miscellaneous

a. Riverfront Zone (RF) 3.15

Associate Planner Towne outlined the various proposed RF zone parking requirements, as outlined in his attachment.

Councilor Howell clarified that the reasoning is as follows:

- ▶ The FAR (Floor Area Ratio) credit in the RF zone is to make use of the on-street spaces available to employees and customers in the zone;
- ▶ The Residential Use credit is based on a study that the higher densities of development in Downtown areas tend to cause more foot traffic and reduce requirements.

The figures for the LDC draft C are based on ratios of existing use in the Downtown area, but are formalized on a per-site basis.

Museum

Council asked staff to add language to the RF zone chapter, generally illustrating that variations may be applied for via PD or Plan Compatibility Review for civic uses.

b. Other Items [Not on Agenda]

1) 4.1.20(p) (Structured Parking Required)

Councilor Howell, by his memorandum, suggested that the phrase "commercial, office, and industrial" and the phrase "for each of the first three stories" be inserted into the paragraph, to exempt residential uses from the requirement (as per the Comprehensive Plan) and encourage upper story development. He asked staff to clarify the language as it was inserted.

The Council asked staff to revise the language for the draft Code.

III. ADJOURNMENT

The meeting was adjourned at 8:38 pm.

APPROVED:



MAYOR

ATTEST:

CITY RECORDER

CITY OF CORVALLIS
CITY COUNCIL WORK SESSION

October 26, 2000

I. ROLL CALL

Mayor Berg called the meeting to order at 5:38 pm. All members of the Council except Patrick Peters and Tom Wogaman were present.

II. UNFINISHED BUSINESS

A. Visitors' Comments

Terry Allen (representing BACO, owners of the parcel including 802-808 Buchanan Street) outlined BACO's written proposal to have their land rezoned to Mixed Use Community Shopping (MUCS) instead of Mixed Use General Commercial (MUGC). The building numbered 804 is over 20,000 square feet, with three uses; 808 is over 10,000 square feet with a single office use; 806 is under 10,000 square feet, also office use as well as light manufacturing; and 802 is just over 2000 square feet, with a single use.

Mary Nolan (representing Corvallis Area Chamber of Commerce) wished to reply to a comment at the October 24th meeting, and state that she has discovered that the owner of the residential portion of the South Corvallis Town Center property affected by the suggested retention of the Planned Development (PD) Overlay is ill; she cautioned the Council against assuming that the owner of any parcel not present at a meeting is consenting to action.

Sue Napier requested that the Council add language to Comprehensive Plan Policy 8.12.3 to ensure that accesses to businesses are not blocked by medians or pedestrian islands. She also indicated concern over safety issues relating to visibility around zero setback buildings. She suggested adding safety walkways to Chapter 4.10 as a way that to fulfill pedestrian requirements.

Randy Jones (Randy Jones Chevrolet) indicated his concern about the low awareness of the effect of the proposed changes. A citizens' and business owners' group has formed and will be providing testimony at the public hearings. He expressed concern that, with the new zoning, Ninth Street development may begin to compete with Downtown. He emphasized that the Chamber of Commerce is Corvallis' business owners' voice, and cautioned that their testimony should be taken seriously.

B. Land Development Code Updates

I. Outstanding Issues

Mapping Issues

BACO request

Planning Manager Schlesener outlined the BACO request, and noted that the requested change to Mixed Use Community Shopping (MUCS) is already near proposed MUCS zoning, so there would be no discontinuity. Councilor Howell suggested that the Civic civic use of Administrative Services be added to the permitted uses of the MUCS zone and that the request be granted.

The Council decided to add Administrative Services as a permitted civic use in the MUCS Zone and grant the request.

2.0 Public Hearings

Staff reported that statement of "Areas of Bias" may be required in Quasi Judicial, instead of Legislative, hearings and "bias" refers to ability to make a clear and impartial decision, as recommended by the City Attorney.

2.5 Planned Development

2.5.90 & 2.5.100 Expedited Land Division Procedures / Refinement Plans

The Council decided to include the new draft in the draft LDC.

3.3 RS-6 (Low Density) Zone

Staff reviewed the revised language for alley requirements reflecting earlier discussion of setbacks.

The Council accepted the revised language.

3.15 RF (Riverfront) Zone

3.15.70 (Refuse and Recycling)

The Council, upon recommendation of the staff, struck the section as it is covered in the alley standards.

3.19 MUCS (Mixed Use Community Shopping) Zone

3.19.30 (Permitted Uses)

Staff presented revised restrictions relating to building footprint limits based on previous Council direction; limiting three use types to 10,000 square feet; and

language covering the added building size and changes in review requirements for certain use types. Councilor Howell suggested putting a cap on retail use size, and reworking the minor Neighborhood Centers to have equal or greater retail advantage.

The Council decided to raise the use size limit to 15,000 square feet for Retail uses in the MUCS Zone and building footprint limit to 25,000 square feet for the MUCS Zone. The Council also decided to add a 15,000 square foot area limitation and 25,000 square foot building footprint limitation for Minor Neighborhood Centers located on a collector or arterial street.

Councilor Grosch suggested that staff ensure that the civic use type of Social Service Facilities be added to the MUCS Zone to ensure that the new Community Outreach facility will be a permitted use.

Council agreed and directed staff to make this change.

3.22 LI-O (Limited Industrial - Office) Zone

3.22.40.08 (Pedestrian Oriented Design Standards)

Staff indicated that the language for commercial and civic uses relating to Pedestrian Oriented Design Standards (PODS) has been revised.

The Council accepted the language as specified.

3.37 AG-OS (Agricultural - Open Space) Zone

3.37.20.01.a.2 (Ministerial Development)

Staff explained that Parks and Recreation has requested that the asterisks be stricken from items c. through f. to allow implementation of future plans. Councilor Griffiths suggested that the uses be subject to Plan Compatibility Review.

The Council made above changes.

4.2 Landscaping, Buffering, Screening, and Lighting

4.2.70 (Gateway Provisions)

Staff presented revised language as the Council suggested.

The Council asked staff to add an item to limit the height of monument signs in gateway areas.

4.7 Sign Regulations

4.7.80.02.a (General Requirements for Free Standing Signs)

The Council decided to adopt provisions to allow a shadowed business to have a streetfront monument sign even if the 100 foot spacing would prevent this.

4.10 Pedestrian Oriented Design Standards

4.10.70 (Standards for Commercial, Industrial, and Civic Development)

4.10.70.01 and 4.10.70.02 (Applicability / Building Orientation)

Staff outlined proposed changes to allow building expansion to choose one item from each PODS menu to a total of four, instead of two from each.

The Council accepted the change.

Staff outlined a suggestion by Kirk Bailey to allow non-customer building expansions to meet only one Building Orientation standard.

The Council accepted the change.

Staff outlined Council-suggested additions to the Pedestrian Circulation menu, generally noted below:

- a) On existing five-lane arterials or arterial highways, agreement not to object to future median or pedestrian island, if proposed;
- b) For lots abutting existing streetside sidewalks, rebuild sidewalk with standard planting strip.

The Council decided to place the options in the menu, requiring b) of new development and making both options for expansion.

Staff outlined four more options, presented by Councilor Howell, to be applied to expansions only, generally noted below:

- a) Consolidation of driveways (each driveway removed would count toward one of the two-three required options;
- b) Expand landscape buffer (by 20± [?] feet) between sidewalk and current/remaining parking or drives;
- c) Provide fewer than minimum parking stalls because of approved shared parking arrangement with abutting property; and
- d) Provide covered pedestrian walkways.

The Council accepted the additions.

Staff suggested adding an option for expansion to the Building Orientation standards to allow an entrance to be off of a sidewalk or courtyard along the side of a building within 50 feet of the street.

The Council decided to add the option.

4.10.70.03.f (Connection to Adjacent Properties)

Staff suggested adding a sentence to cover appropriate pedestrian connections to abutting properties.

The Council decided to add the option.

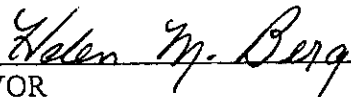
4.10.70.05.b.6 (Windows)

The Council decided to adopt the proposed exception for expansions to build a noncustomer area to the rear of their building without requiring windows to be added to the front of the building.

III. ADJOURNMENT

The meeting was adjourned at 8:42 pm.

APPROVED:



MAYOR

ATTEST:

CITY RECORDER

ATTACHMENT III

October 26, 2000 Memo

MEMORANDUM

TO: Mayor and City Council

FROM: Kelly Schlesener, Planning Manager & Fred Towne, Associate Planner

DATE: October 26, 2000

RE: Outstanding Issues to Be Discussed for Tonight's Work Session

A list of the outstanding issues to be discussed for the Land Development Code Update Project is outlined below. Past documents and new requested wording revisions relative to these items are attached for your convenience so that you do not need to search through past handouts.

The only item that is not being brought back this evening is the wording regarding clear and objective criteria for the Lot Development Option, Plan Compatibility Review, and Minor Land Partition Chapters. Staff needs additional time to develop this criteria in concert with other departmental staff and the City Attorney's Office. This criteria will be presented to the Council as part of the draft Code for the November 20, 2000 public hearing.

OUTSTANDING ISSUES TO BE DISCUSSED THIS EVENING

1. New Text for Chapter 2.5 - Planned Development, that pertains to Refinement Plans and Expedited Land Divisions (pages 1-7 of this handout)
2. Question regarding Chapter 3.37 - AG-OS Chapter (whether or not the Parks and Recreation Department needs the ability to farm AG-OS lands, given the plans for open space acquisitions) (page 8 of this handout)
3. Revised Structured Parking Text (page 9 of this handout)
4. Text Related to Alleys (pages 10-12 of this handout)
 - a. Revised alley provisions re: residential alleys
 - b. Question re: nonresidential alley requirements relative to location of refuse containers
5. Question re: "areas of bias" text in Chapter 2.0 - Public Hearings (verbal)
6. Review civic and commercial uses in LI-O Zone to see if they need to be

required to adhere to PODS (pages 13 & 14 of this handout)

7. **Review Chapter 4.2 - Landscaping to see if gateway properties zoned MUCS need to adhere to some of the gateway standards too (pages 15 & 16 of this handout)**
8. **Should pole signs be allowed on MUCS properties within gateways? (page 16 of this handout)**
9. **New column in MUCS Zone identifying which uses should be subject to a 10,000 square foot limitation to encourage larger versions of those uses to be located in Major Neighborhood Centers (pages 17 - 22 of this handout)**
10. **Commercial PODS (pages 23-25 of this handout)**
11. **Riverfront Zone parking (pages 26-30 of this handout)**

3. Conditions attached to the approved Planned Development by the hearing authority can be met or are no longer necessary.
 4. No prior commitments involving the property were made that would adversely affect the subject property, other related properties, or the City, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.
- c. If the Planned Development is nullified, the PD overlay designation shall be removed from the Official Development Zoning District Map after the appeal period has expired.

Section 2.5.90 - REFINEMENT PLAN PROCEDURES

A Refinement Plan is more detailed than a Comprehensive Plan and applies to a specific geographic area. A Refinement Plan may be legislative or quasi-judicial and is designed to:

- a. Establish efficient density ranges, including a minimum and maximum density for residential uses.
- b. Establish minimum and maximum floor area ratios or site coverage requirements for nonresidential uses.
- c. Incorporate a Detailed Development Plan application and planning process as outlined in Section 2.5.50.
- d. Include land use regulations to implement the Refinement Plan, and
- e. Not be classified as a Refinement Plan unless specifically adopted as a Refinement Plan.

With the exception of the initiation procedures outlined below in Section 2.5.90.01, and the public hearing process as outlined in Chapter 2.0, the procedures for both legislative and quasi-judicial Refinement Plans shall be the same.

Section 2.5.90.01 - Initiation

a. Initiation Procedures for Legislative Refinement Plans

A Refinement Plan is considered to be a legislative act if the Plan applies uniformly to a sufficiently large number of properties as determined by contemporary legal principles. Initiation procedures shall be as follows:

1. A Refinement Plan that is legislative in nature may be initiated by either a majority vote of the City Council or Planning Commission upon a finding that there is sufficient cause to initiate the Plan.
2. Property owners may petition the Planning Commission to initiate a hearing through the following procedure:

- (a) A petition shall only be considered if it represents a majority (over 50 percent) of property owners within the area of the proposed Refinement Plan.
- (b) A petition shall include a description of the Refinement Plan and a map of the area to be affected and information as may be necessary for an adequate review.
- (c) If the Planning Commission makes a determination that there is sufficient cause, it shall initiate review of the Refinement Plan in accordance with Chapter 2.0 - Public Hearings.

b. Initiation Procedures for Quasi-Judicial Refinement Plans

All Refinement Plans not deemed to be legislative shall be quasi-judicial. Initiation of a Refinement Plan that is quasi-judicial in nature may be accomplished by one of the following ways:

- (1) Filing of an application by the owner(s) of the subject property(ies); or
- (2) A majority vote of the City Council or Planning Commission following the same procedures used for legislative Refinement Plans discussed above.

Section 2.5.90.02 - Application Requirements

Application submittal requirements for Refinement Plans shall be the same as the application submittal provisions outlined in Section 2.5.50 for a Detailed Development Plan, and shall be augmented with the following:

- a. Information identifying the density ranges, including the minimum and maximum density for residential uses, within the proposed Refinement Plan area;
- b. Information identifying the minimum and maximum floor area ratios or site coverage requirements for nonresidential uses;
- c. Graphics establishing lotting patterns for any portions of the Refinement Plan area where an Expedited Land Division is anticipated; and
- d. Information identifying the proposed land use regulations to implement the Refinement Plan.

Section 2.5.90.03 - Staff Evaluation

A report shall be prepared by staff that evaluates whether the proposal 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.

Section 2.5.90.04 - Review Criteria

A request for approval of a Refinement Plan shall be reviewed to determine the effects on City facilities and services and to assure consistency with the purposes of this Section 2.5.90, the policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compliance with the following:

- a. The Refinement Plan shall establish efficient density ranges, including a minimum and maximum density for residential uses, and shall ensure that these density ranges are consistent with the Comprehensive Plan;
- b. The Refinement Plan shall establish minimum and maximum floor area ratios or site coverage requirements for nonresidential uses;
- c. The Refinement Plan meets the application submittal requirements outlined above in Section 2.5.90.02.
- d. The Refinement Plan includes land use regulations to implement the Refinement Plan, and
- e. The Refinement Plan is specifically referred to (and ultimately adopted) as a Refinement Plan.
- f. In addition, as applicable, the application shall demonstrate compatibility in the following areas:
 1. Compensating benefits for any variations being requested from standard Code provisions;
 2. Basic site design (the organization of uses on a site and its relationship to neighboring properties);
 3. Visual elements (scale, structural design and form, materials, and so forth);
 4. Noise attenuation;
 5. Odors and emissions;
 6. Lighting;
 7. Signage;
 8. Landscaping for buffering and screening;
 9. Transportation facilities;
 10. Traffic and off-site parking impacts;
 11. Utility infrastructure;
 12. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

13. Design equal to or in excess of the types of improvements required by the pedestrian oriented design standards of Chapter 4.10².
14. Preservation and/or protection of significant natural features and wildlife habitat, consistent with the Comprehensive Plan, and
15. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site.

Section 2.5.90.05 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing the Planning Commission shall make a decision to approve, conditionally approve, or deny the proposed Refinement Plan. The Commission's decision shall include findings that specify how the proposal has or has not complied with the above review criteria.

Section 2.5.90.06 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition in accordance with Chapter 2.0 - Public hearings, that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any conditions of approval, and appeal period deadline. A notice of disposition shall also be mailed to persons who presented testimony orally and in writing at the public hearing.

Section 2.5.90.07 - Appeals

The decision of the Planning Commission may be appealed in accordance with Chapter 2.19 - Appeals.

Section 2.5.90.08 - Effective Date

The decision of the Planning Commission shall become effective 12 days from when the Notice of Disposition is signed, unless an appeal is filed. An approved Refinement Plan may be nullified in accordance with Section 2.5.90.09 below, but not modified. If modifications are desired, the Refinement Plan Nullification procedures outlined in Section 2.5.90.09 shall be followed and then a new Refinement Plan may be established via the procedures outlined in Sections 2.5.90.01 - 2.5.90.08.

Section 2.5.90.09 - Refinement Plan Nullification

- a. Nullification of a Refinement Plan shall be initiated consistent with the initiation procedures outlined above in Section 2.5.90.01.

²

Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2000, are allowed pursuant to the requirements of Section 4.10.70.01 - Applicability.

The Planning Commission shall hold a public hearing and provide notice of the hearing and decision shall be in accordance with Chapter 2.0 - Public hearings.

b. The burden of proof is placed on the applicant to justify nullification of the Refinement Plan, giving substantial evidence that:

1. Developing the property under conventional zoning standards and regulations will not create nonconforming development;
2. Special circumstances such as building relationships, drainageways, public improvements, topography, and so forth that were to be responded to specifically through the Refinement Plan process can be dealt with as effectively with conventional standards;
3. Conditions attached to the approved Refinement Plan by the hearing authority can be met or are no longer necessary;
4. No prior commitments involving the property were made that would adversely affect the subject property, other related properties, or the City, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.

Section 2.5.100 - EXPEDITED LAND DIVISION PROCEDURES

2.5.100.01 - Purposes

An Expedited Land Division pertains to the creation of lots. For the purposes of this Code, an Expedited Land Division pertains to the creation of 3 or fewer lots in a calendar year and may occur only on a development site with an approved Refinement Plan that establishes the pattern of lots for the site. Also for the purposes of this Code, an Expedited Land Division is classified as General Development. An Expedited Land Division is also designed to:

- a. Include land that is zoned for residential uses;
- b. Be solely for the purposes of residential use, including recreational or open space uses accessory to the residential use;
- c. Not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the Comprehensive Plan and Land Development Code for full or partial protection of natural features under the Statewide Planning Goals that protect:
 1. open spaces, scenic and historic areas and natural resources; and
 2. the Willamette River Greenway.



- d. Satisfy minimum street or other right-of-way connectivity standards established by the Comprehensive Plan (including the Transportation Plan) and the Land Development Code.
- e. Create enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site, yet still be a total of three lots or less.

Whenever an application is filed for an Expedited Land Division, it shall be reviewed in accordance with the following procedures:

Section 2.5.100.02 - Application Requirements

Application requirements shall be in accordance with Section 2.14.30.01 of Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments. Additionally, the applicant of an Expedited Land Division shall include a copy of the approved Refinement Plan and its related Notice of Disposition, and depict how the proposed Expedited Land Division is consistent with the approved Refinement Plan.

Section 2.5.100.03 - Acceptance of Application

The Director shall review the Expedited Land Division application for compliance with the application requirements above in Section 2.5.100.02, consistency with the approved Refinement Plan, and compliance with any applicable conditions of approval for the approved Refinement Plan. If the application is incomplete, the Director shall notify the applicant within 21 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

Section 2.5.100.04 - Public Notice

Public Notice shall be in accordance with Section 2.14.30.03 of Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments.

Section 2.5.100.05 - Staff Evaluation

The application and any comments that have been received shall be reviewed to assure consistency with the review criteria in 2.5.100.06 below.

Section 2.5.100.06 - Review Criteria

Requests for approval of an Expedited Land Division shall be reviewed to assure:

- a. Consistency with the approved Refinement Plan and its related conditions of approval, the purposes outlined above in Section 2.5.100.01; pertinent development standards of the Code, policies and density requirements of the Comprehensive Plan and this Code, and any other applicable policies and standards adopted by the City Council;

- b. Approval does not impede future development of property within the boundaries of the approved Refinement Plan.
- c. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities, including the provision of City services and access from a public street.

Section 2.5.100.07 - Action on Application, Notice of Disposition, Appeals, and Effective Date

Action on the application, the Notice of Disposition, Appeals, and the Effective Date of the Expedited Land Division shall be in accordance with the provisions of Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments (specifically, Sections 2.14.30.06, 2.14.30.07, 2.14.30.08, and 2.14.30.09 respectively).

Section 2.5.100.08 - Effective Period of Expedited Land Division Approval

Approval of an Expedited Land Division shall be valid for a period of one year from the effective approval date. Upon request, the Director may approve a single one-year time extension on the approval.

Section 2.5.10.09 - Final Plat Review Procedures

Final Plat review procedures for an Expedited Land Division shall be in accordance with Section 2.14.40 of Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments.

CHAPTER 3.37
AG-OS (AGRICULTURE-OPEN SPACE) ZONE DISTRICT

Section 3.37.10 - PURPOSE

This zone district is intended to recognize areas within the City suitable for agricultural research use and for uses compatible with agricultural and horticultural research use types. The characteristics of such use types typically result in preservation of large open space areas. Residential uses are accessory to the primary uses.

Section 3.37.20 - PERMITTED USES

3.37.20.01 - General Ministerial Development

****** Asterisks indicate uses that are not allowed within properties that have a Comprehensive Plan Map designation of Open Space - Conservation. There are no outright permitted uses within the properties that have a Comprehensive Plan Map designation of Open Space - Conservation.

a. Primary Uses Permitted Outright

1. Civic Use Types:

- (a) Freestanding wireless telecommunication facilities up to 60 ft in height, subject to the standards in Chapter 4.9.**

2. Agriculture Use Types:

- (a) Animal Husbandry**
- (b) Aquaculture**
- (c) Horticulture, Cultivation, and Storage**
- (d) Research Facilities and Services related to the above use types**
- (e) Row Field Crops**
- (f) Tree Crops**

*Parks & Rec
Needs these
open space for
purchasis*

Accessory Uses Permitted Outright

1. Animal Sales, Services: Veterinary**
2. Animal Waste Processing**
3. Packing and Processing: Limited**
4. Essential Services
5. Required off-street parking for uses permitted in this zone district in accordance with Chapter 4.1
6. Other development customarily incidental to the primary use in accordance with Chapter 4.3
7. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft for whip antennas, including mounting, or by 10 ft for all other antennas, subject to the standards in Chapter 4.9.
8. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft for whip antennas, including mounting, or by 10 ft for all other antennas, subject to the standards in Chapter 4.9.

3.37.20.02 - Special Development - Uses Allowed Through Discretionary Review

****** Asterisks indicate uses that are not allowed within properties that have a Comprehensive Plan Map designation of Open Space - Conservation

Two Choices for Revised Structured Parking Provision

Option A: Threshold is a total of 200 spaces per floor, regardless of how many of those spaces are “required spaces” (Addresses Councilor Peters’ concern re: unfair situation created if use only “required parking”)

- p. **Structured Parking Required** - For commercial, office, and industrial development, a total of 200 unstructured vehicle parking spaces shall be allowed for each of the first three stories of structures within a development site. Where vehicle parking is in excess of 200 spaces per story for any one of the first three stories of structures on a site, all parking in excess of the 200 spaces per story shall be located in underground or structured parking facilities. In such cases, the parking maximum may be increased to 50 percent in excess of the minimum off-street vehicle parking required by Section 4.1.30 below. *Note: When multiple structures are located on an individual development site, the parking associated with each floor of all structures on the development site shall be added together when calculating the threshold of 200 spaces per story in this provision.*

OR

Option B: Threshold is a total of 200 “required” spaces per floor

- p. **Structured Parking Required** - For commercial, office, and industrial development, a total of 200 required vehicle parking spaces shall be allowed in unstructured parking facilities for each of the first three stories of structures within a development site. Where required vehicle parking is in excess of 200 spaces per story for any one of the first three stories of structures on a site, all parking in excess of the minimum number of required vehicle parking spaces (*for that story??*) shall be located in underground or structured parking facilities. In such cases, the parking maximum may be increased to 50 percent in excess of the minimum off-street vehicle parking required by Section 4.1.30 below. *Note: When multiple structures are located on an individual development site, the parking associated with each floor of all structures on the development site shall be added together when calculating the threshold of 200 spaces per story in this provision.*

Standards for both Residential and Nonresidential Alleys

- ◆ Residential alleys shall be privately owned, with the exception of existing publicly owned alleys. Nonresidential alleys are strongly encouraged to be public, but private nonresidential alleys are allowed;
- ◆ Alleys shall be concrete and designed consistent with City Engineering Standards;
- ◆ Alleys shall be clearly marked to prohibit parking, unless designed to accommodate it;
- ◆ An alley serving 6 or more dwelling units shall be contained within a separate, privately owned, tract and setbacks shall be measured from the tract property lines of the alley;
- ◆ Alleys shall be unobstructed at least to their minimum required width. Service areas may be provided adjacent to alleys, provided they do not encroach into the alleys;
- ◆ Site layouts of alleys may include but are not limited to straight alleys, "T-shaped" alleys, "L-shaped" alleys, etc.;
- ◆ While emergency access to structures is provided via streets the majority of the time, in cases where an alley provides a required emergency access to a structure(s), the alley shall be a minimum of 20 feet wide and have adequate turning radii on curves (or on "T's" and "L's"), where needed, to accommodate emergency vehicles;
- ◆ Developments that intend to have garbage pick-up services and/or loading facilities from alleys shall have adequate turning radii on curves (or on "T's" and "L's"), where needed, to accommodate service vehicles and large trucks;
- ◆ Public access easements shall be provided for all private alleys;
- ◆ Private alleys shall be maintained by either adjacent property owners, a property owners' association, or some other privately administered arrangement instituted by the developer. Maintenance responsibilities for private alleys shall be identified in deed restrictions filed with the final plat or prior to the issuance of final occupancy permits in cases where there is no plat to be filed.
- ◆ Utilities within alleys shall be placed underground.

Additional Standards for Residential Alleys

- ◆ Minimum width of 12 feet for one-way alleys and 16 feet for two-way alleys. One-way alleys shall be clearly designed as one-way alleys. Any garages accessed by one-way alleys shall be angled 0 - 45 degrees to the alley to assist with vehicle access and assist with making it apparent to drivers that the alley is one-way. The alley shall also be signed accordingly;
- ◆ Bounded on either side of the alley tract (outside the tract) by a tree per lot, consistent with Chapter 4.2. In cases where the Director approves an exception to the requirement for the alley to be in a separate tract (for infill developments less than two acres in size), the trees shall still be required per lot.
- ◆ Structures other than garages may be located along the outside boundaries of alleys, provided they do not interfere with either the circulation of vehicles into garages or visibility clearance;
- ◆ Garages adjacent to one-way alleys may be located along the outside boundaries of the alleys because they are required to be angled as outlined above;
- ◆ Garages adjacent to two-way alleys shall be located no closer than 12 feet from the center-line of the alleys, unless they are angled between 0-45 degrees from the alley, in which case they may be located along the outside boundaries of the alleys;
- ◆ Alley segments shall not exceed 350 feet.

Additional Standards for Nonresidential Alleys (unless specified differently by the underlying zone)

- ◆ Minimum width of 12 feet for one-way alleys and 20 feet for two-way alleys;
- ◆ Parking may be provided on one side of an alley, but not on both sides. Where parking is provided on one side of a one-way alley, the alley shall be a minimum width of 14 feet (exclusive of parking);
- ◆ Where parking is provided on one side of an alley, it shall be 45° angled parking and shall not interfere with service areas, utilities, or pedestrian facilities; and
- ◆ Where alleys provide access to parking lots or parking structures with 15 or more spaces, the alleys shall be a minimum of 20 feet wide.

10

Section 3.16.50 - OFF-STREET PARKING

Off-street parking shall be provided in accordance with Chapter 4.1.

FROM RIVERFRONT
COMMISSION
FINAL
REPORT

Comment:

See attached Parking Standards Draft proposed by Parking Sub-Committee.

Section 3.16.60 - REFUSE AND RECYCLING

Refuse and recycling containers shall be located on site and screened from view. They shall not be located on alley right-of-way since there will be increased use of alleys for access to parking areas and structures in the Riverfront District.

Comment:

Corvallis Disposal Co. is investigating alternate disposal storage solutions downtown.

Section 3.16.70 - SIDEWALKS

A public sidewalk shall adjoin every private/public property line, whether there is a street or not, except within alleys. The sidewalk shall be a minimum of 15-feet wide, and shall conform to the standards in the Riverfront Commemorative Park Report and Drawings adopted by the City Council on May 18, 1998.

Comment:

Sidewalks are the essential element to pedestrian activity. They allow foot travel, social interaction, commercial activity, clearly invite citizens to occupy public space, and contribute to increased safety and security with the added pedestrian activity.

The bikepath along the riverfront is not a substitute for a pedestrian-only promenade on the downtown side of First Street. The bikepath provides a river viewing experience; the sidewalk provides a downtown experience, closer to storefront activity, and without competition from cyclists. Both experiences are necessary to attract and serve the widest variety of citizens in the Riverfront District.

A wide sidewalk provides a continuous commercial promenade that defines the Riverfront District and connects with parking areas and park spaces on the north and south. It provides a safer north-south pedestrian route at night than the riverbank path along the river.

Section 3.16.75 - SIGNS

Please refer to Chapter 4.7, using Central Business District standards for sign regulations in the Riverfront District, with the following exceptions that apply just to the Riverfront District:

Freestanding signs shall be limited to a maximum height of 16' and a maximum area of 16 square feet. Internally illuminated signs are not permitted. Neon signs are permitted.

MUCS Alley Requirements

3.19.040.06 - Alleys and Access Consolidation

- a.** Alleys shall be required for all newly created blocks in the MUCS Zone and shall be provided in accordance with the standards in Chapter 4.0. This standard is intended to apply to undeveloped sites that can accommodate new blocks developed in accordance with block standards in Chapter 4.0-Improvements Required with Development. Although it is encouraged, this standard is not intended to necessarily apply to redevelopment of, or intensification of uses on, developed sites.
- b.** To the maximum extent practicable, access consolidation, particularly along arterials, shall be required for development, as approved by the City Engineer, and/or as required by applicable access control plans approved by the City Council.

3.22.40.08 - Pedestrian Oriented Design Standards

- a. **Commercial, Civic, and Industrial Uses.** Commercial, Civic, and Industrial uses in the LI-O zone shall conform to the Pedestrian Oriented Development Standards (PODS) contained in Chapter 4.10 as follows:
1. Building Orientation and Entrance Standards, Chapter 4.10.70.02, subsections "a" through "c" apply. In addition, the following standards also apply:
 - (a) Buildings located on parcels abutting South Third Street shall be oriented to South Third Street; however, an exception to this requirement may be granted through a Planned Compatibility Review (Chapter 2.13), whereby the setback may be increased by up to 100 percent of the requirement, and/or the orientation may be to another street provided that one or more of the following additional factors are documented by the applicant:
 1. The required building orientation would inhibit reasonable operations of the business (e.g., the need for truck circulation around the building)
 2. The building height exceeds 35 feet and is deemed incompatible with the gateway purposes of the LI-O Zone.
 - (b) When a building is located within 100 feet of an existing or planned bus stop or route, the building and at least one of its entrances shall be oriented to the bus stop or route. This criterion is met by facing the entrance toward the bus stop and providing a direct pedestrian connection between the bus stop and the entrance, in conformance with the standards for Pedestrian Circulation in Chapter 4.10.70.02 - Pedestrian Oriented Development Standards.
 2. Pedestrian Circulation Standards, Chapter 4.10.70.03, subsections "a - f" for civic and commercial uses and subsections "a," "e," and "f" only for industrial uses.
 3. Vehicle Circulation and Design Standards, Chapter 4.10.70.04, subsections "b" and "c" only.
 4. Standards and Menus for Pedestrian Features and Design Variety. For civic and commercial uses, Chapter 4.10.70.05, subsections

"a.1" (except weather protection is only required at street-oriented entrances), "b.1" through "b.3," "b.5," "b.6," (except a minimum of 20 percent of the length and 10 percent of the ground-floor wall area of any street-facing facade shall contain windows and/or glass doors), and "7.d" through "7.e." For industrial uses subsections "b.1" through "b.3" and "b.7(d) and (e)."

5. Building elevations that are used to meet the Building Orientation Standards in subsection "1" above shall provide a minimum of one of the following features to break up large building masses and provide human-scale design:
 - (a) windows covering 20 percent of the facade;
 - (b) building off-sets or projections; a minimum of one 2-foot offset or projection for every 100 feet of horizontal distance; and/or
 - (c) detailing; such as scored masonry, brick inlay, wainscoting, or similar facade detailing. Paint color variation alone shall not be sufficient to meet this standard.
 6. Pedestrian-Scale Building Entrances. Recessed entries, canopies, clear-story windows, and/or other similar features shall be used at the entries to buildings in order to create pedestrian-scale.
- b. **Industrial Uses.** Exterior building materials shall consist of concrete tilt up, concrete masonry unit, brick, wood, or similar quality materials. Metal building exteriors are permitted when used in conjunction with one or more of the other listed materials, but shall not exceed fifty percent of the exterior building surface.

4.2.70 - Gateway Provisions

Development within designated gateway areas, as defined within the Comprehensive Plan, shall comply with the additional provisions within this section.

4.2.70.01 - Gateway Provisions for development along South Third Street and within the Limited Industrial-Office (LI-O), Mixed Use General Commercial (MUGC), and Mixed Use Community Shopping (MUCS) Zones

Figure A - Gateway Features

- a. **Street Trees and Streets.** A double row of street trees along street frontages as shown in Figure A shall be required. Properties zoned MUCS are exempt from this double row of trees requirement. Other street improvements, such as sidewalks, bicycle lanes transit facilities, and roadways shall conform to the provisions of Article 4.
- b. **Gateway Landscaping.** Areas within required setbacks adjacent to a Gateway Street (Gateway landscape area), shall be landscaped with a combination of ground cover, shrubbery and trees to serve as buffering between the development and the Gateway Street, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting. While properties zoned MUCS shall provide required landscaping, they are exempt from the portion of this requirement that pertains to buffering buildings.

Screening shall block views of the paved surfaces of parking and circulation areas for pedestrians on the abutting public sidewalk (i.e., on South 3rd Avenue), in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting, and the following special screening standards. Screening shall be provided with planted berms (maximum slope of 3:1) or other effective terrain features, but shall not block the view(s) of building facades from the Gateway Street (See Figure A). Mulch, rocks, and other non-plant ground cover material shall not be

permitted as acceptable screening, but shall be allowed to aid in the establishment of plants and control erosion.

- c. **Fences and Walls.** Fences and walls within yards required setbacks abutting a Gateway Street shall not exceed 36 inches above finished grade, and shall have a minimum average setback of 12 feet from the Gateway Street right-of-way. The setback shall be landscaped in accordance with subsection "b" above. Straight fence or wall segments shall not exceed 50 feet in length without an offset or pillar measuring at least 2 feet in depth. Pillars shall have a clearly defined base and cap and be constructed of brick, masonry, wood, or similar quality material. Cyclone fences shall not be permitted. Fences and walls associated with required screening of service facilities (e.g., trash dumpsters, gas meters, ground level air conditioning units and other mechanical equipment within required setback areas) shall be located no closer than 25-feet of a Gateway Street.
- d. **Signs, Facilities, Features Within Gateway Landscape Area.** Monument signs, pedestrian and transit facilities, and water quality/quantity features approved by the City are allowed within the Gateway landscape area.
- e. **Parking and Vehicle Circulation.** Parking and vehicle circulation areas shall not be placed closer than 25 feet to a Gateway Street right-of-way. Such areas shall not be visible from a Gateway Street, as provided in subsection 'b', above. Where the Gateway Street is used to comply with Section 3.22.40.09, parking and circulation areas shall not be placed between the subject building and the Gateway Street.
- f. **Pole-Mounted Signs.** Pole-mounted signs are prohibited within 100-feet of any Gateway Street's right-of-way.

4.2.70.01 - Reserved for Gateway Provisions for other Parts of the City -
(Provisions to be established as part of future LDC Update process)

Section 3.19.30 - PERMITTED USES

Land use in the MUCS Zone shall conform to the list of permitted use types in Table 1. Ministerial Development involving use types that are outright permitted are identified with a "P." General Development involving use types that are subject to Plan Compatibility Review (Chapter 2.13) are identified with a "PC." Special Development involving use types that are subject to Conditional Development Review (Chapter 2.3) are identified with a "CD." Uses not permitted are identified with an "N."

Table 1 - Permitted Use Types	
Use Types	Permit Procedure
<p>a. Prior Established Uses</p> <p>1. Uses existing prior to December 31, 2000, and in compliance with the <i>Land Development Code</i> on that date ¹</p> <p>2. Uses permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property</p>	<p>P</p> <p>P</p>
<p>b. Residential ²</p> <p>1. Residential use types limited to:</p> <p style="margin-left: 20px;">(a) Family</p> <p style="margin-left: 20px;">(b) Group Residential</p> <p style="margin-left: 20px;">(c) Group Residential/Group Care</p> <p style="margin-left: 20px;">(d) Residential Care Facilities</p> <p>2. Residential building types limited to:</p> <p style="margin-left: 20px;">(a) Detached - existing as of December 31, 2000</p> <p style="margin-left: 20px;">(b) Attached (Townhouse) - common wall with commercial and/or civic use</p> <p style="margin-left: 20px;">(c) Multi-Dwelling (see also Section 3.19.040.04)</p> <p style="margin-left: 20px;">(d) Accessory Dwelling - in conjunction with attached dwelling</p>	<p>P</p> <p>P</p>
<p>c. Accessory Uses</p> <p>1. Essential Services (contained within enclosed building)</p> <p>2. Required off-street parking in accordance with Chapter 4.1</p> <p>3. Other development customarily incidental to the primary use in accordance with Chapter 4.3 (contained within enclosed building)</p> <p>4. Home Business</p>	<p>P</p> <p>P</p> <p>P</p> <p>P</p>

¹ Uses which were in existence and permitted in zoning prior to December 31, 2000, and are now located in the MUCS Zone, shall not be classified as non-conforming uses unless they have been discontinued for a period of at least one year in which case the requirements of Section 1.4.40.03 shall apply. Expansions and enlargements shall comply with all other applicable Code requirements.

² All residential uses shall comply with the provisions of Section 3.19.40.04 - Mixed Use Development.

Table 1 - Permitted Use Types

Use Types	Permit Procedure
<p>d. Projections, such as chimneys, spires, domes, and towers not used for human occupancy exceeding 75 feet in height, in accordance with Chapter 2.13, unless adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) where the threshold is 20 feet above the height of the structure or 55 ft in height, whichever is less.</p>	<p align="center">PC</p>
<p>e. Civic Use Types</p> <ol style="list-style-type: none"> 1. Community Recreation 2. Essential Services 3. Lodge, Fraternal, and Civic Assembly 4. Minor Utilities, subject to Chapter 4.9 standards 5. Major Services and Utilities (e.g., transit and similar facilities) 6. Parking Services 7. Public Safety Services 8. Religious Assembly 9. University Services and Facilities 10. Wireless Telecommunication Facilities <ol style="list-style-type: none"> a. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft for whip antennas, including mounting, or by 10 ft for all other antennas, subject to the standards in Chapter 4.9. b. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft for whip antennas, including mounting, or by 10 ft for all other antennas, subject to the standards in Chapter 4.9. c. Free Standing Wireless Telecom. Facilities 	<p align="center">PC</p> <p align="center">P</p> <p align="center">CD</p> <p align="center">PG</p> <p align="center">PC</p> <p align="center">PC</p> <p align="center">PC</p> <p align="center">CD</p> <p align="center">P</p> <p align="center">PG</p> <p align="center">P</p> <p align="center">P</p> <p align="center">PC</p>
<p>Note: Some civic uses that should be located in neighborhood centers and downtown due to pedestrian access and proximity to neighborhoods, are prohibited</p>	

Table 1 - Permitted Use Types

Use Types	Permit Procedure	
	Less than 7,500 s.f.	Equal to or >7,500 s.f.
f. Commercial Use Types (contained within enclosed building)³		
1. Agricultural Sales and Service	P	PE
2. Animal Sales and Service - Grooming; Kennels; Veterinary, Small Animals (within enclosed building)	P	PE
3. Animal Sales and Service - (large and small, and/or including use outside of building)	PC	CD
4. Automotive and Equipment -subject to the provisions of Chapter 4.10 - Pedestrian Standards		
(a) Light Equipment Sales/Rentals (including use outside of building)	PE	EDP
(b) Carwash	PE	PE
5. Fuel Sales	PE	PE
6. Building Maintenance Services	P	PE
7. Business Equipment Sales and Services	P	PE
8. Business Support Services	P	PE
9. Communication Services	P	PE
10. Construction Sales and Services	P	PE
11. Convenience Sales and Personal Services, except drive-through uses (10,000 ft² maximum use size)	PE	EDP
12. Day Care, Commercial Facility	P	P
13. Drive-Through Facilities	CD	CD
14. Eating and Drinking Establishments , except drive-through facilities (10,000 ft² maximum use size)	PE	EDP
15. Financial, Insurance, and Real Estate Services	P	PE
16. Food/Beverage Retail Sales , except drive through facilities (10,000 ft² maximum use size)	PE	EDP
17. Funeral and Interment Services (cremating and undertaking)	PE	EDP
18. Laundry	P	PE
19. Medical Services	PE	CD

³ All commercial use types shall comply with the provisions of Section 3.19.40.02 - Thresholds for Determining the Applicable Review Procedure.

Table 1 - Permitted Use Types

Use Types	Permit Procedure	
	<i>Less than 7,500 s.f.</i>	<i>Equal to or >7,500 s.f.</i>
20. Participant Sports and Recreation (indoor)	PE	CD
21. Professional and Administrative Services (above ground floor only)	P	PC
22. Repair Services - Consumer	P	PE
23. Research Sales and Services	P	PE
24. Retail Sales	P	PC
25. Spectator Sports and Entertainment - Limited	PE	CD
26. Swap Meets	PC	CD
27. Temporary Outdoor Markets	PC	CD
28. Lodging Services (Hotels/Motels)	P	CD

Section 3.19.40 - DEVELOPMENT STANDARDS

Section 3.19.40.01 - ~~Use and~~ Building Size

- a. The maximum building footprint shall be 425,000 square feet, except for Lodging Services use types and Residential use types, for which no limits are established.
- b. Any building containing over 425,000 square feet of gross floor area shall accommodate the additional floor area on additional floors (full floors, partial floors and/or mezzanines comply with this standard).
- c. Building footprints in excess of 425, 000 ft² existing prior to December 31, 2000, and in conformance with the Land Development Code on that date, or constructed pursuant to a Conceptual or Detailed Development Plan approved prior to December 31, 2000, shall not be classified as nonconforming structures.

**COMPARATIVE TABLE
FOR NEIGHBORHOOD CENTERS, MIXED USE COMMUNITY SHOPPING, &
MIXED USE GENERAL COMMERCIAL ZONES**
(Amended 10-19-00)

ITEM	MAJOR NC	MINOR NC	MUCS	MISC
Purpose	Transition Existing Development Toward Mixed Uses & Pedestrian Orientation			
	Core of Comprehensive Neighborhood; Also Serves Broader Community Needs	Core of, and Service Focus Toward, Comprehensive Neighborhood, with Incidental Service to Broader Community	Serves Community Needs	Serves Community & Regional Needs
General Provisions	Procedures for Variations from Standards Provided (Lot Development Option and Planned Development)			
	Nodal Locational Standards (Intersections with Arterial and/or Collector Streets). Accommodates Neighborhood Core Concept & Transit Focus	Focuses on Pedestrian Orientation & Minimizes Focus On Auto-Orientation	Accommodates Both Pedestrian-Orientation & Auto-Orientation	Accommodates Auto-Orientation, but Requires Human Scale & Ease in Pedestrian Access
Uses	12 Acre Max. Center Size	3 Acre Max. Center Size	No Min. Max. Zone Size	5-Acre Min.
	Mixed Uses (Commercial/Residential) Allowed - Not Required (Where Residential Uses are Developed, A Minimum Commercial F.A.R. is required for the Site)	Encourages High Pedestrian Activity Commercial/Civic Uses, with Least Emphasis on Auto-Oriented Uses	Accommodates Auto-Oriented Uses	Mixed Uses (Commercial/Limited Industrial) Allowed - Not Required. Minimal Residential Allowed

ITEM	MAJOR NC	MINOR NC	MU/C	MU/C
Development Standards				No Commercial FAR Required
	Required Commercial Floor Area Ratio (FAR) of 0.25 to 1.0; (May be increased through Planned Development Process)			Circulation & Parking Placed to the Rear of Building; Allows Display Parking Along Streets (with Landscaping)
	Circulation & Parking Placed to the Rear of Building; Allows Parking on Side of Building in Some Situations			
	Emphasis on Building Orientation to Shopping Street with Strong Streetscape Enclosure & Amenities for Pedestrians	Emphasis on Building Orientation Toward Streets		
	55,000 ft ² Max. Footprint No Max ft ² Use Multi-Story if 55,000 ft ² +	20,000 ft ² Max. Footprint 5,000 ft ² Max. Use Multi-Story if Over 20,000 ft ²	15,000 ft ² Max Footprint 3,000 ft ² Permit Process Threshold (some)	No Max/Min.
	Alleys & Access Consolidation Required When Possible	Alleys & Access Consolidation Encouraged	Alleys & Access Consolidation Encouraged	No Requirements for Alleys & Consolidation
	Front Setback 0-ft. to 5-ft. Allowed 6-ft. to 20-ft. as Plan Compatibility Review > 20-ft. as Planned Development	Front Setback 0-ft. Min. 20-ft. Max.	Front Setback 0-ft. Min. 20-ft. Max.	Front Setback 10-ft. Min. 25-ft. Max.
	75-ft. or 6 Story Limit	35-ft. or 3 Story Limit Allowed; 75-ft. or 6 Story Limit (as Planned Development)	45ft. Height Limit	45ft. Height Limit

Potential Revisions to PODS standards for Commercial Uses (p. 4.10-15 thru 19)

One way to reduce many of the problems cited by 9th Street property owners is to increase the flexibility of ways they can meet the Building Orientation and Pedestrian Circulation standards in the PODS chapter.

1. For expansions of existing uses, they now can choose 2 from each of the Building Orientation and Pedestrian Circulation menus (while new development is required to do all of them). This could be modified to allow expansions of existing buildings to choose at least one from each menu and 4 total (2+2 or 1+3), since they may have an easier time meeting some of the Ped Circulation standards. In addition, as recommended by Kirk Bailey, expansions of existing buildings for non-customer, non-public uses could be allowed to meet only one Building Orientation standard. (These should probably only be allowed in the MUCS and MUGC zones.)
2. Add standards to Ped Circulation menu that would be requirements (or options) for new development, and would be additional options to choose from for expansions of existing buildings:
 - a) On existing 5-lane arterials or arterial highways, agreement to not object to future median or pedestrian island, if proposed.
 - b) For lots abutting existing streetside sidewalks, rebuild sidewalk with standard planting strip.
3. Add options to Ped Circulation menu for expansions of existing buildings only:
 - a) Consolidation of driveways (each driveway removed would count toward one of the 2-3 required options).
 - b) Expand landscape buffer (by 20 ft?) between sidewalk and current/remaining parking or drives.
 - c) Provide fewer than minimum parking stalls because of approved shared parking arrangement with abutting property.
 - d) Provide covered ped walkways.
4. Add option to Building Orientation menu for expansion of existing buildings in MUCS & MUGC only:
 - a) Allow entrance to be off sidewalk or courtyard along side of building within 50 feet of street (variation of Kirk Bailey suggestion):

More Potential Revisions to PODS standards for Commercial Uses

- p. 4.10-19: Add sentence to element *f* that covers appropriate pedestrian connections to abutting properties (for example, from old Cannery Mall to Avery Square). *This would be a requirement for new development, and an additional option for expansions of existing buildings.*
- p. 4.10-24: *If we allow proposed exception for expansions to build storage area, etc, off the back of existing bldg, our current wording would require them to add windows to the front of their building. Add alternative for expansions of existing bldgs to meet this requirement only for newly constructed portion of building, with exception for non-public additions to rear.*

Building Orientation

1. At the Planning Commission hearing language was added to the LDC PODS section to indicate that expansions of existing structures that "headed the right way" (i.e. towards the street), could be used to satisfy the applicable PODS maximum-setback criteria. While this remains a good way of "gradually getting there", it doesn't provide a way for a structure to expand the "wrong way" (except through one of the several "exception" review procedures). While it can be argued that such an expansion degrades the pedestrian environment, I feel a good case can be made that it should be permitted for existing structures if the use of the new expansion is one that isn't open to the "public". In conversations with business owners, uses such as a "storage shed" and "car body shop" were among the possible expansions mentioned that this change could help address. One way to word this would be to modify 4.10.70.01.c.1 slightly:

4.10.70.01.c.1 Must choose at least 2 standards from section 4.10.70.02 - Building Orientation (this criterion does not apply if the expansion/enlargement is an upper story addition only). If the expansion/enlargement is for space not open to customers or the public only one standard from section 4.10.70.02 need be selected.

2. One concern raised about requiring parking to be behind the building (or to the side), is that unless the entrance is placed on the corner it requires that businesses have two entrances so that both street and parking lot access is convenient. For very small business this could be a burden, particularly for structures developed in less pedestrian-oriented times. One option would be to modify 4.10.20.02.b slightly:

4.10.70.02.b Entrances. All sides that face an adjacent (public or private) street include at least one customer entrance. When the site is adjacent to more than one street, corner entrances at an angle of up to 45 degrees (from the largest of the two adjacent streets) may be substituted for separate entrances on adjacent streets. When the building does not have frontage along an adjacent street, direct pedestrian access to the street may be achieved by a sidewalk or courtyard connecting to a street no further than 100 feet from the building's pedestrian entrance. Buildings of less than 3000 square feet, fronting only one street, may provide the customer entrance on the side of the building in lieu of the front, as long as a sidewalk or courtyard provides a direct pedestrian connection of less than 50 feet between the entrance and the street.

2. I would like to know if anyone is interested in setting up a menu of pedestrian oriented standards that provide incentives for improving the street-scape and making future construction more pedestrian friendly. The menu could make approval based on 3 of 6 features like:

- 20ft max. setback (maybe setback could be measured from the back of the sidewalk as well)
- Pedestrian only zone to front door
- Street scape improvements
- Proximity to a covered transit shelter.
- Planting strips and trees at sidewalk
- Pedestrian amenities (plazas, fountains or gardens)

Business "Shadowing"

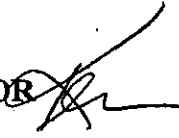
3. Another concern expressed was that new construction oriented to the street will "shadow" (in a commercial sense), existing businesses that are set farther back. While it may be possible for some of the businesses "shadowed" in this fashion to themselves expand towards the street, this won't be possible (or desired), by all. An alternative that seems to improve the pedestrian environment, while still moving the new building farther away from the street, would be to encourage the option of implementing an appropriate park strip between the street and the sidewalk and moving the building back a corresponding amount. For 9th Street (an arterial), this would allow an additional 12' of building setback. As far as I can tell this is already permitted by the wording of 3.19.40.5, but perhaps it should be made more explicit?

4. Another approach to solving the "shadowing" problem would be to allow businesses that suffer this some additional flexibility in terms of street signage. Currently free standing signs can be no closer than 100' apart (4.7.80.02.a). The code language could be changed in the following manner:

4.7.80.02.a Minimum separation between free-standing signs on the same side of the public right-of-way shall be 100'. In cases where street visibility of a business in a conforming structure established prior to Dec 31, 2000 is significantly reduced due to new construction on adjacent property, and the 100' minimum separation otherwise precludes any street signage associated with the structure, a single monument-style sign a maximum of 8' high and 32 square feet in area, which otherwise meets the requirements of Chapter 4.7, is permitted.

MEMORANDUM

TO: MAYOR AND CITY COUNCIL

FROM: KEN GIBB, COMMUNITY DEVELOPMENT DIRECTOR 

DATE: OCTOBER 24, 2000

RE: CONSULTANT REVIEW OF RIVERFRONT PARKING

As I indicated last week, as part of the downtown parking study, we asked the consultant team working on the project to do an evaluation of the proposed riverfront parking standards. We provided the Riverfront Zone including parking requirements, as recommended by the Commercial TRG and the original Riverfront Commission proposals to the consultant for review.

We do not have final comments at this time but did have an extensive opportunity to discuss this project with the consultant team yesterday. Their initial take is that the amount of parking required of development projects is in the ballpark (this probably holds true for either the TRG or Commission recommendation). The consultant also felt that the types of incentives/credits that are identified are good but he has questions about and suggestions regarding the implementation of the incentive/credit program.

We provided some additional background information and expect a complete report in the next couple of weeks. This information will be available to the Council prior to final action on the LDC. However, I anticipate that the incentive/credit program will need to be explored in more detail in consultation with the Riverfront Commission, Planning Commission, Parking Commission and Council. A good time to do this will be Phase 2 of the Parking Study which will be completed in the first half of next year. Any changes to the Riverfront Zone and Central Business District that would result from this work could then be made.

Parking Requirements

(Figures are square feet of development resulting in each required off-street space)

Use	Current LDC	Riverfront Commission (see incentives below)		Draft "C" LDC (see incentives below)	
	CVO	Commercial Only	Commercial with Housing	Commercial Only	Commercial with Housing
Office	400	500	1000	515	550
Retail	400	650	1,300	615	670
Restaurant	50 ft ² of dining	250 ft ² of dining	500 ft ² of dining	200 ft ² of dining	250 ft ² of dining
Residential	1/unit	1/unit	1/unit	1/unit	1/unit

Incentives and Potential Credits From Riverfront Commission Proposal

1. Parking garage incentive - Up to 50% reduction for contributing to the cost of constructing an above-ground garage outside the River District.
2. Parking garage incentive 2 - Up to 100% reduction for contributing to the cost of constructing an above-ground garage inside the River District.
3. Parking garage lease incentive - Up to 50% reduction for developers who lease parking in a garage within the district.
4. Sub-grade easement incentive - Up to 50% reduction if a property owner grants an easement for an underground garage under their property.
5. If new on-street parking is created by a property owner permanently surrendering an existing street entrance to his/her property (and which street entrance is not moved to another location) then the property owner can receive an off-street parking reduction equal to 2 spaces for each (1) new on-street parking space created in the process of eliminating existing entrance(s). This credit may be applicable to future building permits.
6. Property Owners within the River District can either use the parking reduction credits directly to reduce their commercial off-street parking requirements for new commercial development *within* the River District or they may use, sell, or trade all unused parking reduction credits for future disposition *within* the River District.

Credits and Incentives From Draft "C" of Land Development Code (3.15.60.02-3.15.60.06)

Direct Credits:

1. Residential credit. A parking credit of 0.25 spaces per residential unit shall be allowed for each residential unit constructed in floor area in excess of the required 2.5 gross FAR.
2. The total parking requirements for a proposed development shall be reduced by multiplying the footprint of the proposed building (not including surface parking) by the total public parking in the Riverfront Zone as of December 31, 2000, with the sum divided by total lot area in the Riverfront Zone. *(Note: 381,241 ft² of lot area in RF Zone, and 562 parking spaces results in 0.001474 spaces/ft² of building footprint or 1.5 spaces/1000 ft².)*

Incentives and Potential Credits:

1. Up to 100 percent of required vehicle parking and covered bicycle parking for commercial uses may be met by contributing to a fee-in-lieu of parking program established by the City.
2. If new on-street parking is created by a property owner permanently surrendering an existing street entrance to his/her property (and which street entrance is not moved to another location) then the property owner can receive an off-street parking reduction equal to 2 spaces for each (1) new on-

street parking space created in the process of eliminating existing entrance(s). This credit may be applicable to future building permits.

3. Internal and secure *employee* bicycle parking may be substituted at a rate of 4 bicycle spaces per one parking space up to a maximum of 10 percent of the required baseline from "b" above.
4. For gross FAR in excess of 3.0, a parking credit shall be calculated. The credit shall be determined at the rate of 0.25 spaces per 1,000 square feet of the additional floor area.
5. Transit credit. Secured (e.g, bonded) implementation of a Ride-Free or other approved Transportation Demand Management plan may be used to reduce the baseline required parking an additional 5 percent. The recipient of the credit(s) shall provide annual proof of implementation. The security shall be executed should the plan not be implemented. Security shall be for a ten-year period, after which time the bond may be recovered if proof is provided that the program has been continuously implemented.
6. Each structured parking space constructed shall be counted as two spaces against the required parking for a non-residential development (i.e, a 50 percent reduction).

Two Hypothetical Developments

Mixed Use with Housing

Site area: 10,000 square feet (100' of frontage on First Street, with 100 feet of parcel depth)

Floor area: 30,000 square feet (10,000 square foot "footprint" with 3 floors)

Uses:

Restaurant	2,000 square feet (1,500 square feet of dining area)
Retail	8,000 square feet
Office	10,000 square feet
Residential	10,000 square feet or 16 units (1 bedroom units)

Mixed Use without Housing

Site area: Same as above

Uses:

Restaurant	2,000 square feet (1,500 square feet of dining area)
Retail	8,000 square feet
Office	20,000 square feet

Calculated Parking Requirements

Use	Current LDC		Riverfront Commission		Draft "C" LDC	
	Commercial Only	Commercial w/ Housing	Commercial Only	Commercial w/ Housing	Commercial Only	Commercial w/ Housing
Office (spaces)	20,000 ft ²	10,000 ft ²	20,000 ft ²	10,000 ft ²	20,000 ft ²	10,000 ft ²
	50	25	40	10	39	18
Retail (spaces)	8,000 ft ²	8,000 ft ²	8,000	8,000	8,000	8,000
	20	20	12	6	13	12
Restaurant (spaces)	1,500 ft ²	1,500 ft ²	1,500 ft ²	1,500 ft ²	1,500 ft ²	1,500 ft ²
	30	30	6	3	8	6
Residential (spaces)	 	16 units	 	16 units	 	16 units
	 	16	 	16	 	16
Base Totals	100	91	58	35	60	52
Totals w/ Direct Credits	100	91	58	35	45 ¹	35 ^{1, 2}

1

The total parking requirements for a proposed development shall be reduced by multiplying the footprint of the proposed building (not including surface parking) by the total public parking in the Riverfront Zone as of December 31, 2000, with the sum divided by total lot area in the Riverfront Zone. (Note: 381,241 ft² of lot area in RF Zone, and 562 parking spaces results in 0.001474 spaces/ft² of building footprint or 1.5 spaces/1000 ft².) 10,000 ft² @ 1.5 spaces/1,000 results in a 15 space reduction.

2

Residential credit. A parking credit of 0.25 spaces per residential unit shall be allowed for each residential unit constructed in floor area in excess of the required 2.5 gross FAR. Eight residential units in the 2.5-3.0 FAR range results in a 2 space reduction.

Six-Story Hypothetical Development

Mixed Use with Housing

Site area: 10,000 square feet (100' of frontage on First Street, with 100 feet of parcel depth)
Floor area: 60,000 square feet (10,000 square foot "footprint" with 6 floors)
Uses: Restaurant 2,000 square feet (1,500 square feet of dining area)
 Retail 8,000 square feet
 Office 10,000 square feet
 Residential 40,000 square feet or 64 units (1 bedroom units)

Calculated Parking Requirements

	<i>Current LDC</i>	<i>Riverfront Commission</i>	<i>Draft "C" LDC</i>
Use	Commercial w/ Housing	Commercial w/ Housing	Commercial w/ Housing
Office (spaces)	10,000 ft ²	10,000 ft ²	10,000 ft ²
	25	10	18
Retail (spaces)	8,000 ft ²	8,000	8,000
	20	6	12
Restaurant (spaces)	1,500 ft ²	1,500 ft ²	1,500 ft ²
	30	3	6
Residential (spaces)	64 units	64 units	64 units
	64	64	64
Base Totals	139	83	100
Totals w/ Direct Credits	139	83	63^{1, 2, 3}

- 1 Residential credit. A parking credit of 0.25 spaces per residential unit shall be allowed for each residential unit constructed in floor area in excess of the required 2.5 gross FAR. Fifty-six residential units in the 2.5-6.0 FAR range results in a 14 space reduction.

- 2 The total parking requirements for a proposed development shall be reduced by multiplying the footprint of the proposed building (not including surface parking) by the total public parking in the Riverfront Zone as of December 31, 2000, with the sum divided by total lot area in the Riverfront Zone. (Note: 381,241 ft² of lot area in RF Zone, and 562 parking spaces results in 0.001474 spaces/ft² of building footprint or 1.5 spaces/1000 ft².) 10,000 ft² @ 1.5 spaces/1,000 results in a 15 space reduction.

- 3 For gross FAR in excess of 3.0, a parking credit shall be calculated. The credit shall be determined at the rate of 0.25 spaces per 1,000 square feet of the additional floor area.

ATTACHMENT IV

**October 24, 2000 Memo
(additional mapping requests)**

MEMORANDUM

TO: Mayor and City Council

FROM: Kathy Seeburger
Associate Planner

RE: Mapping Requests for Your Consideration

DATE: October 24, 2000

Attached please maps identifying the locations of the following four mapping requests for which the Planning Commission did not forward recommendations:

- Greg Bennett
- Bill Hotchkiss
- Kings Circle Assembly of God
- Meyer Motels

These requests will be evaluated by the City Council at its work session this evening.

1

Greg Bennett Request

South 3rd

From MUC to Major
Neighborhood Center

Powell Ave

RS-9

Bell Ave

RS-12

Park Ave

Proposed Removal of
PD Overlay (All Res'l
Properties, South
Corvallis Town Center)

Request:
Retain PD
Overlay

2

HOTCHKISS TESTIMONY HWY 20

Hotchkiss Property

1405 SW Brooklane:
Proposed From
RS-3.5 to RS-5

AVERY
PARK

Mater Property

1415 SW Brooklane:
No Change Proposed

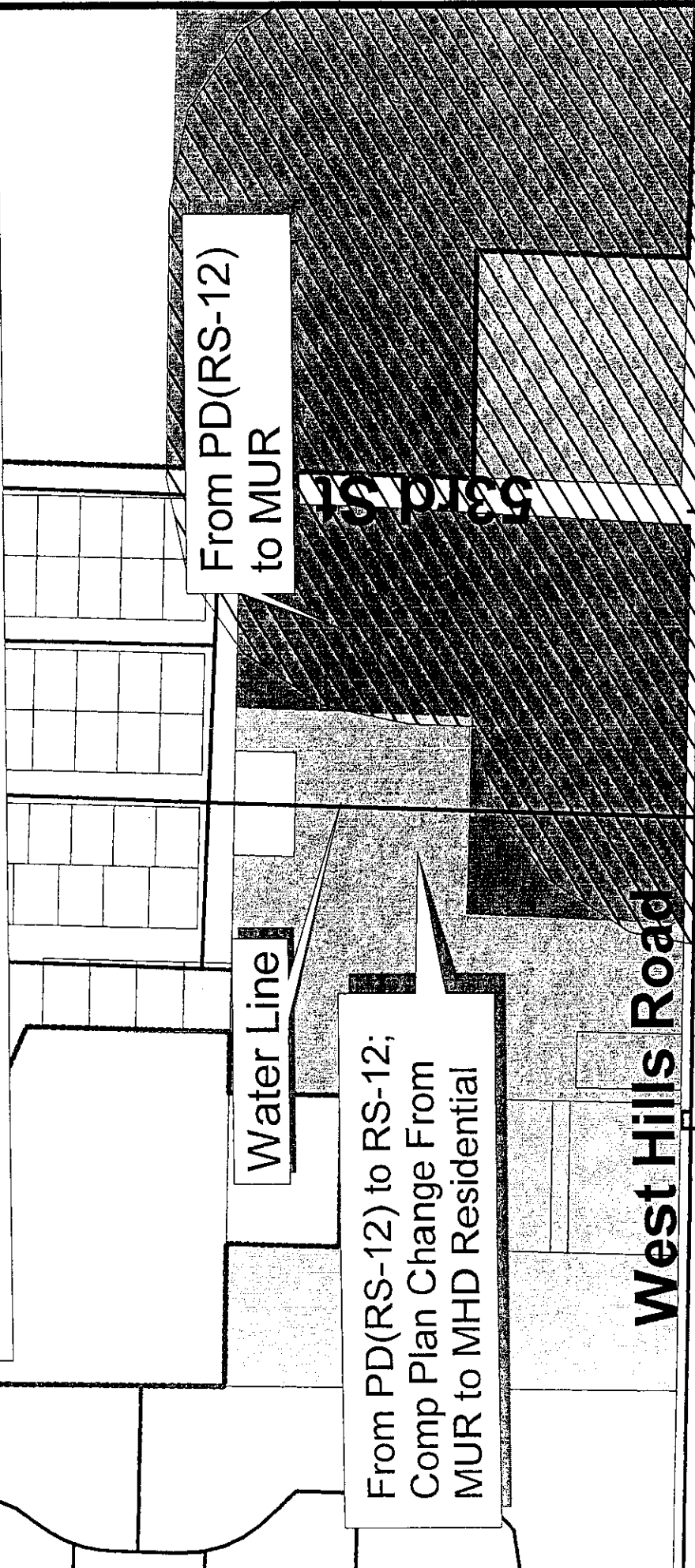
(EXISTING RS-3.5
ZONE)

Brooklane
Drive

Mary's River

3
MARY'S

Kings Circle Assembly of God Request



From PD(RS-12)
to MUR

Water Line

From PD(RS-12) to RS-12;
Comp Plan Change From
MUR to MHD Residential

West Hills Road

Area Within 450 Ft
of Commercially-
Designated Areas

Request:
Align RS-12 - MUR zone
boundary to water line.

MEYER MOTELS

Proposed From Linear Commercial to Mixed Use Community Shopping

785 NW Cornell

MEYER MOTELS

PROPERTY - Request to

Retain MUCS

700 NW Cornell

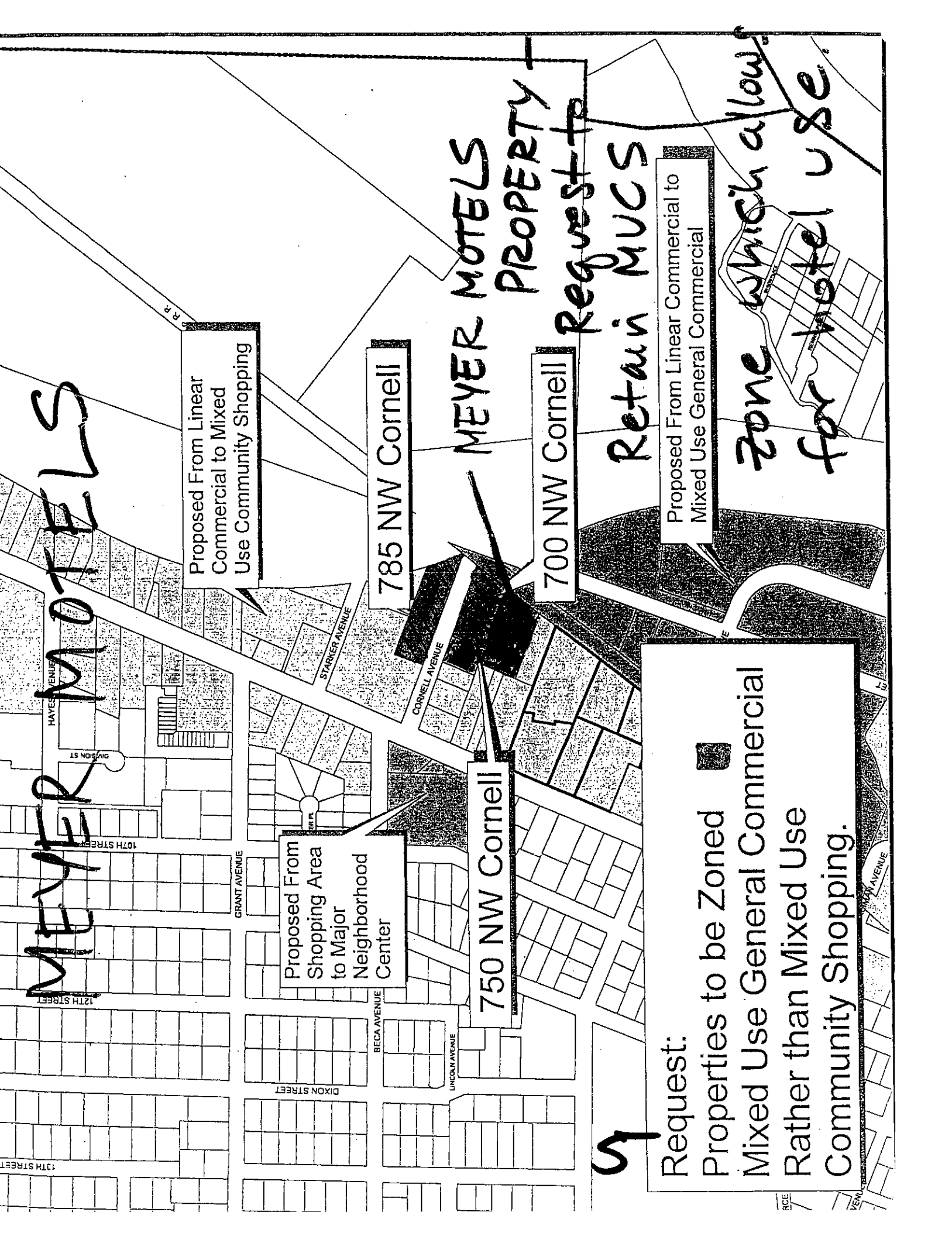
Proposed From Linear Commercial to Mixed Use General Commercial

zone which allows for hotel use.

Proposed From Shopping Area to Major Neighborhood Center

750 NW Cornell

Request: Properties to be Zoned Mixed Use General Commercial Rather than Mixed Use Community Shopping.



ATTACHMENT V

**October 24, 2000 Memo
(additional testimony)**

MEMORANDUM

TO: Mayor and City Council

FROM: Kathy Seeburger
Associate Planner *Kathy Seeburger*

RE: Clarification Regarding Public Testimony from Bert Meyer, Meyer Motels

DATE: October 24, 2000

Attached please find a fax received today from Bert Meyer, owner of Meyer Motels. In a letter received on August 26, 2000, Mr. Meyer requested that the Planning Commission recommend that the proposed zoning for his Cornell Avenue (vacant) property be changed from Mixed Use Community Shopping (MUCS) to Mixed Use General Commercial (MUGC). At its public hearing on September 20, 2000, the Planning Commission expressed concern that the Mixed Use General Commercial zone does not allow a hotel use. The Planning Commission directed staff to contact Mr. Meyer to clarify this.

I spoke with Mr. Meyer on the phone this morning to discuss the attached letter. Although it is not clear in his letter, he does request that the City Council reinstate the Mixed Use Community Shopping zone for this property. It is important to him that the proposed zoning allow a hotel use.



Communication

TO: Katherine Seeberger
FROM: Bert Meyer
DATE: 10-24-00
SUBJECT: Changes in the Zoning Laws
FAX # 541-766-6936
PAGES: Two (including this page)

MESSAGE:

Attached is our response to the proposed zoning changes, I wish I could be more positive, but I can't.

Sincerely,


Bert Meyer

Meyer Motels, Ltd.

Meyer Motels, Ltd.
2051 Hilltop Dr.
Redding, CA
96002

Phone: 530-221-8250
FAX: 530-221-8256
email: bert@meyermtl.com

Tuesday, October 24, 2000

City of Corvallis
Att: Katherine Seeburger
P.O. Box 1083
Corvallis, Oregon 97339-1083

Re: Changes in the Zoning Laws

Dear Katherine,

Whenever a city tries to adjust their zoning laws, it generates opinions from all points of view, and it's ultimately up its' citizens to decide how to balance the growth that every city needs with the reality of economic survival. As a land owner and business person in the community of Corvallis, if I understand the ramifications of the current proposed zoning changes to the property owned by Meyer Motels, Ltd., they will prohibit us from building a hotel on our property.

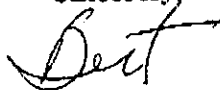
If that is the intent of the people who drafted the proposed zoning changes, it worked.

If the people who drafted the proposed zoning restriction want to lower our property value, it works.

If the people who drafted the proposed zoning changes want to stifle the growth of commercial business in their community, these changes will accomplish their desires.

Being a property owner, I would like the most amount of flexibility to generate revenue from our parcel and purchased the parcel in 1994 with the understanding that we could develop the parcel within the existing zoning parameters. By changing the rules to restrict the use of our land, you don't create a win-win situation so necessary for the future harmonious growth between business and the City of Corvallis.

Sincerely,



Bert Meyer
President
Meyer Motels, Ltd.

ATTACHMENT VI

October 19, 2000 Memo

MEMORANDUM

TO: Mayor and City Council

FROM: Planning Manager Kelly Schlesener

DATE: October 19, 2000

RE: Additional Testimony

Attached is the additional written testimony received during October 7, 2000 Workshop and between that workshop and this evening's October 19, 2000 Workshop.

Schlesener, Kelly

From: Ed Barlow-Pieterick [ebarlowp@proaxis.com]
Sent: Wednesday, October 18, 2000 1:18 AM
To: Kelly Schlesener
Cc: Ken GIBB
Subject: Missing in action

October 18, 2000

Kelly

I am not going to be able to attend the workshop this Thursday. I will be in Denver on company business.

I have a few questions that I would like to have discussed at the next meeting.

1. Can a person build a 25,000 square foot building in the MUCS zone? How involved would the process be to accomplish this? Would it be any harder to add 12,000 square feet to an existing 13,000 square foot business in an MUCS zone?
2. The Commercial Associates letter states that Periodic Review Order #001-223 needs to be completed before the LDC update can be effectively reviewed. What is PRO#001-223 and does it have enough significance to justify holding up the LDC review?
3. I would like to have staff answer Randy Jones' questions.
 - Will he be able to sell his property with out restrictions?
 - Will he be able to expand his facility to match future demand? If so, please explain how he would do this.
 - Will there be any restriction that would prevent Randy Jones from rebuilding his structure should it be lost in a fire.
1. I think we should consider including Detail Development Plans that predate the December 31, 2000 deadline, along with pre-existing property as a compliant use. I would like a staff opinion on whether including DDP would cause any problems.
2. I would like to know if anyone is interested in setting up a menu of pedestrian oriented standards that provide incentives for improving the street-scape and making future construction more pedestrian friendly. The menu could make approval based on 3 of 6 features like:
 - 20ft max. setback (maybe setback could be measured from the back of the sidewalk as well)
 - Pedestrian only zone to front door
 - Street scape improvements
 - Proximity to a covered transit shelter.
 - Planting strips and trees at sidewalk

- Pedestrian amenities (plazas, fountains or gardens)

Comments:

I agree that FAR's in the Riverfront District should be studied very carefully. I think we need to consider incentives like contributions to an off-site parking fund over requirements for onsite parking to ensure that the buildings that get built along the river are primarily pedestrian focused.

I also agree that the city should look into tighter parking / circulation dimensions. I would like to know if there are tighter standards that can be adopted.

I look forward to seeing the answers to these questions and hearing how the discussion goes. I'll give you a call when I get back on Monday. If you have anything to email me, feel free to do so at my home address.

Thanks

Ed Barlow-Pieterick.

ebarlowp@proaxis.com

Memorandum

To: Corvallis City Council
From: Business Advocacy Committee
Date: October 18, 2000
RE: City code
CC:



The Corvallis Area Chamber of Commerce urges the City Council to withhold approval of the code as currently written. Although we have objected to many aspects of the proposed code through the NTRG/CTRG process, our fundamental objections have not been adequately addressed. These are:

1. Many aspects of the residential code, while often serving to enhance the beauty (according to the standards of some) of residential neighborhoods, also serve to increase the cost of building houses. Where it does not restrict building, it at least adds to the cost of housing across the board, in a city that struggles with making housing affordable for its middle and low income residents, or those wishing to become residents.
2. The extent of overlays and planned developments severely limits truly "available" land for all purposes-residential, commercial and industrial.
3. The development process in Corvallis has long been an impediment to development. Architects, citing the "Corvallis factor" state that our process currently adds 20% to the cost of a project before work begins. This is because the state requirement for "clear and objective" standards is not met in spirit in Corvallis. The new code makes almost all commercial and industrial uses "discretionary", adding to the Corvallis factor. We need to craft a code that is truly clear and objective in its requirements.
4. The code as it exists has many unintended consequences making the realization of the 2020 Vision Statement and the Comprehensive Plan difficult if not impossible. Many of the design standards have caused the neighborhood centers to be virtually impossible to develop. The same design standards have caused an increase in housing prices.

We need to be sure that we are not codifying Corvallis into a slowly decaying status quo. Please do not rush this code, with all its flaws, through the approval process.

LAW OFFICES OF

JOHNSON & SHERTON

A PROFESSIONAL CORPORATION

LAND, AIR, & WATER LAW

ALLEN L. JOHNSON

CORINNE C. SHERTON

Submitted @ 10/17/00
CC Work Session
on Code Update

SUITE 205
247 COMMERCIAL ST. NE
SALEM, OR 97301
TEL (503) 391-7446
FAX (503) 391-7403
E-MAIL sherton@teleport.com

2000 SW RIVER SQUARE
PORTLAND, OR 97201

1391 BOGART
PO BOX 71818
EUGENE, OR 97401
TEL (541) 687-1004
FAX (541) 687-1021
E-MAIL aljohnson@orlanduse.com

October 17, 2000

Corvallis City Council
P.O. Box 1083
501 SW Madison Avenue
Corvallis, OR 97339-1083

VIA PERSONAL
DELIVERY

Re: Proposed Amendments to Corvallis Land
Development Code and Zoning Map

Dear Mayor Berg and Members of the City Council:

This letter is submitted on behalf of GFI-Corvallis Investments, Ltd. (GFI) and KFG-Corvallis Investments, Ltd. (KFG). GFI is the owner of the 9.1-acre K-Mart Center property located at the southeast corner of Highway 99W and Circle Blvd. KFG is the owner of the 4.6-acre Retail at K-Mart Center property located on Circle Blvd. adjacent to the K-Mart Center property.

Both the K-Mart Center and Retail at K-Mart Center properties are currently zoned PD(CS) (Community Shopping with approved Detailed Planned Development Plans). The K-Mart Center PD was approved in 1989. The K-Mart Center property is developed with an approximately 86,500 sq. ft. structure occupied by a K-Mart retail store. The Retail at K-Mart Center PD was approved in 1997. Construction has begun on the new main access drive for both properties, located on the Retail at K-Mart Center property. Under the approved PD Plan, the Retail at K-Mart Center property will hold an approximately 43,500 sq. ft. structure occupied by one or more retail uses.

The zoning of both the K-Mart Center and Retail at K-Mart Center properties is currently proposed to be changed to the new Multiple Use Community Shopping (MUCS) zone. The main concern of GFI and KFG has been that the uses of their properties should continue to be governed by the PD Detailed Development Plans (DDPs) that were approved under the current Community Shopping (CS) zone, and that the uses and buildings on these properties that have been or will be carried out in conformance with those DDPs not be treated as nonconforming uses or structures.

4

KFG and GFI presented their concerns to the Planning Commission and are generally satisfied with the way Draft C treats the **uses** allowed under DDPs approved prior to December 31, 2000. In addition, Draft C has been changed to clarify that buildings in the MUCS zone that **existed**, and were in conformance with the LDC, on December 31, 2000, will not be treated as nonconforming ~~uses~~ ^{structures} and that expansions of such buildings will be given certain exemptions with regard to compliance with the new Chapter 4.10 Pedestrian Oriented Design Standards (PODS). However, similar changes to Draft B were not made with regard to buildings that are constructed **after** December 31, 2000, but pursuant to a DDP approved **prior** to December 31, 2000. The same standards should apply to those buildings as to buildings that were built prior to December 31, 2000, because the approval of both types of buildings, and upon which the property owners have relied, was governed by standards in effect prior to December 31, 2000.

To carry out the above described change in the way buildings that are constructed after December 31, 2000, pursuant to a DDP approved prior to December 31, 2000, Are treated, we suggest the following parallel language changes to several LDC sections be made:

Sec. 3.19.40.01 – Use and Building Size

- “c. Building footprints in excess of 15,000 ft² existing prior to December 31, 2000, and in conformance with the Land Development Code on that date, **or constructed after December 31, 2000 pursuant to a Detailed Development Plan approved prior to December 31, 2000**, shall not be classified as nonconforming structures.”

Sec. 3.19.04.07 – Compliance with PODS

- “a. For structures in existence and in compliance with the Land Development Code on December 21, 2000, **or structures constructed after December 31, 2000 pursuant to a Detailed Development Plan approved prior to December 31, 2000**, any independent or cumulative enlargements, extensions, or expansions involving floor area equivalent to 500 square feet or less shall not be required to comply with this section, but shall be constructed in compliance with all other applicable requirements of the Land Development Code.”
- “b.2. For structures in existence and in compliance with the Land Development Code on December 21, 2000, **or structures constructed after December 31, 2000 pursuant to a Detailed Development Plan approved prior to December 31, 2000**, any independent or cumulative enlargements, extensions, or expansions involving floor area equivalent to 3,000 square feet or 20 percent or more of the **structure’s** gross floor area, whichever is less, shall comply with all of the pedestrian requirements of

5

Section 4.10.70 – Standards for Commercial and Civic Uses, with allowances for a choice from a menu of design standards as stipulated in Section 4.10.70.01.”

Sec. 4.10.70.01 - Applicability

- “b. Independent or cumulative expansion of 500 square feet or less of a commercial or civic building in existence **and in compliance with the Land Development Code on [prior to] December 31, 2000, or constructed after December 31, 2000 pursuant to a Detailed Development Plan approved prior to December 31, 2000**, shall not be required to comply with this section, and shall be constructed in compliance with other provisions of the Land Development Code.”
- “c. Any independent or cumulative enlargements, extensions, or expansions of structures in existence, and in compliance with the Land Development Code, on December 31, 2000, **or constructed after December 31, 2000 pursuant to a Detailed Development Plan approved prior to December 31, 2000**, involving floor area up to 3,000 square feet or 20 percent or more of the structure’s gross floor area, whichever is less, for commercial or civic building types within all zones that make appropriate reference to Section 4.10.70.01.c, shall comply with all of the pedestrian requirements of Sections 4.10.70.02 – 4.10.70.05, except for the following provisions which allow choices among some standards.”

Sec. 4.10.70.02 – Building Orientation

- “a. **Street Frontage Setback.** At least 50 percent of the building’s linear frontage is located within the maximum setback established for the Zone for structures that have street frontage (* * *). Expansion of a structure existing prior to December 31, 2000, and in conformance with the Land Development Code on that date, **or a structure constructed after December 31, 2000 pursuant to a Detailed Development Plan approved prior to December 31, 2000**, is deemed to meet this [criteria] criterion provided the area of expansion is between the street and the existing building frontage.”

GFI and KFG have two remaining concerns, regarding their ability to respond to future tenant needs by expanding the existing 86,500 sq. ft. commercial building at K-Mart Center or the 43,500 sq. ft. commercial building that has been approved for the Retail at K-Mart Center property. Draft C Sec. 3.19.04.07.b.2 and 4.10.70.01.c would effectively limit such expansions to a cumulative total of **3,000 sq. ft.** This may be a reasonable limitation for a commercial

building with no more than a 15,000 sq. ft. footprint, but for larger pre-existing or pre-approved buildings, such as those of GFI and KFG, this is not a reasonable limitation. We suggest that the wording in the relevant portion of Sec. 3.19.04.07.b.2 and 4.10.70.01.c be changed in one of the following ways, so that more reasonable maximum enlargements are allowed for pre-existing and pre-approved larger commercial buildings:

“up to 3,000 square feet or 20 percent of the structure’s gross floor area, whichever is [less] **more**”

“up to [3,000] **15,000** square feet or 20 percent of the structure’s gross floor area, whichever is less”

GFI’s and KFG’s final concern is that Sec. 4.10.70.01.c.1 would require such expansions to pre-existing commercial buildings to comply with **two** of the Building Orientation standards in Sec. 4.10.70.02. Pre-existing commercial buildings approved under the current CS zone are generally set back from the adjoining street, with parking and vehicular circulation areas located between the structure and the street. It will be difficult, if not impossible, for expansions of such buildings to comply with any Building Orientation standard other than Sec. 4.10.70.02.b (Entrances). The language of Sec. 4.10.70.02.a (Street Frontage Setback) was improved by the Planning Commission (see quote above). However, even as modified by the Planning Commission, existing building design and traffic circulation patterns are likely to make compliance difficult. We ask that Sec. 4.10.70.01.c.1 be modified to require compliance with only **one** of the Building Orientation standards in Sec. 4.10.70.02. Alternatively, perhaps the last sentence of the Sec. 4.10.70.02.a (Street Frontage Setback) standard could be modified to provide that an expansion satisfies the standard “provided the area of expansion is **no further from** [between] the street **than** [and] the existing building frontage.”

Thank you for your consideration of our concerns and suggestions. GFI and KFG look forward to continued participation in the City’s planning process.

Sincerely,



Corinne C. Sherton

cc: Fred Towne
Craig R. Gasser

10/17/00

Randy,

I understand you are drafting a letter to be presented to the City Council tonight regarding their discussion on the 9th Street issues in the Land Use Code. A letter from the potentially affected property owners will be the most effective.

I have given thought as to the approach with the Council and the rationale behind not forging ahead with the suggested language. From past experience, the best way in which to continue the discussion prior to a decision is to present questions, legitimate questions, to which the staff must respond.

In that regard, I might suggest incorporating the following questions in your letter:

WILL I BE ABLE TO REBUILD OR MODERNIZE SINGLE

1. a. If I sell my building to a buyer whose business is a permitted use in the MUCS zone, and there will be no changes to the size of the current facility, will that buyer/new business be permitted to operate with NO square footage restrictions?
b. If my building is substantially damaged due to fire or other circumstances requiring a major rebuild, will I be permitted to rebuild using the same footprint and set back?
c. Could a new occupant expand an existing building and where would the building orientation be permitted as to set back, parking, etc?
2. If I were to expand my current facility due to business demands, will I be required to expand to the street even if the needed expansion would better serve my business operation to the side or rear of the facility?
3. If my business were to expand to accommodate needed parking, will parking be required ONLY toward the street as opposed to the side or rear of the building?
4. Will the recommended Pedestrian requirements be imposed on an existing facility, regardless of any changes or size?

These are suggested questions. There needs to be stressed clarification as to issues affecting existing firms/buildings. New facilities fall into a different category. However, as the language presented is for an area already developed, this is where the concern rests.

Feel free to call me with any questions, 757-1507.

Doug

Carmen Foster

*Revised
10/17/00
2:30pm
11/17/00*

Rebecca Landis
2725 SW Morris Ave
Corvallis, OR 97333

Submitted @ 10/17/00
CC Work Session
on Code Update

When you have out-of-town guests, do you take them on a grand tour of 9th Street? Of course not. You show them downtown and the OSU campus area.

Downtown is where I shop and go about my daily errands. It would be easy enough for me to continue ignoring 9th Street and other less than vibrant parts of town. But today we have a chance to make 9th Street better -- if we can maintain our civic consensus to "think outside of the box" -- the Big Box, in particular.

I'm here to support proposed Land Development Code provisions that designate much of 9th Street as "mixed use community shopping," while some areas would be designated as "major neighborhood centers" (i.e., Rite-Aid) and "minor neighborhood centers" (i.e., 9th and Buchanan). These changes would encourage gradual evolution away from the urban planning nightmare that greets us today:

- ◆ For new development, parking would go behind buildings or on the side (to accommodate oddly configured properties) rather than in front, which over time would bring businesses closer to pedestrians and cyclists.
- ◆ Building additions would have to be built closer to the street, rather than behind existing structures.
- ◆ Ground-floor square footage would be limited to 15,000 square feet per building in the mixed use community shopping areas, 20,000 square feet in minor neighborhood centers and 55,000 square feet in major neighborhood centers. Bigger stores are possible by building more stories. Also, there is no limit on the number of buildings per piece of property.

The code would allow bigger buildings downtown, with no footprint limits other than the size of the block (up to 60,000 square feet). This choice maintains the proper hierarchy in which downtown is the heart of our town.

The Chamber of Commerce and less-progressive property developers tell us we can't staunch the flow of dollars from Corvallis without making our land development code friendly to Big Boxes and strip malls.

The opposite is true. Large chain/formula businesses do serve some thin gruel to the economy, but the milk and honey all flows out of state. Small, locally owned businesses and the local economy as a whole prosper when our code fosters development on a more human scale.

Opponents of the proposed code want us to abandon all hope of a pedestrian/cyclist friendly 9th Street, saying it's impossible. Plenty of people live just west of this area, and some try to walk on 9th Street despite the harsh conditions. Buses and bike lanes already run there.

Truly baffling is the opposition's message that our Land Development Code should bend to the shallower tastes of 18-year-old athletic prospects. OSU's enrollment is growing because the campus has devoted itself to recruitment and retention. Surely our student athletes are too busy practicing sports and studying to moonlight as mall rats.

I am underwhelmed by the Chamber's claim that OSU students on average spend \$1,700 a year apiece outside of Corvallis. (Initially the G-T reported the figure as \$1,700 a month -- now that WAS impressive!) The only way we could significantly reduce "extra-Corvallicular" spending would be to stop students from visiting their families during the school year. By the way, when OSU parents visit Corvallis, why would they want to spend money at cookie-cutter stores and restaurants they have back home?

Nothing I've said here can obscure the fact that reaching 50,000 souls puts Corvallis on the radar screen for many chain stores. But if we must have Big Boxes, they need to play by rules that suit Corvallis. We don't want Corvallis to become Everyslurb, USA!



LWV Corvallis
PO Box 1679, Corvallis, OR 97339-1679
541-758-2922

Submitted @ 10/17/00
CC Work Session
on Code Update
Project

Corvallis City Council
City Hall
Corvallis, OR

17 October, 2000

Honorable Council Members:

On behalf of LWV Corvallis, I would like to thank the Corvallis City Council for providing opportunities for citizens of Corvallis to voice their views about the future of our community. In particular, we appreciate this evening's discussion about the pending Land Development Code update and its provisions regarding the intersection of Ninth Street and Circle Boulevard.

The Land Development Code Update is the culmination of a process that began back in 1997. It started with the Corvallis 2020 Vision Statement, the overarching articulation of what Corvallis aspires to become. The Comprehensive Plan and the LDC flesh out that vision and prescribe the rules and procedures that will or will not make it a reality. Thus, it is very important to examine the proposed LDC and all proposed amendments to it in light of their fidelity to the vision statement.

The Vision Statement declares, "Downtown Corvallis is the primary shopping area, community gathering place and governmental hub." (page 7) Recognizing that the Downtown area cannot fulfill all retail needs, provision is made for "Special Districts," including "...downtown, OSU, major medical and employment centers, or community oriented shopping areas..." (page 11). "Districts offer many amenities, including identity, pedestrian scale, diversity and a strong public realm, yet retain their own special identity." (page 11).

Today, the area around Ninth Street and Circle Boulevard is oriented entirely toward automobiles. The buildings are separated from the street by large, paved parking lots. Their physical extent and the many access points from both Ninth Street and Circle Blvd. encourage driving from store to store and maximize traffic congestion around an intersection that is already one of the busiest and most hazardous in the City. The large buildings and lack of connecting bike paths and walkways discourage non-motorized access, despite the close proximity of residential neighborhoods.

The proposed LDC supports the Vision Statement well by encouraging the evolution of the Ninth Street and Circle Boulevard toward a more neighborhood oriented, commercial district that is accessible by many modes of transportation. The League supports this evolutionary approach, which is sufficiently flexible to accommodate the requirements of current business owners. In particular, the draft code provides for smaller setbacks that

create a better neighborhood appearance and make the buildings more accessible to pedestrians and cyclists. Reduced building footprints will facilitate pedestrian movement between stores as well as ease access from adjacent neighborhoods. Most importantly, the proposed code discourages the construction of "big box" stores that will draw additional traffic into an already congested area and compete with, rather than complement locally owned businesses Downtown.

Quite apart from the Vision Statement, livability and aesthetic considerations, the proposed LDC for the Ninth Street area makes sound economic sense for the community. A wealth of research provides conclusive evidence that "big box" stores are detrimental to the economies of mid-sized towns such as Corvallis.

- 1) They drive smaller, locally owned retailers out of business. To see this, consider that with Wal-Mart growing at a rate of 18 – 20% per year and the economy overall at 3% per year, someone is losing business!
- 2) They replace full-time people earning family incomes in local establishments with a mix of full time and part time employees earning very low wages with minimum benefits. Given the current shortage of low cost housing in Corvallis, is it prudent to generate more jobs for workers who will not be able to afford to live here at the expense of people who already do?
- 3) They replace local business owners with deep roots in the community with managers who are "just passing through" en route to their next assignment. These people have little reason to take an active interest in the community and are not here long enough to develop any.

A study by Dr. Edward Shils, director Emeritus of the Wharton Entrepreneurial Center at the The Wharton School, University of Pennsylvania, published in 1997 elucidates and provides supporting data for these arguments. The study is titled, "Measuring the Economic and Sociological Impact of the Mega-retail Discount Chains on Small enterprise in Urban, Suburban and Rural Communities." It is available on the web at www.shilsreport.org.

"Big box," commercial sprawl also exacts a high price from the community through its inefficient use of land. As noted in a recent publication by the Oregon Department of Land Conservation and Development (Containing the Commercial Strip, 9/2000), "Highway oriented, auto-dependent commercial development is a low-intensity land use." ... "The spread-out, linear pattern of development makes it extremely inconvenient to move among businesses without driving from one establishment or small group of establishments to another. This generates significant traffic, creating the need for new and wider roads, such as bypasses or truck routes. Adding additional capacity to existing roads then spawns more low-intensity, auto-dependent commercial development which, in turn, generates more traffic."

This is no mere theoretical construct. The state built a downtown bypass for Highway 97 around the city of Bend in the 1960's. By the 1990's commercial sprawl similar to what has begun along Ninth Street had created intolerable levels of traffic congestion.

\$100 million are now being spent to build the Bend Parkway to accommodate the through traffic on Highway 97.

Much concern was raised recently about the increase in SDCs and the possibility of its having a chilling effect on local businesses. The proposed LDC will help to minimize such increases in the future by encouraging a pattern of land use that makes the most efficient use of existing transportation infrastructure and minimizes the need for new infrastructure. We urge the Council to hold true to the 2020 Vision Statement by adopting the LDC as proposed.

Sincerely,

A handwritten signature in cursive script that reads "Walter Barkan". The signature is written in black ink and includes a long horizontal flourish extending to the right.

Walter Barkan
Co-president, LWV Corvallis

ATTACHMENT VII

October 17, 2000 Handout

Land Development Code Update Work Session
October 17, 2000

- ▶ Distributed October 16th as one packet:
 - Comprehensive Plan Policies re commercial zoning
 - Definitions of Technical Support and Telemarketing Centers
 - Revised requirement for structured parking for parking in excess of 200 spaces
 - Maps indicating selected buildings along NW 9th Street
 - Two pieces of testimony regarding the Riverfront District
 - Testimony from Planning Commissioner Kirk Bailey
 - Historical perspective from James C. Howland
 - Two pieces of information previously presented to the Commercial Technical Review Group

- ▶ Distributed October 17th individually:
 - Letter from Marvin Gloege, October 16th, "Proposal for Development Code Amendments, RF (Riverfront) Zone, Amendment Proposal Related to Proposed Benton County Historical Society Museum"
 - Letter from Robert C. Wilson, October 17th
 - Letter from Jean Nath, October 17th
 - Letter to M/CC individually from CA, October 16th, signed by Jackson Cooper
 - Letter to Mayor, Admin, Elected Officials, October 17th, from Jean Starker Roth
 - Letter from Greg Bennett, "Proposed Removal of Planned Development Overlay Zone from all Residential Properties in the South Corvallis Town Center"
 - Packet of materials from Bill Kloos' law office, October 17th, "Corvallis Periodic Review; LDC Update"

October 16, 2000

RECEIVED

OCT 16 REC'D

TIME 9:30 am
CITY RECORDER'S OFFICE

Mayor and City Council Members
City of Corvallis
Corvallis City Hall
501 SW Madison Avenue
Corvallis, Oregon

RE: Proposal for Development Code Amendments, RF (Riverfront) Zone,
Amendment Proposal Related to Proposed Benton County Historical Society
Museum

Dear Mayor and Council Members:

As we are sure you are aware, the Benton County Historical Society has acquired the Copeland Lumber Company Property near the south end of downtown Corvallis. At this time, we are beginning our efforts to fund the necessary improvements to establish a museum for the Copeland Lumber buildings on the southeast corner of 2nd and Adams. The Copeland property also includes the half block on the west side of 1st Street between Adams and Washington. This property is located in the proposed RF (Riverfront) zone.

Although our initial efforts will be concentrated on redeveloping the building at 2nd and Adams, it is our long-term plan to construct a museum on the half block immediately to the east of 1st Street. With this in mind, the board and staff of the Benton County Historical Society have a great deal of interest in your proposal to set zoning standards for the RF (Riverfront) zone.

We believe a new museum on this property will be of considerable benefit both to downtown Corvallis and to the Riverfront area. It will serve to extend the viable retail core area to the south and east, in effect providing a very significant cultural facility that will serve to bring more people into the area. It also serves to meet the need as expressed in the Riverfront Zone statement of purpose of "merging downtown with the Riverfront Commemorative Park in a pedestrian-friendly, multi-use neighborhood that focuses on the river". The value of the museum is recognized in the list of uses permitted outright in the RF zone, under the category Cultural Exhibits and Library Facilities, one of the Civic Use types.

The Riverfront Zone is drafted with commercial occupancy in mind – that is, retail trade with in-structure off-street parking and with the opportunity for upper floor residential use. A museum is permitted in the zone but this type of use is not similar to the proposed commercial occupancy. This is the case, even though we will not know for some time whether the museum will be built as a stand-alone facility, on a partnership basis with commercial projects or with similar non-profit museums or cultural facilities. Many of the proposed zoning standards do not fit a museum. Following is a list of some of the proposed standards in the Riverfront Zone that are too strict, and too precisely written.

1. **Section 3.15.40.01.b.** The building's occupied space must extend to the street property line along at least 75 percent of the property line along the sidewalk. An unlimited setback can be applied to a maximum of 25 percent of the property line when development incorporates enhanced pedestrian spaces and amenities which occupy not less than 100 percent of the additional setback area.
2. **Section 3.15.40.02.a.** Buildings shall be a minimum of three stories in height.
3. **Section 3.15.40.02.b.** Stepbacks of upper stories are permitted along sidewalks beginning with the third floor. A minimum 3.0 Floor/Area Ratio must be maintained.
4. **Section 3.15.40.04.b.** A minimum of 60 per cent of the building street frontage shall be glass with a maximum sill height above grade of 30 inches and extending no less than 84" above sidewalk grade.
5. **Section 3.15.40.04.c.** Buildings shall have at least one entrance oriented toward each abutting street or sidewalk with the primary entrance oriented toward First Street, Second Street, or an entrance where two streets intersect.
6. **Section 3.15.40.04.d.** Secondary entrances are required on larger buildings. The distance between a building's entrances cannot exceed 100'.
7. **Section 3.15.60.01.a.** Vehicle entries/exits serving off-street parking facilities shall not be allowed along 1st Street.
8. **Section 3.15.60.01.c.** Above and/or below ground parking structures shall meet the following design factors:
 1. Where parking structures front streets, retail and other uses shall be required along the ground level frontage, except that access entries/exits, when needed, may be located no further east than the first 25-feet immediately east of the alley or vehicle accessway.
 2. Parking structures shall not be visible from any street, and visibility shall be blocked from views along the streets (except down alleys or vehicle accessways) via occupiable building spaces that meet the Riverfront Zone Development Standards.

Summary of Riverfront Zoning Problems for the Benton County Museum Project.

As mentioned in the introductory comments, the proposed city standards for the Riverfront Zone do not fit a museum. A museum is a unique and special use. It is very difficult to prepare a set of standards for a zone that can be applied to a museum. As is the case with most uses that are classified as conditional (churches, schools, etc.) a museum requires a distinct and special review taking into consideration the unique nature of the facility. The Riverfront Zone is much too prescriptive and strict for a museum.

A summary list of the ordinance standards, which may create a problem for the museum project, are as follows:

1. Minimum building height of three stories.
2. No setback from the street for the structure, except for a possible 25% exemption where there are pedestrian amenities.
3. A minimum of 60% of building street frontage with glass, 2 ½ to 7 feet above grade.
4. At least one building entrance on each street.
5. Entrances at least every 100 feet.
6. No vehicular entries/exits on 1st Street.
7. Vehicular entrances only permitted the first 25 feet east of the alley.

Major problems on the above list include:

- (1) The maximum building height of three stories as the design for a museum must be flexible in terms of number of stories for design reasons.
- (2) A minimum of 60% of building street frontage in glass. External glass can be damaging to museum exhibits. There needs to be considerable internal flexibility in design and accommodating exterior glass is detrimental to this.
- (3) The provision for at least one building entrance on each street coupled with entrances at least every 100 feet that would require a minimum of five exterior entrances to the museum. For both security and climate control reasons, the number of exterior entrances must be kept to a minimum.
- (4) No exterior setbacks for structures with a possible 25% exception. An examination of the more attractive cultural structures in Corvallis such as the library, the court house, newer OSU campus buildings, and many churches, display considerable variety in setbacks.
- (5) Limits on vehicular entrances, which puts a major straight jacket on facility design.

A facility like the museum is truly unique in nature and development controls should permit considerable flexibility in exchange for building in accordance with a plan as provided for with Planned Development requirements.

Recommended Solution. It is suggested that a facility such as a museum be handled either as a conditional use or as a Planned Development. However, that still leaves one major problem. The design standards discussed above would likely still apply to a conditional use or Planned Development unless there is special language submitted in the purpose and variations sections of that zone that recognize the unique nature of the museum. We are proposing that the purpose section of the RF zone be amended to provide language which would provide language as follows,

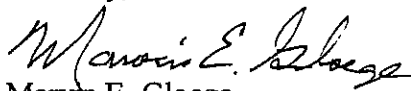
“Large-scale civic and cultural facilities are encouraged in the Riverfront Zone so long as the uses and activities promote the basic function of the zone. Such uses shall be reviewed for their character and contribution to

the viability of the RF Zone and to the Corvallis Central Business District, and shall be reviewed under the Planned Development procedures of the ordinance.”

We are further proposing that the variations section be modified to permit variations from development and design standards for large-scale civic and cultural facilities exceeding 5,000 square feet in floor area. Attached to this letter is the specific ordinance language in our proposal.

Thank you very much for your serious consideration of our request. We will be happy to work with council and staff in addressing these proposed amendments.

Sincerely,



Marvin E. Gloege
Chairman, Building Committee and
Vice President, Benton County Historical Society

cc: Bill Lewis
Ron Marek

**PROPOSAL TO AMEND CHAPTER 3.15 RF (RIVERFRONT ZONE)
TO PERMIT LARGE SCALE CIVIC AND CULTURAL FACILITIES
UNDER PLANNED DEVELOPMENT PROCEDURES
Submitted by Benton County Historical Society**

1. Amend Section 3.15.10 – Purpose, as follows:

Section 3.15.10 – PURPOSE

The Riverfront Zone (RF) implements the Central Business Zone Comprehensive Plan designation for a portion of the core downtown area. It is intended to provide an area for commercial, civic, and residential uses, and to merge downtown with the Riverfront Commemorative Park in a pedestrian-friendly, multi-use neighborhood that focuses on the river. While the zone does not permit new low density building types, it does encourage dwelling units in, or attached to, buildings containing commercial activities. Development in the Riverfront Zone is intended to enhance public safety and the pedestrian experience by encouraging the presence of citizens 24 hours a day. Allowed uses such as retail office and restaurants with windows to the sidewalk, and a residential neighborhood promote the greatest public access and activity. **Large-scale civic and cultural facilities are encouraged in the Riverfront Zone so long as the uses and activities promote the basic function of the zone. Such uses shall be reviewed for their character and contribution to the viability of the RF Zone and to the Corvallis Central Business District, and shall be reviewed under the Planned Development procedures of the ordinance.** Safe, adequate, and convenient parking for employees, customers, and residents is desired through use of on-street parking, and parking facilities that are functionally and visually compatible with the pedestrian orientation of the area. Structured parking facilities are encouraged to promote use densities that enhance opportunities to achieve the intended high level of neighborhood safety and pedestrian activity with the multi-use neighborhood. To the extent that they meet the other purposes of the RFZ and other requirements of the entire Code, creative measures to provide needed parking within the RF Zone and potentially within the Central Business District are encouraged to foster preferred activities in the RF zone.

2. Amend Section 3.15.20.2 – Variations, as follows:

3.15.20.02 – Variations

Variations from development and design standards **for large-scale civic and cultural facilities exceeding 5,000 square feet in floor area, and for other development** (e.g. standards both within this chapter and within other development standard chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code, respectively.

(Proposed new language is shown in bold face type).

Oct. 17, 2000

The Mayor and City Council
City Hall
501 SW Madison Ave
Corvallis Or 97330

Ladies and Gentlemen,

I decided to write this letter after I learned that only fifteen minutes was allotted for public testimony tonight on the proposed Comprehensive Plan Update.

Many businesses and property owners are very concerned about this new legislation.

Input has been difficult because when anyone speaks out, he or she have been politely told this Comprehensive Plan Update has been mandated by the Comprehensive Plan.

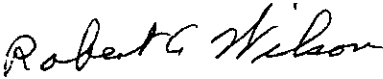
It's my hope and belief that the Comprehensive Plan did not mandate that such a punitive and restrictive Update was necessary.

Many of us have been informed that a professional analysis is now being prepared. In my opinion, the City has much to gain and nothing to fear from such an analysis. Will an outside analysis show that this is a good Update and would be beneficial to the City of Corvallis? If an outside analysis shows that the Comprehensive Plan Update is overly restrictive and would put businesses out of business, the Council and everyone else should know before it is enacted.

If the Council proceeds without some real citizen involvement, the City would be at odds with many, many of the City's friends and supporters who are very threatened by this Update. In the discussions that I have been a part of, every business owner and property owner expressed a desire to work with the City or anyone else to improve our City. Business and property owners are not pleased with the procedure that was followed.

I respectfully ask that the City delay progressing with the Comprehensive Plan Update until the professional analysis is complete and its contents are known to everyone.

Very truly yours,


Robert C. Wilson



ROBERT C. WILSON

GENERAL CONTRACTOR

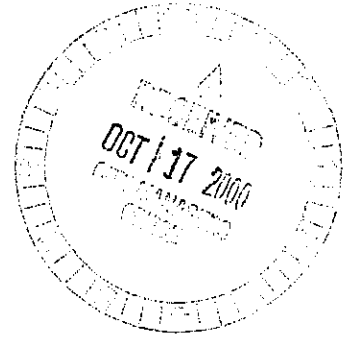
2595 N.E. BELVUE • P.O. BOX 638
CORVALLIS, OREGON 97339

PHONE (541) 757-0424
Fax (541) 753-5001



Mayor Helen Berg
City Hall
Corvallis, OR 97330

October 17, 2000



Dear Mayor Berg:

I have always been dismayed at the way 9th Street has been developed. None of the amenities that mark other commercial sections of the city have come in to play there. Ugly is the word that describes most of the businesses that have grown up along the street.

Just because ugly prevails now is no reason to abandon the effort to upgrade future development along the corridor. When we were involved in looking at the transportation plan, suggestions were made to require new businesses to have shared driveways, so we could eliminate a number of curb cuts. In conjunction with that would be an effort to require landscaping and shared parking to improve the general appearance of the area. I don't see much of that happening.

One of my main fears is that if we allow large commercial enterprises along 9th that we will surely see the deterioration of the downtown, which we all regard as a special feature of Corvallis and a source of future economic growth. Limiting the size of new business enterprises seems like a good strategy to encourage entrepreneurs to locate downtown.

I think you can figure out from the previous comments, that big box stores that destroy small businesses are anathema to me. I fail to see why the business community would want to make room for them for that very reason. The fact that there is a leakage of retail dollars to Albany is a result of decisions that were made years ago. The advent of big box stores in Corvallis will simply cause a leakage of dollars from our own merchants. Surely, there are areas of agreement that can be brought to the table on the future of 9th Street.

Sincerely,

Jean Nath
Jean Nath

2250 NW Brownly Hts.
Corvallis, OR 97330



202 NW Sixth Street • P.O. Box 906
Corvallis, OR 97339
(541) 754-6320
FAX (541) 758-0508

October 16, 2000

Helen Berg
3645 NW Hayes Ave
Corvallis, OR 97330

Dear Mayor Berg:

We represent a coalition of business, development, and institutional interests that is concerned about the proposed regulations contained in the Land Development Code (LDC) (Revision C), especially those related to commercial and industrial development. The City is undertaking a major revision of LDC as the final step in its Periodic Review. We urge you to delay adoption of the revised LDC and direct staff to work with us to upgrade the proposed LDC for the following reasons:

- The City has not completed the update of its Economic Opportunities Analysis (Work Task 11) as required by the Land Conservation and Development Commission's (LCDC) Periodic Review Order #001-223. The purpose of the update is to identify the range of commercial, office, and industrial activities required to accommodate the City's 20-year projected growth and determine the land use regulations and non-residential land supply needed in each category to meet this need. Adopting new LDC text and map amendments prior to undertaking this study is flawed from both a policy and technical perspective. Moreover, this provides the substantive grounds for a legal challenge to LCDC.
- In the proposed revision, the ability to develop non-residential uses, particularly retail uses, is significantly constrained by restrictive design and development standards, e.g., mandatory requirements for mixed-use; size, location, and building orientation requirements, and inadequate parking ratios; and/or discretionary review, e.g., mandatory Plan Compatibility, Conditional Development, and/or Planned Development review. Although we also support the adoption of zoning regulations that encourage more compact growth and pedestrian/transit-friendly development, this must be balanced against economic feasibility and consumer preference.

A perfect example of these constraints is the proposed new maximum parking ratios. The proposed parking minimum for retail uses is 2.5 spaces/1,000 gross square feet (1 space/400 gsf) with the maximum allowance of 3.25 spaces/1,000 gsf for parking in surface lots, given the provision in 4.1.20(o) that the maximum parking ratio cannot exceed 30% of the minimum ratio. An exception is granted for structured parking, when an increase of up to 50%, or up to 3.75 spaces/1,000 gsf, is allowed. Even in structured parking, the cost of which is currently not

feasible in a community of our size, the maximum parking ratios are grossly inadequate given accepted industry standards. It is noteworthy that in the Portland Metropolitan Area where Metro has adopted mandatory parking maximums in its Urban Growth Management Functional Plan¹ in compliance with the State Transportation Planning Rule (TPR), the maximum parking ratio for "retail/commercial, including shopping centers" is 5.1/1,000 gsf for sites within 1/4 mile of transit service and 6.1/1,000 gsf for sites beyond 1/4 mile.

Retail developers will not develop new retail projects that are hobbled by an inadequate parking supply, especially when they have to compete with existing retailers who have developed prior to the adoption of such restrictions. Moreover, lenders are unwilling to finance projects where a lack of adequate parking is likely to result in the business' failure.

Even if such projects are built, it is fanciful to assume that Corvallis residents will respond to an artificially constrained parking supply by using alternative modes of transportation. In most instances, residents will not, now or in the future, carry a week's grocery shopping home on foot, a television or dry cleaning on the back of a bicycle, or bags of fertilizer or sheet rock on the bus, especially in inclement weather. While making retail developments more accessible to pedestrians, bikers, and transit patrons is necessary and admirable, this must be balanced with the need for auto accessibility, which includes adequate trip-end parking. Moreover, the City ignores the fact that residents frequently combine retail trips with other activities, such as commutes between home, work, school, recreation, and children's activities in what are referred to as "linked" trips. A vast majority of "linked trips" are undertaken by auto.

By constraining development of a full range of commercial activities, including auto-oriented uses, residents will seek the commercial opportunities they prefer by driving to other communities, thus, increasing trip lengths and reducing opportunities for linked trips. This in turn will increase vehicle miles traveled (VMT) and traffic congestion, which is the antitheses of what the proposed new regulations are attempting to achieve, i.e., reduction of VMT and more reliance upon alternative modes.

This is just one example of the problems created by the proposed new regulations. We can present a compelling case for the constraints on non-residential development related to unreasonable building size and orientation requirements and mandates for mixed-use development that the market may not yet support.

For the legal, policy, technical, and practical reasons described above, we believe that adoption of Revision C of LDC is premature. We urge the City Council to complete the required Economic Opportunities Analysis Update and work with the business community, as well as other interested parties, to review the proposed commercial and industrial zoning districts. We have assembled a skilled team of professionals, including a land use attorney, land use

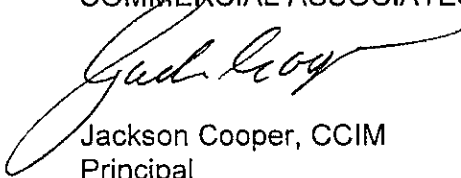
¹Source: Urban Growth Management Plan (11/21/96), Table 2, Regional Parking Ratios.

planner, and urban economist, with extensive expertise in this area, whose services we would like to offer to the City so that we may develop workable solutions to the above problems. We truly believe that there are opportunities to upgrade the current development code to encourage more compact development and pedestrian/transit orientation while responding to the realities of the market and needs/preferences of City residents.

Please advise as to how we may proceed.

Sincerely,

COMMERCIAL ASSOCIATES

A handwritten signature in black ink, appearing to read "Jackson Cooper", written in a cursive style.

Jackson Cooper, CCIM
Principal

ROTH PROPERTIES

JEAN S. ROTH

October 17, 2000

Mayor Helen Berg
City Administration and Elected Officials
City of Corvallis
501 SW Madison Ave.
Corvallis, OR 97333

Honorable Mayor Berg, Members of the City Council,
Commission Members, City Administrator and Staff

I am writing regarding 9th Street changes in Land Development Code. Whoa!! Back Up! Do you know the history of 9th Street? The street was 99W to Van Buren Street. Going South it turned toward the East to go over the Van Buren Street bridge or South on 4th Street to go over the Mary's River Brdige. It has always been a through street going North to South. Business people have invested their money with this in mind. At this time it is a fully developed street.

The more restrictive land development code proposed will severly restrict future investments. Please refer to the letter sent by Mr. Bill Humphreys to the Mayor dated Sept. 22, 2000.

Has there been an impact study on the consequences of such changes on residents and existing businesses?

More study is needed on the long term impact of a more restrictive code.

Please do not act on the issue quickly. It needs more study and public input.

Very, truly yours,


Jean Starker Roth

RECEIVED

OCT 16 2000

Comm Dev Admin

TO: Corvallis City Council

SUBJECT: Proposed Removal of Planned Development Overlay Zone
from all residential properties in the South Corvallis
Town Center

Dear City Council Members,

I request that the Planned Development overlay zone for residential property in the South Corvallis Town Center be retained for the following reasons:

1. The property is a unique Town Center referred to in the Comprehensive Plan in Section 13.11-13.118. The Comprehensive Plan states:

13.11.12: The Neighborhood Plan Map of the South Corvallis Area Plan will serve as a guide to future annexations, subdivisions and planned developments.

Removing the P.D. overlay will jeopardize this policy. The South Corvallis Town Center is intended to be an example for the entire city. We should retain all the tools to make it the best example. The Planned Development is a very useful tool.

2. The properties in question comprise a small percentage of the overall twenty year supply of available residential land in Corvallis. Therefore, retaining the P.D. overlay will have an overall negligible impact on the Buildable Lands Inventory.

3. Retaining the P.D. overlay fulfills and honors public expectations. Throughout the South Corvallis Refinement Planning process, neighborhood meetings, public hearings associated with Comprehensive Plan Amendment 98.4 and district change 98.6 that were held in December 1998 and established the zoning for the Town Center, citizens lent their support for the Town Center in large part because they realized they would have a say with compatibility issues if the parcel were given a P.D. overlay.

Removing the P.D. overlay now will result in disappointment and confusion.

I feel this request is consistent with the Comprehensive Plan and represents the best interest of South Corvallis and the city as a whole.

Thank you for your time and consideration.

Grey Bennett

Grey Bennett
2514 SE Mical PI

758-3118

14

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

578 OLIVE STREET, SUITE 300
EUGENE, OR 97401
PO BOX 11906
EUGENE, OR 97440
TEL (541) 343-8596
FAX (541) 343-8702
E-MAIL BILLKLOOS@CONTINET.COM

FAX TRANSMITTAL SHEET

I am transmitting -10 - page(s), including this cover sheet.

From: Bill Kloos
Date: October 17, 2000
Re: Corvallis Periodic Review; LDC Update
To: Ken Gibb, Director, Corvallis Community Development, Via Fax: 541-766-6936
cc: Jim Brewer, Via Fax: 541-752-7532
Linda Sarnoff, Director, Corvallis Planning Division, Via Fax: 541-766-6936
Mark Radabaugh, Dep't of Land Conservation and Dev't, Via Fax: 503-378-6033

Please provide the enclosed material to the City Council for its review. An original is being sent by mail to the Director. Thank you.

RECEIVED

OCT 17 1900

TIME _____
CITY RECORDER'S OFFICE

- Fax transmittal only
- An original is being mailed.
- An original is being delivered
- An original is available on request

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LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

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October 17, 2000

Corvallis City Council
501 SW Madison Street
Corvallis, OR 97339

Re: Corvallis Land Development Code Update

Dear Members of the City Council:

The wholesale redraft of the Land Development Code is finally before you. I have filed several letters in recent months critiquing details of the draft on behalf of my clients in Corvallis, and I expect to submit additional comments on successive drafts. With this letter, however, I want to address a single, critical issue which should be the council's central focus in deciding whether to press forward with the pending code changes, or pause the effort to finish essential planning work first.

On June 21, 2000, the DLCD ordered the City to undertake two planning studies one relating to economic development (Goal 9) and one relating to housing (Goal 10) – and then to make code changes necessary to implement the studies. All this work is to be done by June 21, 2001, but the studies have not been started. I understand city staff is awaiting further direction from DLCD. These studies are the very most basic underpinnings for the pending periodic review changes to the code. Without these studies being in place, the City will not be able to justify or defend the wholesale changes it is now making to the commercial, industrial and residential sections of the code. Making the code changes under consideration now is like trying to frame a house without having the foundation in place.

Viewed in the most general terms, the current rush to amend the code is lacking the essential foundation the studies will provide. The result will not be defensible on appeal. The code changes address where and how commercial, industrial and residential uses will be developed in the City. But without the planning studies completed, the City does not know the types and amount of commercial, industrial and residential development it needs. If the City adopts the code changes first, it will be going through the planning process backwards.

This will be a disastrous planning legacy for the departing Council to leave the City. If the Council keeps to its schedule, the LDC revisions will be adopted by the end of the year and under appeal to the LCDC and LUBA by mid-January 2001. A central theme in the appeal to the LCDC will be the city's failure to do the Goal 9 and Goal 10 studies necessary to support the code changes. These are the studies the LCDC has ordered the City to do. While the City is defending the current code changes on appeal, it will completing the Goal 9 and Goal 10 studies

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required by the LCDC. Once the studies are done, the new City Council will have to implement the studies with new code changes. Thus, a year from now the new City Council may be saddled with a remand of the current code changes while it is considering wholesale code changes to implement the Goal 9 and Goal 10 studies completed in 2001. The City will be where it is now -- evaluating wholesale code changes, but it will have expended enormous amounts of staff time and resources creating and defending the hasty legacy for the outgoing City Council. These are resources that would be more wisely directed toward doing the baseline Goal 9 and Goal 10 studies.

The outgoing City Council should shift to a lower gear and focus on leaving a legacy of sound urban planning. It should shelve the pending code changes until it builds the required foundation. That is, it should redirect resources into completing the Goal 9 and Goal 10 studies that are now stalled. Once those study results are in place in mid-2001, the new City Council can complete the code changes. At that point the City will know what it needs in terms of commercial, industrial and residential lands. It won't be guessing as the current council is now. By waiting for the studies, the City will have to go through the wholesale code amendment process just once, not twice.

I am enclosing a copy of the June 21, 2000 LCDC's Periodic Review Order No. 001-223. The Order is the city's blueprint for finishing periodic review. Work Task No. 11 is the Goal 9 (Economy) work. Work Task No. 12 is the Goal 10 (Housing) work. For each of these work tasks the Order describes the deficiencies in the current plan and code, describes the studies that must be conducted, and concludes that code changes will be needed to implement the results of the studies. The Order finds that some very basic things in the Corvallis economy and housing situation are way out of kilter and need fixing. Some examples from the LCDC Order's discussion of Goal 9 (Economy) work still to be done:

- The City must "assess the income ranges resulting from the city's employment base as found in its inventory of commercial and industrial lands."
- "Corvallis has a significant disparity between the income of jobs being created and the cost and local availability of housing being produced."
- The City must "clearly demonstrate how it intends to bring the nature of its housing supply and economic base into balance during the planning period."
- The City must adopt a "number of related land use strategies and tools, which directly link housing and economic development policy."
- The City needs an "adopted economic opportunities analysis" which includes "strategies for balancing housing need (as determined by Work Task No. 12) with the city's job base during the planning period."

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Some examples from the LCDC Order's discussion of Goal 10 (Housing) work still to be done:

- The City must "evaluate the nature of its existing housing balance shortfall as it conducts a buildable lands inventory pursuant to ORS 197.296 (HB 2709)."
- The above "evaluation will direct what steps need to be taken to provide for housing needs as the city aligns its population and employment forecast with its residential, commercial and industrial lands inventory."
- "The HB 2709 [buildable lands] inventory will also provide a baseline upon which to develop comprehensive plan policies which support a land use strategy to bring about a fair share housing strategy which has balanced housing supply, type and cost with income levels of the city's employment and economic base."
- "[T]he city must balance opportunities for affordable housing for very low-, low-, and moderate-income needs based on the income levels of the city's employment and economic base."
- "[T]he city must develop housing strategies which cause housing types to be balanced with household size characteristics as well as income."
- "The city will evaluate these relationships between jobs, income and housing type through a housing needs analysis. If the results of this analysis suggest a shortfall of housing supply, type or affordability, then the city will develop policies and programs to address these shortfalls."
- "Based on the adopted housing needs analysis, amended comprehensive plan text and policies, including amendments to the land use diagram's residential land use designations."

These work tasks require the City to do very basic planning work. The Order warrants a very careful review by individual council members. After reading the LCDC Order, we trust that you will consult your own legal counsel as to the importance of having the results of these studies in place first in order to successfully justify and defend code amendments of the breadth that are now pending before you.

To summarize, the theme of this letter is a simple one. This council should make a commitment to do first things first. Planning comes before implementation. The planning work has not been completed. The LCDC has recently ordered what planning work is needed and when it must be done. The work to be done is basic, important stuff. The City Council should reassess where the City is at in the planning/implementation continuum, solicit the advice of its own counsel, and recommit to putting first things first, so that everything need be done only once, and done right the first time.

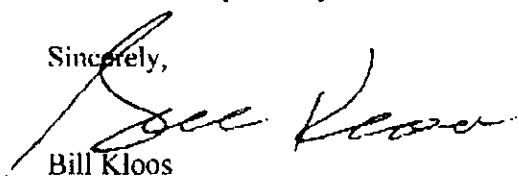
Corvallis City Council

October 17, 2000

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Thank you for your consideration.

Sincerely,



Bill Kloos

Encl. LCDC Periodic Review Order No. 001-223 (June 21, 2000)

cc: Ken Gibb, Community Development Director

Linda Sarnoff, Planning Director

Jim Brewer, City Attorney

Mark Radabaugh, DLCD Field Rep

Client

97slaydenk

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**BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON**

IN THE MATTER OF THE PERIODIC)	COMMISSION'S
REVIEW OF THE CITY OF CORVALLIS')	PERIODIC REVIEW
COMPREHENSIVE PLAN AND)	ORDER NO. 001-223
LAND USE REGULATIONS)	

This matter came before the Land Conservation and Development Commission (Commission) on June 9, 2000 as a final periodic review order pursuant to ORS 197.644, Oregon Laws 1991, Chapter 612, Section 8(1) and OAR 660, Division 19. The Commission, having fully considered the City of Corvallis' periodic review order, comments and objections of interested parties and the report of the Director of the Department of Land Conservation and Development, now enters its:

Findings of Fact

1. On May 1, 1981, the Land Conservation and Development Commission acknowledged the City of Corvallis' comprehensive plan and land use regulations to be in compliance with the Statewide Planning Goals (Exhibit A).
2. On May 31, 1996, the department notified the city of requirements under periodic review and initiated the periodic review process (Exhibit B).
3. On July 28, 1997, the department ordered approval of the City of Corvallis' periodic review work program (Exhibit C).
4. On , January 29, 1999, the City of Corvallis submitted its final decision on periodic review work tasks 1 through 8 to the department for review (Exhibit D). Referenced city submittals include the following plan documents under separate covers:
 - a. Corvallis Comprehensive Plan, December 21, 1998.
 - b. Buildable Land Inventory and Land Need Analysis for Corvallis, June, 1998.

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- c. West Corvallis - North Philomath Area Plan, 1996.
 - d. South Corvallis Area Plan, 1997.
 - e. Transportation Alternatives Analysis Plan, 1998.
5. By February 19, 1999, the department received timely objections to the city's plan submittals.
 6. As required by OAR 660-025-0140(6), the department prepared a Director's report which recommended that the Commission approve the city's submitted work tasks and modify the city's work program as authorized under OAR 660-025-0170(1)(b) (Exhibit E). The Director's report provides the department's conclusions and recommendation regarding each of the city's eight work task submittals and to each valid objection. The department mailed copies of the Director's report to the city, County of Benton, objectors, and persons who requested a copy of the report. The department notified persons of the opportunity to file a written exception to the Director's report before the commission's hearing on June 9, 2000 (Exhibit F).
 7. The department received one written exception to the Director's report by which the department found to be invalid (Exhibit G).
 8. The Commission held a public hearing on the city's periodic review submittal on June 9, 2000 to consider the conclusions and recommendations found in the Director's report. The Commission approved the City of Corvallis' January 29, 1999 periodic review submittals as fulfillment of work tasks 1 through 8 and modified the city's work program by adding three new work tasks.
 9. As part of the Commission's decision to modify the city's work program, it was found that, pursuant to OAR 660-023-0250(7), there are insufficient resources from both the local government and state agencies to complete remaining inventories for riparian corridors and wetlands in a timely manner under periodic review.

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Conclusion

Based on the foregoing findings and the Director's report, the Commission concludes that the City of Corvallis' periodic review work tasks 1 through 8 meet statutory and rule requirements for periodic review and can be sustained pursuant to OAR 660-025-0160(6)(a).

THEREFORE, IT IS ORDERED THAT:

1. The City of Corvallis' periodic review work tasks 1 through 8 are hereby approved.
2. The City of Corvallis' periodic review work program is modified to include the following additional work tasks:
 - a. Work Task No. 11: Addendum related to implementation of Goal 9 - Economic Development

This work task will include assessment of income ranges resulting from the city's employment base as found in its inventory of commercial and industrial lands. This task then will devise ways to provide a balance between the city's forecast of employment characteristics and housing needs. As present, Corvallis has a significant disparity between the incomes of jobs being created and the cost and local availability of housing being produced. The city will examine the relationship between the incomes of the jobs being generated and the relationship to household character both within the city and in surrounding communities. As the city works to balance its employment and housing opportunities, it will clearly demonstrate how it intends to bring the nature of its housing supply and economic base into balance during the planning period. This link between balanced housing and employment will occur by adopting a number of related land use strategies and tools, which directly link housing and economic development policy.

The city will utilize results of the economic opportunities analysis found in the Linn-Benton Regional Housing and Economic Development Study (1999) to assist in its assessment of how best to demonstrate how it intends to bring the nature of its housing supply and economic base into balance during the planning period.

Product: An adopted economic opportunities analysis update. Adopted strategies for balancing housing need (as determined in Work Task No. 12) with the city's job base during the planning period.

Submittal date: One year following commission modification.

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b. Work Task No. 12: Addendum related to implementation of Goal 10 - Housing

The city has identified a shortfall in balancing its housing needs with household, income and employment characteristics found in the community. In order to correct this community imbalance, the city will evaluate the nature of its existing housing balance shortfall as it conducts a buildable lands inventory pursuant ORS 197.296 (HB 2709). This evaluation will direct what steps need to be taken to provide for housing needs as the city aligns its population and employment forecast with its residential, commercial and industrial land inventory. The HB 2709 inventory will also provide a baseline upon which to develop comprehensive plan policies which support a land use strategy to bring about a fair share housing strategy which has balanced housing supply, type and cost with income levels of the city's employment and economic base.

Two particular concerns are the primary focus in solving the city's housing imbalance. First, the city must balance opportunities for affordable housing for very low-, low- and moderate-income needs based on the income levels of the city's employment and economic base. City codes will be revised to encourage that a full range of housing types and densities are permitted outright throughout the community and that development ordinances will not hinder the development of affordable housing.

Second, the city must develop housing strategies which cause housing types to be balanced with household size characteristics as well as income. City and regional trend towards smaller household size have not received corresponding response as new home stocks are constructed. This is due, in part, because city policy does not adequately address this aspect of demographic change, and development codes do not readily encourage a market response to meet demand and trends which are resulting from smaller household characteristics.

The city will evaluate these relationships between jobs, income and housing type through a housing needs analysis. If the results of this analysis suggest a shortfall of housing supply, type or affordability, then the city will develop policies and programs to address these shortfalls. Tools for solving shortfalls include, but are not limited to enabling of mixed use communities which cause housing type mix throughout the community, requirement of an appropriate share of smaller lot sizes to be mixed with detached and attached housing throughout the community, and other strategic use of small lots and reduced building foot prints to meet housing affordability, land use and transportation system efficiency goals.

The results of the city's Goal 10 housing needs analysis will be applied to assess need to implement the following acknowledged plan Policies: 9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.6, 9.5.11, and 9.5.15. The same results will be used to assess need to change the following policies to better address housing affordability: Policies 9.5.4, 9.5.6 and 9.5.15. Finally, the results of Goal 10 housing needs analysis shall be evaluated against Policy 9.5.15, which calls for evaluating increasing minimum density in the low density residential designation.

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Product: Based on an adopted housing needs analysis, amended comprehensive plan text and polices, including amendments to the land use diagram's residential land use designations.

Submittal date: One year following Commission modification.

c. Work Task No. 13: Addendum related to Goal 5 - Natural Resources


The purpose of this task is to provide a policy framework for the City of Corvallis to complete inventories for riparian corridors and wetlands resources within the urban growth boundary pursuant to OAR 660-023 in a timely manner. The city will develop and approve policy language that includes schedules, budgets and enforceable provisions which ensure timely completion of remaining natural resource inventories within four (4) years following local adoption of such provisions in the comprehensive plan and land use ordinance. Land use ordinances that are developed as interim measures before resource inventories are completed pursuant to OAR 660-023-030 through OAR 660-023-050 would "sunset", or be repealed, as the city meets its obligations to protect riparian and wetland resources. Federally approved programmatic protection of a riparian corridor as a result of the federal Endangered Species Act may also serve to meet Goal 5, if based on a federally listed anadromous fish species, and if Goal 5 compliance is demonstrated. The above work and the city's Natural Resource Inventory Scoping Project shall be coordinated with DLCD and applicable state natural resource agencies.

Product: 1) An adopted comprehensive policy for completing inventories for riparian corridors and wetland resources, including schedules, budgets and enforceable provisions. 2) An adopted ordinance provision that complies with OAR 660-023-100(4) and applicable to areas where Local Wetland Inventories have been completed. 3) An adopted land use ordinance that provides a "safe harbor" for riparian corridors, or demonstration that other adopted ordinance provisions provide equal or superior protection to riparian resources.

Submittal date: Within one year following Commission modification.

DATED THIS 21ST DAY OF JUNE 2000.

FOR THE COMMISSION:


Richard P. Benner, Director
Department of Land
Conservation and Development

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ATTACHMENT VIII

October 16, 2000 Memo

MEMORANDUM

From: Fred Towne, Associate Planner; Kelly Schlesener, Planning Division Manager
To: Mayor and City Council
Date: October 16, 2000
Re: Information for the October 17, 2000, Work Session

Attached for your review are the following pieces of information:

1. Comprehensive Plan Policies regarding commercial zoning
2. Definitions of Technical Support and Telemarketing Centers
3. Revised requirement for structured parking for parking in excess of 200 spaces.
4. Maps indicating selected buildings along NW 9th Street
5. Two pieces of testimony regarding the Riverfront District
6. Testimony from Planning Commissioner Kirk Bailey
7. Historical perspective from James C. Howland
8. Two pieces of information previously presented to the Commercial Technical Review Group

Additional information will be presented at the October 17, 2000, work session.

APPLICABLE COMPREHENSIVE PLAN POLICIES REGARDING CHARACTERISTICS OF COMMERCIAL ZONING

3.2 General Land Use

3.2.1 *The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:*

D. Compact urban form;

F. Neighborhoods with a mix of uses, diversity of housing types, pedestrian scale, a defined center, and shared public areas.

5.2 Community Character

5.2.4 *The City shall take appropriate actions to beautify and improve the community by: developing gateway locations and development standards that include building orientation to the street for most uses; appropriate site and building design standards; extensive landscaping and street trees to provide a boulevard effect; frequent access points for bicycles and pedestrians; and possible mitigation of the negative effects of overhead utility lines.*

8.10 Commercial and Office Land Development and Land Use

8.10.3 *All areas with commercial Comprehensive Plan Map designations other than Central Business District and Professional Office shall be redesignated as Mixed Use Commercial. (See Policy 8.10.7 for direction on Land Development Code standards to be developed to address the community's commercial needs.)*

8.10.4 *New commercial development shall be concentrated in designated mixed use districts, which are located to maximize access by transit and pedestrians.*

8.10.7 *The City shall develop standards for a hierarchy of mixed use commercial districts, with minor neighborhood centers serving neighborhood shopping and office needs, major neighborhood centers serving community shopping and office needs, and the downtown commercial districts serving regional shopping and office needs. The Professional and Administrative Office district can serve both community and regional office needs. Major neighborhood centers shall be sited at transit nodes on arterial streets and shall incorporate pedestrian-scale features such as building orientation to the street and limiting the maximum block perimeter. As the Land Development Code is updated, districts shall be developed that address all of the community's desired commercial needs.*

8.10.8 *The City shall locate major and minor neighborhood centers near the junctions of arterials or collectors.*

8.10.9 *The City shall require at least one major commercial entrance to be located immediately adjacent to the public or private streets within the neighborhood center and mixed use areas. Additionally, parking lots shall be located to the rear of buildings, and where they do not disrupt the pedestrian streetscape, may be located to the side of buildings.*

- 8.10.10 *Along the shopping street of neighborhood centers, the City shall encourage occupation of ground floor storefront space by retail and service users that serve local neighborhood needs and generate high volumes of pedestrian traffic.*
- 8.10.11 *In order to provide for more compact commercial development and to encourage a mix of uses in commercial districts, the City shall develop standards that will require some types of large commercial development to have multiple stories. These additional levels may be dedicated to parking or to other commercial or residential uses permitted in the district.*
- 8.10.12 *The City shall develop standards for commercial, office, and industrial districts to require that, any spaces in excess of the minimum standard shall be located in underground or structured parking facilities in developments with large minimum parking requirements (such as over 200 spaces).*
- 8.10.13 *The City shall develop standards in the Land Development Code to encourage or require with development or redevelopment, the consolidation of vehicle accesses on arterial streets, where appropriate and practical.*

8.12 North 9th Street Area

- 8.12.1 *Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998.*
- 8.12.3 *The City shall develop standards that minimize conflicts between abutting land uses and the transportation function of 9th Street and enact adopted provisions of the Transportation Alternatives Analysis that address issues such as driveway consolidation, access conflicts, and pedestrian refuge islands.*

9.0 Housing - Background

A comprehensive neighborhood core or focus is typically the location of a mix of uses, possibly including a small public open space, shops, services, civic functions, and connections to public transportation.....Good connections for bicycles and pedestrians from secondary areas to the more intense core area are vital.

Clearly it will be more easily achieved on large parcels in greenfield situations. For developed areas consisting of one or more immediate neighborhoods, where infill and redevelopment are appropriate and possible, the concept will be useful to guide development that maintains, enhances, and/or creates a sense of community.

The goals of Section 9.2 - Neighborhood-Oriented Development, are:

Provide more access and transportation choices for all citizens:

- *By creating connections and a land use mix to make pedestrian and bicycle travel safe, desirable options;*

Provide viable opportunities at the appropriate scale and location for a mix of commercial, service, and residential uses:

9.2.5 *Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas. These neighborhood characteristics are as follows:*

- A. Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.*
- D. Neighborhood development provides for compatible building transitions in terms of scale, mass, and orientation.*
- F. Neighborhoods have an interconnecting street network with small blocks to help disperse traffic and provide convenient and direct routes for pedestrians and cyclists. In neighborhoods where full street connections cannot be made, access and connectivity are provided with pedestrian and bicycle ways. These pedestrian and bicycle ways have the same considerations as public streets, including building orientation, security-enhancing design, enclosure, and street trees.*
- H. Neighborhoods have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas.*
- I. Neighborhoods have public areas that are designed to encourage the attention and presence of people at all hours of the day and night. Security is enhanced with a mix of uses and building openings and windows that overlook public areas.*
- J. Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Parking lots and structures are located at the rear or side of buildings. On-street parking may be an appropriate location for a portion of commercial, institutional, and domestic capacity. Curb cuts for driveways are limited, and alleys are encouraged.*
- K. Neighborhoods incorporate a narrow street standard for internal streets which slows and diffuses traffic.*
- L. Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure.*
- M. Neighborhoods have street trees in planting strips in the public right-of-way.*

11.6 Pedestrian

11.6.1 *The City shall require safe, convenient, and direct pedestrian routes within all areas of the community.*

11.6.4 *New development and redevelopment projects shall encourage pedestrian access by providing convenient, useful, and direct pedestrian facilities.*

11.6.6 *Safe and convenient pedestrian facilities that minimize travel distance shall be provided by new development within and between new subdivisions, planned developments, shopping centers, industrial parks, residential areas, transit stops, and neighborhood activity centers such as schools, parks, and shopping.*

1.6.7 *Where minimizing travel distance has the potential for increasing pedestrian use, direct and dedicated pedestrian paths shall be provided by new development.*

11.6.11 *The City shall encourage timely installation of pedestrian facilities to ensure continuity and reduce hazards to pedestrians throughout the community.*

11.6.12 *New commercial development shall be oriented toward adjacent existing and planned sidewalk facilities to encourage pedestrian, bike, and transit activity.*

11.6.13 *New commercial and residential development shall generally provide for a maximum block perimeter of 1,500 feet, except where it would negatively impact significant natural features.*

12.2 Energy

12.2.5 *The City shall encourage land use patterns and development that promote clustering and multiple stories, take advantage of energy efficient designs, and have ready access to transit and other energy efficient modes of transportation. A location where this is desirable is in the Central City.*

13.11 South Corvallis Area

1 3.11.2 *The City shall develop standards for a major neighborhood center consistent with the Town Center mixed use guidelines in the South Corvallis Area Plan, including pedestrian and transit-oriented design, street connectivity, and public spaces.*

13.11.3 *Future requests for additions or deletions to the established mixed use districts shall be consistent with the overall goals and policies of the South Corvallis Area Plan.*

13.11.12 *The Neighborhood Plan Map of the South Corvallis Area Plan will serve as a guide to future annexations, subdivisions, and planned developments.*

13.11.18 *The following guidelines shall be used for review of development proposals within the South Corvallis Town Center:*

- A.** *All buildings in the identified Town Center area will be oriented to public or private streets.*
- B.** *The primary circulation within the Town Center shall be developed as public or private streets, with sidewalks, street trees, and on-street parking.*
- C.** *Bell or Powell Avenue will be extended to 3rd Street.*

- D. *Bell or Powell Avenue will be a key pedestrian-oriented street. As such, it will have buildings fronting on both sides for most of its length, on-street parking, curb extensions at intersections, and pedestrian amenities. An alternative street that provides the same design qualities may be proposed.*
- E. *Public spaces are required. Examples include: a plaza, shopping promenade, and a small park. Public spaces will be located and designed to emphasize focal points within the Town Center.*
- F. *A pedestrian promenade will link the northerly and southerly retail areas.*
- G. *A north-south street will connect Bell or Powell Avenue to Park Avenue.*
- H. *The design of the Town Center will not preclude a future connection to Richland Avenue.*
- I. *Connections to adjacent streets are required, and should include traffic calming measures, where appropriate.*
- J. *Compatibility with adjacent residential uses shall be demonstrated. Measures to be considered include sight-obscuring landscaping, fencing, setbacks, and lighting that precludes glare on adjacent properties.*
- K. *Retail uses within the Town Center shall be limited to no more than 100,000 square feet.*

14.4 Other Urbanization Issues

14.4.2 *Design elements shall provide transitions between various land uses and intensities where necessary to improve compatibility.*

40.2 Commercial Use Designations

40.2.2 Mixed Use Commercial

These areas will provide for primarily commercial uses but also will allow for some civic, industrial, and residential uses that are compatible with the predominant commercial uses, while maintaining the City's supply of commercially-designated lands.

40.4.1 Neighborhood Centers

The Neighborhood Centers denote commercial areas that are designed with a pedestrian orientation and serve the general community and/or surrounding neighborhood. Neighborhood Centers may be designed to incorporate a mixture of uses. The dots denote the conceptual location of the Neighborhood Centers and the circles represent a 1/4 distance from the Centers, which is considered to be a comfortable walking distance. The shaded circles depict possible Minor Neighborhood Centers for which further study is needed.

13.12 West Corvallis Area

- 13.12.4 *Within the City Limits of the West Corvallis - North Philomath Plan, the City shall use a Planned Development process when partially developed sites are converted to neighborhood villages, as designated on the adopted Plan.*
- 13.12.5 *The City shall consider revising the Land Development Code to provide for a range of incentives for development proposals meeting site development standards such as those described in the West Corvallis - North Philomath Plan.*
- 13.12.8 *The City shall revise the Land Development Code to require developers to develop Neighborhood Villages consistent with the West Corvallis - North Philomath Plan. Features in the Plan include, a shopping street, a 1/2 acre public space or plaza and a transit stop that allows other appropriate uses including small-scale shopping, professional offices, personal services, and eating drinking establishments.*
- 13.12.9 *The sizes and locations for the neighborhood centers and villages shown on the West Corvallis - North Philomath Plan are approximate, and are subject to approval through the Planned Development process.*
- 13.12.10 *The City shall locate major and minor neighborhood centers near the junctions of arterials or collectors.*
- 13.12.11 *The City shall revise the Land Development Code to require commercial entries to be located immediately adjacent to the street right-of-way within the neighborhood center and mixed use areas. Additionally, parking lots shall be located to the rear of buildings, and, where they do not disrupt the pedestrian streetscape, may be located to the side of buildings.*
- 13.12.12 *The City shall revise the Land Development Code to require large retailers to be located only on sites within major neighborhood centers adjacent to arterial roads. These facilities must have a major entry onto public streets. Such retailers are not appropriate within minor neighborhood centers.*
- 13.12.13 *Along the shopping street of neighborhood centers, the City shall encourage occupation of ground floor storefront space by retail and service users that serve local neighborhood needs and generate high volumes of pedestrian traffic.*
- 13.12.14 *The City shall revise the Land Development Code to encourage the fronts of buildings to face parks and other public open spaces.*
- 13.12.15 *The City shall revise the Land Development Code to require the incorporation of existing native vegetation or new native plantings where possible, particularly adjacent to open space areas.*
- 13.12.16 *Each neighborhood center shall have its own site-specific development standards and design guidelines that closely represent the vision of the area's stakeholders: the citizens of Corvallis, land owners, developers, and the larger community. Stakeholders shall develop these standards and guidelines through a charrette, design workshop, or similar public process. Standards and guidelines shall be consistent with the overall West Corvallis - North Philomath Plan.*

New Commercial Use Type Classifications for Technical Support & Telemarketing Centers:

Technical Support Center: An incoming call center that receives calls for technical assistance with specific manufactured items such as computers, appliances, etc. Employees of the technical support center answer questions to provide this technical support to persons who call with questions.

Telemarketing Center: An outgoing call center where employees call the public to promote a product and/or service or an assortment of products and/or services.

Parking Requirement for Technical Support & Telemarketing Centers:

1 space per 150 square feet of gross floor area

Zones Where Technical Support & Telemarketing Centers Allowed:

ZONE	TECHNICAL SUPPORT CENTER	TELEMARKETING CENTER
Neighborhood Center (both Minor & Major)	P; upper floors only	P; upper floors only
Riverfront	P; upper floors only	P; upper floors only
Central Business	P; upper floors only	P; upper floors only
Central Business Fringe	P; upper floors only	P; upper floors only
Mixed Use Community Shopping	P; less than threshold CD; Equal to or greater than threshold	P; less than threshold CD; Equal to or greater than threshold
Mixed Use General Commercial	P	P
Mixed Use Transitional	P	P
Limited Industrial - Office	P	P
Limited Industrial	P; 20 or fewer employees per shift CD; greater than 20 employees per shift	P; 20 or fewer employees per shift CD; greater than 20 employees per shift
General Industrial	P	P
Research Technology Center	P	P
Mixed Use Employment	P; 20 or fewer employees per shift CD; greater than 20 employees per shift	P; 20 or fewer employees per shift CD; greater than 20 employees per shift



Potential Revisions to Structured Parking Provision:

Currently Proposed Wording

- p. **Structured Parking Required** - For development with off-street vehicle parking requirements in excess of 200 spaces, all parking in excess of the minimum shall be located in underground or structured parking facilities. In such cases, the parking maximum may be increased to 50 percent in excess of the minimum off-street vehicle parking required by Section 4.1.30 below.

Potential Revised Wording

- p. **Structured Parking Required** - All vehicular parking spaces in excess of 200 (250?, 300?) spaces on a development site shall be located in underground or structured parking facilities. Parking associated with development above the first story is exempt from this requirement and need not be part of the 200 (250?, 300?) - space threshold calculation of a development site. Additionally, if all vehicular parking spaces on a development site that are above the minimum number of spaced required are located in underground and/or structured parking facilities, the parking maximum may be increased to 50 percent in excess of the minimum off-street vehicle parking required by Section 4.1.30 below. *Note: Vehicle parking associated with all uses on a particular development site shall be added together when calculating the threshold in this provision.*

NW Ninth Street Polk Ave. to Buchanan Ave.



100 0 100 200 Feet

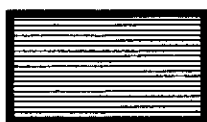
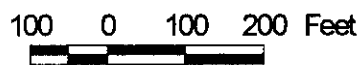


- Rough Building Footprint



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NW Ninth Street Buchanan Ave. to Grant Ave.

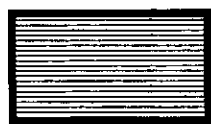
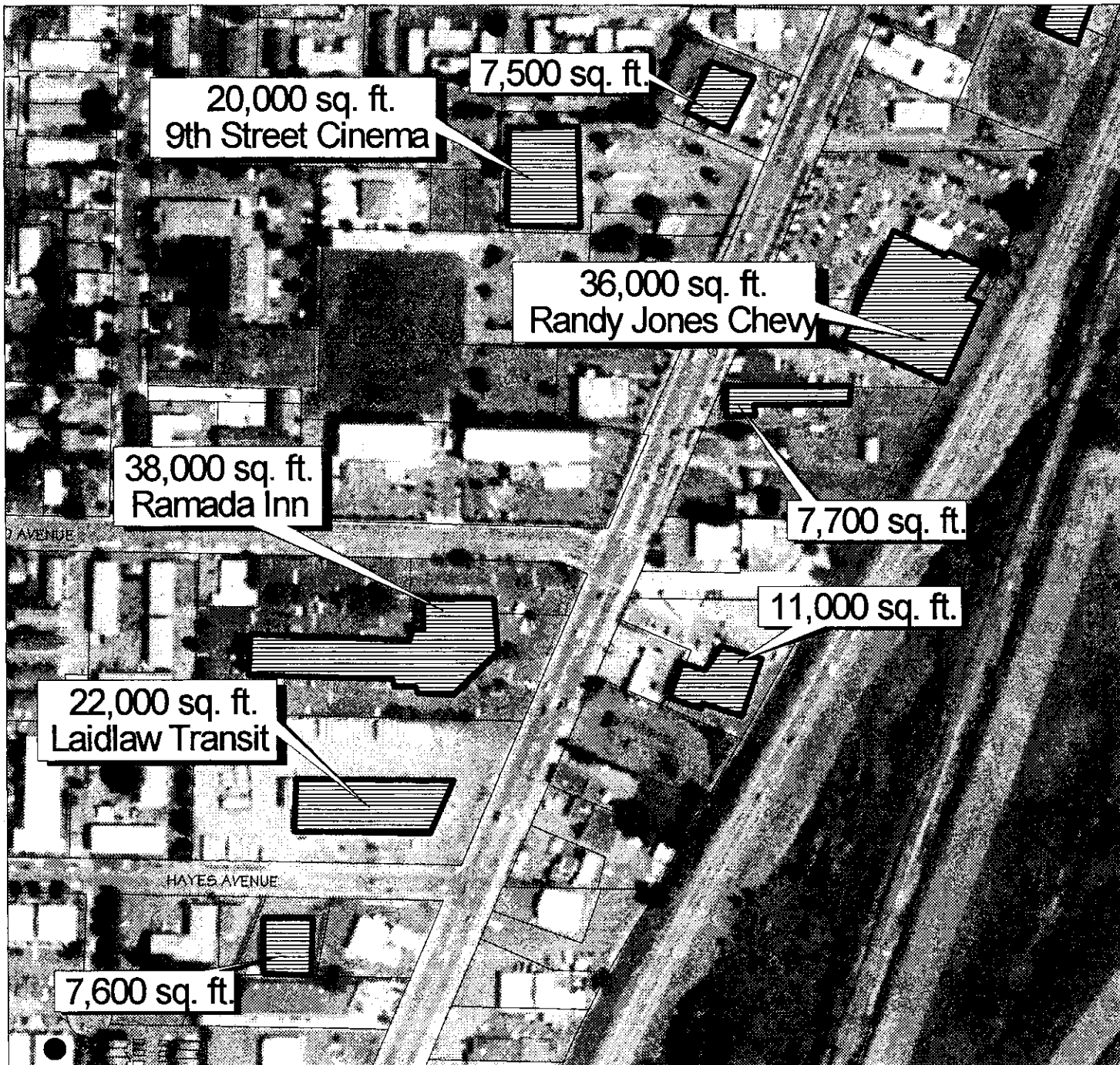


- Rough Building Footprint



11

NW Ninth Street Hayes Ave. to Hobart Ave.

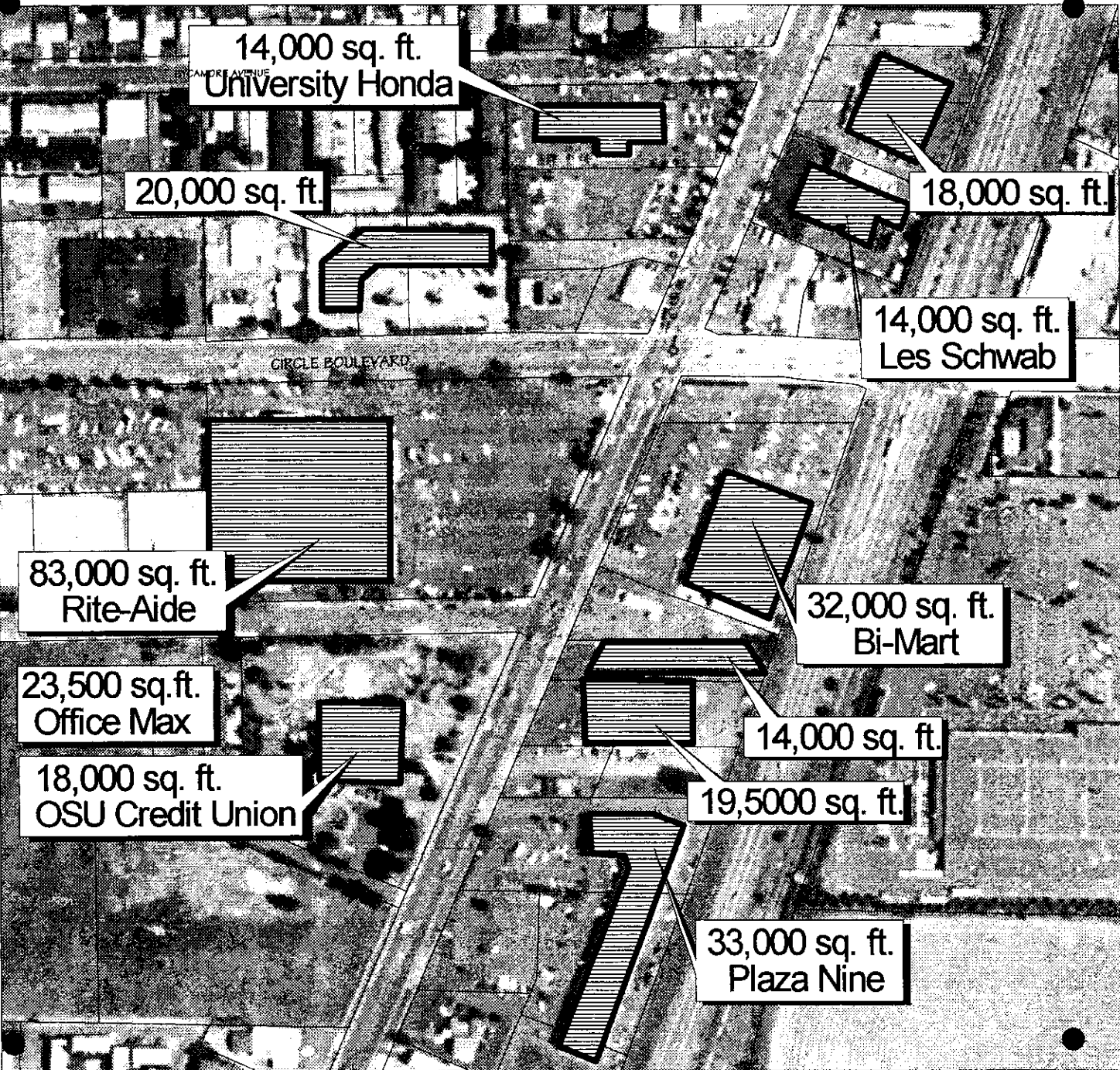


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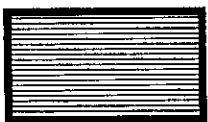
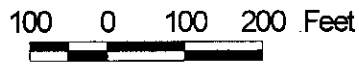


12

NW Ninth Street Plaza Nine to Sycamore Ave.



NW Ninth Street Sequoia Ave. to Walnut Blvd.



- Rough Building Footprint



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RECEIVED

OCT 16 2000

Comm Dev Admin

October 15, 2000

City of Corvallis
501 SW Madison
Corvallis, Oregon 97333

Attention: Members of the City Council

RE: River District Development Standards & Parking Standards

Dear Council Members:

Over the past several months, city staff, consultants, volunteers and citizens have been engaged in the challenging process of updating the City Development Standards. While we applaud the efforts and commitment to the public process we are concerned that some of the standards that are currently being proposed for the River District are moving in the wrong direction.

Starting in 1996, sub-committees of the Riverfront Commission evaluated each of the existing city development and parking standards to see if there were any logical changes that could be applied within the River District to encourage and support this exciting and vital part of the city. After three years of continuous work sessions and review meetings in the public forum of the Riverfront Commission, a new set of development and parking standards were created that made substantive changes to the current city standards. The Riverfront Commission unanimously supported the new standards in the firm belief that these standards would work remarkably well within the River District and that they would help to jumpstart a redevelopment of the vacant or underutilized properties within this District. On the eve of the citywide development standards review process, the Riverfront Commission presented the proposed new River District standards to the city for inclusion in the overall process. With that submission came a strong recommendation from the Riverfront Commission to adopt the standards as presented to staff.

The Riverfront Commission's support for the proposed River District parking and development standards was temporarily sidelined by the threatened overturning of the park plan that had been approved by the City Council and the voters. Following the clear reaffirmation of the Riverfront Park and development plan by the voters, the Riverfront Commission voted again to express our strong support for the parking and development standards as originally adopted by the Commission and presented to the city. The proposed standards are a clear departure from the current development standards that seem to place too much emphasis on the automobile while unintentionally forcing new development to follow the single story strip-mall model. We believe that the current standards are out of sync with the community vision of a compact and multi-use central business district. The proposed standards will alter the present rules and encourage the type of development that numerous groups, public officials, and individuals have indicated are in

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the best interest of the community and a healthy downtown.

We understand that approving the standards proposed by the Riverfront Commission will require a mind shift away from the old and seemingly safe way of controlling projects within the city. If you can open yourself to the possibilities offered by these proposed standards, we believe you will be paving the way for truly creative mixed-use developments in the heart of Corvallis. The envisioned River District development standards promote urban density, reduce reliance upon the auto, open the doors to mixed income housing, and support a range of exciting commercial activities that will fulfill the promise of the River District and the Riverfront Park.

In the past, you have clearly supported these development goals by the strength of your vote. We encourage your continued support of these development goals and ask for your vote to adopt the parking and development standards recommended by the Riverfront Commission.

Respectfully Submitted,



Kevin McCann
Riverfront Commission Co-Chair



Tony VanVliet
Riverfront Commission Co-Chair

RECEIVED

OCT 16 2000

13 October 2000

Comm Dev Admin

Corvallis City Council
Corvallis, Oregon 97330

Land Development Code Work Sessions
Riverfront District – 17 October 2000

Riverfront District Parking Standards

The undersigned encourage the City to consider more aggressive incentives for parking reductions and alternatives in the proposed Riverfront Zone.

The proposed RF Riverfront District outlines a development standard for a unique and essential part of Corvallis. There is opportunity here to progressively implement incentives that will allow the City and the property owners to work toward an advanced urban pattern – one that encourages beneficial results for the community and accommodates the realities of a 21st century pedestrian lifestyle.

In order for this progressive development to occur in Corvallis, there must be a definable incentive that offers an advantage over alternative development opportunities. Parking standards are the incentive – they must be serious to be effective. The original draft proposed by the Riverfront Commission on 11 March 1999 is an excellent basis. Much of the substance has already been incorporated into the current RF Zone draft, but key elements have not been fully developed:

General Parking Requirements

The area standards proposed are timid. A multi-use zone such as this district deserves an opportunity to exercise all the advantages of shared and reduced parking options as well as auto free lifestyles. This is an absolute partnership – the district will not achieve pedestrian scale if the parking is overdone because the expense and area allocation are impossible. Complementarily, pedestrian living does not need suburban scale parking. Here is our opportunity to provide a district that aggressively favors pedestrian activity. Let's give developments with residential mixed uses a break. A 50% reduction of the proposed non-residential standards is a fair invitation – same as the March 1999 draft:

Restaurant	500 sf per parking space
Retail	1300 sf per parking space
Office	1000 sf per parking space
Residential	1 parking space per living unit
Entertainment	12 seats per parking space

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RIVERFRONT DISTRICT PARKING STANDARDS

In-lieu-of parking

The current draft is not definitive. This provision will not be effective unless there are specific criteria which can be tested for a given project. The March 99 draft includes relevant cost references which are fair and applicable, including specifics about value and revenue allocation. These cost/value standards should be adopted along with the "in-lieu-of" paragraph.

Existing Parking Inventory

The offset for parking existing at the initial adoption of the zone is a fair and worthy consideration as an accommodation for increased density.

Bike Parking Incentive

Bicycles provide practical transportation alternatives in all parts of the world. We should encourage their use in Corvallis. A 20% reduction in vehicle parking is a reasonable and inviting level.

FAR Incentives

Since the proposed definition of Floor Area Ratios excludes parking, a typical FAR 3.0 building in the proposed RF Zone will require 6 floors, 3 of which would be parking. With a 75 foot height limit, realistically it is not possible to exceed a FAR of 3.0. This incentive is non-existent. It would be much better provided as an increase in the General Parking Requirement. Even at FAR 2.5, the opportunity is tiny and could not possibly offer a realistic incentive.

Transit

Let's encourage the use of public transit and formulate our rules to take advantage of the resources already in place. Raise the incentive for projects near transit facilities from 5% to 20%.

Structured Parking

An incentive of 2:1 count for structured parking is fair for above grade parking, but underground parking should get added incentive. The cost for underground is about 50% more and underground allows higher densities with less visual impact. Underground parking should be credited 3:1. Also, structured parking should be clarified to include any parking at street grade where the spaces form a part of the structured parking above or below.

Off Site Easement Parking

The Riverfront District offers the possibility to build a compact neighborhood using shared parking resources within the District and the CBD. A 200' proximity to any project in the RF zone is a silly, arbitrary standard and should be discarded. We should encourage parking diversity to its maximum and extend

RIVERFRONT DISTRICT PARKING STANDARDS

off site parking easement credits for RF projects to any location throughout the Downtown.

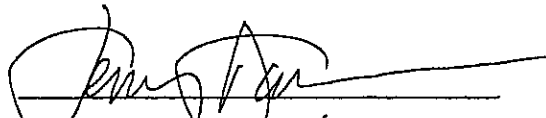
Stall and Circulation Dimensions

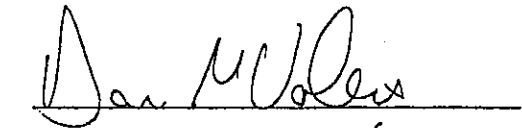
Corvallis has the largest required parking dimensions in the State of Oregon. At 9'x18'-6" stalls and 26' aisles, we are 11% larger than Eugene, for example. Many cities allow smaller stalls and narrower aisles on upper floor garages. Citywide this standard should be revised to a more responsible size – 8'-6" x 18'-0" stalls, 24' aisles are most popular today. Compact car allowances should be increased from 40% to 75%, especially for residential occupancies, or more progressively, oversized vehicle spaces should be limited to 25% and the compact size adopted as the standard. Finally, 14' alleys work just fine throughout the downtown with adjacent head-in parking. Let's acknowledge and support a working standard.

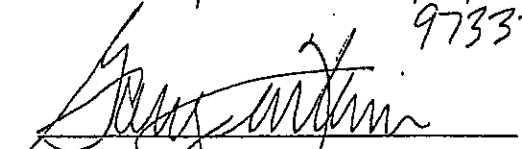
For the RF zone, the following standards allow a reasonably efficient layout within the 100 foot lot modules and should be adopted:


- Standard stalls: 8'-6" x 18' with 24' aisles
- 75% compact spaces at 8'x16' with 20 foot aisles
- One way aisles for angled parking - 13 feet width.
- Alley parking - 14' aisle width.

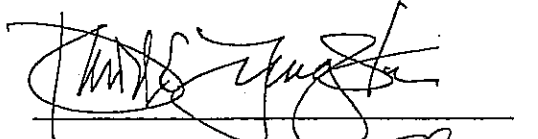
Thank you for considering this important issue.



 3328 SW Long Ave
 97333


 2145 NW Lewisburg Ave


 223 NW 2nd St.


 1061 SW Washington #103


 359 NW Kennebec Place
 97330


 4128 N.W. Pepper tree Pl.

RIVERFRONT DISTRICT PARKING STANDARDS

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OR 97339

Andrea Donovan
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William M.
3116 NE WILLAMETTE AVE
CORVALLIS, OR 97330

Date: 10/12/00

To: The Corvallis City Council - LDC (10/17/00 Commercial-issues work session)

From: Kirk Bailey, PO Box 1702, Corvallis OR 97339, (home phone 753-9051)

Dear Honorable Mayor and City Council:

Since the Planning Commission hearings on the Draft "B" Land Development Code I have had the chance to participate in a number of informative discussions about the commercial impacts of the new LDC. Based on this experience I'm attaching to this letter several possible minor changes to LDC Draft "C" for your consideration. I feel these changes will further improve the flexibility of the LDC and also help address several specific concerns that were raised.

Before I get into the details I wish to reaffirm my strong support for the Corvallis Comprehensive Plan, and more particularly, the emphasis it puts on encouraging functional alternatives to auto-only access throughout our community. Even if it weren't the environmentally sensible thing to do, providing effective pedestrian, bicycle and transit options avoids further discriminating against those who can't, for one reason or other, use a single-occupant-vehicle to accomplish all of life's journeys.

It is my understanding that, like the Planning Commission, the Council received a letter from Mr. Humphreys of Citizens Bank concerning proposed LDC changes. In this same vein I'm attaching a copy of a report commissioned by Bank of America that looks at what will be required for sustainable economic growth in the future. While I feel that our new Comprehensive Plan and Draft LDC are very much in step with the conclusions of this report, the report also includes a number of other good ideas that merit review.

I hope to attend your work session on the 17th and plan on making myself available to answer any questions you might have. Thanks for the read!

Sincerely,

A handwritten signature in cursive script that reads "Kirk Bailey".

Kirk Bailey

Possible Draft "C" LDC Changes

The following suggestions are organized by the issue they address. While I can't take credit for most of the ideas, I do take responsibility for any flaws in the proposed implementation language. Better ideas welcome!

Building Orientation

1. At the Planning Commission hearing language was added to the LDC PODS section to indicate that expansions of existing structures that "headed the right way" (i.e. towards the street), could be used to satisfy the applicable PODS maximum-setback criteria. While this remains a good way of "gradually getting there", it doesn't provide a way for a structure to expand the "wrong way" (except through one of the several "exception" review procedures). While it can be argued that such an expansion degrades the pedestrian environment, I feel a good case can be made that it should be permitted for existing structures if the use of the new expansion is one that isn't open to the "public". In conversations with business owners, uses such as a "storage shed" and "car body shop" were among the possible expansions mentioned that this change could help address. One way to word this would be to modify 4.10.70.01.c.1 slightly:

4.10.70.01.c.1 Must choose at least 2 standards from section 4.10.70.02 - Building Orientation (this criterion does not apply if the expansion/enlargement is an upper story addition only). If the expansion/enlargement is for space not open to customers or the public only one standard from section 4.10.70.02 need be selected.

2. One concern raised about requiring parking to be behind the building (or to the side), is that unless the entrance is placed on the corner it requires that businesses have two entrances so that both street and parking lot access is convenient. For very small business this could be a burden, particularly for structures developed in less pedestrian-oriented times. One option would be to modify 4.10.20.02.b slightly:

4.10.70.02.b Entrances. All sides that face an adjacent (public or private) street include at least one customer entrance. When the site is adjacent to more than one street, corner entrances at an angle of up to 45 degrees (from the largest of the two adjacent streets) may be substituted for separate entrances on adjacent streets. When the building does not have frontage along an adjacent street, direct pedestrian access to the street may be achieved by a sidewalk or courtyard connecting to a street no further than 100 feet from the building's pedestrian entrance. Buildings of less than 3000 square feet, fronting only one street, may provide the customer entrance on the side of the building in lieu of the front, as long as a sidewalk or courtyard provides a direct pedestrian connection of less than 50 feet between the entrance and the street.

Business "Shadowing"

3. Another concern expressed was that new construction oriented to the street will "shadow" (in a commercial sense), existing businesses that are set farther back. While it may be possible for some of the businesses "shadowed" in this fashion to themselves expand towards the street, this won't be possible (or desired), by all. An alternative that seems to improve the pedestrian environment, while still moving the new building farther away from the street, would be to encourage the option of implementing an appropriate park strip between the street and the sidewalk and moving the building back a corresponding amount. For 9th Street (an arterial), this would allow an additional 12' of building setback. As far as I can tell this is already permitted by the wording of 3.19.40.5, but perhaps it should be made more explicit?

4. Another approach to solving the "shadowing" problem would be to allow businesses that suffer this some additional flexibility in terms of street signage. Currently free standing signs can be no closer than 100' apart (4.7.80.02.a). The code language could be changed in the following manner:

4.7.80.02.a Minimum separation between free-standing signs on the same side of the public right-of-way shall be 100'. In cases where street visibility of a business in a conforming structure established prior to Dec 31, 2000 is significantly reduced due to new construction on adjacent property, and the 100' minimum separation otherwise precludes any street signage associated with the structure, a single monument-style sign a maximum of 8' high and 32 square feet in area, which otherwise meets the requirements of Chapter 4.7, is permitted.

Intensity of Use

5. In areas where property owners desire significantly greater intensity of commercial development than permitted within the MUCS zone, consider adding one or more minor or major neighborhood centers. One obvious drawback is that during the committee review process serious concerns were raised that we already have so much commercially-zoned property available that the viability of the existing neighborhood centers and the downtown are threatened. The best way to handle this might be as part of normal application for a minor/major neighborhood center zone change?

6. Another concern raised is that the MUCS zone doesn't permit large uses or structures without a discretionary review. While this is intentional since Comprehensive Plan policy 13.12.12, for example, directs that large retail uses be located in major neighborhood centers (also see policy 8.10.7 for the hierarchy of commercial uses City-wide), this adds to the uncertainty of the MUCS development process. One possible way to mitigate the uncertainty would be to expand what can be done with a "Planned Development" to include the possibility of providing several "options" which could be approved as a package. Once approved, any of the "options" could be implemented depending on what a specific potential retailer desired. Presumably this would be limited to a fixed number of options and wouldn't permit "mixing & matching" of features (so as to avoid conflicts with the requirement to have "clear & objective" standards). While this has been informally part of at least one Planned Development approved in the past it seems that making it a "formal" option in the process would extend the possible benefits to more applicants. While I can see a couple of spots in Chapter 2.5 to add a note to this effect, I feel that the actual wording should probably be developed by Staff since they will have to integrate the various possibilities into the overall application process.

Miscellaneous

7. One item that accidentally got left off the Planning Commission discussion list is the issue of the missing maximum building footprint size for the MUGC zone. I feel that having a reasonable limit is important for a number of reasons, including pedestrian connectivity and the viability of the neighborhood centers (and Downtown!) My recommendation would be to match the Major Neighborhood center size of 55,000 square feet with an additional allowance for outside storage (given the nature of the zone).

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Beyond Sprawl: New patterns of growth to fit the new California

Sponsor's Note:

This report suggests new ideas about how California can continue to grow while still fostering the economic vitality and quality of life that makes it such a vibrant place to live and work. It is sponsored by a diverse coalition - the California Resources Agency, a government conservation agency; Bank of America, California's largest bank; Greenbelt Alliance, the Bay Area's citizen conservation and planning organization; and the Low Income Housing Fund, a nonprofit organization dedicated to low-income housing.

The fact that such a diverse group has reached consensus on the ideas in this report reflects how important the issue of growth is to all Californians. We hope this report will make a meaningful contribution to the public dialogue about the quality and direction of California's growth in the 21st century.

California is at a unique and unprecedented point in its history — a point at which we face profound questions about our future growth that will determine the state's economic vitality and quality of life for the next generation and beyond.

One of the most fundamental questions we face is whether California can afford to support the pattern of urban and suburban development, often referred to as "sprawl," that has characterized its growth since World War II.

There is no question that this pattern of growth has helped fuel California's unparalleled economic and population boom, and that it has enabled millions of Californians to realize the enduring dream of home ownership. But as we approach the 21st century, it is clear that sprawl has created enormous costs that California can no longer afford. Ironically, unchecked sprawl has shifted from an engine of California's growth to a force that now threatens to inhibit growth and degrade the quality of our life.

This report, sponsored by a diverse coalition of organizations, is meant to serve as a call for California to move beyond sprawl and rethink the way we will grow in the future. This is not a new idea, but it is one that has never been more critical or urgent.

Despite dramatic changes in California over the last decade, traditional development patterns have accelerated. Urban job

25

centers have decentralized to the suburbs. New housing tracts have moved even deeper into agricultural and environmentally sensitive areas. Private auto use continues to rise.

This acceleration of sprawl has surfaced enormous social, environmental and economic costs, which until now have been hidden, ignored, or quietly borne by society. The burden of these costs is becoming very clear. Businesses suffer from higher costs, a loss in worker productivity, and underutilized investments in older communities.

California's business climate becomes less attractive than surrounding states. Suburban residents pay a heavy price in taxation and automobile expenses, while residents of older cities and suburbs lose access to jobs, social stability, and political power. Agriculture and ecosystems also suffer.

There is a fundamental dynamic to growth, whether it be the growth of a community or a corporation, that evolves from expansion to maturity. The early stages of growth are often exuberant and unchecked — that has certainly been the case in post-World War II California. But unchecked growth cannot be sustained forever. At some point this initial surge must mature into more managed, strategic growth. This is the point where we now stand in California.

We can no longer afford the luxury of sprawl. Our demographics are shifting in dramatic ways. Our economy is restructuring. Our environment is under increasing stress. We cannot shape California's future successfully unless we move beyond sprawl.

This is not a call for limiting growth, but a call for California to be smarter about how it grows — to invent ways we can create compact and efficient growth patterns that are responsive to the needs of people at all income levels, and also help maintain California's quality of life and economic competitiveness.

It is a tall order — one that calls for us to rise above our occasional isolation as individuals and interest groups, and address these profound challenges as a community. All of us — government agencies, businesses, community organizations and citizens — play a role. Our actions should be guided by the following goals:

- To provide more certainty in determining where new development should and should not occur.
- To make more efficient use of land that has already been developed, including a strong focus on job creation and housing in established urban areas.
- To establish a legal and procedural framework that will create the desired certainty and send the right economic signals to investors.
- To build a broad-based constituency to combat sprawl that includes environmentalists, community organizations, businesses, farmers, government leaders and others.

Californians are already taking some of these steps. We have attempted in this report to not only point out the obstacles to sustained growth, but also to highlight the positive actions that are occurring to better manage growth. Our fundamental message is that we must build on these early successes and take more

comprehensive and decisive steps over the next few years to meet this challenge. To build a strong, vibrant economy and ensure a high quality of life for the 21st century, we must move beyond sprawl in the few remaining years of the 20th century.

INTRODUCTION

California is at the crossroads of change.

Our economy is emerging from its worst downturn in 60 years — a downturn that has required nearly all of the state's major industries to retool for greater competitiveness in a global marketplace. Our demographic profile is changing dramatically. New racial and immigration patterns are rapidly producing a truly multicultural society, creating a variety of related social and economic issues. At the same time, California has emerged as one of the most urbanized states in the union, as our metropolitan areas continue to grow in population and scale.

In the face of this change, California remains shackled to costly patterns of suburban sprawl. Even as our economy and our society are being reinvented daily, we continue to abandon people and investments in older communities as development leap-frogs out to fringe areas to accommodate another generation of low-density living. And we continue to create communities that rely almost exclusively on automobiles for transportation. In short, the "new" California — with 32 million people and counting — is using land and other resources in much the same fashion as the "old" California, with only 10 million people.

We cannot afford another generation of sprawl. As the Governor's Growth Management Council stated in a recent report: "What may have been possible with 10 or even 20 million people is simply not sustainable for a population of twice that much in the same space." Continued sprawl may seem inexpensive for a new homebuyer or a growing business on the suburban fringe, but the ultimate cost - to those homeowners, to the government, and to society at large — is potentially crippling. Allowing sprawl may be politically expedient in the short run, but in the long run it will make California economically uncompetitive and create social, environmental and political problems we may not be able to solve.

At a time when economic growth is slow and social tensions are high, it is easy to dismiss an issue like suburban sprawl as superfluous. Yet it lies at the heart of the very economic, social and environmental issues that we face today. Rapid population growth and economic change are occurring in a state increasingly characterized by a limited supply of developable land, environmental stress at the metropolitan fringe, and older communities in transition. With the onset of economic recovery, the next few years will give rise to land-use decisions of fundamental importance. They will help determine whether our state can succeed in re-establishing the economic and social vitality that have made it such a successful place to live and work for more than 140 years.

Suburban Sprawl and the "old" California

In the decades after World War II, California emerged as an economic and political powerhouse, providing jobs, housing and prosperity for most of its rapidly growing population.

Underlying this success was a development pattern that emphasized expanding metropolitan areas, conversion of farmland and natural areas to residential use, and heavy use of the automobile. In the postwar era, this way of life worked for California. With a prosperous and land-rich state, most families were able to rise to the middle class and achieve the dream of home ownership. Government agencies and private businesses were able to provide the infrastructure of growth — new homes, roads, schools, water systems, sewage treatment facilities, and extensions of gas and electric distribution.

Within the last generation, however, this postwar formula for success has become overwhelmed by its own consequences. Since the 1970s, housing has become more expensive, roads have become more congested, the supply of developable land has dwindled, and, because of increasing costs, government agencies have not been able to keep up with the demand for public services.

Since the late 1970s, several efforts have been initiated to address the question of how to manage California's growth, but all have failed — some for lack of consensus, some for lack of engaged constituency, some simply because of bad timing.

The challenge of the "new" California

In the 1990s, California is undergoing change of such scale and significance that it will literally redefine the state. To succeed, the new California must recognize and build upon the following changes in positive ways.

Population growth

California's population continues to grow at a remarkably fast pace. Today's total of approximately 32 million people represents a doubling of the population since the mid-1960s, when California became the nation's most populous state.

During the boom years of the 1980s, California added more than 6 million new residents, a population larger than all but a few of the 49 other states. Even during the bust years of the early 1990s, the state's population grew at a rate of almost a half-million people per year - in effect, adding another Oakland or Fresno every year - even as we have suffered a net loss in the number of jobs.

This continuing surge in population puts pressure on both existing communities and on the remaining supply of undeveloped land, making it extremely difficult for traditional suburban patterns to accommodate more people.

Changing demographics

While growing rapidly, California's population is also changing in significant ways. The demographic changes are well documented. Latinos — whose roots extend to Mexico, Central America, South America, and the Caribbean — are growing rapidly in number and may outnumber Anglos a generation from now. Californians of Asian ancestry now make up almost 10 percent of the population. African-Americans remain an important racial group, and the state's mosaic is rounded out by Native Americans, immigrants from South Asia and the Middle East, and others who bring great

diversity to the state. California is truly one of the world's most multicultural societies.

Underneath the racial diversity lies another important change in the state's population patterns that will have a profound effect on California's attitudes toward growth over the next generation. Traditionally, the popular perception has been that California's population grows because of migration from other parts of the United States. However popular, this perception is no longer true. Most new Californians now come from other countries, principally in Latin America and Asia.

The birth rate is also an increasing source of population growth. During the 1990s recession, "natural increase" — the net total of births over deaths — has accounted for almost 400,000 new people each year. Tomorrow's California will include — for the first time — a vast pool of people who are Californians from birth. They will want what Californians before them have wanted — education, jobs and housing. Most will expect the state to find a way to accommodate them. But their numbers are so huge that they probably cannot be sustained by traditional suburban development patterns.

Economic change

During the recession, California has undergone an unprecedented economic restructuring. The state has lost 400,000 manufacturing jobs since 1990, causing businesses and workers alike to rethink old assumptions about how to ensure prosperity.

Traditional foundations of the state's economy, such as aerospace and defense, have been drastically reduced and will probably never return, at least not in their previous form. Others — such as entertainment, technology, the garment industry and agriculture — remain just as important as ever. But they too have undergone tremendous change, becoming leaner and more efficient in response to global competition. And small businesses remain the largest source of new job creation. In the near future, the impact of the North American Free Trade Agreement will begin to be felt.

These economic changes are also putting pressure on the state's land-use patterns. The loss of manufacturing jobs is emptying out the state's long-established industrial areas, usually located in older communities. Downsizing and technological change in other industries is also rendering older buildings obsolete and creating a demand for new buildings — often in new suburbs — that are both inexpensive and flexible. The closure of many military bases is bringing a huge amount of land to the real estate market that will either extend sprawl or encourage new development patterns, depending on how that land is used.

Spreading urbanization

In response to both demographic and economic pressure, California has become the most urbanized state in the union. According to the 1990 Census, more than 80 percent of all Californians live in metropolitan areas of 1 million people or more, with 30 percent of the state's population living in Los Angeles County alone.

This large-scale urbanization means that California's people and

businesses compete intensely with each other for space to live and work. The edges of metropolitan areas continue to grow to accommodate expansion of population and economic activity, while some neglected inner-city areas are left behind. These patterns increase the stress of daily life while, at the same time, put more pressure on land and environmental resources at the metropolitan fringe.

SPRAWL AND ITS CAUSES

All of these factors — a growing population, a changing economy, and increased urbanization — have been present in California for many years. But they have accelerated in the 1990s, while traditional suburban development patterns have continued. In a state with such powerful growth dynamics, the results are astonishing. The following trends are typical of the effects of sprawl over the last 10 to 20 years:

- Employment centers have decentralized dramatically. While jobs used to be concentrated in central cities, most are now created in the newer suburbs. For example, the complex of office centers around John Wayne Airport in Orange County — built on land that was, until a generation ago, cultivated for lima beans — recently surpassed downtown San Francisco as the second-largest employment center in the state.
- New housing tracts have pushed deeper into agricultural and environmentally sensitive areas. Job centers in suburban San Jose and the East Bay area have opened up Tracy, Manteca, Modesto, and other Central Valley towns as “bedroom suburbs,” while job growth in the San Fernando Valley has stimulated housing construction 40 miles to the north in the Antelope Valley. This development has created metropolises virtually unmanageable in size.
- Dependence on the automobile has increased. According to the California Energy Commission, between 1970 and 1990 the state’s population grew by 50 percent, but the total number of miles traveled by cars and trucks grew by 100 percent.
- Isolation of older communities, including central cities and “first wave” suburbs built in the 1940s and 1950s, has increased. Easy mobility for the middle class has caused them to abandon many older neighborhoods, disrupting social stability and increasing the economic disparity between older communities and newer suburbs. The decentralization of jobs has hit older neighborhoods especially hard, because new jobs are now virtually inaccessible to the poor and the working class. Also left behind are infrastructure investments, which are tremendously expensive to replicate in new suburbs.

Even though the consequences of sprawl have been understood for at least two decades, attempts to combat it have been fragmented and ineffective. The engine of sprawl is fueled by a mix of individual choices, market forces, and government policies, most of which have only become more entrenched over time. These forces include:

- A perception that new suburbs are safer and more desirable than existing communities. Many people believe that suburbs provide them with good value — safe streets,

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neighborhood schools, a "small-town" atmosphere, close proximity to their local governments, and new (though not necessarily better) community infrastructure.

- A perception that suburbs are cheaper than urban alternatives. Owning a starter home in a distant new suburb is still within the financial reach of a typical family, despite the increased commuting costs. The family's financial equation, however, does not take into account the larger cost to society of far-flung suburbs — a cost the family will eventually share in paying.
- A belief that suburban communities will give businesses more flexibility to grow. Businesses welcome the tax incentives and freedom from heavy regulation that are often provided in newer suburban communities trying to develop a strong business base. Businesses also view suburban locations as safer — a view reflected in the cost of insurance — and they perceive they will have access to a better-educated work force.
- Technological changes that have decentralized employment away from traditional centers. This phenomenon permits dispersal of both jobs and houses across a huge area. The emergence of the "information superhighway" may accelerate this trend.
- Highway and automobile subsidies that have traditionally fueled suburban growth remain in place today. Since the 1950s, automobile use has been encouraged by government-financed road-building programs, and for the most part the "external costs" of automobile use (i.e., air pollution) have not been the direct financial responsibility of the individual motorist.
- Local land-use policies that inadvertently cause sprawl. In many older suburban communities, "slow-growth" attitudes restrict new development, pushing employment and housing growth to the metropolitan fringe. With a lack of regional planning, each community pursues its own self-interests, regardless of costs imposed on other communities.
- Fiscal incentives that encourage local governments to "cherry-pick" land uses based on tax considerations. Under Proposition 13's property-tax limitations, there is little fiscal incentive for many communities to accept affordable housing and when such housing is built, developers must usually pay heavy development fees. Meanwhile, because communities must raise revenues to provide mandated services, auto dealers and retailers, both big sales-tax producers, receive subsidies to locate in communities.

The result of all these factors is a severe regional imbalance. Housing, jobs, shopping, and other activities are scattered across a huge area and long auto trips are often required to connect them. Such a development pattern imposes a considerable cost on all who use it, though the costs are often hidden and those who pay them are not always aware of it.

THE COST OF SPRAWL

The cost and consequences of sprawl have been documented among academics and planning experts for more than two decades. In the early 1970s, planning consultants Lawrence Livingston and John Blayney produced a landmark study showing that in some cases, a California community would be better off financially if it used a combination of zoning and land acquisition instead of permitting development of low-density subdivisions. A

few years later, the U.S. Council on Environmental Quality produced its landmark report, *The Cost of Sprawl* — the first comprehensive analysis of sprawl's true expense to society. As fiscal and cost-benefit analysis techniques have become more refined, the true cost of sprawl has become much more apparent. Today, no one in California is unaffected by the cost of sprawl. Its consequences spread across all groups, regardless of geography, race, income, or political status.

Taxpayers

Sprawling suburbs may be cheaper in the short-term for individuals and families who buy houses in new communities, but their "hidden" costs may ultimately be passed on to taxpayers in a variety of ways.

- The cost of building and maintaining highways and other major infrastructure improvements to serve distant suburbs.
 - The cost of dealing with social problems that fester in older neighborhoods when they are neglected or abandoned.
 - The cost of solving environmental problems (wetlands, endangered species, air pollution, water pollution) caused by development of virgin land on the metropolitan fringe.
- Taken together, it is clear that all these costs have contributed to California's dire fiscal situation during the 1990s, which has strained state and local government budgets to the breaking point.

Businesses

Many businesses benefit from suburban locations. But all businesses, both small and large, also bear many of the following costs:

- Adverse impacts on the state's business climate. By reducing the quality of life, sprawl has made California a less desirable location for business owners and potential employees. By increasing suburban resistance to further growth, sprawl has made it difficult for businesses to relocate and expand in California. Both these trends increase the attractiveness of neighboring states such as Arizona, Nevada, and Utah. For example, a major film studio recently decided to relocate its animation facility to Arizona, principally because of lower housing prices and less traffic congestion.
- Higher direct business costs and taxes to offset the side-effects of sprawl. This can include the cost of new business infrastructure or of mitigating transportation and environmental problems. For example, in many metropolitan areas, air-quality regulators have forced businesses to take the lead in fighting air pollution by initiating carpooling programs for their employees.
- A geographical mismatch between workers and jobs, leading to higher labor costs and a loss in worker productivity. Many workers must now commute long distances to their jobs, which takes a significant toll on their personal, family and professional life. Many other workers are removed from large portions of the job market simply because they cannot get to where the new jobs are.
- Abandoned investments in older communities, which

become economically uncompetitive because of sprawl and its associated subsidies. This is especially true of the state's utility companies, whose investments in gas, electric and water infrastructure are literally rooted in established communities.

Residents of new suburbs

There is no question that new suburban residents are, in many ways, the principal beneficiaries of suburban sprawl. They often live in new and affordable neighborhoods which they perceive as safe and prosperous. Yet many suburban residents are becoming increasingly aware that they pay a high price for these benefits in the following ways:

- The cost of automobiles. The average Californian spends one dollar out of every five on buying and maintaining their cars. As a consequence they have less to invest or spend on other items.
- Time lost commuting to work and other destinations. A huge number of Californians now spend an hour or more per day in their car, and the number continues to rise. A recent survey by the Walnut Creek-based Contra Costa Times showed that the commute times for residents of 10 cities in Alameda and Contra Costa counties had increased an average of 13 percent between 1980 and 1990.
- The cost of new suburban infrastructure. Suburbs are often perceived as "low-tax" locations, when, in fact, most new suburban homebuyers in California must pay additional taxes (usually Mello-Roos taxes) to cover the massive cost of new roads, schools, and other infrastructure required in new communities. These additional taxes often have the effect of doubling a new homeowner's property tax bill.

Residents of central cities and older suburbs

Residents of central cities and older suburbs are among the biggest losers in the sprawl process. Once they were among the most fortunate of metropolitan dwellers, because their central location provided access to jobs, shopping, and other amenities. However, sprawl has penalized them by creating or accelerating the following trends:

- Loss of jobs and access to jobs. Residents of older neighborhoods no longer have convenient access to most jobs. This is especially difficult for poor and working-class citizens who must rely on public transportation, because it is difficult to commute to most suburban jobs without a car.
- Economic segregation and loss of social stability. By luring middle-class residents from older neighborhoods, sprawl creates destructive economic segregation and robs those neighborhoods of the social stability that will keep them viable. The distribution of income becomes more skewed, and it becomes increasingly difficult for low-income people to escape poverty.
- Underutilized or abandoned investments. Businesses are not the only entities whose investments can become stranded when city neighborhoods decline. Individual homeowners and small shopowners can also see a stagnation or decline in property values. And this trend is

not only visible in the inner city. Huge investments in older suburban shopping centers, for example, are now threatened because these centers are perceived as uncompetitive.

- Shifts in political power and government services. By removing the middle class of all races from older communities, sprawl makes it easier for that middle class to ignore the political and social problems left behind. Thus, revenues fall and it becomes more difficult for older neighborhoods — urban or suburban — to maintain government services, and the incentive for home ownership required to provide the foundation for prosperity.

Farmers

Agriculture remains one of California's leading industries. Yet sprawl continues to take a heavy toll on California agriculture in the following ways:

- A permanent loss of agricultural land. Between 1982 and 1987, the Central Valley — California's leading agricultural region — lost almost a half-million acres of productive farmland. Some of this land can be replaced by bringing new land into agricultural production, but often at a high economic and environmental cost. Also, many of California's micro-climates support unique agricultural products that cannot be replaced by land in other areas. Highly productive coastal agricultural lands lost to sprawl cannot be replaced at any cost.
- A loss in productivity due to pollution. Sprawl-induced ozone pollution alone can reduce crop yields by as much as 30 percent. According to the Agricultural Issues Center at UC Davis, pollution-induced costs to agriculture exceed \$200 million per year.
- A decline in farm communities. As sprawl has eroded agricultural production, the effect on farm communities has been devastating. In some cases, rural communities have been transformed into bedroom suburbs, creating destructive commuting patterns while destroying agriculture infrastructure and productivity.
- Long-term uncertainty. Sprawl destabilizes agriculture by creating the temptation to "sell out." The prospect of eventual sale to a developer reduces incentives for farmers to make long-term capital investments. In many cases, farmers stay afloat financially only by borrowing against the speculative value of their farm for development — creating a self-fulfilling prophecy of sprawl. Another uncertainty for farmers arises from increased demand for water for urban uses driven by sprawl patterns.

The Environment

Traditional development patterns have taken a massive toll on all three basic elements of the natural environment: land, air, and water.

- Land: After 50 years of sprawl, California's metropolitan areas are enormous, reaching deep into natural ecosystems that were thriving even a generation ago. Some 95 percent of the state's wetlands have been destroyed over the last

200 years, and the few wetlands that remain are threatened. Also, California now has the highest number of candidate and listed endangered species of any state — partly because sprawl is affecting the state's unmatched diversity of biological systems. Sprawl makes it more difficult to resolve these land conservation issues by putting tremendous development pressure on the supply of remaining open land. Finally, sprawl compromises one of the most essential assets of California — the beauty and drama of its landscape. Far from being just a luxury, this value of open space is an important component in the state's ability to attract and hold workers and investors.

- **Air:** California has the worst air quality in the nation, and air pollution experts estimate that a third of all air pollution emissions are traceable to car and truck emissions exacerbated by longer commutes and higher auto use. The South Coast Air Quality Management District, which has the strictest air-pollution regulations in the country, estimates that air pollution in the four-county Los Angeles area costs \$7.4 billion per year, or about \$600 per resident. Dramatic gains in pollution technology are likely to be offset by further sprawl. According to air pollution expert J.V. Hall, "The benefits of pollution-reduction technology can easily be overwhelmed by our choices about where to live and work, about modes of travel, and about how many miles we drive."
- **Water:** Sprawl takes a serious toll on California's water supply. Forty of the state's 350 groundwater basins are seriously overdrafted, and water planners predict that by 2020 the state will face a water supply deficit of between 2 million and 8 million acre-feet. Though not the sole cause, fringe development does make the water issue more expensive and complicated to manage.

BEYOND SPRAWL

In the postwar era, the continuous cycle of suburban sprawl — counter-productive as it was in many ways — actually helped to fuel California's prosperity, as consumption of new houses and new cars became one of the bases of our prosperity. It is clear, however, that the new California cannot sustain old patterns of urban development, if the state is to prosper in the future.

The sponsors of this report — Bank of America, the California Resources Agency, Greenbelt Alliance, and the Low-Income Housing Fund — firmly believe that California cannot succeed unless the state moves beyond sprawl. Strong policy direction from our political leaders on both the state and local level is essential. But government policies alone will not help California move forward. Our businesses, our community groups, and our citizens must also take the initiative. We must understand how sprawl affects each of us individually, how it impedes the state's progress, and how it could make a prosperous future more difficult to achieve.

Population growth will require some degree of development on the suburban fringe. The question is whether we will be able to use existing urban and suburban land more efficiently in order to minimize sprawl and protect valuable open spaces. The answers will lie in our ability to attract housing and businesses to older urban and suburban areas and to channel development on the fringe to achieve the desired protection and economic benefits.

California businesses cannot compete globally when they are burdened with the costs of sprawl. An attractive business climate cannot be sustained if the quality of life continues to decline and the cost of financing real estate development escalates. People in central cities and older suburbs cannot become part of the broader economy if sprawl continues to encourage disinvestment, and the state can neither afford to ignore nor fully subsidize these neglected areas.

California must find a new development model. We must create more compact and efficient development patterns that accommodate growth, yet help maintain California's environmental balance and its economic competitiveness. And we must encourage everyone in California to propose and create solutions to sprawl.

A do-nothing approach, in effect, constitutes a policy decision in favor of the status quo. This, in fact, has been the de facto direction for the last generation. While the state and the regions have created a leadership void in this area, many local governments have stepped in with their own policies, which often have served to promote sprawl rather than prevent it. Recent research has shown that individual local growth — control policies do not stop development, but merely deflect it - often to another area further out on the metropolitan fringe, where the cost of development is even greater. The question is not whether to address sprawl. The question is how to address it.

In the early 1990's, the California Legislature convened a consensus project on growth management, and in 1991 Governor Wilson formed a cabinet-level council charged with developing a plan on how the state should address the challenge. A great deal of good work was done and agreement was reached in some areas. These processes did not result in legislative action, but a good foundation of understanding has been established.

As was stated at the outset, this report is not meant to be a manual or a tactical "how-to" on changing development patterns in California. Rather, it is meant as a wake-up call to all Californians that the sprawl issue has a new urgency in the state, and that all of us can play a role in addressing the problem.

To succeed, we will have to set aside individual interests, build on the foundation that has been laid, and work for the good of the whole. We need to address sprawl through community action, public policy, private business practices, and individual behavior. It is our intent that the ideas and examples that follow will be used as a basis for further refinement and concerted action.

First, more certainty is needed in delineating where new development should and should not occur. Sprawl occurs partly because current policy constrains the real estate market by rewarding "leapfrog" development driven by cheaper and more easily developed land on the metropolitan and suburban fringe. The alternative is to be more explicit about conservation and development priorities, targeting actions and policies for better integration of the two.

Using this approach means utilizing land at the suburban fringe more efficiently and encouraging the reuse of land and other

development opportunities in already developed areas. It does not mean stopping growth at the fringe, but doing it at density levels that will not promote further sprawl. To succeed, this approach needs more effective public policies encouraging such compact growth and removing barriers to it.

However, the other side of certainty for developers requires commitments to conserve ecologically important habitats and other open space. Accelerating statewide planning efforts such as Natural Communities Conservation Planning (NCCP), which involves voluntary action at the local level and requires consensus among development, environmental, community and local government interests, will enhance our ability to provide greater environmental and economic certainty regarding new development. With its emphasis on biological assessment, ecosystem protection and compatible economic development, NCCP can provide much greater certainty to both those who want to develop their property and those who want to protect the natural environment. Broader use of mitigation banks can facilitate market-based compensation to landowners who choose to help protect ecologically valuable land.

Conservation of other habitat and open space, such as prime agricultural land, will also require us to find creative approaches like the NCCP process. The newly established California Environmental Resources Evaluation System (CERES) will help this process by expanding access to data about important resources in the state.

Regardless of the methods used, much of the leadership for providing greater certainty for conservation and development must come from the state, regional agencies, and local governments working together. But private businesses also have a critical role. Especially in difficult economic times, real estate developers and their lenders know that certainty of approval and availability of infrastructure, rather than speculative leapfrogging, will reduce costs and reduce processing time. Thus, new real estate developments can be brought to market more quickly and cheaply within areas where effective consensus plans for conservation and development have been created.

Second, we should make more efficient use of land that has already been developed. Older urban and suburban neighborhoods should be reinforced as good places to live and do business, and the process should take place without displacing low-income residents. Sprawl occurs partly because of the perception that older neighborhoods are dangerous, expensive, obsolete, unpleasant, or otherwise unacceptable to those who have the option of leaving. The result is a tragic neglect of both people and capital investments.

Older neighborhoods must be maintained and improved so they are again desirable places to live and work. Old Town Pasadena, the South of Market area in San Francisco, and the train depot reconstruction in Sacramento are all prime examples of successful restoration projects. Better school systems, job training and access to capital for small businesses are prerequisites. These efforts require a combination of government policy initiatives, active business investment, and special efforts by individuals and community groups.

Attracting jobs is absolutely critical. State and local governments

should adopt land-use and transportation policies that reinforce investments in older neighborhoods. Incentives must be developed for job-creating businesses, homebuyers, and others willing to invest in older neighborhoods. For example, Superfund laws can be made more sensible so existing industrial sites can be recycled into new uses. Investors can make more aggressive use of low income housing tax credits. Wider use can be made of Enterprise Zones. And tax credits or other incentives can be established for lending and equity investments that support small businesses and job growth. Development on the fringe imposes infrastructure, pollution and social costs well in excess of assessed development fees. If we rationalize development and control the costs of sprawl, it will free up capital that can be reinvested into existing cities and suburbs.

Older communities themselves need to make their neighborhoods attractive to job creating and housing investments. Individuals and community groups in those areas should redouble their efforts to improve the quality of urban life in small ways, for example, by forming community-based crime prevention groups and supporting local community development efforts that will enhance their neighborhoods.

Home ownership at all income levels needs to be encouraged. In general, those who own homes have the greatest interest in maintaining neighborhood vitality. Public policy should support methods of keeping low-income people from displacement through development of affordable housing (both home ownership and rental) and provision of supportive services. Also if developers are to provide quality housing in existing neighborhoods, they need protection from frivolous environmental and product liability suits.

The closing of military bases in California offers interesting potential for development. Bases have substantial potential as alternatives to building houses and job centers on the suburban fringe. While there are problems associated with redeveloping many bases, they also have excellent potential for showcasing how to resolve difficult urban rebuilding strategies.

Third, a legal and procedural framework should be established to create the desired certainty and send the right economic signals to investors. Four elements are needed:

(a) Where development is allowed, state and local permitting should be streamlined. This is critical to encouraging development in urban and older suburban areas. It may require changes to legislation that relates to permitting.

(b) Development at the metropolitan fringe should be required to pay the full marginal cost of development. Housing and business space on the metropolitan fringe is often inexpensive because those developments pay for local infrastructure, but do not pay the full cost of constructing roads, developing water supplies, mitigating environmental problems, and creating regional imbalances. Imposing such costs on those developments would discourage sprawl. For example, the city of Lancaster adopted an innovative program that requires new development to pay capital and operating costs of infrastructure. Development further out pays its full cost, while development that is closer to the city's center pays much less, since it is tied in to existing city services.

Again, this is a task that requires the active participation of both

government and business. For example, many government agencies, such as water suppliers, subsidize development on the metropolitan fringe by spreading the cost of their infrastructure across all users, new and old. Changing such policies would discourage sprawl.

Failing to levy the full marginal cost gives leapfrog development an unfair competitive advantage over projects in existing urban areas, where transactions are made more difficult and expensive by toxic waste and other environmental liability issues. Expanding environmental audits to include wetlands, endangered species, and other issues — a practice that is already beginning — would also discourage sprawl by including the full assessment of environmental cost in private real estate transactions.

(c) California's local governments should encourage more efficient and coordinated local land-use policies. Sprawl has been encouraged by tax revenue competition among local governments for some land uses, such as retail centers, and by slow-growth policies that discourage other land uses, such as housing.

Development patterns that are now truly regional are being created almost completely by an accumulation of local decisions. But some local governments are beginning to show that it is possible to work together toward consistent land-use policies when given the incentive to do so. In planning for the reuse of closed military bases, for example, local governments are forming "joint powers authorities" in which many jurisdictions work together toward a common goal.

The vast majority of Californians choose to locate in large metropolitan areas. But most of these people live in small, politically independent suburban jurisdictions. These local governments must work together toward a consistent set of land-use policies — such as discouraging development on the metropolitan fringe and reinforcing investments in transit systems — that will enhance economic opportunity and quality of life across the entire metropolitan area. Joint powers authorities, such as those created for military base reuse, should be viewed as one model for cooperative planning, and others are needed.

(d) Technological change should be used to combat sprawl rather than encourage it. In the past, technological advancements (such as automobiles and government-sponsored freeways) have supported sprawl, requiring expensive after-the-fact government action of questionable value (such as ridesharing requirements). Today we stand at the threshold of a new technological era that offers the opportunity to have more work done at home and in local communities. We must take advantage of the opportunities presented by the information superhighway to improve our land-use patterns rather than further destroy them.

For example, the information superhighway could end up encouraging a further decentralization of jobs to the metropolitan fringe. Freed of a daily commute to a large employment center, some individuals and small businesses will seek to locate in distant suburbs and travel back to older urban centers to do business as needed. This trend could put more pressure on land at the fringe.

However, the telecommunications revolution can also hold the potential for reviving economically troubled areas. Because of its locational flexibility, telecommunications can provide new job

prospects for older urban neighborhoods and for rural towns. Both government policy and private business practice should encourage the use of telecommunications to reinforce existing communities rather than further dissipate them.

Fourth, we should forge a constituency to build sustainable communities. Past efforts to reduce sprawl have been hampered because little constituency exists beyond groups of government reformers, some local government leaders, community groups, and conservationists. But, as this report suggests, many other players in California's future will also find themselves increasingly stifled by sprawl. Political alliances must be forged between environmentalists, inner-city community advocates, business leaders, government experts, farmers, and suburbanites to improve the quality of life in all our existing communities and protect our resources.

This will not be an easy task. Most of these groups are focused on their specific agendas and often harbor animosity toward each other even though alliances make long-term strategic sense. But it is possible. For example, environmentalists concerned about development at the suburban fringe have tremendous opportunities to work with governments and community organizations seeking to increase investment in more central urban areas. Farmers seeking a long-term future in agriculture near an urban area can form very effective alliances with those working to protect resources. Community groups, government agencies, and builders can explore new marketing and funding options that support homebuilding closer to major transit lines, taking advantage of the huge demand for housing created by the state's dramatically changing demographics. Taxpayers concerned about the inefficiency of governmental expenditures can join with those working to make better use of infrastructure in existing urban areas. There are literally dozens of such alliances waiting to be created.

We must act now. The decisions we make in the next few years will determine California's future course-and its chances for success. To build a strong economy and retain a good quality of life for the 21st Century, we must move beyond sprawl to a new vision of community in the few remaining years of the 20th Century.

Acknowledgments

All of the report's conclusions may not be endorsed in their entirety by each of the four sponsors. At the same time, each of the organizations believes that the time to act is now and that this report can help advance the public dialogue about California's growth and development.

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TO:


Having spent quite a few years on the Corvallis Planning Commission in the 1950s, I have been asked to recount my memory of the Commission's decisions then leading to the present situation on N.W. 9th Street.

At that time Highway 99W was on 9th and there was not much development between the highway and the railroad to the east on the northern portions of the street. I am a bit fuzzy on this, but either during the time I was at OSC, 1934-1938, or when my sister was here before me the Corvallis Airport runway ran parallel to 9th Street and not very far from it. During World War II the Navy built what is now our airport.

Thus, the Commission decided that with considerable open land in the area east of 9th and west of the railroad here would be a fine a place for industry. Trucks could come in from the west and the industries would be served by rail from the east. So we zoned the area Light Industrial. I thought it a good idea at the time, but obviously it was a mistake. In those days less restricted uses could go in more restricted zones. One could build a house or store in a light industrial zone.

There was not much demand for light industrial land, but there was demand for small commercial sites on a busy street in a growing city. With the east side of the street being built up with non-residential activities, people residing on the west side of the street wanted to leave, and so requests for west side rezoning started to come in. In many cases these requests were granted.

Jim Howland

 **CH2MHILL**
Home
753 3691
Can leave message
on recorder if no answer

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EXAMPLES OF EXISTING USES SQUARE FOOTAGES
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USES	
Animal Sales/Services Sales Retail	3,140 ft ² - The Pet Shop
Animal Sales/Services Vet. Small Animals	2,850 ft ²
Auto Cleaning (Detailing)	
Auto Fleet Storage	
Auto Light Equip. Rental	
Auto Light Equip. Repair	$\Sigma = 2,625 \text{ ft}^2$ 1,799 ft ² - Battery Exchange 2,228 ft ² - Oil Change 4,144 ft ² - Auto Repair Garage 2,327 ft ² - Auto Repair Garage
Auto Light Equip. Sales (Car Lot w/ and w/out repair)	$\Sigma = 26,646 \text{ ft}^2$ 6,272 ft ² - Al Hutchins 9,363 ft ² - University Honda 33,035 ft ² - Randy Jones
Business Support Services	

Car Wash	$\bar{x} = 3,322 \text{ ft}^2$	
	4,934 ft ² -	Splish Splash
	1,710 ft ² -	Splish Splash
CIVIC USE		
Fraternal	18,060+ ft ² -	Elks Lodge
CIVIC USE		
Major Service/Utility		
Communications Service Establishments		
	600 ft ² -	Arch Paging
Construction Sales/Services	$\bar{x} = 7,686 \text{ ft}^2$	
	15,519 ft ² -	United Rentals
	10,985 ft ² -	Tum-a-Lum Lumber
	3,638 ft ² -	Welding Supply
	13,397 ft ² -	Spaeth Lumber
	4,982 ft ² -	Hendrix Heating
	1,200 ft ² -	Gilder/South
	4,083 ft ² -	Albins Plumbing

Convenience Sales/ Personal Services

$\bar{x} = 2,212 \text{ ft}^2$

2,911 ft ² -	7-11 on N. 9 th Street -
712 ft ² -	Hair Salon
2,000 ft ² -	Hair Salon
2,720 ft ² -	Circle K on Monroe -
3,759 ft ² -	Dari-Mart on 9 th -
6,277 ft ² -	Dari-Mart on Phil. Blvd. -
3,821 ft ² -	Dari-Mart on 4 th /West. Blvd. -
1,076 ft ² -	Former Tani & Company
450 ft ² -	The Rabbits Hair
1,100 ft ² -	Country Vitamins
550 ft ² -	The Flower Market
1,580 ft ² -	Sally's Beauty Supplies
1,794 -ft ²	Appearances Hair Salon

**Eating/Drinking Estab.
Fast Order Food**

$\bar{x} = 2,015 \text{ ft}^2$

2,080 ft ² -	Skippers
2,756 ft ² -	Taco Time
1,921 ft ² -	Gramma Damma's
1,301 ft ² -	Subway

Eating/Drinking Estab.

Fast Order Food -Drive Thru/To

\approx = 2,616 ft²

1,241 ft ² -	Pappa Johns
4,304 ft ² -	McDonalds
4,268 ft ² -	Burger King
3,045 ft ² -	KFC
4,008 ft ² -	Arby's
2,566 ft ² -	Taco Bell
1,049 ft ² -	Figaro's Pizza
450 ft ² -	Espresso NW

Eating/Drinking Estab.

Sit Down

\approx = 3,787 ft²

6,727 ft ² -	North's
5,126 ft ² -	Lyon's
5,093 +ft ² -	Gables
6,609 ft ² -	Del Sol Mexican
4,883 ft ² -	Izzy's
2,711 ft ² -	China Blue
613 ft ² -	Cup of Cabana
1,800 ft ² -	The Wine Cellar
6,846 ft ² -	Sadies
1,620 ft ² -	Cirello's Pizza
3,200 ft ² -	El Tapatio
2,460 ft ² -	Kim Hos Kitchen
1,542 ft ² -	Jamie's

Financial/Insurance/Real Estate

$\bar{x} = 2,177 \text{ ft}^2$

1,520 ft ² -	Am. Gen. Finance
8,144 ft ² -	Auto Claims
3,543 ft ² -	N. Am. Mortgage
1,300 ft ² -	Farmers
450 ft ² -	Former Insurance Office
600 ft ² -	Corvallis Mortgage
1,200 ft ² -	John Fox Real Estate
1,100 ft ² -	Wise Appraisal
1,100 ft ² -	Security First
913 ft ² -	Farmers Insurance
1,632 ft ² -	Benton Credit Union
4,620 ft ² -	Washington Mutual Bank

Food and Bev. Retail

$\bar{x} = 39,819 \text{ ft}^2$ (only the first 5)

$\bar{x} = 29,050 \text{ ft}^2$ (all uses)

11,830 ft ² -	Canned Food Grocery (approx.)
29,900 ft ² -	Albertsons
27,500 ft ² -	Safeway (downtown) Approx.
55,000 ft ² -	Safeway (53 rd /Phil. Blvd.) Approx.
74,865 ft ² -	WinCo
2,200 ft ² -	OLCC
2,058 ft ² -	Asia Market

Fuel Sales

$\bar{x} = 3,148 \text{ ft}^2$

2,029 ft ² -	Towne Pump
4,333 ft ² -	Gull
3,082 ft ² -	Texaco

Funeral Services	6,234 ft ² -	DeMoss
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GENERAL INDUST.

LIMITED MANUFACTURING	11,000 ft ² - 3,100 ft ² -	Ransom Spirits Taylor Street Bakery
Medical	800 ft ² -	Heart Therapy
Participant Sports and Rec.	$\bar{x} = 7,448 \text{ ft}^2$ 11,616 ft ² - 3,280 ft ² -	Highland Bowl Super Kids Fitness
Personal Services (General)	$\bar{x} = 2,060 \text{ ft}^2$ 1,755 ft ² - 2,025 ft ² - 2,600 ft ² - 1,860 ft ² -	Pathfinder Travel Sylvan Learning Center Express Fitness Center First Discount Travel
Professional/Admin. Services	$\bar{x} = 11,543 \text{ ft}^2$ 2,779 ft ² - 11,209 ft ² - 1,802 ft ² - 32,649 ft ² - 9,280 ft ² -	Former AAA Acres Gaming Intertech Rogue Wave Former EPT Offices
Repair Services Consumers	1,170 ft ² -	Former Computer Clinic
Research Services		

Retail¹

\bar{x} = 7,083 ft² (with Nappa, Bi-Mart, and Bird Seed)

\bar{x} = 4,349 ft² (without Nappa, Bi-Mart, and Bird Seed)

13,594 ft ² -	Napa
31,630 ft ² -	Bi-Mart
14,306 ft ² -	Bird Seed Store
3,889 ft ² -	PayLess Shoes
5,189 ft ² -	Shaeffers
6,277 ft ² -	Special Occasions
6,490 ft ² -	Paint Store
2,587 ft ² -	Phase II
2,980 ft ² -	Micro Solutions
2,635 ft ² -	Flower Mill
2,635 ft ² -	Wedding Store
2,421 ft ² -	Cell Phone Store
3,916 ft ² -	Oms
5,780 ft ² -	Knechts
4,277 ft ² -	Play It Again
5,920 ft ² -	Collectables
5,894 ft ² -	Schucks
2,494 ft ² -	Former Music Land
2,022 ft ² -	Walden Books
1,077 ft ²	Eye Glass
3,188 ft ² -	Happy Cooker
800 ft ² -	Tuxedo Shop
687 ft ² -	Heavenly Soles
1,414 ft ² -	Gold Smith
2,096 ft ² -	Temptations
1,898 ft ² -	Brush Fire
1,474 ft ² -	Attitude
1,579 ft ² -	Beads & Things
6,571 ft ² -	Kaufman's
1,690 ft ² -	Bellevue Computers
2,560 ft ² -	Jakes Athletic
400 -ft ²	Eye-Mart Optical
12,599 ft ² -	True Value Hardware
1,218 ft ² -	Olufson Designs (jewelers)

Residence		
Spectator Sports/Entertainment	17,729 ft²-	9th Street Cinema
Transient Habitation Lodging		
Storage/Distribution	4,504 ft²-	Pacific Power

Information for most single story, single use sites is based on City GIS Data for building footprints.

Information for single story, multiple use sites is based on either information from property owner/managers, or staff estimates on use proportions of buildings as per City GIS Data.

Light shading represents uses for which staff recommended in Draft 4, based on general recommendation from CTRG, limiting uses to those under 7,500 square feet in the MUCS. Represents uses in areas that may not be included in MUCS Zone (e.g., some uses are in areas likely to be located in NC).

Dark shading represents uses for which staff recommended in Draft 4, based on general recommendation from CTRG, prohibiting uses in MUCS. Represents uses in areas that may not be included in MUCS Zone (e.g., some uses are in areas likely to be located in NC).

Retail Lease Track, Inc. USE (CVO Zoning in Parentheses))	SAMPLE N	RANGE IN N TARGET	× MIN. FT ² TARGET	× MAX. FT ² TARGET
Discount Dept. (Retail)	8	10,000 - 190,000	50,250	74,625
Supermarket/ Grocery (Food and Beverage)	15	8,000 - 80,000	30,666	49,533
Drug Store/ Pharmacy (Retail or Conv. Sales & Pers. Serv.)	4	1,200 - 25,000	9,300	12,635
Home Improvement (Retail or Construction Sales/Services)	9	4,000 - 268,000	53,244	65,577
Home Furnishings (Retail)	24	400 - 45,000	7,875	10,375
Housewares (Retail)	9	500 - 24,000	6,477	9,061
Variety Store (Retail or Conv. Sales & Serv.)	4	2,000 - 110,000 (Shopco = Max.)	22,750 (w/Shopco) 4,333 (w/out Shopco)	31,625 w/Shopco 5,500 w/out Shopco
Video Sale/Rental (Retail or Conv. Sales & Services)	5	700 - 8,000	2,480	4,540
Restaurant - (w/Liquor) (Eating)	22	800 - 10,000	5,550	6,795
Restaurant - Family (Eating)	12	800 - 15,000	4,503	6,308

WORKING COPY

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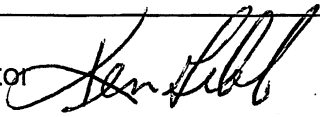
Retail Lease Track, Inc. USE (CVO Zoning in Parentheses)	SAMPLE N	RANGE IN N TARGET	× MIN. FT ² TARGET	× MAX. FT ² TARGET
Card & Gifts (Conv. Sales & Serv.)	5	1,800 - 5,000	2,600	4,080
Computers/ Electronics (Retail)	14	700 - 45,000	6,393	9,257
Dry Cleaners (Conv. Sales & Services)	13	900 - 5,000	1,746	3,192

Data Obtained from Retail Lease Trac, Inc. Number (N) may not be a complete sample of uses in database, but provides representative ranges based on due-diligence evaluation.

WORKING COPY

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MEMORANDUM

From: Ken Gibb, Community Development Director 
To: Mayor and City Council
Date: September 29, 2000
Re: Work Sessions for **LAND DEVELOPMENT CODE UPDATE PROJECT AND RELATED CASES** (LDT00-00002, CPA00-00007, and ZDC00-00009)

I. ISSUE

Periodic Review Work Task 10 requires the City of Corvallis to update its Land Development Code (LDC) to be consistent with the Comprehensive Plan adopted by the City Council on December 21, 1998, and approved by the Land Conservation and Development Commission on June 26, 2000. On September 20, 2000, the Corvallis Planning Commission forwarded a draft (now Draft C) of the Land Development Code, a map of the proposed Zone Changes and Comprehensive Plan designation changes, and some minor changes to the text of the Comprehensive Plan to City Council for consideration.

II. BACKGROUND

Update of Comprehensive Plan Text and Map - State law requires that the City update its primary land use planning documents via a process called Periodic Review. As part of this Periodic Review process, the City updated its Comprehensive Plan and Map, with City Council adoption in December, 1998. The Comprehensive Plan and Map were updated through a two-year, citizen-based public process that started with an update of the City's Vision Statement, and resulted in the City's current 2020 Vision Statement. The Vision Update was then followed by work that included many citizen work groups and resulted in changes to the Policies of the Comprehensive Plan and changes to many land use designations on the Comprehensive Plan Map. The revised Comprehensive Plan and Map were acknowledged by the State in June, 2000.

Some of the major themes of the new Comprehensive Plan and Map pertain to the concept of "comprehensive neighborhoods" and pedestrian-oriented development, including the introduction of revised development standards, mixed uses, and an increase in choices for housing types and living environments.

Update of Land Development Code Text and Map - Also as part of the State-mandated Periodic Review process, the City is required to update its Land Development Code and District (Zoning) Map to implement the newly adopted Policies of the Comprehensive Plan and newly adopted land use designations of the Comprehensive Plan Map. The changes proposed in these legislative amendments (LDT00-00002, CPA00-00007, & ZDC00-00009) are intended to accomplish this required implementation of the new Comprehensive Plan and Map. Additionally, the changes are designed to address inconsistency and legal

issues related to the Land Development Code Text and Map, as well as the Comprehensive Plan Text and Map. The changes were developed as part of a 1½-year long public process that included review by two technical review groups (consisting of City Councilors, Planning Commissioners, and citizens), as well as review through numerous open houses, targeted stakeholder meetings, and other public meetings. Information regarding the development of the proposed legislative amendments has been widely publicized over the last 1½ years via status reports within the City Newsletter, ads in the Gazette Times, information on the City's web site (www.ci.corvallis.or.us/cd/pl/lldcupdate.html), information at the Corvallis Public Library, information at the Corvallis Planning Division office, and mailed notices (including mailed notices to all property owners whose properties are proposed to receive a land use designation change).

In June, 2000, all owners of property proposed to receive a land use designation change were notified of two late June public workshops to discuss the land use changes. As a result of input from those meetings, several adjustments to the proposed land use Map changes have been incorporated.

In July, 2000, the Planning Commission held five public workshops to further refine the draft changes. On September 6, 2000, the Planning Commission held a public hearing and deliberated on September 13th and 20th. The recommendations from these work sessions and the public hearing are being brought forward in the form of the currently proposed draft changes (Draft "C") of the Land Development Code Text, Comprehensive Plan Text Amendments, and the Map changes outlined in Attachment A.

III. DISCUSSION

Meetings

City Council work sessions are scheduled for **5:30 p.m. to 8:00 p.m.** on **October 10th, 12th, 17th, 19th, 24th, and 26th**. The October 24th work session will take place in the Community Room of the Majestic Theater, 115 SW 2nd Street (upstairs). All other meetings will take place in the Downtown Fire Station, 400 NW Harrison Boulevard. As you prepare for these meetings, you should focus on sections to be reviewed as follows :

● **October 10 Work Session -**

Article I: General Provisions

Chapter 1.0 - Introduction

Chapter 1.1 - The City Council and Its Agencies and Officers

Chapter 1.2 - Legal Framework

Chapter 1.3 - Enforcement

Chapter 1.4 - Nonconforming Development

Chapter 1.5 - Reserved

Chapter 1.6 - Definitions

Article IV: Development Standards

Chapter 4.0 - Improvements Required With Development

Chapter 4.1 - Parking, Loading and Access Requirements

- Chapter 4.2 - Landscaping, Buffering, Screening and Lighting
- Chapter 4.3 - Accessory Development Regulations
- Chapter 4.4 - Land Division Standards
- Chapter 4.5 - Flood Control and Drainageway Provisions
- Chapter 4.6 - Solar Access
- Chapter 4.7 - Corvallis Sign Regulations
- Chapter 4.8 - Manufactured Dwelling Park Standards
- Chapter 4.9 - Additional Provisions
- Chapter 4.10 - Pedestrian Oriented Design Standards

● **October 12 Work Session -**

Article II: Administrative Procedures

- Chapter 2.0 - Public Hearings
- Chapter 2.1 - Comprehensive Plan Amendment Procedures
- Chapter 2.2 - Development Zone Changes
- Chapter 2.3 - Conditional Development
- Chapter 2.4 - Subdivisions and Major Replats
- Chapter 2.5 - Planned Development
- Chapter 2.6 - Annexations
- Chapter 2.7 - Extension of Services Outside the City Limits
- Chapter 2.8 - Vacating of Public Lands and Plats
- Chapter 2.9 - Historic Preservation Provisions
- Chapter 2.10- Major Neighborhood Center Master Site Plan Requirements
- Chapter 2.11 - Reserved
- Chapter 2.12 - Lot Development Option
- Chapter 2.13 - Plan Compatibility Review
- Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments
- Chapter 2.15 - Hillside Development and Density Transfer
- Chapter 2.16 - Request for Interpretation
- Chapter 2.17 - Reserved
- Chapter 2.18 - Solar Access Permits
- Chapter 2.19 - Appeals

Article III: Development Districts

- Chapter 3.0 - Use Classifications
- Chapter 3.1 - RS-3.5 (Low Density) Zone
- Chapter 3.2 - RS-5 (Low Density) Zone
- Chapter 3.3 - RS-6 (Low Density) Zone
- Chapter 3.4 - RS-9 (Medium Density) Zone
- Chapter 3.5 - RS-9U (Medium Density - University) Zone
- Chapter 3.6 - RS-12 (Medium-High Density) Zone
- Chapter 3.7 - RS-12U (Medium-High Density - University) Zone
- Chapter 3.8 - RS-20 (High Density) Zone
- Chapter 3.9 - MUR (Mixed Use Residential) Zone

- **October 17 Work Session** -

- Chapter 3.10 - Reserved

- Chapter 3.11 - P-AO (Professional and Administrative Office) Zone

- Chapter 3.12 - (SA) (Shopping Area) District - Proposed to be Deleted

- Chapter 3.13 - (SAU) (Shopping Area-University) District - Proposed to be Deleted

- Chapter 3.14 - CS (Community Shopping) District - Proposed to be Deleted

- Chapter 3.14 - Neighborhood Center (NC) Zone

- Chapter 3.15 - RF (Riverfront) Zone

- Chapter 3.16 - CB (Central Business) Zone

- Chapter 3.17 - CBF (Central Business Fringe) Zone

- Chapter 3.18 - RSC (Regional Shopping Center) District - Proposed to be Deleted

- Chapter 3.19 - SSD (Special Shopping District) District - Proposed to be Deleted

- Chapter 3.19 - MUCS (Mixed Use Community Shopping) Zone

- Chapter 3.20 - MUC (Mixed Use Commercial) District - Proposed to be Deleted

- Chapter 3.20 - MUGC (Mixed Use General Commercial) Zone

- Chapter 3.21 - MUT (Mixed Use Transitional) Zone

- Chapter 3.22 - LI-O (Limited Industrial-Office) Zone

- Chapter 3.23 - LI (Limited Industrial) Zone

- Chapter 3.24 - GI (General Industrial) Zone

- Chapter 3.25 - II (Intensive Industrial) Zone

- Chapter 3.26 - RTC (Research Technology Center) Zone

- Chapter 3.27 - MUE (Mixed Use Employment) Zone

- Chapter 3.28 - Reserved

- Chapter 3.29 - Reserved

- Chapter 3.30 - WRG (Willamette River Greenway) Zone Overlay

- Chapter 3.31 - HPO (Historic Preservation Overlay) Zone

- Chapter 3.32 - PD (Planned Development) Zone Overlay

- Chapter 3.33 - Reserved

- Chapter 3.34 - Reserved

- Chapter 3.35 - Reserved

- Chapter 3.36 - OSU (Oregon State University) Zone

- Chapter 3.37 - AG-OS (Agriculture-Open Space) Zone

- **October 19 Work Session** -

- Continuation of review of Article III items from October 17 work session.

- **October 24 Work Session** -

- Comprehensive Plan Amendments, Mapping Issues, and Miscellaneous wrap-up of outstanding issues if needed.

- **October 26 Work Session** -

- Reserved for outstanding issues.

Meeting Management

Work Sessions are scheduled from 5:30 p.m. to 8:00 p.m. Food will be delivered at 5:15 p.m. Consistent with the Work Sessions on the Comprehensive Plan and the just completed Planning Commission Work Sessions on the Land Development Code, City Councilors are asked to write on the white board *prior* to the start of the meeting the page numbers of the specific items they want discussed at each session, consistent with the Chapters scheduled for that date according to the schedule above. Items will then be discussed in order (non-policy wording suggestions can be communicated to staff *prior* to each work session). A short visitor comment time will be scheduled at the start of each work session and will be limited to the topics being discussed that evening. Written comments will be encouraged. Due to the interest in the commercial sections of the Code, we anticipate a longer visitor comment time on October 17, when those sections will be considered.

Outstanding Issues

At the September 6, 2000, public hearing, the Planning Commission received a number of requests for modifications to Draft B of the Land Development Code. During deliberations, they were able to address most of these by either modifying the text or map or choosing to leave the text or map as is. Five issues were left for the City Council to consider further.

1. Planning Commission asked staff to develop a definition for "conservation easement" for Council to consider. This definition has been included in Chapter 1.6 of Land Development Code Draft C.
2. A request was made to Planning Commission to have restrictions placed on the size and length of placement for campaign signs. Staff identified concerns related to the need for sign regulations to be "content neutral" as well as other possible freedom of speech issues. Specific requirements for campaign signs likely run counter to such needs. As a result of these issues, the Planning Commission asked that Council include a review of these issues during a future review of Chapter 4.7-Sign Regulations.
3. A request was made to identify specific parking requirements for "Technical Support Center." Such facilities have large parking demands due to the large number of employees per square foot of building area. The concern was that the parking allowances for "Administrative and Professional Services" (1 space/ 400 ft²) was not adequate. During deliberations, it became apparent that such facilities may need to be addressed, but to do so requires the creation of definitions for these types of facilities, identification of which zones they should be allowed in, and what the parking requirement should be. Planning Commission believed this effort could be addressed by the City Council during its work sessions. Staff will prepare a recommendation.

4. A significant amount of testimony was received concerning the MUCS Zoning proposed for most of the NW 9th Street commercial area (generally focusing on ability to expand, building and use size limitations, and pedestrian orientation) and a desire for a more thorough study of the needs of the area with regard to zoning requirements. The Planning Commission made a number of changes to the MUCS Zone to address some of these issues, but recognized the need to adopt a Land Development Code that is consistent with the Comprehensive Plan. In recognition of the concerns of property owners along this corridor, however, the Planning Commission recommended that the City Council continue with adoption of the proposed zones but also pursue a NW 9th Street commercial corridor study at the earliest opportunity. Discussion of the issues related to 9th Street is currently scheduled for the October 17 Council work session.
5. Chapter 4.10- Pedestrian Oriented Design Standards requires expansions over a certain size to commercial structures to meet two of three of the Building Orientation criteria in Section 4.10.70.02. Staff and the Planning Commission recognized that existing structures set back a fairly large distance from the street may have a difficult time meeting two. In response, the Planning Commission added a clarification to **Section 4.10.70.02.a**. The clarification allows expansions for existing buildings to comply with this section provided the expansion is built in the area between the building frontage and the street, even if it does not fall within the maximum setback. The Commission recognized that this option may not always be functional. From this discussion, the Planning Commission asked that the City Council review these requirements and consider whether other building orientation options could be developed or if for expansion of existing structures, only one of the building orientation criteria need be met.

Each of these issues can be addressed within the appropriate section or sections of the Code as identified in the above work session schedule.

The Final Document

A technical editor has been retained to review and suggest corrections to the Land Development Code as it goes through the City Council adoption process. The first pass of the editor will occur during and will be completed by the final week of the City Council Work Sessions. The primary purpose of this effort is to identify errors in reference, grammar, or other language that is particularly difficult to understand. Any major issues will be brought to the City Council. The second pass will occur during the first half of January. This will be a very straightforward review of the final document for layout, spelling, grammar, and other typographical errors. The third pass will make the changes associated with issues identified in pass two, following discussion with staff. This final pass will include the final formatting of the document for printing.

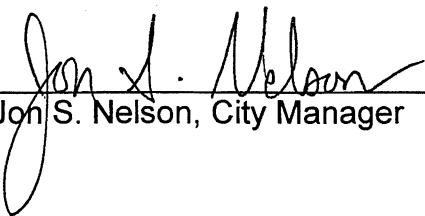
II ACTION REQUESTED

Review Land Development Code Draft C, associated Comprehensive Plan Amendments, and Mapping issues, make appropriate modifications, and finalize the documents for the November 20, 2000, public hearing.

IV. ATTACHMENTS:

- ATTACHMENT I - Planning Commission Minutes for September 20, 2000 Meeting
- ATTACHMENT II - Written Testimony Submitted After September 20, 2000 Planning Commission Deliberations
- ATTACHMENT III - Planning Commission Minutes for September 13, 2000 Meeting
- ATTACHMENT IV - Supplemental Staff Memo to Planning Commission dated September 13, 2000 (re: additional testimony)
- ATTACHMENT V - Supplemental Staff Memo to Planning Commission dated September 12, 2000
- ATTACHMENT VI - Planning Commission Minutes for September 6, 2000 Meeting
- ATTACHMENT VII - Supplemental Staff Memo to Planning Commission dated September 6, 2000 (re: additional testimony)
- ATTACHMENT VIII - Supplemental Staff Memo to Planning Commission dated September 6, 2000 (re: additional discussion items)
- ATTACHMENT IX - August 25, 2000 Staff Report to Planning Commission

Review and Concur:



Jon S. Nelson, City Manager

**CORVALLIS PLANNING COMMISSION
EXCERPT OF MINUTES
Wednesday, September 20, 2000**

Present

Gary Pond, Chair
Jane Fleischbein
Kirk Bailey
Mary Buckman
James Hackett
Bruce Osen,
Kelley Panknin Wirth
Denis White
Bill York

Staff

Jim Brewer, Deputy City Attorney
Linda Sarnoff, Planning Division Manager
Kathy Seeburger, Associate Planner
Terry Lewis, Contract Planner
Greg Gescher, Dev Review Engineer
Kelly Schlesener, Planning Division Mgr
Fred Towne, Associate Planner
Terry Valiant, Associate Planner
Renee' Lunsford, Recording Secretary

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
Minutes			Held over until next meeting
Public Hearing: CPA00-00003 and ZDC00-00006 10 th and "A" Streets Comprehensive Plan Map Amendment and District Change			
New Business			
Old Business: Deliberations on Land Development Code Update LDT00-00002, CPA00-00007, & ZDC00-00009			Completed deliberations as recommended to the City Council approval of LDT00-00002, CPA00-00007, & ZDC00-00009
Next Meeting: September 27, 2000 at 7:00			
Adjourned: 10:30			

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by the Chair at 5:30 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

I. **DELIBERATIONS: LDT00-00002, CPA00-00007, and ZDC00-00009; Land Development Code Update Project (Part of Periodic Review)**

Commissioner Pond began by stating that at the September 13, 2000, meeting, the Land Development Code (LDC) was recommended for approval to the City Council with modifications. The MUGC, MUCS, and NC zones and the pedestrian-oriented design standards for commercial development (Chapter 4.10, Section 4.10.70) were held back from that recommendation with deliberations to be continued tonight. He said, "We will not be taking any public testimony, but we will be making deliberations until 7:00 p.m. Then we have a public hearing. If we get pretty far along before that hearing, we will continue following it."

A. Staff Report:

Planning Manager Schlesener began by stating that Commissioner Bailey submitted a suggestion for an addition to one of the sections of the Commercial portion of the pedestrian-oriented design standards in Chapter 4.10. In addition, there were two pieces of written testimony submitted that were received well after the deadline for written testimony. Schlesener said, "Since you've already made final recommendations on the portions of the code that these pieces address, we'll pass them on to the City Council to be used as part of their work sessions."

Planner Fred Towne showed an overhead of "Applicable Comprehensive Plan Policies Regarding Characteristics of Commercial Zoning," and said, "We've put together some general policies regarding commercial zoning from the Comprehensive Plan. These give you the general direction that was provided by the Comprehensive Plan towards development of the zones that are in the LDC."

General Land Use - 3.2 states the desired land use pattern within the Corvallis Urban Growth Boundary will emphasize; Compact urban form; Neighborhoods with a mix of uses, diversity of housing types, pedestrian scale, a defined center, and shared public areas.

Community character - 5.2 states that the City shall take appropriate actions to beautify and improve the community by: developing gateway locations and development standards that include building orientation to the street for most uses; appropriate site and building design standards; extensive landscaping and street trees to provide a boulevard effect; frequent access points for bicycles and pedestrians; and possible mitigation of the negative effects of overhead utility lines.

Commercial and Office Land Development and Land Use - 8.10.3 states all areas with commercial Comprehensive Plan Map designations other than Central Business District and Professional Office shall be redesignated as Mixed Use Commercial. Towne stated, "We've done that and that is indicated by the map that is behind me."

New commercial development - 8.10.4 states that new commercial development shall be concentrated in designated mixed use districts, which are located to maximize access by transit and pedestrians. Planner Towne said, "This one says 'new commercial development,' so to some extent, I think that this may be aimed at

some of the areas that aren't developed yet. But, it could be new commercial development on existing partially-developed sites as well."

8.10.7 - The city shall develop standards for a hierarchy of mixed use commercial districts, with minor neighborhood centers serving community shopping and office needs, and the downtown commercial districts serving regional shopping and office needs. The Professional and Administrative Office district can serve both community and regional office needs. Major neighborhood centers shall be sited at transit nodes on arterial streets and shall incorporate pedestrian-scale features such as building orientations to the street and limiting the maximum block perimeter. As the Land Development Code is updated, districts shall be developed that address all of the community's desired commercial needs.

8.10.8 The City shall locate major and minor neighborhood centers near the junctions of arterials or collectors. Planner Towne said, "I think we've done that in virtually every case."

8.10.9 – The City shall require at least one major commercial entrance to be located immediately adjacent to the public or private streets within the neighborhood center and mixed-use areas. Additionally, parking lots shall be located to the rear of buildings, and where they do not disrupt the pedestrian streetscape, be located to the side of buildings.

8.10.10 - Along the shopping street of neighborhood centers, the City shall encourage occupation of ground floor storefront space by retail and service users that serve local neighborhood needs and generate high volumes of pedestrian traffic.

Planner Towne said, "These two give clear direction on the need to orient toward the street and provide for direct pedestrian access."

8.10.11 - In order to provide for more compact commercial development and to encourage a mix of uses in commercial districts, the City shall develop standards that will require some types of large commercial development to have multiple stories. These additional levels may be dedicated to parking or to other commercial or residential uses permitted in the district. Planner Towne stated, "This one has been implemented through the neighborhood center by having a 55,000 maximum square foot maximum footprint with additional use areas to be on an upper level. You could argue that this is the same case with the Mixed Use Community Shopping; that you've set a fixed limit, if you want to go beyond that footprint, you have to go up. But in the Mixed Use Community Shopping, the footprint is only 15,000 square feet."

8.10.12 - The City shall develop standards for commercial, office, and industrial districts to require that, any spaces in excess of the minimum standard shall be located in underground or structured parking facilities in developments with large

minimum parking requirements (such as over 200 spaces). Planner Towne said, "I think we've already dealt with that."

8.10.13 – The City shall develop standards in the Land Development Code to encourage or require with development or redevelopment, the consolidation of vehicle accesses on arterial streets, where appropriate and practical.

Planner Towne said, "The next two (8.12.1 and 8.12.3) deal with 9th Street but they aren't very specific about what zones you develop and how you apply the zoning."

8.12.1 - Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998.

8.12.3 - The City shall develop standards that minimize conflicts between abutting land uses and the transportation function of 9th Street and enact adopted provisions of the Transportation Alternatives Analysis that address issues such as driveway consolidation, access conflicts, and pedestrian refuge islands. Planner Towne said, "This indicates that you don't want to expand commercial development any further on 9th Street and that you're developing standards that minimize the conflicts between 9th Street's transportation function and the budding land uses."

Planner Towne said, "Next, we look at more specific policies aimed at commercial uses."

In 9.0 – Housing – Background – Planner Towne states, "We have a discussion of a comprehensive neighborhood." It states, a comprehensive neighborhood core of focus is typically the location of a mix of uses, possible including a small public open space, shops, services, civic functions, and connections to public transportation.... Good connections for bicycles and pedestrians from secondary area to the more intense core area are vital.

He continued that Comprehensive Plan Policy 9.2.5 basically describes what the Comprehensive Plan envisions in the neighborhood center zone. For example, Policy 9.2.5 -A states, comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.

Planner Towne said, "The idea here is to encourage the mix of uses in the neighborhood centers and emphasize the fact that you should be able to walk to it from homes." The subsequent bullets go on to describe desirable attributes of the neighborhood center zone in more detail.

3.12.12 Large Retailers – The City shall revise the Land Development Code to require large retailers to be located only on sites within major neighborhood centers adjacent to arterial roads. These facilities must have a major entry onto public

streets. Such retailers are not appropriate within minor neighborhood centers. Planner Towne said, "That's kind of the implication of the 15,000 square foot building footprint. It could be higher than that or lower than that depending on what your definition of large retailer is."

There are really two questions about the commercial zones that we've had over the last couple of meetings. The first question is, "Why do we need pedestrian orientation?" Planner Towne stated, "I think there is very clear direction to that in the Comprehensive Plan. We need to try to push the buildings out against the streets, along transit areas, so that people will not have to cross fairly large parking lots in order to accomplish what they want to do." This way, transit and pedestrian and bicycles can function efficiently.

The second question was, "How should we handle the footprints and use sizes of existing buildings within the Mixed Use Community Shopping zone?" Planner Towne says, "There are several choices as well as several options."

One choice would be to say "I think we've got the zones right, let's just move it forward the way it is." The other choice is to say, "No, we need to do 'something' differently." That 'something' could lead to other options. We could zone the parcels with bigger buildings as Mixed-Use General Commercial although this may not be appropriate given the types of use allowed. We could also acknowledge the concerns of property owners with existing structures by coming up with another way of addressing some of those needs.

Staff's evaluation of that part of the question is that, "Many of the uses in the Mixed Use General Commercial are probably not appropriate for 9th Street, if you want it to develop into a transit/pedestrian-oriented area."

The more likely option would be to make some accommodations in the existing zones, and chapters addressing Planned Development and Lot Development Options, in order to try to address some of these concerns.

Option #1: Chapter 2.12: Lot Development Option

The last sentence of the first paragraph of the Lot Development Option Background section. It said, "*Lot development options also may provide a means to obtain major variations to required setbacks on lots containing existing residential structures constructed prior to December 31, 2000.*" I have added, "*or to modify the use size limitations contained in Chapter 3.19 Mixed Use Community Shopping (MUCS) zone.*"

Option #2: 2.5.40.04 Review Criteria (Planned Development). We've added, "*The planned development process may be used to modify the use size limitations.*" Planner Towne added, the code now says that it is a development standard, but also includes the size limitation in the use type table. So these really are clarifications that state that we intended that the 7,500 square feet could be modified as well.

Along with those options is the discussion of the review criteria for Planned Developments, which are included in section 2.5.40.04. The proposed modification to item "m" reads, "*Design equal to or in excess of the types of improvements required by the pedestrian-oriented design standard of Chapter 4.10.*" What that means is that you may be able to come up with some other ways of addressing pedestrian orientation or access by pedestrians.

In addition, there is a footnote that states, "*Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2000, are allowed pursuant to the requirements of Section 4.10.70.01 - Applicability.*" Planner Towne says, "This footnote refers you back to the menu of options for expansions of 20 percent or 3000 ft² in the PODS Chapter.

Also in section 4.10.70.01 in the last footnote there was a phrase that read, "*Applicant must choose at least two standards from the section 4.10.70.02.*" Those choices are as follows:

- **Street frontage setback.** At least 50 percent of the building's linear frontage is located within the maximum setback established for the zone for structures that have street frontage (except as provided elsewhere in this chapter for development in the NC Zones). Planner Towne said, "If you're already 170 feet back and the maximum allowed is 20 feet, it's going to be pretty tough to do that."
- **Entrances.** All sides that face an adjacent (public or private) street include at least one customer entrance. When the site is adjacent to more than one street, corner entrances at an angle of up to 45 degrees (from the largest of the two adjacent streets) may be substituted for separate entrances on adjacent streets. When the building does not have frontage along an adjacent street, direct pedestrian access to the street may be achieved by a sidewalk or courtyard connecting to a street no further than 100 feet from the building's pedestrian entrance. Planner Towne said, "Most commercial development can probably do that, since they're going to want to face the street."
- **Parking and vehicle circulation.** Off-street parking or vehicular circulation shall not be placed between buildings and streets used to comply with this standard. Where allowed by the underlying zone, outdoor vehicle display lots for sale of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. Gross cargo weight, motor homes and boat dealers, may be located adjacent to streets. The parking lot perimeter landscaping requirements of Section 4.2.40 shall be met.

Planner Towne said, "It's going to be very difficult to do a small expansion and pick this one. So." Because of this we have considered that for redevelopment of existing structures we could either add another option or change the wording to read, "*Applicant must choose at least one standard from the section 4.10.70.02.*"

Planner Towne said there are other options that we might consider. They are as follows.

Option #1: Modify requirements. Modify requirements to work through the plan development process (as outlined above).

Option #2: Footprint/Use Size Conformance Clarification. Add the following paragraph "d" to the language in 3.19.40.01 to acknowledge the fact that the existing buildings that are greater than the square foot footprint or the use areas that are within those that are greater than 7,500 square feet are not non-conforming.

"d. Building footprints in excess of 15, 000 ft² existing prior to December 31, 2000, and in conformance with the Land Development Code on that date shall not be classified as nonconforming structures. In such structures, change in use from the use existing prior to December 31, 2000, and in conformance with the Land Development Code on that date to a use otherwise permitted, but for the maximum use size limitation, shall be permitted. Similarly, for interior portions of buildings in excess of 7,500 ft² existing prior to December 31, 2000, and in conformance with the Land Development Code on that date, change in use from an existing permitted use to a use otherwise permitted, but for the maximum use size limitation, shall be permitted. In each case, the change of use shall be considered through the permit procedure identified in Table 1- Permitted Use Types.

The last sentence was added to the previous iteration to read, "*In each case, the change of use shall be considered through the permit procedure identified in Table One, 'Permit Use Types'.*"

Planner Towne said, "You could change uses but you would have to go through the same processes as you would have had to go through if you were a brand new use and a brand new structure. This kind of removes the onus of nonconformity with regard to existing structures that don't meet those proposed standards."

Option #3: Increase Footprint/Use Size. Planner Towne said, "For example, I think the largest structure on 9th Street is about 35,000 square feet, so it is conceivable that the Planning Commission could say, '15,000 is too small, the footprint can go up to 35,000.'" It's still smaller than the 55,000 of the neighborhood center, so you are still pushing larger retailers out into the neighborhood centers."

Option #4: Allow One-time Expansion. This would allow property owners who have a building in place now to have a one-time expansion (This would probably be in conjunction with some of these other changes).

B: Questions or Comments by the Commission:

1. Commissioner Buckman asked "It seems to me that some of those options put a lot of weight on being conforming right now. Some of them could have been sitting there for 10 years and not done any development and were conforming under a previous land development, but not conforming now."

Planner Towne responded, "If they're conforming under a previous code, they're still conforming because they were conforming under that previous code. They were grandfathered in."

Schlesener added, "We have made a distinction this time between a legal existing non-conforming use by taking an extra step in the different zones and actually calling them legal conforming uses."

2. Commissioner Buckman asked, "Do we know that we are really addressing all the structures that we want to? Are we comfortable that all of those are conforming now?"

Planner Towne: "I can't tell you specifically, that all of those uses are conforming. We've had some examples recently where a use was non-conforming and they've had to make some changes. I don't know that our task should be to make non-conforming uses conforming under the current plan."

3. Commissioner Pond said, "It seems like we're having lengthy discussions and rewrites because of building size and use issues. The short route is to take those out – don't have maximum uses and maximum square-foot footprints. 9th Street is mostly developed."

4. Commissioner York responded, "That would seem to fly-in-the-face of the Comp Plan guidance."

5. Commissioner Pond said, "But, what we're doing seems to fly-in-the-face of common sense. Avery Square is 100,000 square feet, it's up against the street, most of the parking is in the back – the uses inside can change from 1,000 square feet to 100,000 square feet depending on tenants. What are we afraid of by taking that out?"

6. Commissioner Osen responded, "I think we're afraid of failing to discharge our mission here as a Planning Commission. We're involved in a process that has larger community goals beyond 9th Street and individual property owners. We're responsible for the City itself. We've heard testimony that these things do change and it's our responsibility while accommodating existing uses to look to transition to a more workable city."

7. Commissioner White said, "To me the key is transition. How do we get there? Staff has done an admirable job of giving some alternative ways to do that. Now, we have to make a decision on which of these to choose, or weaken the intent."

Fairness to existing businesses in our community is important in balancing the vision and intent of the Comprehensive Plan.”

8. Commissioner Bailey outlined his proposal, which was submitted in written form. He said, “In the PODS section, you’re supposed to meet two of the required pedestrian-oriented standards for building orientation. One of the standards for most structures is to have an entrance facing the street. The second option in Section 4.10.70.02 A, suggests that 50 percent of the building frontage has to be within the maximum setback. I proposed adding to the end of that section, ‘Expansion of an existing structure in compliance as of December 31, 2000 is deemed to meet this criteria, as long as the area of the expansion is between the street and the existing building frontage.’” Bailey also stated, “I don’t, at this time, support changing the maximum building footprint.”

9. Commissioner Wirth said “I am hesitant about making major changes such as throwing out the maximum sizes and limitations because process thus far was much more inclusive than what we can do here.”

10. Commissioner Pond asked, “Since I won’t get support on removing those use sizes, is there support in enlarging those sizes?”

11. Commissioner Bailey said, “I think the Plan Development approach that the staff outlined would allow flexibility in those areas in special circumstances. But, I would also like to encourage the Commission to recommend to Council to have a 9th Street study area and ideally, I’d put a pretty high priority on it.”

12. Commissioner White said, “I would prefer we either go the direction we’re going or we put the whole thing off and do a 9th Street Corridor Study.”

Planner Schlesener said that getting a corridor study completed would not be something that could be placed on their work plan immediately or potentially even in the near future. She said a staff recommendation would include taking the Plan Development and the LDO approach; Add option #2 to clarify that you’re grandfathering in the existing buildings and tenant spaces square footage. Consider making additional concessions by raising square footage; and allowing a one-time 20 percent increase or adding some things in the MUCS zone to address property owners needs.

13. Commissioner Osen said, “We have a charge to deal with the impacts of the transportation system. Trying to balance different transportation modes, not to favor one particular system, and trying to provide opportunities within the community. Although 9th Street is not pedestrian friendly now, sometime in the future it can be.”

14. Commissioner White said, “I think that there is an assumption that by changing urban form, we can change human behavior.”

15. Commissioner Osen responded, "I think that urban form does allow for choices."
16. Commissioner Pond said, "I think it should be noted that the traffic on 9th Street isn't there because of the businesses. The businesses are there because of the traffic."
17. Commissioner Bailey said, "Really, we have a clear mandate from the Comp Plan in this matter. The basic direction for the city was set – increase in transit ridership, increase in pedestrian-orientation. Those are strong features of the process. It was a very inclusive process that lasted two years. The Plan Development is a tool that allows you to have all kinds of flexibility, it's a very useful tool."

Schlesener said, "I believe the biggest comment we heard from people was the concern over the ability to expand. I think you might concentrate your efforts there."

C. Motion:

Commissioner Bailey made a motion to modify the LDO and PD processes as outlined by Fred Towne, the MUCS Chapter making existing structures not nonconforming, and to insert Commissioner Bailey's language at the end of 4.10.70.02. Commissioner York seconded the motion. Six were in favor. James Hackett abstained.

D. Motion:

Commissioner Buckman made a proposal to increase the maximum building footprint size to 30,000 and individual uses go to 15,000. It was seconded by Commissioner Wirth. Commissioners Buckman, Hackett and Wirth voted in favor. Commissioners York, White, Bailey, Pond and Osen were against. The motion failed five to three.

(Note: The deliberations on the Land Development Code were continued after the previously scheduled public hearing was completed.)

E. Motion:

Commissioner York made a motion to delete the 7,500 square foot use size limitation. Commissioner Buckman seconded it.

Discussion:

1. Commissioner Bailey responded to this motion by saying, "What is the minor neighborhood center use size? Is it 5,000 square feet? I guess one way to look at this is -- how do we want 9th Street to relate to neighborhood centers? The Comp Plan calls for us to have neighborhood centers

separated. What we do by allowing this is saying, 'the area between our neighborhood centers can be more intense.'

2. Commissioner York said, "I don't see limiting the size of a use as an intensification issue."

3. Planner Towne said, "One of the concepts of a neighborhood center is that you want a variety of uses in there. The 5,000 square foot use serves that purpose. Whereas in the Mixed-Use Community Shopping maybe you don't need that same kind of break-up of the uses because you're serving different purposes."

4. Commissioner Buckman said, "So this means the only place you could put anything above a 15,000 square foot footprint would be in a major neighborhood center. Some uses just don't fit in 7,500 square feet. If you sell hot tubs, you're going to need a different amount of space than if you sell swimsuits."

On a motion to eliminate the Use Size limitation of 7,500 square feet, six Commissioners voted in favor and Commissioners Bailey and Osen voted in opposition. The motion passed. Commissioner Pond said, "The use limitation has been removed from the MUCS."

F. Motion:

Commissioner Bailey made a motion to accept the alternative language proposed by Tony Howell suggesting a tightening-up of the purpose statement of the MUGS. He said, "I thought Tony did a nice job. It's easier to read and more clear." Commissioner York seconded the motion. Commissioners Osen, Fleischbein, Bailey, White and York voted in favor. Commissioners Buckman, Wirth and Hackett opposed. The motion passed by a vote of five to three.

Planner Towne read Comprehensive Plan policy 8.10.11, which states, "In order to provide for more compact commercial development and to encourage a mix of uses in commercial districts, the City shall develop standards that will require some types of large commercial development to have multiple stories. These additional levels may be dedicated to parking or to other commercial or residential uses permitted in the district." Planner Towne said, "Since we're allowing a mix of uses within these districts, including residential, we need to maintain a commercial supply of land within the commercial areas."

Questions and Comments by the Commission:

1. Commissioner Bailey said, "In the testimony memorandum from the Business Advocacy Committee they mentioned this Floor Area Ratio (FAR)

would disallow a property putting two-or-more buildings that collectively meet the FAR. That isn't the way I understand this, could you clarify that?

Planner Towne said, "No, FAR doesn't have to do with only one building, FAR is the coverage on the property."

2. Commissioner Bailey asked, "So you wouldn't agree with that summation?"

Planner Towne said, "No, if it took two buildings to get your FAR. Now there maybe some restrictions. You might not be able to allow them to put a whole bunch of parking in until that other building is going to go."

3. Commissioner Pond asked, "Is there a concurrence to just leave it the way it is?" The answer was affirmative.

G. 4.10.70.02PODS Building Orientation Requirements for Existing Buildings

Planning Manager Schlesener said, "This is something you addressed earlier. For building orientation, there is a menu that requires developments comply with two out of three items on the menu. Commissioner Bailey's additional statement made it a little bit easier to comply with one of the menu items.

Planner Towne said, "If you look at the standards here, a lot of the development – particularly that along 9th Street – that is already developed could probably meet the entrance one but would have great difficulty meeting the other two. This seemed to staff if we could come up with some other reasonable orientation guidelines, that would be helpful."

H. Questions and Comments by the Commission:

1. Commissioner White said, "I don't think it's a good idea to weaken this by only requiring one menu item. I wish it were possible to consider a time phasing of this."

2. Commissioner York said, "Where phasing really comes in is that you don't really have to comply with any of these until you intend to add on to your business."

3. Commissioner Wirth said, "I think that this is better left up to City Council. I feel like we're making rash decisions."

4. Commissioner Bailey said, "I second Kelley's thought. We are required to implement the Comp Plan."

I. Motion:

Commissioner Bailey made a proposal to leave the section as written and have the Council review it. **Note to Council:** *Leave it as written and suggest*

that the City Council review the section in light of the changes that the Planning Commission made and additional testimony.

J. Requests from MUC to MUGS:

Planner Kathy Seeburger said, "These are all requests from MUC to MUGC."

- Randy Jones request for the Randy Jones Chevrolet-Oldsmobile properties along 9th Street, just north of Garfield
- Ron Theis's request for University Honda change to MUGC, north of Circle Boulevard
- Mr. Post regarding Splish Splash Car Wash in two locations along 9th Street
- Meyers Motel request for this property to change to MUGC, which is directly adjacent to some other properties zoned MUGC

K. Motion:

Commissioner Bailey said, "I propose we make the changes to the Meyers Motel property and not the others. Those others are essentially spot zoning. This one meets the criteria and staff endorses it." The motion was seconded by Commissioner Buckman. The motion passed. Commissioners Bailey, Wirth, Osen, Buckman, Fleischbein, White and York approved. Commissioner Hackett opposed. **Note to Mr. Meyer.** Contact Mr. Meyer and tell him he cannot build a hotel on that property with that zone.

L. Questions and Comments from the Staff and Commission

1. Commissioner Pond asked, "Did you have conversations with Mr. Meyer on that piece? Did you inform him that he would not be permitted to build a hotel on there with that zone?"

Planner Seeburger responded, "I advised him to look at the differences between the zones and the uses that would be allowed on those two. He did that and came forward with a request. I don't know if he is anticipating a change of use in the future. He did review that information."

M. Questions and Comments by the Staff and Commission

1. Commissioner Wirth asked, "In the MUGC zone, is there no drive through facilities allowed? Is a car wash considered a drive through facility? Is it allowed in a MUGC zone?"

Attorney Brewer responded, "It's a specific use." Planning Manager Schlesener added, "Yes, it is an allowed use in a both the MUCS and MUGC zones."

N. Sherton request to establish zoning map designation of major MC zone instead of MUCS for the K-Mart and retail at K-Mart Center

Questions and Comments by the Commission:

1. Commissioner Bailey said, "I would propose we leave that alone, there is already a Planned Development on the property that would allow more flexibility than she would get from going to the MUGC."

2. Planner Towne said, "One other point I would make is that there is very little residential property around them."

O. Motion:

Commissioner Pond asked "Is it a consensus to leave it as is?" The answer was affirmative.

P. Motion:

Commissioner Bailey proposed that an evaluation of 9th Street be done as soon as possible. Commissioner Buckman seconded it.

Planning Manager Schlesener said she would make a note to Council saying that the Commission recommended that the Council proceed with the adoption of the Code, but that the Council also proceed with a 9th Street Corridor Study as soon as possible.

Q. Motion: Commissioner Bailey moved that the Planning Commission recommend to the City Council approval of Land Development Code Text Amendment LDT00-00002, as modified, and including the elements reviewed by the Commission at its September 13, 2000 meeting, as well as the elements reviewed by the Commission this evening (the MUGC, MUCS, and NC Zones and the Development Oriented Standards in Section 4.10.70). The motion was seconded by Commissioner Osen. Commissioners Wirth, Hackett, Bailey, Fleischbein, White, Osen and York voted in favor. Commissioner Buckman opposed the motion.

R. Mapping requests relating to Cobblestone Square properties:

Owners of the Cobblestone Square properties, located at the intersection of Monroe and 15th Street, are proposing a change to a minor neighborhood center. Jerry Kimmel, resident owner, has submitted testimony that she would like you to add the parking areas (two properties connected via an easement) and a residence to the adjacent properties to this request to be considered.

1. Commissioner Buckman asked, "Does she own the residence?" Planner Seeburger responded, "Yes, she does."

2. Commissioner Bailey asked, "How about the people in between?" Planner Seeburger responded, "I don't know if she's had any conversation with the property owners. Commissioner Bailey said, "I'm a little leary of doing this without the consent of the property owners."

Planner Seeburger said, "In the staff report for this change, we did not recommend this change because the current RS-20 zoning would provide for the parking that serves the site."

- S. Motion:
Commissioner Bailey made a motion to leave it alone and the rest of the Commission concurred.
- T. Motion: Commissioner Bailey made a motion that the Planning Commission recommend to the City Council approval of District Map Change ZDC00-00009, as modified, and including the elements reviewed by the Commission at its September 13, 2000 meeting, as well as the elements reviewed by the Commission this evening. The motion was seconded by Commissioner White and passed unanimously.
- U. Motion: Commissioner Bailey made a motion that the Planning Commission recommend to the City Council approval of Comprehensive Plan Amendment CPA00-00007, as modified, and including the elements reviewed by the Commission at its September 13, 2000 meeting, as well as the elements reviewed by the Commission this evening. The motion was seconded by Commissioner York and passed unanimously.

Commissioner Bailey said, " I have a tremendous amount of appreciation for all of the hard work put into this whole process. As Commissioners Osen and Buckman indicated earlier, I think this moves us a big step in the right direction and I would like to applaud everyone for their hard work!"

I. NEW BUSINESS:

- A. City Council Workshops:
Commissioner Pond said, "Beginning in October, the City Council will hold a series of six workshops." Planning Manager Schlesener said, "Those dates will be posted on web sites."
- B. Transportation Alternatives Analysis:
Planner Towne said, "Tonight, we passed out the Chapter 11 of "The Transportation Alternatives Analysis" and that is the document that was adopted as a part of our periodic review. When our Comp Plan was approved, this chapter was also approved and it actually becomes Chapter 11 of your Transportation Plan."

I

Renee' Lunsford, Recording Secretary

Testimony Submitted After September
11, 2000 Planning Commission
Deadline for Written Testimony, But
Handed Out to Commission as
Information that would be Passed on to
Council for October, 2000 Council Work
Sessions

Schlesener, Kelly

*Handed out @
9/20 P/C mtg.*

From: Corvallis Neighborhood Coalition [cnc@corvallis.org]
Sent: Tuesday, September 19, 2000 1:53 PM
To: kelly.schlesener@ci.corvallis.or.us
Subject: building frontage pods addition

Kelly,

Kelley Wirth asked me to get her my proposed language to address redevelopment issues w.r.t building frontages at the PC meeting. I'm emailing it to you so that it can be sent to everyone.

Add to the end of 4.10.70.02.a

"Expansion of an existing structure in compliance as of Dec 31, 2000 is deemed to meet this criteria as long as the area of expansion is between the street and the existing building frontage."

Suggestions on better wording always welcome!

Kirk Bailey



*Past testimony
deadline, but handed out
@ 9/20 P/C Mtg.*

Kings Circle Assembly of God

Rev K D McRoberts, Pastor - 2110 NW Circle Blvd, Corvallis, OR 97330

RECEIVED

SEP 20 2000

Comm Dev Admin

September 18, 2000

Dear Planning Commission;

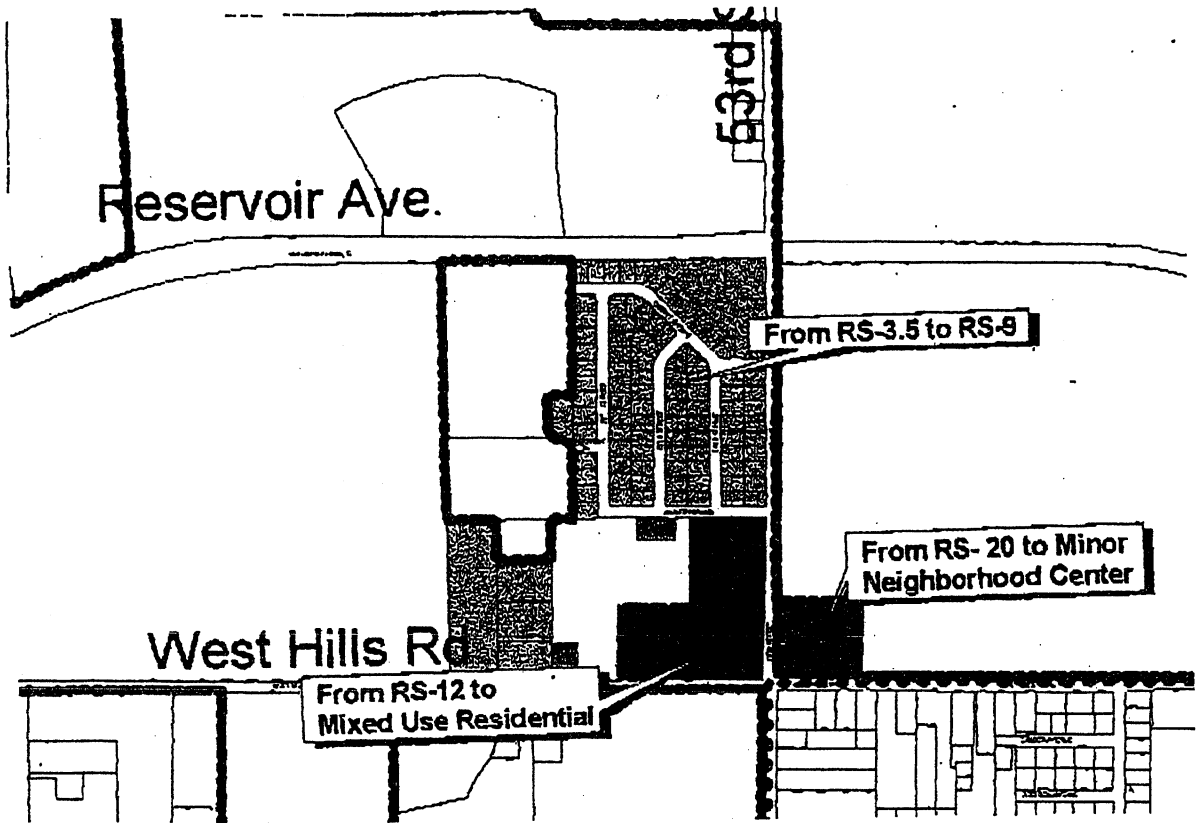
I am writing in regards to property that is owned by Kings Circle Assembly of God, located on the corner of 53rd and West Hills Road. We have been made aware that the City of Corvallis is updating their zoning map, which in turn will have an affect on our property.

We have been made aware that the proposed zone of our property is Mixed Use Residential and Residential - 12 with the line jogging in the middle of our property (see attached map - Item A). We do not support this proposed zone line as it makes our property difficult to develop with a split zone on the front of West Hills Road. We would be in support of changing the proposed line to follow the current water line easement, which currently splits our parcel as shown on the attached map, Item B.

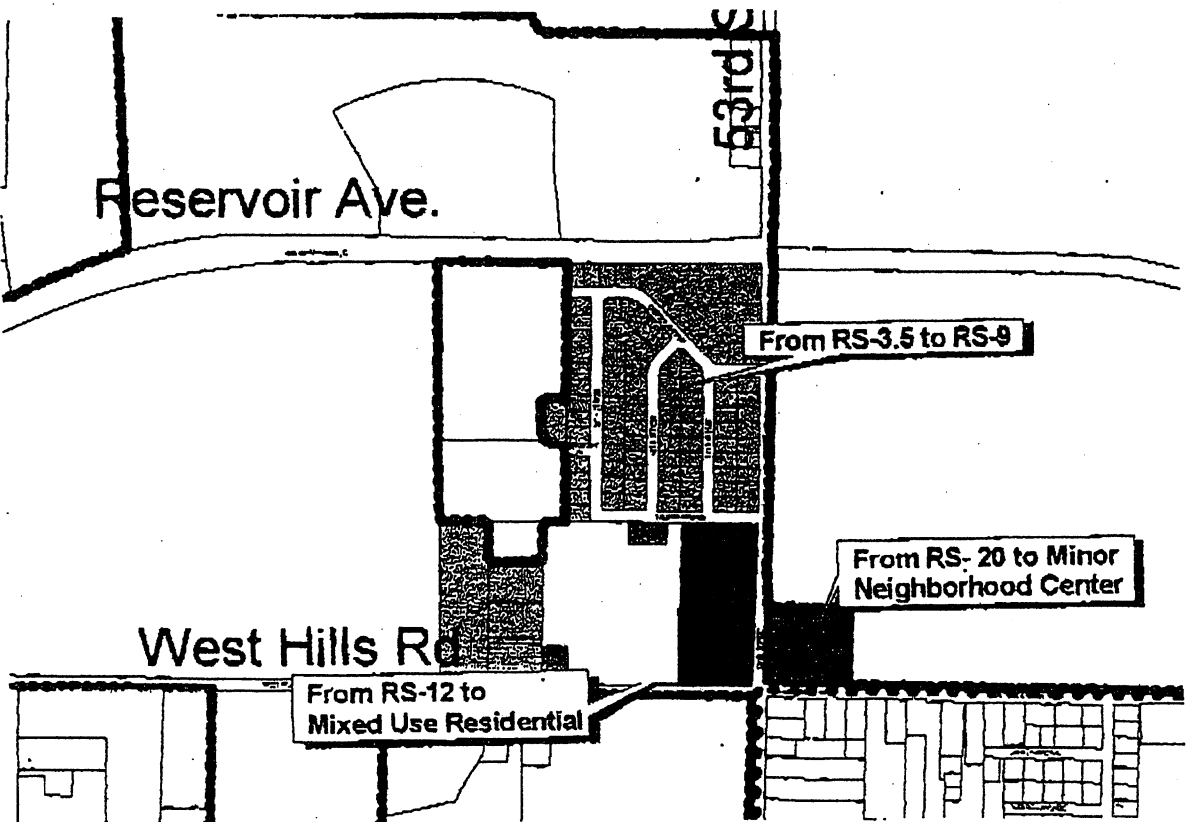
We appreciate your consideration in this matter. Thank you very much for your help.

Sincerely,

Kerry D. McRoberts,
Senior Pastor



ITEM - A - CURRENT PROPOSED
ZONE CHANGE BY CITY



ITEM B - PROPOSED REVISION

COMMENT ON REZONING

RECEIVED

SEP 19 2008

Post Deadline
but handed out @
9/20/08 P.P. Mtg.

Comm Dev Admin

TO THE CORVALLIS PLANNING COMMISSION:

I WAS UNABLE TO ATTEND THE PUBLIC HEARING FOR THE LAND DEVELOPMENT CODE ON WEDNESDAY SEPT 6 2008 AND ASK THAT THE FOLLOWING CONCERNS BE ENTERED IN THE RECORD I HAVE BEEN NOTIFIED THAT MY PROPERTY ON SW BROOKLANE DRIVE OFF THE EAST SIDE OF PHIDMATH BLVD IS PROPOSED TO BE REZONE FROM RS3 - RS-5.

I UNDERSTAND THE PURPOSE IS TO REZONE CURRENT LOW DENSITY AREAS TO HIGHER DENSITY AREA TO PROVIDE ROOM FOR MORE HOUSING.

I LIST MY OBJECTIONS TO THE REZONING OF MY PROPERTY

A) MOST OF MY ACREAGE IS IN THE FLOOD PLAIN AND FLOODWAY, NOT WETLANDS BUT FLOODLANDS. ABOUT 1/3 OF MY ACREAGE FLOODS EVERY YEAR. THE TOTAL ACREAGE FLOODS ABOUT EVERY 4 TO 5 YRS.

B) THIS HOME WAS BUILT IN RECOGNITION OF THE FLOOD CHARACTERISTICS, WITH A CEMENT FOUNDATION STARTING AT ROAD LEVEL. PERIODS WHEN THERE IS FLOOD, ACCESS TO THE HOUSE IS IN FLOODWAY.

C) ACKNOWLEDGING THAT A PERMIT NOT BE ISSUED TO ADDITIONAL HOUSES WHICH WOULD HAVE TO BE BUILT IN THE FLOODS. SO REZONING TO RS5 HAS THESE DISADVANTAGES:
1. ADDITIONAL CONSTRUCTION WOULD JEOPARDIZE OUR HOME BY INCREASING THE FLOODWAY HEIGHT DURING MAJOR OR MINOR FLOODING.

2. THIS CONSTRUCTION WOULD ALSO GIVE WRONG IMPRESSION OF THE AREA IN WEST CORVALLIS AVAILABLE TO HOME CONSTRUCTION

RECEIVED

SEP 18 2003

City of Corvallis

Allowing or encouraging construction in this acreage would be a grave disservice to potential homeowners - I request that my acreage on Brooklane which is unique to Brooklane, not be included in the Rezoning to RS-5

I also have many pictures of major and minor floods here -

Thanks for reading my comments and I will be serious consideration of this request

Dee Hitchhiss
1405 S.W. Brooklane
Corvallis OR DR.
97333

758-1250

ATTACHMENT II

**Written Testimony Submitted After
September 20, 2000 Planning
Commission Deliberations**

**Testimony Submitted After September
20, 2000 Planning Commission
Deliberations**



CITIZENS BANCORP
CITIZENS BANK

RECEIVED
SEP 28 2000
Comm Dev Admin



September 22, 2000

Mayor Helen Berg
City Administration and Elected Officials
City of Corvallis
501 SW Madison Ave.
Corvallis OR 97333

William V. Humphreys
President and CEO

Honorable Mayor Berg, Members of the City Council, Commission Members, City Administrator and Staff:

Please allow me to express some concerns regarding what I perceive as the direction in which you are leading the community with the proposed changes to the land development codes as outlined in Draft 'B' of the code update process.

I am very concerned that the outcome of the proposed changes will have some significant unintended negative consequences, particularly as it applies to the 9th street area of north Corvallis.

If passed as currently proposed, we believe that the use restrictions and discretionary approval approach to managing the use of commercial property will reduce the value of the property long term. Accordingly, we will reduce our mortgage advance percentages, and increase our qualification criteria for commercial financing in these affected areas.

It will simply be harder for a small business to get financing for a building, for equipment, or for property renovation, because the financing risk levels are elevated.

We don't want to end up owning commercial properties along 9th street, and in south Corvallis, that are burdened by code and zone restrictions, and by a reduced resale market resulting from a discretionary approach to permit approval. For long-term finance, we need to be more certain than that. The uncertainty of discretion certainly reduces our mortgage value.

The recent development charge changes will by themselves create some financing difficulties. However, we feel that they are manageable. The combination of the two new burdens, (increased costs plus restricted use and elevated market risk), will cause us to take an action to protect our shareholders against unacceptable credit risk.

MAIN OFFICE
CIRCLE OFFICE
UNIVERSITY OFFICE
P.O. Box 30
Corvallis, OR
97339-0030
(541) 752-5161

EAST ALBANY OFFICE
P.O. Box 249
Albany, OR
97321-0074
(541) 967-1992

WEST ALBANY OFFICE
P.O. Box 1007
Albany, OR
97321-0382
(541) 812-6178

VENETA OFFICE
P.O. Box 129
Veneta, OR
97487-0129
(541) 935-4141

PHILOMATH OFFICE
P.O. Box 1629
Philomath, OR
97370-1629
(541) 929-3228

JUNCTION CITY OFFICE
P.O. Box 399
Junction City, OR
97448-0399
(541) 998-8734

McMINNVILLE OFFICE
P.O. Box 647
McMinnville, OR
97128-0647
(503) 474-9441

Citizens Bank is far and away the leading financier of commercial properties in Benton County. We have over \$180 million at risk helping small businesses provide their goods and services to the citizens of this area. We understand the financing needs of small business, and we understand their risk tolerance. With these proposed rule changes, the small business will be asked to shoulder a burden that they may not be able to tolerate.

I believe that the objectives of the council and commission are honorable and well intended. It may be difficult for you to see the impact that these changes will have on long-term financing for small businesses. I ask you to slow the process down, and give some diligent consideration to the long-term effect of these rule changes on the small businesses of our community. These businesses are creating jobs, providing needed goods and services, and paying for the public infrastructure, all of which help to make this a healthy and viable community. They are a valuable asset and we need to see that they prosper.

I would welcome the opportunity to discuss this issue with you in person. Please give me a call if you have any questions.

Respectfully yours,



William V. Humphreys
President and CEO

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

576 OLIVE STREET, SUITE 300
EUGENE, OR 97401
PO BOX 11906
EUGENE, OR 97440
TEL (541) 343-8596
FAX (541) 343-8702
E-MAIL BILLKLOOS@CONTINET.COM

FAX TRANSMITTAL SHEET

I am transmitting - 4 - page(s), including this cover sheet.

From: Bill Kloos
Date: September 20, 2000
Re: Corvallis Periodic Review; Request for Documents
To: Fred Towne, Corvallis Planning Division, Via Fax: 541-766-6936

Frod,

Enclosed is another copy of my request letter. Please call to discuss.

Bill

- | | | | |
|-------------------------------------|--------------------------------|--------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> | Fax transmittal only | <input type="checkbox"/> | An original is being delivered |
| <input type="checkbox"/> | An original is being delivered | <input type="checkbox"/> | An original is available on request |

The information contained in this FAX message is intended only for the personal and confidential use of the designated recipient above. This message may be an attorney-client communication, and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you received this document in error, and any review, dissemination, distribution, or copying of this message is strictly prohibited. If you received this message in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.

3

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

576 OLIVE STREET, SUITE 300
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September 14, 2000

Mr. Ken Gibb
Corvallis Community Development
501 SW Madison Street
PO Box 1083
Corvallis, OR 97339-1083

Re: Periodic Review; Comments on Land Development Code update; Commercial Zones

Attn: Fred Towne

Dear Mr. Gibb:

In order to assist me in providing more detailed, constructive comments relating to the periodic review changes to the Land Development Code, I'd like to request a copy of several documents, which should be available as part of the periodic review process, or otherwise available at the city. If you'll let me know what the cost of providing these documents, I'll send you a check. The documents I'd like, together with a general reference to the LCDC rules that require them to be generated, are listed below.

- (1) **Economic Opportunities Analysis:** OAR Chapter 660, Division 9 deals with industrial and commercial development. At the most general level, the rule requires the plan and implementing regulations to be amended to comply with the rule during periodic review. OAR 660-009-0010(2). The rule requires the city to prepare an "economic opportunities analysis." OAR 660-009-0015. The analysis must have four components. (1) Trends must be analyzed to identify the major categories of industrial and commercial uses that could reasonably be expected to locate in the area if the area has appropriate locational factors. (2) The analysis must identify the types of sites needed by industrial and commercial uses that might locate in the area. The types of sites must be based on the requirements of the expected uses. Local firms are to be surveyed to determine the types of sites that will be needed. (3) An inventory is required of sites in the area that are vacant or significantly underutilized and designated for industrial and commercial use. (4) Based on the results of the three elements above, an estimate is required of the types and amounts of industrial and commercial development likely to occur in the area.

The analysis above is really the baseline document for determining how much land is needed for commercial and industrial uses, what kind of uses can be expected, and what the zoning code provisions should accommodate. The adequacy of the proposed commercial and industrial zones needs to be evaluated against the results of this analysis.

I'd like to request a copy of the four elements of the Economic Opportunities

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Mr. Ken Gibb
September 14, 2000
Page 2

Analysis described above.

- (2) **Identification of Needed Sites:** OAR 660-009-0025(1) requires the plan to identify the approximate number and acreage of sites needed for industrial and commercial uses to implement plan policies. The rule anticipates that the need for sites shall be specified in several broad "site categories," such as commercial office, commercial retail, highway commercial, etc. **I would like to request a copy of the adopted plan document that identifies the amount of acreage needed for the various commercial and industrial site categories.**
- (3) **Long-Term Supply of Land:** OAR 660-009-0025(2) requires the plan to designate sufficient land to meet commercial and industrial needs for each "site category" for 20 years. **I'd like to request a copy of the analysis that demonstrates that the current draft code and related zone designations meets this quota.**
- (4) **Short-Term Supply of Serviceable Sites:** For cities like Corvallis, which are required by ORS 197.712(2)(c) and OAR 660-011 to develop a Public Facilities Plan, OAR 660-009-0025(3) requires that the city, as part of periodic review, ensure that there is an adequate supply of serviceable commercial and industrial land for a three-year period. If a three-year supply of serviceable lands is not available, then the city can choose from a range of alternatives, stated in subsection (3)(c) of the rule, to ensure the short-term supply is made available. **I'd like to request a copy of the city's analysis that demonstrates compliance with the short-term supply requirements of the rule stated in OAR 660-009-0025(3).**
- (5) **Public Facilities Plan:** ORS 197.712(2)(c) requires the LCDC to require cities to develop public facilities plans. The LCDC has implemented this statute in OAR Chapter 660, Division 11: Public Facilities. The Public Facilities Plan must be completed, adopted and submitted by the time of the city's periodic review. It is to be reviewed by the LCDC in conjunction with review of the city's plan and implementing regulations. OAR 660-011-0040. The contents of the Public Facilities Plan are stated in the LCDC rule. Generally, the plan describes the water, sewer and transportation facilities that are to support the land uses in the plan and zoning designations. As noted in paragraph (4) above, the availability of the Public Facilities Plan is the baseline document for the city to demonstrate to the LCDC that it has an adequate short-term supply of serviceable sites for commercial and industrial uses. **I'd like to request a copy of the city's Public Facilities Plan, prepared pursuant to OAR Chapter 660, Division 11. If the plan has been adopted and submitted to the LCDC, pursuant to OAR 660-011-0040, I'd also like a copy of the adoption and submission documentation.**

Mr. Ken Gibb
September 14, 2000
Page 3

Thank you for your consideration.

Sincerely,



Bill Kloos

cc: Century Properties, LLC
Rick Frame, Slayden Construction
Chuck Kingsley, Jackson Cooper & Associates
Jim Brewer, Office of City Attorney
Mark Radabaugh, DLCD Willamette Valley Urban Representative

06slaydenh

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Schlesener, Kelly

From: Denis White [denis@mail.cor.epa.gov]
Sent: Wednesday, September 27, 2000 5:09 PM
To: Schlesener, Kelly
Subject: RE: threatened and endangered species

Kelly,

I forgot to mention that the first publication and its associated databases include all federal and state listed species, and thus incorporates all relevant information from USFWS, NMFS, and ODFW.

Denis

On Wed, 27 Sep 2000, Schlesener, Kelly wrote:

> Thanks Denis! That really helps and we'll take it to the Council workshop
> where that topic will be discussed.

>

> Kelly

> -----Original Message-----

> From: Denis White [mailto:denis@mail.cor.epa.gov]

> Sent: Wednesday, September 27, 2000 4:30 PM

> To: kelly.schlesener@ci.corvallis.or.us

> Cc: ward3@council.ci.corvallis.or.us

> Subject: threatened and endangered species

>

>

> Hi Kelly,

>

> I was reading the PC minutes of 13 Sep (the meeting I missed)

> about the proposed changes to wording on applications for

> threatened and endangered species.

>

> To be even more clear and objective, one suggestion that could

> be forwarded to Council is to use wording something like:

>

> "Animals, plants, and plant communities found on the site that

> are listed as threatened or endangered or rare in lists 1-4 of

> "Rare, Threatened, and Endangered Species of Oregon", published

> by the Oregon Natural Heritage Program in 1998, and as updated in

> that organization's data bases. Plant communities that are

> components of ecosystem cells listed as high priority in the

> Willamette Valley in "1998 Oregon Natural Heritage Plan"

> published by the Oregon Natural Heritage Advisory Council to

> the State Land Board."

>

> Denis

>



Community Development
Planning Division
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6908
FAX (541) 766-6936

September 29, 2000

Bill Kloos, PC
576 Olive Street, Suite 300
Eugene, OR 97401

Mr. Kloos:

For some reason, the fax you originally sent on September 14, 2000, did not reach us, so I apologize for the less than prompt reply to it. Attached are a number of items that collectively provide the information you requested in the follow-up fax to Ken Gibb dated September 20, 2000. These include:

1. LCDC Order approving City of Corvallis periodic review Work Tasks Nos. 1 through 8.
2. Buildable Land Inventory and Land Need Analysis for Corvallis. The information regarding commercial and industrial lands that was adopted and approved as a part of periodic review is contained in Appendix G (blue pages).
3. Report to Planning Commission dated August 25, 2000 (refer to Section IV - Statewide Planning Goal Analysis).
4. Corvallis Transportation Plan Chapter 11.0 Corvallis Transportation Alternatives Analysis, which completes Work Task 6 and brings the Corvallis Transportation Plan into compliance with the Transportation Planning Rule.
5. Ordinance 93-29, adopting the Corvallis H. D. Taylor Water Treatment Plant Facility Plan.
6. Ordinance 98-37, adopting the City of Corvallis Wastewater Utility Master Plan.
7. Ordinance 98-52, adopting the Corvallis Water Distribution Facility Master Plan.

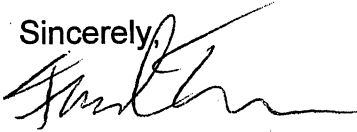
The Corvallis Drainage Master Plan was prepared and adopted as a part of the Corvallis Comprehensive Plan that was acknowledged in 1983. In addition, the South Corvallis Drainage Master Plan was adopted as a supporting document to the Corvallis Comprehensive Plan during the periodic review process.

Attached also is an invoice for the duplication/printing costs associated with providing these documents. Please remit a check in the amount shown.

If you have any questions or further requests, please call me at (541)766-6908, or email me at:

fred.towne@ci.corvallis.or.us

Sincerely,

A handwritten signature in black ink, appearing to read 'Fred Towne', written in a cursive style.

Fred Towne
Associate Planner



CORVALLIS PLANNING COMMISSION

MINUTES

Wednesday, September 13, 2000

Present

Gary Pond, Chair
 Jane Fleischbein
 Kirk Bailey,
 Mary Buckman
 James Hackett
 Bill York
 Bruce Osen
 Kelley Panknin Wirth

Staff

Jim Brewer, Deputy City Attorney
 Ken Gibb, Community Development Director
 Kelly Schlesener, Planning Division Manager
 Kathy Seeburger, Associate Planner
 Fred Towne, Associate Planner
 Tania Ross, Development Review Engineer
 DeAnne Eilers, Recording Secretary

Excused

Denis White
 Ed Barlow-Pieterick, Council Liaison

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
Land Development Code: Deliberations (Land Development Code Text Amendment (LDT00-00002); Comprehensive Plan Amendment (CPA00-00007); and District Change (ZDC00-00009).			Sections excluding commercial chapters of NC, MUCS, and MUGC, and PODS section 4.10.70, reviewed and forwarded to City Council.
Adjourned:	10:45 p.m.		
Next Meeting:			5:30 p.m. 9/20/00

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by the Chair, Gary Pond, at 7:00 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

I. **OPENING:**

The Chair welcomed citizens and noted the meeting was a continuation of the September 6, 2000 meeting on the Land Development Code. At that time public comment was received, the public hearing closed, and the written record held open until 5:00 p.m., Monday, September 11, 2000. The hearing is legislative and the applicable procedures have been noted. At this time, the Planning Commission will deliberate on the information provided by the public process and staff. The recommendations from the Planning Commission will be forwarded to the Corvallis City Council for their review, public process and final action.

Written testimony was received from the following persons and is part of the public record. Copies have been distributed to the Planning Commission and are also available for the public.

1. Fred Haruda, M.D., Corvallis
2. Bill Kloos, Attorney, Eugene
3. Corvallis Chamber of Commerce

II. **DELIBERATIONS: Land Development Code LDT00-00002, CPA00-00007, & ZDC00-00009**

Commissioner Buckman stated for the record she was not at the meeting on September 6, but she has listened to the tapes that recorded the meeting and feels she can deliberate on the issues with her fellow Commissioners.

The Chair asked if there were any additional conflicts of interest and there were none declared.

Planning Manager Schlesener briefly outlined the memorandum packet of material before the Commission, dated September 8, 2000, from herself and Associate Planner Towne. The packet is divided into three sections and contains the information and past minutes requested by the Commission at the September 6 hearing, copies of the written testimony presented at the September 6 hearing and up until the September 11, 2000 deadline, and a matrix of discussion items as identified by the process to date. The Commission decided to move forward by reviewing each matrix item.

Commissioner York asked for clarification on the building size/use issue and whether the determination is made by site or building size. Planning Manager Schlesener responded that it may be both and would need to be reviewed on a case-by-case basis.

1. Site definition:

Recommendation: Commissioner Buckman moved and Commissioner Bailey seconded a motion to accept the language proposed by Planning Manager Schlesener. (Reference September 6, 2000 Planning Manager Schlesener memo to the Planning Commission). The motion carried unanimously.

2. Acre definitions:

The definitions within Chapter 1.6 were modified to include suggested language from Commissioner York for acre, gross area and net area as follows:

- Acre: A unit of land measure equal to 43,560 square feet.

- Area, Gross: The total area of a parcel or site, usually expressed in acres.
- Area, Net: The total area of a parcel or site, usually expressed in acres and excluding existing public street rights-of-way and, if a developer desires, excluding public parks, significant natural feature areas that are dedicated to the public, and/or other areas that are permanently precluded from development due to development constraints or some type of conservation easement. Note: Planned streets may not be subtracted when determining net area.

Slight modifications have been included by Planning Manager Schlesener to make this definition consistent with net density. She also noted that existing streets are excluded from the area or density calculation on a proposed site, but planned streets are included in the density calculation in that the existing streets are not part of a new proposal. It was also noted that density can be based on either gross or net area.

Recommendation: Commissioner York moved to accept the language as modified by Planning Manager Schlesener (and shown above), but removing the word "note." The motion was seconded by Commissioner Osen and carried unanimously.

3. Duplex Definition:

Recommendation: Commissioner Bailey moved to accept the duplex definition adding that stacked units are acceptable. Commissioner York seconded the motion that carried unanimously.

4. Alleys:

Planning Manager Schlesener explained Commissioner York's rationale to encourage, but not require, alleys as separate tracts from a parcel with public easement access. She explained the difficulties of not having separate tracts and suggested that they be required for larger developments to make maintenance easier for homeowners. There was some discussion and Planning Manager Schlesener noted the City at the current time has alleys that are both private and public, pervious and impervious surface and said maintenance issues arise when repairs need to be done on alleys that are not within private tracts. The City does not routinely accept alleys for maintenance, and prefers homeowners associations maintenance of the private alley tracts.

Development Review Engineer, Tania Ross, said they prefer private ownership versus public ownership based on their experience with alley maintenance.

Recommendation: Commissioner Bailey moved to add language to the Code that new residential alleys serving six or more dwelling units shall be privately owned and located within separate tracts with public access easements. Commissioner Buckman seconded the motion that carried unanimously.

The pervious surface of alleys was discussed and Development Review Engineer Ross said maintenance is an issue with gravel alleys clogging drains and posing safety concerns, primarily for bicyclists, when it migrates onto paved surfaces. She also noted grass type surfaces do not hold up over time.

The Commission determined, by consensus, that the idea of pervious alleys should not be pursued and the Code language regarding alley materials should stay as written.

6. Campaign Signs:

Attorney Brewer outlined the legal status of campaign signs and said violations would be difficult to defend as content cannot be successfully regulated. A time limit on signs would probably also apply to other signage such as that used by realtors.

Recommendation: Commissioner Buckman moved to take no action on changing the sign language, but recommend to the City Council that this be addressed in the future with a group of interested citizens. Commissioner Panknin-Wirth seconded the motion that carried unanimously.

7. Significant definition:

The Commission decided to defer the review of this issue to the future phase of the Land Development Code Update process that addresses natural features.

8. Conservation easement definition:

Planning Manager Schlesener said they would be happy to work with the City Attorney's Office and develop a definition for "conservation easement." The consensus of the Commission was for her to develop this definition and forward it to the City Council members for consideration during their October workshops. The Commissioners also requested that she let Council members know that the definition was developed at the direction of the Commission, but that it had not been reviewed by the Commission.

9. Density:

Planning Manager Schlesener said Commissioner White included a sentence that could be added to the definition of "density calculation" as follows:

"The minimum density for a site is given by net density and the maximum density by gross density."

The consensus of the Commission was for Planning Manager Schlesener to add this sentence to the definition for "density calculation."

10. Additional definition comments:

Planning Manager Schlesener noted that there were additional suggestions for both new definitions and modifications to existing definitions from testimony submitted by Carolyn Miller. She expressed staff's concern with many of them. Commissioner Wirth asked about the existing definition for "homeowners association" and stated that it needs to be clear that home owners' associations are not part of City organization. Attorney Brewer stated that a reference to the statute authority for the establishment of home owners' associations could be added to the definition.

Commissioner Bailey moved and Commissioner Buckman seconded a motion to add this statute reference to the definition for "home owners' association," as well as add clarification that the organizations were private. The motion carried unanimously.

11. New Minor Planned Development Modification language:

Planning Manager Schlesener explained that testimony submitted by Attorney Sherton expressed concern over some of the added language for Minor Planned Development Modifications. Specifically, she explained that Ms. Sherton was concerned over the ability for the Director to review applications "in whole or in part." Planning Manager Schlesener stated that modifications can have implications on the overall site and that the Director needs the ability to review a project "in whole or in part" to ensure that proposed modifications will work with the remainder of the approved plan. Planner Towne also noted that the parameters that are involved with Minor Modifications limit the scope of what the Director may do in terms of conditions of approval and that there is a potential to have more denials if there is no leeway to make this change. Commissioner Wirth said sometimes it is difficult to review applications because of the numerous Minor Modifications to the original application. Planning Manager Schlesener explained that the new language would limit the number of such Minor Modifications to three.

The Commission concurred to maintain the proposed language.

12. Compatibility review criteria:

Commissioner Bailey moved to adopt the language suggested by Councilor Howell Commissioner York seconded the motion and it carried unanimously. Commissioner Bailey also asked Planning Manager Schlesener to consider having all compatibility criteria in one location, to avoid its repetition in each procedural chapter. She agreed to investigate the feasibility of Commissioner Bailey's suggestion.

13. Conditional Development - Purpose:

Planning Manager Schlesener referred to written testimony by Tony Howell that suggested the deletion of one of the purposes for Conditional Developments. This purpose statement pertained to the fact that Conditional Developments can have impacts that are mitigated. Commissioner York noted that he felt the repetition of the language was significant in calling attention to the significant nature of the issue.

The Commission concurred to maintain the proposed language.

14. Significant natural features:

Planning Manager Schlesener explained the comments submitted by Tony Howell, including his suggestion to add "plant communities" to the list of natural features that are required to be inventoried. She proposed that the application submittal requirements for applications subject to public hearings be modified as follows:

- (c) Plants, plant communities, and animals found on the site that are listed with as either threatened and endangered with the United States Fish and Wildlife

Service or listed with the Oregon National Heritage Database ~~as threatened and endangered.~~

Planning Manager Schlesener also proposed that the natural features portion of the review criteria for applications subject to public hearings be modified as follows:

- m. Preservation and/or protection of significant natural features and wildlife habitat, consistent with the Comprehensive Plan; and

Commissioner Buckman proposed the language should read threatened ~~or~~ (not and) endangered species. In addition, she stated that there is another agency that regulates fish and she proposed adding the National Marine Fisheries Service, that regulates anadromous fish, to the list. She stated that the US Fish and Wildlife Service regulates inland fish.

There were also concerns expressed by both Commissioners Bailey and Fleischbein that the reference to the Oregon Natural Heritage Data Base may not be adequate as the data base is not conclusive and excludes wide portions of the State, including much of Corvallis. Planning Manager Schlesener explained that this type of issue would be reviewed as part of a future phase of the Land Development Code Update, but that in the interim the Code needs to provide clear and objective standards and review criteria and that the agencies listed in the Code had such listings available now.

Commissioner Bailey moved to add the reference to the National Marine Fisheries Service and adopt the staff-recommended language, provided it was modified to be consistent with the wording in Comprehensive Plan Policy 4.2.1c. Commissioner Fleischbein seconded the motion that carried unanimously

15. Parking requirement for technical support center:

Planning Manager Schlesener explained the testimony from Doug Sweetland of the Economic Development Partnership. She stated that, based upon Mr. Sweetland's testimony, there was a need to develop a parking requirement for technical support centers.

Recommendation: Commissioner Bailey moved that the Commission ask Planning Manager Schlesener to propose a definition and move this item to the City Council for additional review. He commented that a new use type definition for technical support center would need to be developed and then applied to chapters throughout the Code, as appropriate. He asked that Planner Schlesener explain to the Council that the Commission was generally supportive of this concept, but that the Commission members had not specifically reviewed any wording. Commissioner Osen seconded the motion.

There was discussion that the intensity of people in a building and not the use was an issue. The definition of a technical support center would seem to be more service oriented, rather than a telemarketing center.

The motion carried unanimously.

16. Structured parking:

Planner Towne explained that the current language may be too restrictive and that staff had developed some alternative language contained in the September 6, 2000 handout. He explained that Major Neighborhood Centers will end up being required to provide structured parking most of the time with the current code language. After some discussion, the consensus of the Commission was to maintain the language in the current draft of the Code.

17. Co-housing:

The Commission discussed Bruce Hecht testimony requesting that additional Code regulations more specifically support the development of co-housing. The Commission determined that co-housing projects were unique uses and that the Planned Development process was the appropriate way to receive variations from the proposed development standards. The consensus of the Commission was to maintain the currently proposed code language and take no action regarding co-housing.

18. Annexation language:

Planning Manager Schlesener explained that Tony Howell's testimony proposed that the following phrase be added to Section 2.6.30.03.b.16 of the Annexation Chapter:

General land use plan that illustrates the following, at a minimum, in sufficient detail to apply the Review Criteria (Section 2.6.30.06):

She expressed staff's support for this change.

Recommendation: Commissioner Bailey moved and Commissioner York seconded a motion to add the sentence proposed by Councilor Howell. The motion carried unanimously.

19. West Hills Road request for land use change:

Planning Manager Schlesener explained that the written testimony from Hardy Glascock was actually in support of the proposed map changes in West Hills Terrace and Grand Oaks Summit (the Comprehensive Plan Map Amendments from Medium Density to Low Density Residential in recognition of existing development) and that this item could actually be removed from the discussion item list. The Commission agreed and determined that no action was needed.

20. Ninth Street Commercial Issues:

Chair Pond suggested delaying discussion on these items and moving to the mapping issues and the Commission concurred.

21. Other Mapping Requests:

Associate Planner Seeburger displayed the affected areas on the overhead projector.

a. Snyder request in Central Park Neighborhood Association area:

Planner Seeburger explained the request and the consensus of the Commission was to encourage the applicant to apply for a Comprehensive Plan Amendment via a

separate process. The Commission explained that, given the concerns expressed by residents in the area, Mr. Snyder's request would be better addressed in an individual application process that would allow for specific review of the site and more noticing of the neighborhood.

b. Dasteur request near intersection of Hwy 20/34 and 53rd Street::

Planner Seeburger explained the request and the consensus of the Commission was to encourage the applicant to apply for a Comprehensive Plan Amendment and Zone Change via a separate process. The Commission explained that, given the fact that the neighbors had not been aware of this request, the proposal would be better addressed in an individual application process that would allow for specific review of the site and more noticing of the neighborhood.

c. Hutchens request to move Neighborhood Center study circle from 35th & Country Club to to 45th & Country Club

There was considerable discussion about the proposed Neighborhood Center Study Area circles on the Comprehensive Plan Map and whether their positions on the map are helpful or misleading to citizens. Commission members stated that citizens may feel that the circles are "fixed" locations when they are theoretical areas only indicating general areas where future services may be needed. Additionally, the Commission reached consensus that the other Neighborhood Center circles (non-study area circles) should be centered on the areas that are proposed to be zoned Neighborhood Center on the Zoning Map.

Recommendation: Commissioner York moved to center the established Neighborhood Center circles on the Comprehensive Plan Map to areas proposed as Neighborhood Centers on the zoning Map. Commissioner Bailey seconded the motion and it passed unanimously.

Recommendation: Commissioner Buckman moved to remove all the Neighborhood Center **study area** circles from the Comprehensive Plan Map. She explained that the study areas are not meant to be absolute boundaries, but rather general indicators. Commissioner Fleischbein seconded the motion. Commissioners Buckman, Fleischbein, Bailey, and Osen voted in favor of the motion and Commissioners York, Hackett, and Wirth voted in opposition. The motion passed four to three.

Recommendation: Commissioner Bailey moved to add a definition for "Study Area" to the Comprehensive Plan Text definition for Neighborhood Center, thereby adding to the Text portion of the proposed Comprehensive Plan Amendment. With assistance from Planner Towne, Commissioner Bailey proposed that the study area language be developed as listed below and Commissioner Osen seconded the motion.

Neighborhood Centers:

Major - A mixed use commercial center designed with a pedestrian orientation which serves the general community and/or surrounding neighborhood. Typically located along major arterial roadways.

Minor - A mixed use commercial center designed with a pedestrian orientation which serves the surrounding neighborhood. Typically located along a collector or arterial roadway.

Study Areas - Areas of the City that are more than 1/4-mile from an existing Neighborhood Center (Major or Minor), with density sufficient to support a Neighborhood Center.

Commissioner Bailey's motion carried with Commissioner Wirth voting in opposition.

d. Mater request - Brooklane:

Planner Seeburger explained the request to maintain the RS-3.5 zoning designation for property immediately north of Ms. Mater's property on Brooklane Drive. She said that she wasn't sure if Ms. Mater understood that the change was on the property north of her and not on her own property. She said she tried to reach Ms. Mater to discuss her concerns but was unsuccessful. Planner Seeburger would like to clarify the issue by finding out more about Ms. Mater's concern and provide the information to the Council. The Commission concurred.

e. Weber request:

Planner Seeburger explained the request and the consensus of the Commission was to encourage the applicant to apply for a Comprehensive Plan Amendment via a separate process. The Commission explained that, given the fact that the neighbors had not been aware of this request, the proposal would be better addressed in an individual application process that would allow for specific review of the site and more noticing of the neighborhood.

22. Miscellaneous Issues:

a. Wireless communications language:

Commissioner Bailey moved to strike the word "receiving" from section 4.3.40.3, pertaining to wireless communications, to comply with new technologies. Commissioner Fleischbein seconded the motion that carried unanimously.

b. Dedicated sidewalks in large parking lots:

Commissioner Panknin-Wirth wanted to be sure there were sidewalks required in large parking areas and Planning Manager Schlesener confirmed that the sidewalks are part of the requirements for large scale parking lots.

c. Minor change in Section 3.1.50:

Commissioner Osen pointed out a typo in the introductory sentence of Section 3.1.50 where "RS-5" needed to be changed to "RS 3.5." Planning Manager Schlesener noted typo.

d. Riverfront Museum:

The Commission discussed testimony requesting that additional Code regulations more specifically support the development of a museum in the Riverfront Zone. The Commission determined that the museum project was unique and that the Planned Development process was the appropriate way to receive variations from the proposed development standards. The consensus of the Commission was to maintain the currently proposed Code language and take no further action.

e. Riverfront Zone - Third story proposal:

Commissioner Pond stated that he does not support the third story requirement, as his experience with current buildings with second stories and warehouses is that many of them are vacant.

Commissioner Bailey supports the concept and said this requirement came from the Riverfront Commission. With only half a street along First Street to develop, the third story is needed on the vacant property to make it financially work.

Commissioner York supports the three story proposal and feels it applies to the vacant lands where maximum utilization of the prime vacant parcels needs to be economically viable.

Director Gibb noted that the new Comprehensive Plan requires downtown buildings to be two stories high. He also said the Commercial Technical Review Group (CTRG) spent many meetings discussing the Riverfront Zone and that the Riverfront Commission promoted the idea of the third story requirement. He explained that the Riverfront Commission had conducted its own public process to develop its recommendations and that changes after all these public processes could prove to be difficult.

The consensus of the Commission was to retain the proposed requirement for three stories within the Riverfront Zone. The Commission acknowledged that the Council members may wish to reconsider this requirement.

f. Various Riverfront Zone requirements:

Planning Manager Schlesener explained that there was additional testimony regarding the Riverfront Zone requirements submitted by Marilyn Dilles. She expressed staff's concern with the suggestions from Ms. Dilles. The Commission concurred with staff's concerns and, by consensus, recommended no changes to the Riverfront Zone.

III. RECOMMENDATION

Commissioner Buckman moved and Commissioner Bailey seconded a motion to recommend to the City Council approval of the portion of LDT00-00002 deliberated to date, which includes all parts of the Code excepting the NC, MUCS, and MUGC Zones (Chapters 3.14, 3.19, & 3.20, respectively) and excepting Section 4.10.70 (the commercial portion of the Pedestrian Oriented Design Standards).

The Commissioners summed up their comments as follows:

Commissioner Bailey said he really appreciates the amount of public comment on the Code with the full house at the first hearing and some of the work sessions. This makes him feel better about the future Code. He extended thanks to all those that participated and all the work that has been done.

Commissioner Osen said he is pleased to support passing on the recommendations to the Council. He feels the Land Development Code, in combination with the Comprehensive Plan, has the possibility to start making some significant changes in the City that are important and it represents an enormous community effort to move the community in a positive direction.

Commissioner Panknin Wirth also favors the proposal and is proud of the work that has been done. It is a monumental improvement to the Code and she looks forward to the implementation. It was a difficult task to translate the Comprehensive Plan Policies to the Code, and she feels the new Code does it very well.

Commissioner Hackett said he wanted to apologize to those persons that were here to listen to the other Code amendments that were not discussed at this meeting.

Commissioner Pond said he appreciates all the effort that was put into the Code with the technical review groups, work by the Otak consultants, the tours and the staff support. The concern he has had that he expressed in the technical review group is that this has become the only option available instead of an incentive overlay where people are encouraged to do something rather than a mandate. He said he feels the City may be ahead of the market and have to hold up on some of the things in the Code.

ACTION by the Planning Commission: The question was called and the motion carried unanimously.

The Chair announced there will be work sessions in October with the City Council with public hearings before final adoption. The Chair also announced that the remainder of the deliberations, those pertaining to commercial development, will occur next Wednesday, September 20 and possibly also on September 21, 2000.

Planner Towne will copy and distribute the section of the Transportation Alternatives pertaining to 9th Street.

NEXT MEETING:

The Planning Commission decided to continue their deliberations at 5:30 p.m. at the Fire Station Meeting Room on Wednesday, September 20, 2000 prior to the regularly scheduled meeting. A light dinner will be served at 5:00 p.m. The Planning Commission will then conduct its regularly scheduled hearing item and will then continue deliberations on the Code after that time.

IV. **Adjournment:** The meeting was adjourned at 10:45 p.m.

Debra Eiler
9-27-00

ATTACHMENT IV

**Supplemental Staff Memo to Planning
Commission dated September 13,
2000 (re: additional testimony)**

MEMORANDUM

TO: Planning Commission

FROM: Planning Manager Kelly Schlesener

DATE: September 13, 2000

RE: Additional Written Testimony re: LDT00-00002, CPA00-00007,
& ZDC00-00009

Attached is the additional written testimony that was received after the September 11, 2000 deadline for written testimony on LDT00-00002, CPA00-00007, & ZDC00-00009.

RECEIVED

SEP 13 2000

Comm Dev Admin

Fred D. Haruda, M.D.
P.O. Box 1806
Albany, Or 97321
Phone: 541-812-1289
September 9, 2000

Corvallis Planning Commission
P.O. Box 1083
Corvallis 97339

re: 420 SW 8th St Zoning Change

Dear Sirs:

I wish to address the proposed down zoning of my property at the above address. The proposed down zoning would significantly decrease the value of my land, which would represent a "taking" by the city government. Under Article V of the Bill of Rights of the US Constitution, I would be due compensation from the city for any such action. Depending on when I decide to sell the property in question, this may amount to more than \$250,000.00. The City of Corvallis would be expected to pay me that amount if my zoning is changed. The City should budget similar payments for each lot that is rezoned. If my lot is rezoned and I do not receive adequate compensation, I will sue the City of Corvallis in Federal Court. A Class Action lawsuit by all the owners of the land in question could cost the City of Corvallis millions of dollars.

Therefore, I urge the Corvallis Planning Commission to reject the proposed zoning change.

sincerely,



Fred D. Haruda, M.D.

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

576 OLIVE STREET, SUITE 300
EUGENE, OR 97401
PO BOX 11906
EUGENE, OR 97440
TEL (541) 343-8596
FAX (541) 343-8702
E MAIL BILLKLOOS@CONTINET.COM

FAX TRANSMITTAL SHEET

I am transmitting 4 page(s), including this cover sheet.

From: Bill Kloos

Date: September 11, 2000

Re: Periodic Review

To: Mr. Ken Gibb, Corvallis Community Development, Via Fax: 541-757-6936

Please file. An original is being sent.

- | | | | |
|-------------------------------------|--------------------------------|--------------------------|-------------------------------------|
| <input checked="" type="checkbox"/> | Fax transmittal only | <input type="checkbox"/> | An original is being delivered |
| <input type="checkbox"/> | An original is being delivered | <input type="checkbox"/> | An original is available on request |

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2

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E-MAIL BILLKLOOS@CONTINET.COM

September 11, 2000

Mr. Ken Gibb
Corvallis Community Development
501 SW Madison Street
PO Box 1083
Corvallis, OR 97339-1083

Re: Periodic Review; Comments on Land Development Code update; Commercial Zones

Dear Mr. Gibb:

With this letter I would like to add a few more general comments on the pending Land Development Code update. These comments relate to "Draft B" which was distributed to the Planning Commission on August 28th. These comments are also limited to "Commercial Zones." I expect to submit additional comments on commercial, industrial and residential zones prior to City Council consideration of the draft.

You have my letter of June 30th. That letter made the general point that lands zoned for commercial and industrial uses, but which were also encumbered with discretionary overlays or required discretionary review of particular uses, are not lands that are truly "available" to meet the need for a 20-year supply of commercial and industrial land, and that the city has the obligation to demonstrate the supply is adequate notwithstanding the discretionary reviews. The August 25th letter from the City Attorney's Office reviewed my June 30th letter and advised that the staff prepare findings demonstrating the supply of land remains adequate. I don't see the analysis suggested by the City Attorney in the staff report accompanying this draft.

With this letter I would like to offer a few more detailed observations on the shortcomings of the proposed commercial zones to comply with Goal 9. In particular, I will focus on the availability of land for general retail use, although the comments here could apply to more specialized commercial uses as well.

There are three proposed commercial zones: Neighborhood Commercial (NC; LDC 3.14), Mixed Use Community Shopping (MUCS; LDC 3.19); and Mixed Use General Commercial (MUGC; LDC 3.20).

Neighborhood Commercial Zone:

There are two types of Neighborhood Commercial Zone – Minor and Major.

Major Neighborhood Commercial Zone: Development is not permitted in a Major Neighborhood Commercial Zone unless a Master Site Plan is first approved by the City. LDC

Mr. Ken Gibb
September 11, 2000
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3.14.20.01.c. The approval of a Master Site Plan is a highly discretionary review at the city level. As a result, whether any commercial development happens on any site in the Major zone is discretionary with the City. This land, therefore, is not genuinely available for development.

Minor Neighborhood Commercial Zone: The Minor zone does not require a Master Site Plan, but like the Major zone, it is really a mixed use zone. Residential uses are permitted outright in both the Major and Minor zones. Commercial uses will have to compete with residential uses for lands in the NC zone. This makes the land less available for commercial uses.

All development in the NC zone must comply with the development standards in the Article 4 of the LDC. As explained in more detail below, the Development Standards include discretionary reviews, which also impact whether land is truly available for commercial use.

Mixed Use General Commercial Zone:

The MUGC zone does not allow general retail use outright, conditionally, or otherwise. It is not available for general retail use.

Mixed Use Community Shopping Zone:

As with the Neighborhood Commercial zone, the MUCS zone allows residential uses as "Permitted" uses. This means that retail and other commercial uses that would like to locate in this zone will have to compete with the residential uses. Note that many traditional commercial uses are allowed in this zone only with Plan Compatibility or Conditional Development approval. Thus, it is easier to locate residential uses in the MUCS zone than it is to locate most commercial uses. Isn't this backwards? This relationship also skews this entire zone away from being available to meet the demand for commercial land to serve commercial uses.

Retail sales are listed as "Permitted" in this zone only if they are under 7,500 square feet in area. Any larger retail uses require Plan Compatibility, which is a discretionary review. This means, in effect, that any new retail use in Corvallis that is 7,500 square feet or larger requires discretionary review by the City, and the City can deny the use.

All development in the MUCS zone is subject to the Pedestrian Standards of LDC 4.10. See LDC 3.19.040.07.b.1. These are posed as development standards but, in fact, include discretionary review by the City. Whether the standards are applied at the PD, PC, or CD review stage, or at the building permit stage, their application amounts to a discretionary permit if the city staff has discretion to say no to a particular proposal.

All development in the MUCS zone is also subject to the other Development Standards in LDC Article IV. See LDC 3.19.50. These standards address improvements, parking, landscaping, flood control, and solar access, among other issues. As is the case with the Pedestrian Standards in LDC 4.10, the application of many of these standards triggers

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Mr. Ken Gibb
September 11, 2000
Page 3

discretionary calls by city staff, which allows staff to find that the standards are not met. Discretionary development standards are another handle for city denial and another strike against commercially zoned lands actually being available for commercial development.

I would submit, on behalf of my client at Century Properties, LLC, that applying the terms of the proposed Commercial zones to land in Corvallis will mean that the lands so zoned will not be found by the LCDC to be adequate to meet the needs of the City for commercial land for the next 20 years. The terms of the draft zone do not afford land owners the right to develop land for commercial uses. They afford only the right to submit an application to the city that reflects a landowner's guess as to what the city might approve.

Thank you for your consideration.

Sincerely,


Bill Kloos

cc: Century Properties, LLC
Rick Frame, Slayden Construction
Chuck Kingsley, Jackson Cooper & Associates.

96slaydene

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RECEIVED

SEP 13 2000

Memorandum Comm Dev Admin



To: Planning Commission
From: Business Advocacy Committee
Date: September 13, 2000
RE: Land Development Code –
9th Street Zoning Change: Square Footage Limitations in the
MUCS Zone

The Chamber of Commerce would again like to remind the Planning Commission that 9th Street is already highly developed according to earlier planning models and acknowledged by the Commercial Technical Review Group members as having very little likelihood of ever becoming a pedestrian amenity (CTRG, April 18, 2000). Several aspects of the zone change from Linear Development to Mixed Use Community Shopping appear to have been made with little regard for the realities of the area in question, including the functions 9th Street serves in this community.

Included in the packet handed out for the September 13, 2000 Planning Commission meeting is a comparison of the Neighborhood Centers and the Mixed Use Community Shopping zone in the September 28, 1999 minutes. The MUCS is described as follows:

Purpose – serve community needs

General

Provisions – linear locational standards, focusing on transit corridors and pedestrian-orientation

Uses – accommodates auto-oriented uses

Development

Standards – no maximum ft² for footprint or use

From this description, it can be surmised that at one time, more attention was given to the nature of 9th Street and the types of changes that might be reasonable to encourage over time. What is not clear from the minutes is why the MUCS zone standards and uses were changed so markedly since then. We urge the Planning Commission to revisit this issue.

6

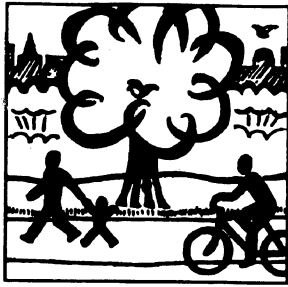
Of critical importance are the footprint and use limitations. In testimony given on September 6, 2000, it was noted that these restrictions could severely hamper many business types that this community considers desirable. The restrictions are clearly meant to impede the further development along 9th of "big box" stores, meaning large, chain businesses. At this time, the Chamber does not wish to engage in a philosophical discussion over whether such commercial enterprises are desirable. We would like to point out, however, that there exist in this community locally owned, highly desirable businesses that have use square footage of over 7,500 ft. Some business types, such as auto parts stores, sporting goods shops, furniture stores, home improvement and garden centers are best served and may even require use space far greater than 7,500. This is the case whether they are "big box" national chains, or family owned local enterprises. Limiting use square footage along 9th Street impedes much more than "big box" development.

The Chamber would like to have it clarified, too, why Major Neighborhood centers—meant to accommodate the needs of comprehensive neighborhoods (surrounded by residences and easily accessible by pedestrians)—are allowed to have unlimited use square footage (or up 55,000 square feet for construction sales and service), while the MUCS zone serving the community at large has such severe limitations. There seems to be some confusion in the way these two zones are seen to function.

Again, we feel it is imperative that the Planning Commission carefully reassess the plans for 9th Street, taking into account the area's geography and concomitant logistical and social realities.

ATTACHMENT V

**Supplemental Staff Memo to Planning
Commission dated September 12,
2000**



LDC UPDATE PROJECT

MEMORANDUM

TO: Planning Commission

FROM: Planning Manager Kelly Schlesener & Associate Planner Fred Towne

DATE: September ¹²/~~8~~, 2000

RE: Additional Discussion Items and Testimony re: LDT00-00002, CPA00-00007, & ZDC00-00009

Attached are some additional discussion items for your convenience. These items were requested by Planning Commission members at the September 6, 2000 public hearing for LDT00-00002, CPA00-00007, & ZDC00-00009, and in subsequent e-mails and telephone calls to staff (Attachment A).

Also attached is the additional written testimony submitted as of Monday, September 11, 2000 at 5:00 p.m. (Attachment B).

Finally, to assist with your deliberations, a matrix is attached that lists the discussion items from both Attachments A and B. This matrix is referred to as Attachment C. The matrix lists discussion topics that were mentioned by individual Planning Commissioners, by verbal testimony to the Planning Commission at the September 6, 2000 hearing, and by written testimony received as of the end of the day September 11, 2000. Specific concerns are listed within the matrix, as well as some options for addressing the concerns. Some of the options described are specific recommendations, some are merely outlining simple options (e.g. "change or maintain"), and some outline a number of options for addressing more complicated topics (e.g. commercial concerns along 9th Street).

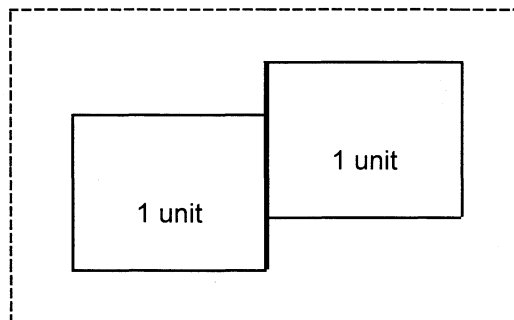
ATTACHMENT A - ITEMS REQUESTED BY THE PLANNING COMMISSION]

- Commissioner York's Alternative for Definitions Pertaining to "Acre" (Staff's suggested modifications shown in italics)
 - Acre: A unit of land measure equal to 43,560 square feet.
 - Area, Gross: The total area of a parcel *or site*, usually expressed in acres.
 - Area, Net: The total area of a parcel *or site*, usually expressed in acres and excluding *existing* public street rights-of-way and, if a developer desires, excluding public parks, significant natural feature areas that are dedicated to the public, *and/or other areas that are permanently precluded from development due to development constraints or some type of conservation easement. Note: Planned streets may not be subtracted when determining net area.*

- Commissioner York's Suggestion for a Clarification of the Duplex Graphic in the Definition Chapter

- Change the text/graphic to indicate that a "stacked" duplex is also acceptable

Duplex: Two dwelling units located on a single lot ~~or development site~~ placed so that some structural parts building walls are in common for a minimum distance of 5 feet. Fences, trellises, etc. that are attached between buildings do not create "attached" units. "Stacked" duplex units are acceptable.



Note to Planning Commission: A graphic can be developed to indicate "stacked" units, if needed.

- Commissioner York's Question Regarding Alleys (Chapter 4.0, page 9)
 - Thought there was a consensus to not require that alleys be privately owned, separate tracts. Asks that the table change the "shalls" to "shoulds." States that otherwise, the establishment of homeowners' associations is being forced.
- Commissioner York's Question Regarding Campaign Signs (Chapter 4.7, page 5)
 - States that there appears to be no limit on the size or quantity of campaign signs and suggests that there should be some limit, at least in the residential zones. He suggests a limitation such as a maximum of two signs per property and a size limit

of six square feet per sign.

Jim Brewer will explain the legal difficulties associated with this suggestion. There are enforcement difficulties as well.

● Issues Regarding MUCS & MUGC Commercial Zones

- The Comprehensive Plan Map, from the direction of Comprehensive Plan policy 8.10.3, designates all commercial areas other than Central Business and Professional Office as Mixed Use Commercial (MUC). Comprehensive Plan Policy 8.10.7 directs the City to “develop standards for a hierarchy of mixed use commercial districts, with minor neighborhood centers serving neighborhood shopping and office needs, major neighborhood centers serving community shopping and office needs, and the downtown commercial districts serving regional shopping and office needs.....” In addition, it states that “districts shall be developed that address all of the community’s desired commercial needs.” From this direction, the Major and Minor Neighborhood Center Zones (NC) were created as directed, with the Mixed Use Community Shopping (MUCS) and Mixed Use General Commercial (MUGC) zones aimed at addressing the additional commercial needs of the community. The original NC and MUCS Zones were presented at the September 28, 1999, CTRG meeting. Following discussion at this and subsequent meetings, this NC Zone was finalized and the MUCS zone was divided into the MUCS and MUGC Zones, as included in Draft B. This hierarchy directs the larger retail uses to the NC Zones so that they may be intensified over time (e.g., the NC Zone is designed to allow no limitation on total square footage and individual building footprints as large as 55,000 sq. ft.). The MUCS Zone is intended to be for areas that are already largely developed and fall between identified NC Zones. The restrictions on the square footage of individual building footprints in the MUCS Zone were developed to specifically direct more intensive development into the NC Zones. The MUGC Zone was created to address uses that generally require structures, parking facilities, and outside storage or sell items that are not conducive to pedestrian use. It was applied to larger blocks of land devoted to these uses and was not intended to be located in prime commercial locations. Mapping of the NW 9th Street area was done based on this hierarchy and these assumptions.

- At the September 6, 2000, LDC Update public hearing, a number of issues were raised regarding the MUCS Zone. These generally focused on the potential implications to existing uses and structures of the zone’s requirements that building footprints not exceed 15,000 ft² and most uses not exceed 7,500 ft². A discussion was also requested of how the Lot Development Option (LDO) process and the Planned Development (PD) process can be used to vary from such development standards. These issues are addressed below.
 - ✓ As indicated in the staff report dated August 25, 2000, existing buildings that are in excess of the building footprint limitation may be considered nonconforming, though the uses are “grand fathered” in. In addition, many of these buildings could be considered non-conforming due to setbacks in excess of the maximum front setback proposed in the MUCS Zone.

For buildings or building areas in excess of the zone’s use size standards,

changes in use will usually require a more involved process than current zoning requires. Generally speaking in the MUCS Zone, uses in excess of 3,000 ft² are required to go through either a Plan Compatibility (PC) Review or a Conditional Development (CD) permitting process. The CD process is very similar to the PD process in terms of submittal requirements and application review by the Planning Commission, with the primary difference that the CD process is not used to vary from development standards, but rather to ensure compatibility with surrounding uses.

As with any development standards in the Land Development Code, the Lot Development Option process and the Planned Development process can be used to propose variations from the use and building size limitations of the MUCS Zone, depending on the scope and number of variations requested. The LDO process allows variations of up to 20 percent of a clearly measurable standard, with no more than three such variations allowed in a two year period. A clarification may be needed in the LDO Chapter to indicate the use size limitation is a development standard that may be so varied (see PD discussion below).

For greater variations or a larger number of variations, an applicant may be able to get approval for the proposed use (or allowance of increased building footprint) by addressing the review criteria of Chapter 2.5 - Planned Development. Staff has proposed a minor modification to Section 2.5.10- Background of Chapter 2.5- Planned Development that clarifies the allowance for a variation from the 7,500 ft² use size limitation (see memo to Planning Commission dated September 6, 2000). This may involve construction of additional pedestrian or other amenities, and again, staff has proposed a modification to Section 2.5.40.04 - Review Criteria that will allow such variations without having to meet all of the requirements of Chapter 4.10- Pedestrian Oriented Design Standards (see memo to Planning Commission dated September 6, 2000).

A number of options are available to the Commission for addressing these concerns. These are specified below:

1. As indicated above, staff has identified several changes to the LDO and PD chapters clarifying the allowance for a variation to the use size limitation through these processes. Staff has also proposed a change to the PD review criteria that, in essence, allows a development some variation from the specific requirements of the PODS while still meeting their intent. These, or some variation on them, seem to be a minimum starting point for addressing the identified issues.
2. In the memo to Planning Commission dated September 6, 2000, staff presented language to be considered for inclusion in Section 3.19.40.01 of the MUCS Zone. Based on testimony receive in the public hearing and further reading of the MUCS use allowances, this has been modified as follows:

d. Building footprints in excess of 15, 000 ft² existing prior to

December 31, 2000, and in conformance with the Land Development Code on that date shall not be classified as nonconforming structures. In such structures, change in use from the use existing prior to December 31, 2000, and in conformance with the Land Development Code on that date to a use otherwise permitted, but for the maximum use size limitation, shall be permitted. Similarly, for interior portions of buildings in excess of 7,500 ft² existing prior to December 31, 2000, and in conformance with the Land Development Code on that date, change in use from an existing permitted use to a use otherwise permitted, but for the maximum use size limitation, shall be permitted.

Such an addition would remove the onus of nonconformance while still requiring the LDO or PD process to be used for expansions of such building footprints or interior areas greater than 7,500 ft².

3. The Planning Commission could choose to modify the maximum building footprint size to accommodate all existing buildings along NW 9th Street. This would require an area of approximately 35,000 ft². Although the K-Mart site is also designated as MUCS, it is under an existing established Planned Development. As such, variations are already required to go through either the Minor or Major Modification process, so the size limitations, setbacks, and other development standards have are less onerous. In essence, new standards are established for the site through the PD.
4. A one-time increase to existing building footprint size could be allowed. The 20 percent increase allowed in the PODS Chapter before the standards kick in may be a starting point for discussion. This would likely need to be added to the language suggested above that makes existing structures not nonconforming. Its purpose is to recognize the investment people have made in these structures with an intent to do some expansion if needed to accommodate business growth. Again, such language would not be applied to existing Planned Developments, as the Minor and Major Modification provisions of the PD chapter address such changes.

Attached is a packet that includes the minutes of the CTRG meetings at which the MUCS Zone was discussed as well as policies and other material considered during this effort. This gives an idea of the evolution of the MUCS district and specific discussion of the NW 9th Street area.

In closing, staff believes the Planning Commission should consider making the accommodations within the MUCS Zone that it deems appropriate to address the issues raised rather than redesignate properties along NW 9th Street as MUGC. In reviewing the allowed uses in the MUGC Zone, a number of uses appropriate for NW 9th Street (such as General Retail and Residential) are not permitted. Conversely, other uses (such as industrial laundry and cleaning services and Mini-Warehouses) may not be appropriate.

ATTACHMENT A

Attached are the Commercial Technical Review Group Minutes and Attachments requested at the September 6, 2000, public hearing for LDT00-00002, CPA00-00007, & ZDC00-00009. These include:

1. September 28, 1999, meeting minutes and attachments
2. October 12, 1999, meeting minutes
3. October 26, 1999, meeting minutes
4. November 2, 1999, meeting minutes
5. November 9, 1999, meeting minutes
6. December 7, 1999, meeting minutes
7. Commercial Comprehensive Plan Policies
8. North 9th Street Uses
9. Commercial Comprehensive Plan Policies-Focused
10. Applicable Comprehensive Plan Policies Regarding Characteristics of Commercial Zoning
11. Comparative Table for Neighborhood Centers, Mixed Use Community Shopping, & Mixed Use General Commercial Zones

Land Development Code Update

COMMERCIAL TECHNICAL REVIEW GROUP MINUTES

Date: September 28, 1999

Start Time: 7:00 p.m.

Location: Meeting Room "D", City Hall

Members Present: Pat Lampton, Chair, Kirk Bailey, Chick Gerke, Bruce Hansen, Tony Howell, Gary Pond, Tim Willis, Tom Wogaman

Members Absent: Mary Buckman, Trish Daniels, Rick South

Staff Present: Ken Gibb, Mike Gallagher, Terry Nix

Consultants Present: Joe Dills/Otak, Scot Siegal/Otak

Visitors: None

Visitors Propositions: None

Major Discussion Items:

Handouts: 1) Neighborhood Center Zone Chapter; 2) Mixed Use Community Shopping Zone Chapter; 3) Pedestrian Oriented Design Standards Chapter; 4) Standards for Shopping Streets; 5) Standards for Blocks; 6) Use Classification Amendments; and 7) Code Images Prepared by Otak.

The Chair explained that flip charts have been placed around the room and he asked that each TRG member write down what they believe to be critical issues in each area. These comments will then be used to facilitate discussions. He reviewed the ambitious time line and noted the task this evening is to complete the review of draft three. He noted that meeting materials are mailed in advance and he encouraged members to come to meetings prepared for discussion, and to get comments to Mike prior to the meeting. Mr. Gibbs urged members to call staff with any questions on the materials in advance of meetings.

Mr. Gallagher reviewed the process to date, the attempt to combine and simplify the chapters, and the similarities and differences between the proposed chapters: Major Neighborhood Center (NC), Minor NC, and Mixed Use Community Shopping (MUCS).

Written comments from TRG members facilitated the following discussions:

Major Discussion Items continued

NC, General Provisions:

Discussion related to the proposed zone sizes. Mr. Gallagher noted that areas designated NC and containing existing development may not meet locational and design standards, but are planned to be identified through a mapping effort that will be running parallel to the Update Project. He said staff will be providing additional data and a recommendation related to zone sizes at a later date. It was noted that variances to criteria will be available through a public process.

Consensus: Look at uses desired for Minor NC and set use size accordingly.

Discussion related to locational criteria for Collectors/Arterials/Neighborhood Collectors.

Consensus: Add Neighborhood Collector to Minor NC locational criteria and leave Major NC as written.

Discussion related to incremental development of a NC, especially when there are multiple owners. Mr. Dills reviewed a process wherein the first applicant in a NC would be required to bring forward a master plan of the area indicating the fundamentals of circulation, street orientation, etc. Mr. Gallagher said this would be a generalized, similar to the level of detail required for conceptual development site plans.

Consensus: Additional delineation is needed on the master plan process.

Discussion related to Section 20.01.a.5.

Consensus: State the purpose of Minor and Major NC.

NC Uses:

Discussion regarding NC and MUCS uses. It was suggested that the number of MUCS uses be reduced to encourage development at NC.

NC Development Standards:

Discussion related to second story requirements. It was noted that these requirements may discourage development of groceries and other large retail.

Consensus: Separate the parking garage footprint; be more specific on size limits on some uses, or place limits on impacts to neighborhood; maintain the 40,000 square foot maximum for Major NC and include a menu of possible methods for meeting second story requirements; make the option of a conditional process explicit within the document; review the 20,000 square foot maximum specified for Minor NC and target that maximum toward a typical convenience store size.

Discussion related to structure height. It was noted that 75' may be excessive for Minor NC, even with the public process requirement. It was suggested that use over three stories be limited to residential to reduce business generating impacts.

Consensus: Limit commercial and civic uses to no higher than three stories in Minor NC.

Discussion related to step down height.

Major Discussion Items continued

Discussion related to side streets. It was suggested that language be added regarding setbacks, location of parking lots, etc. as related to side streets.

Consensus: Where there is a corner, the building should extend all the way to the corner.

Discussion related to shopping streets.

Consensus: Clarify what to do with backs of buildings that don't face the shopping street.

Section 40.01.a.1 & 2. Mr. Gallagher explained that, following additional review, staff is suggesting this language be eliminated and replaced with the language in draft two. Brief discussion followed.

Consensus: Cross reference applicable sections.

Section 40.06.b. Mr. Gallagher said this language is repetitive and he suggested it be eliminated.

Discussion related to the minimum FAR of .25. Mr. Dill advised that the FAR was set per current development practices.

Consensus: Keep.

MUCS Uses:

Individual TRG members indicated a desire to encourage NC over MUCS and to disallow those MUCS uses which are more appropriate to NC.

Discussion followed related to Ninth Street and the concept of mixing development nodes with pedestrian oriented MUCS. The following individual comments were made:

The Comprehensive Plan directs a transition away from linear commercial.

Perhaps a separate district should be established for Ninth Street and/or other areas of City in the MUC Comprehensive Plan Map designation.

Perhaps 9th Street, particularly the west side of the street, should be continual series of NC.

Retail uses that fit into NC should not be allowed/encouraged in MUCS.

Include Min./Max. building/size limitations in MUCS.

The permit process will encourage most uses to be developed at NC.

Mr. Gibb noted that this was one attempt to fill a recognized gap. He suggested that staff revisit the issue and provide additional clarification.

Major Discussion Items continued

Discussion followed regarding process. Mr. Gallagher asked that additional comments on draft three be forwarded to him tomorrow. The Chair asked that comments regarding the process used this evening or suggestions for a better process be forwarded to staff.

Next Meeting: October 12, 1999 at the Downtown Fire Station Meeting Room

Adjournment Time: 10:15 p.m.

**SIMILARITIES & DIFFERENCES
BETWEEN NEIGHBORHOOD CENTERS & MIXED USE COMMUNITY SHOPPING**

ITEM	MAJOR NC	MINOR NC	MUCS
Purpose	<i>Transition Existing Development Toward Mixed Uses and Pedestrian Orientation</i>		
	Core of Comprehensive Neighborhood, and Serving Broader Community Needs	Core of Comprehensive Neighborhood	Serve Community Needs
	Focus on Pedestrian Orientation & Minimize Focus On Auto-Orientation		Accommodate Both Pedestrian-Oriented and Auto-Oriented
General Provisions	Procedures for variations from standards provided		
	Nodal Locational Standards Accommodating Neighborhood Core Concept and Transit Focus		Linear Locational Standards, Focusing on Transit Corridors and Pedestrian-Orientation
Uses	Mixed Uses Allowed (Not Required) Pedestrian Orientation		
	Encourage High Pedestrian Activity Commercial/Civic Uses, with Less Emphasis on Auto-Oriented Uses		Accommodates Auto-Oriented Uses
Development Standards	FAR's Quite Similar		
	Require Circulation & Parking in Rear of Site		Encourage Parking in Rear of Site
	Emphasis on Building Orientation to Shopping Street with Strong Streetscape Enclosure and Amenities for Pedestrians		Emphasis on Building Orientation to Streets
	40,000 ft ² Max. Footprint No Max ft ² Use	20,000 ft ² Max. Footprint 3,000 ft ² Max. Use	No Max ft ² for Footprint or Use
	Alleys Required When Possible		Alleys Not Required
	Front Setback Outright 0 ft Min. 20 ft As PC > 20 ft As PD		Front Setback Outright 0 ft Min. 20 ft Max
	75 ft or 6 Story Limit	35 ft or 3 Story Limit	45 ft Height Limit

CHAPTER ____ **NEIGHBORHOOD CENTER (NC) ZONE**

Section __.__.10 - PURPOSE

The Neighborhood Center (NC) Zone implements the Minor and Major Neighborhood Center Comprehensive Plan designations. The NC Zone is intended to provide for concentrations of retail businesses, commercial and personal service activities, and mixed use developments in the core of neighborhood centers, as envisioned by the Comprehensive Plan. The purposes of the NC Zone also include:

- a. Locate a range of businesses within convenient walking distance of residential areas;
- b. Assure human-scale development oriented to pedestrian-friendly shopping streets;
- c. Support the use of alternative modes of transportation, including walking, transit and bicycles;
- d. Develop neighborhood cores at an appropriate human scale, while minimizing hazards, noise, traffic congestion, and other related effects of commercial concentrations; and
- e. Implement the Comprehensive Plan provisions for development of “Minor” and “Major” Neighborhood Commercial Centers by establishing Minor NC and Major NC Zones on the Zone Map.
- f. Provide useful public open spaces serving the neighborhood core and surrounding uses.

Five potential Major NC zone areas are already largely developed and are identified on the Comprehensive Plan Map dated December 31, 2000, including sites approximately at the following intersections: Northeast quadrant of NW Walnut Boulevard/NW Kings Boulevard; Northeast quadrant of NW Circle Boulevard/NW Kings Boulevard; Southwest quadrant of North 9th Street/NW Circle Boulevard; Southeast quadrant of NW Kings Boulevard/NW Buchanan Avenue; and Southeast quadrant of Philomath Boulevard (Highways 20/35)/SW 53rd Street. These potential Major NC zone areas have been developed or are approved for development that may not comply with the pedestrian-oriented and human-scale development standards that this Chapter requires. The primary purpose of the Comprehensive Plan designation for the potential Major NC zone areas is to encourage the continued commercial focus of the sites, allow potential addition of mixed uses, and more pedestrian-oriented and human-scaled settings for these sites should substantial new development occur on them.

Section __.__.20 - GENERAL PROVISIONS

20.01 - Establishment of the NC Zone

The NC Zone shall be applied to lands identified as such on the Zone map, as of December 31, 2000; except as amended in accordance with the provisions of this Chapter and Chapter 2.2- Zone Changes and applicable Comprehensive Plan policies. Zone changes to establish new NC Zones may be applied only to properties designated Mixed Use Commercial (MUC) or Intensive Development Sector (IDS) on the Comprehensive Plan Map as of December 31, 2000, or to properties to which one of these designations are established through a subsequent or concurrent Comprehensive Plan Map amendment. The NC Zone also may be applied through a legislative or quasi-judicial process, in accordance with the procedures identified in Chapter 2.0 - Public Hearings. The following locational and dimensional criteria shall apply to new NC Zones.

a. Locational Criteria

The following locational criteria shall be applied to zone changes, in conjunction with Chapter 2.2 - Zone Changes.

1. The NC Zone may only be applied to a parcel or parcels at or near an intersection of collectors and/or arterials, subject to the other locational criteria herein.
2. As much as practicable, NC Zone boundaries shall occur at mid-block locations rather than streets so that similar uses face each other.
3. The NC Zone shall have at least 50 feet of frontage either along an existing or planned shopping street, as defined in LDC Chapter 4.0, or along a dedicated public square.

AND EITHER

4. All portions of the NC Zone shall be located within 1/4 mile of existing or planned transit service and any Major NC Zone shall be sited at transit nodes on arterial streets;

OR

5. The NC Zone shall be located in areas determined, through a Quasi-Judicial or Legislative process (in accordance with Chapter 2.0 - Public Hearings), to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood.

b. Zone Size and Dimensions

The following size and dimensional criteria shall be applied to zone changes, in conjunction with Chapter 2.2 - Zone Changes.

1. A new NC Zone shall consist of at least one “whole” legal lot if the lot is one acre or less in size. When multiple tax lots are included, portions at least one-acre in size of individual lots may be included, provided the size of the remainder of each lot is developable under its Zone designation. Existing public street rights-of-way shall not count toward the total area of a Zone.
2. In Minor Neighborhood Centers, NC Zones shall not exceed 2 acres. In Major Neighborhood Centers, NC Zones shall not exceed 10 acres.
3. An exception to these acreage limitations may occur if a site is determined, through a Planned Development or Legislative process (in accordance with Chapter 2.5 - Planned Development, or Chapter 2.0 - Public Hearings, respectively), to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood.

[Note: The size of Minor and Major Neighborhood Centers is a key issue that affects many of the provisions within this chapter.]

c. Master Plan for Major Neighborhood Center

Prior to development, a Master Plan for each Major Neighborhood Center Zone shall be required in one of the following manners:

1. For each Major Neighborhood Center on undeveloped sites or on sites requiring major redevelopment, the Master Plan must be approved in accordance with Chapter 2.5 - Planned Development. For purposes of this section, major redevelopment includes enlargements or extensions of structures involving floor area equivalent to 25 percent or more of the gross floor area of any existing building (or buildings if attached) on the site, or 3,000 square feet or more of floor area within the site, whichever is greater.
2. For each Major Neighborhood Center on existing developed sites not involving major redevelopment (as defined in 1 above), and complying with all applicable development standards, the Master Plan may be approved in accordance with Chapter 2.13 - Plan Compatibility Review. Modifications to the application of up to 3 clearly measurable development standards in the Master Plan (with each

modification applying to only one lot, or up to three modifications applied to one lot), may be processed in accordance with Chapter 2.12 - Lot Development Option. Modifications to development standards that exceed the scope of a Lot Development Option may be sought through the requirements of Chapter 2.5 - Planned Development.

c. Variations

Variations from development standards and design guidelines (e.g. standards both within this chapter and within other development standard chapters like parking, landscaping, public improvements, and pedestrian oriented design guidelines) may be achieved through the following processes:

- 1) Lot Development Option - Available for situations where variations of up to 3 clearly measurable standards are proposed in accordance with the criteria established within Chapter 2.12.
- 2) Planned Development - Available for situations where the cumulative scope and impact of the variations relate to 4 or more clearly measurable standards or relate to any standard that is not clearly measurable. In either case, the variations shall be in accordance with the criteria established within Chapter 2.5.

Section __.__.30 - PERMITTED USES

Land use in the NC Zone shall conform to the list of permitted uses in Table 1. Permitted uses are identified with a “P”, whereas “PC” means that the use is permitted subject to Plan Compatibility Review (Chapter 2.13). Conditional developments are indicated with a “CD” (Chapter 2.3), and prohibited uses with “N”.

Table 1 - Permitted Uses		
Uses	Permit Procedure	
	<i>Minor NC</i>	<i>Major NC</i>
Civic Use Types ¹		
- Administrative Services	P	P
- Civic Assembly	P	P
- Co-located /Attached Wireless Telecommunication Facility	N	PC
- Community Recreation	CD	PC
- Cultural Exhibits and Library Services	P	P
- Essential Services	P	P
- Free Standing Wireless Telecommunication Facility	N	PC
- Lodge and Fraternal, except ground floor	CD	PC
- Major Services and Utilities	CD	CD
- Minor Utilities, subject to Chapter 4.9 standards	PC	PC
- Parking Services	N	CD
- Parks, plazas and similar open spaces	P	P
- Postal Services	P	P
- Public Safety Services	P	P
- Religious Assembly	CD	PC
- University Services and Facilities	PC	PC
- Wireless Telecommunication Facilities	N	PC

¹A Civic Use type that exceeds 5,000 square feet must demonstrate through a Conditional Development review that it primarily serves the immediate area.

Table 1 - Permitted Uses (continued)		
Uses	Neighborhood Commercial Zones	
	Minor NC	Major NC
Commercial Use Types (contained within enclosed building) ¹		
- Agricultural Sales	N	CD
- Animal Sales and Service - Grooming, Kennels, Veterinary (small animals)	P	P
- Automotive and Equipment, subject to the provisions of Chapter __ - Pedestrian Standards	N ¹	CD
- Building Maintenance Services	CD	P
- Business Equipment Sales and Services	P	P
- Business Support Services	P	P
- Car Wash	N	CD
- Child Care Facilities	CD	P
- Communication Services	CD	P
- Construction Sales and Services	CD	P
- Convenience Sales and Personal Services, except drive-through facilities	P	P
- Drive-Through Facilities	N	CD
- Eating and Drinking Establishments, except drive-through facilities	P	P
- Financial, Insurance, and Real Estate Services	P	P
- Food/Beverage Retail Sales, except drive-through facilities	P	P
- Fuel Sales	N	CD
- Funeral and Interment Services (cremating and undertaking)	N	CD
- Home Business	P	P
- Laundry	P	P
- Medical Services	P	P
- Parking lot kiosk - Pedestrian-oriented	P	P
- Parking lot kiosk - Auto-oriented	N	CD
- Participant Sports and Recreation	N	CD
- Personal Services - General, except drive through facilities	P	P
- Professional and Administrative Services	P	P

¹Uses existing prior to the effective date of this ordinance are allowed, subject to the provisions of Chapter __ - Non-Conforming Uses and Development. *[need to tweak this section to cross-reference this chapter and the Pedestrian Standards, as appropriate.]*

Table 1 - Permitted Uses (continued)		
- Repair Services - Consumer	P	P
- Research Services	PC	P
- Retail Sales	P	P
- Temporary Uses, limited to farmers markets and similar uses [new use type]	CD	CD
- Transient Habitation - Lodging, above ground floor only	N ²	CD
Spectator and Entertainment Sports	N	CD
Residential Use Types: Family, Group Residential, Group Residential/Group Care, Residential Care Facilities. ³	PC	P
Residential Building Types: Attached (Townhouse), Multi-Unit Dwelling. Any residential building type may be authorized through a Planned Development approval. ³		
Planned Development, in accordance with Chapter 2.5	PD	PD
Accessory Uses (contained within enclosed building) ⁴		
- Essential Services	P	P
- Required off-street parking in accordance with Chapter 4.1	P	P
- Other development customarily incidental to the primary use in accordance with Chapter 4.3	P/PC	P
Projections, such as chimneys, spires, domes, and towers not used for human occupancy exceeding 75 feet in height, in accordance with Chapter ____.	N	PC

²See note #1.

³Single Family residential units approved and constructed for individual lots prior to annexation are allowed as non-conforming uses.

⁴All accessory uses types shall comply with the provisions of Section ____ - Building and Use Size.

Section __.40 - DEVELOPMENT STANDARDS

__.40.01 - Use and Building Size

All development shall comply with the following standards for use and building size:

a. Minor NC Zone

The maximum size of a use shall be 3,000 square feet per use and the maximum building foot print shall be 20,000 square feet per building. For purposes of this requirement, the building footprint shall be based on either of the following methods:

1. Detached buildings (e.g., once a building reaches 20,000 square feet on the ground floor, additional ground floor building square footage must be achieved in another building). No wall space fronting a shopping street shall exceed 250 linear feet. Separations between adjacent detached buildings shall include a covered sidewalk that provides a through connection between the front of the building and other pedestrian facilities at the rear of the building
2. Construction and use of a pedestrian walkway that divides the building into units no larger than 20,000 square feet and maintains no more than 250 feet of wall space unbroken by a pedestrian walkway. The pedestrian walkway shall be covered to provide weather protection, and shall provide a through connection between the front of the building and other pedestrian facilities at the rear of the building.

Any building containing over 20,000 square feet of gross floor area shall incorporate a second story.

b. Major NC Zone

While there is no maximum square foot limitation for uses in the Major NC Zone, the maximum building foot print shall be 40,000 square feet. For purposes of this requirement, the building footprint shall be based on either of the following methods:

1. Detached buildings (e.g., once a building reaches 40,000 square feet on the ground floor, additional ground floor building square footage must be achieved in another building). No wall space fronting a shopping street shall exceed 250 linear feet. Separations between adjacent detached buildings shall include a covered sidewalk that provides a

through connection between the front of the building and other pedestrian facilities at the rear of the building

2. Construction and use of a pedestrian walkway that divides the building into units no larger than 40,000 square feet and maintains no more than 250 feet of wall space unbroken by a pedestrian walkway. The pedestrian walkway shall be covered to provide weather protection, and shall provide a through connection between the front of the building and other pedestrian facilities at the rear of the building.

Any building containing over 40,000 square feet of gross floor area shall incorporate a second story.

40.02 - Location of Residential Uses

All residential development in NC Zones shall comply with the following standard:

a. Ground Floor Housing

In Minor and Major NC Zones, housing shall not be permitted on a ground floor space that faces a shopping street. Housing on the ground floor is allowed if it faces a street other than a shopping street, or is oriented to a courtyard, alley, lane or other access setback from the shopping street and provides pedestrian access to public right-of-way in accordance with _____ (Pedestrian Standards Chapter Section).

40.03 - Location of Civic Use Types

To the maximum extent feasible, civic use types such as community buildings, government offices, recreation centers, libraries and day care, shall be located in central locations as highly visible focal points. Civic uses shall also be located within 300 feet of transit stops, unless an exception is provided in accordance with Section 20.01.a.5 of this Chapter.

40.04 - Common Open Space

Neighborhood centers shall include common open space, such as a park, plaza, pedestrian promenade, or other public gathering area. The open space may be publically or privately owned, but must be accessible to the general public. The open space shall be located in a central or other location that is conducive to creating a focal point for the neighborhood center. The size of the open space shall be established through the Planned Development process or through compliance with the Pedestrian Amenities standards of the Pedestrian Oriented Development Standards chapter, Section _____.

40.05 - Commercial Floor Area Ratio - Preservation of Commercial Land Supply

Minimum floor area ratios (FAR) are required for all property with a Mixed Use Commercial designation. This requirement is to ensure that commercial land is preserved for primarily commercial purposes. For an explanation of how to apply/calculate FAR, refer to the definition of "Floor Area Ratio" in Chapter 1.6 - Definitions.

All commercial and mixed use developments shall comply with the following standards for commercial floor area:

a. Commercial Use Types

For commercial use types, the minimum floor area ratio (FAR) shall be ___(0.25) and the maximum floor area ratio shall be ___(1.0).

b. Civic Use Types

For civic use types, the minimum FAR shall be ___(0.50) and the maximum floor area ratio shall be ___(2.0).

c. Excluded Features

Housing and structured parking shall not be included in maximum FAR.

d. FAR Exceptions Process

To increase FAR above established maximum, a proponent must apply for a Planned Development in accordance with Chapter 2.5. In all cases the primary use of the property shall remain commercial.

Discussion: The minimum FARs reflect what is feasible in today's market. The maximum FARs are intended to control scale and prevent undesired competition between the Major NC Zones and the downtown, and between Major and Minor NC Zones. Issues to consider include: whether the maximum commercial build-out at specific NC properties might be too high, and, what is counted in the calculation of "Floor" and "Area" (e.g. current city practice is to include structured parking in the "Floor" portion of the calculation).

_.40.06 - Mixed Use Standards

a. Residential Ground Floor Uses

Residential uses located on the ground floor shall not exceed 50 percent of the ground floor space per parcel; the Planned Development process may be used to transfer ground-floor commercial and residential uses between parcels in the same development, provided that no more than 50% of the ground floor space in the development is residential.

b. Project Phasing

When a project is composed of two or more phases, each phase shall meet the minimum FAR as described in section __.__.40.05 above, or an alternative proposed through the Planned Development review process. The commercial uses on an NC site are required to be developed prior to or concurrently with other uses, with the exception of residential uses that are in existence as of the adoption of the NC zone.

__.__.40.07 - Setbacks

Setbacks in the NC Zones shall conform to the setbacks listed in Table 2.

Table 2 - Setbacks			
<i>Setback</i>	<i>Minimum</i>	<i>Maximum</i>	<i>Permit Procedure</i>
Front	0 feet	5 feet	P
	0 feet	20 feet	PC
	0 feet	>20 feet	PD
Side¹	0 feet ²	none	P
Rear	0 feet ²	none	P

__.__.40.08 - Structure Height

Structure heights shall comply with the following standards:

a. Minor NC Zone

Structures shall not exceed a height of 35 feet or three stories. Planned Development approvals may authorize buildings up to 75 feet or six stories in a Minor Neighborhood Center.

b. Major NC Zone

Structures shall not exceed a height of 75 feet or six stories.

c. Step Down Height.

¹Corners require compliance with clear vision and pedestrian standards (i.e., building orientation and entrance standards)

²When adjacent

Where the NC Zone abuts an RS-3.5, RS-5, RS-9 or RS-9 (U) Zone, the height of structures shall be limited to a maximum of 35 feet within a distance of 20 feet from the boundary with the lower density Zone. In cases where the zoning boundary is established at the center of a local street, the step-down in building height shall apply from the edge of the property line rather than the center of the street.

___.040.09 - Alleys Required for New Blocks

Alleys shall be required for all new blocks created in NC Zones. Alleys shall be provided in accordance with the standards in Chapter 4.0.

___.040.10 - Compliance with Pedestrian Oriented Development Standards

The Pedestrian Standards of Chapter __ shall apply to the following types of development in the NC Zone:

- a. All new buildings;
- b. All building expansions of 20 percent or 3,000 square feet, whichever is greater; and
- c. Developments subject to Conditional Development and/or Planned Development approval shall comply with the Pedestrian Standards, when required by a condition of approval.

___.50 - SHOPPING STREET REQUIREMENTS

Shopping streets are intended to be active pedestrian areas, aligned with a concentration of retail services and eating and drinking establishments on the ground floors of all buildings.

___.050.01 - Shopping Street Required

Each Neighborhood NC Zone shall include at least one shopping street that is consistent with the shopping street provisions in Article 4.0, or a onto public square toward which ground floor commercial and/or civic uses are oriented.

Section __.__.050.02 - Designation of Shopping Streets

A shopping street location shall be designated in one of the following manners:

- a. City-initiated Comprehensive Plan text/map amendment;
- b. LDC Zoning Map Amendment;
- c. An approval issued by a discretionary review body (e.g., the Planning Commission)
- d. As part of an administrative review, provided all shopping streets comply with all of the standards for shopping street development in chapter 4.0 - Improvements.

When a shopping street location has been designated through one of the methods established above, all future development shall be consistent with the shopping street standards specified in chapter 4.0, or with standards that are specified in conditions of approval associated with a discretionary decision.

Section __.__.050.03 - Prohibited Uses

The following uses are prohibited from facing shopping streets, unless they are authorized as part of a Planned Development.

a. Residential Use Types on the Ground Floor

Although residential use types are prohibited from facing shopping streets, access to ground floor or upper floor residential uses is permitted along shopping streets via courtyards or common access pedestrian ways with access points along the shopping street being no wider than 30 feet.

b. Uses Highly Dependent on Automobile Circulation

Drive-through facilities, Eating and Drinking Establishments - Fast Order Food Drive-in, car washes, fuel sales.

c. Transient Habitation Uses on the Ground Floor.

Although transient habitation use types are prohibited from facing shopping streets, access to adjacent or upper floors of such uses is permitted along shopping streets.

Section __.__.060 - COMPLIANCE WITH THE ZONING ORDINANCE

All development shall comply with applicable design standards and other provisions of the Zoning Ordinance including, but not limited to, portions of Article 4 Chapters 4.0, 4.1, 4.2, 4.6, 4.7 and 4.9.

CHAPTER _____
MIXED USE COMMUNITY SHOPPING (MUCS) ZONE

Section __.__.10 - PURPOSE

The Mixed Use Community Shopping (MUCS) Zone implements the Mixed Use Commercial Comprehensive Plan designation in areas located outside Neighborhood Center (NC) Zones. The MUCS Zone is intended to provide for concentrations of retail businesses, commercial and personal service activities, and mixed use developments, while accommodating both pedestrian-oriented and a limited number of land uses that are more dependent on automobile circulation. The purposes of the MUCS Zone also include:

- a. Locate a range of complimentary businesses in close proximity to each other;
- b. Provide human-scale development to the greatest extent practicable;
- c. Mitigate the adverse impacts of automobile-oriented development on the pedestrian environment;
- d. Support the use of alternative modes of transportation, including walking, transit and bicycles;
- e. Minimize hazards, noise, traffic congestion, and other related effects of commercial concentrations; and
- f. Implement the Comprehensive Plan provisions for access management on arterial streets.
- g. Provide transitions from a linear pattern of commercial development to a pedestrian-friendly environment, while providing opportunities for a limited number of types of commercial uses that are particularly dependent on on-site automobile circulation that is closely linked to public streets.

Section __.__.20 - GENERAL PROVISIONS

__.__.20.01 - Establishment of the MUCS Zone

Zone changes to establish new MUCS Zones may be applied only to properties designated Mixed Use Commercial (MUC) or Intensive Development Sector (IDS) on the Comprehensive Plan Map as of December 31, 2000, or as established through a subsequent or concurrent Comprehensive Plan Map amendment. The MUCS Zone also

may be applied through a legislative or quasi-judicial process in accordance with Chapter 2.0 - Public Hearings. The following locational and dimensional criteria shall apply to any new MUCS Zone.

a. Locational Criteria

The following locational criteria shall be applied to Zone changes, in conjunction with Chapter 2.2 - Zone Changes.

1. The MUCS Zone shall have at least 50-feet of frontage along a collector or arterial street, as designated in the *Corvallis Transportation Plan*;

AND EITHER

2. All portions of the MUCS Zone shall be located within 1/4 mile of existing or planned transit service;

OR

3. The MUCS Zone shall be located in areas determined, through a quasi-judicial or a Legislative process, to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood.

b. Zone Size and Dimensions

1. A new MUCS Zone shall consist of at least one “whole” legal lot or parcel if the lot or parcel is one acre or less in size. When multiple lots or parcels are included, portions at least one-acre in size of individual lots or parcels may be included, provided the size of the remainder of each lot or parcel is developable under its Zone designation. Public street rights-of-way shall not count toward the total area of a Zone.

c. Variations

Variations from development standards and design guidelines (e.g. standards both within this chapter and within other development standard chapters like

parking, landscaping, public improvements, and pedestrian oriented design guidelines) may be achieved through the following processes:

- 1) Lot Development Option - Available for situations where variations of up to 3 clearly measurable standards are proposed in accordance with the criteria established within Chapter 2.12.
- 2) Planned Development - Available for situations where the cumulative scope and impact of the variations relate to 4 or more clearly measurable standards or relate to any standard that is not clearly measurable. In either case, the variations shall be in accordance with the criteria established within Chapter 2.5.

Section __.__.30 - PERMITTED USES

Land use in the MUCS Zone shall conform to the list of permitted uses in Table 1. Permitted uses are identified with a “P”, whereas “PC” means that the use is permitted subject to Plan Compatibility Review (Chapter 2.13). Conditional developments are indicated with a “CD” (Chapter 2.3), and prohibited uses with “N”.

Table 1 - Permitted Uses	
<i>Uses</i>	<i>Permit Procedure</i>
Civic Use Types	
- Administrative Services	PC
- Civic Assembly	N
- Co-located/Attached Wireless Telecommunication Facilities	PC
- Community Recreation	PC
- Cultural Exhibits and Library Services	N
- Essential Services	P
- Free Standing Wireless Telecom. Facilities	PC
- Lodge and Fraternal Assembly	PC
- Minor Utilities, subject to Chapter 4.9 standards	PC
- Major Services and Utilities (e.g., transit and similar facilities)	PC
- Parking Services	PC
- Parks, plazas and similar open spaces	PC
- Postal Services	N
- Public Safety Services	PC
- Religious Assembly	PC
- University Services and Facilities	P
- Wireless Telecommunication Facilities	PC
<p><i>Discussion: We suggest prohibiting some civic uses (“N”) that should be located in neighborhood centers and downtown, due to pedestrian access and proximity to neighborhoods.</i></p>	

Table 1 - Permitted Uses (continued)		
<i>Uses</i>	<i>Permit Procedure</i>	
	<i>Less than 3,000 s.f.</i>	<i>Equal to or > 3,000 s.f.</i>
Commercial Use Types (contained within enclosed building) ¹		
- Uses Existing prior to __, 2000 [<i>procedure based on "similar use"</i>]	P/PC/CD	PC/CD
- Agricultural Sales and Service	P	PC
- Animal Sales and Service - Grooming, Kennels, Veterinary (small and within enclosed building)	P	PC
- Animal Sales and Service - (large and small, and/or including use outside building)	PC	CD
- Automobile and Equipment -subject to the provisions of Chapter __ - Pedestrian Standards, with the exception of Light Equipment Sales/Rentals	PC	CD
- Automobile and Equipment, Light Equipment Sales/Rentals (<i>Note: For auto sales, vehicle display parking lots are allowed along the street frontage in accordance with the parking lot landscaping standards in Chapter 4.0. Buildings and customer service parking shall comply with the minimum setbacks and pedestrian oriented standards.</i>)	CD	CD
- Carwash	PC	PC
- Fuel Sales.	PC	PC
- Building Maintenance Services	P	PC
- Business Equipment Sales and Services	P	PC
- Business Support Services	P	PC
- Child Care Facilities	CD	P
- Communication Services	P	PC
- Construction Sales and Services	P	PC
- Convenience Sales and Personal Services, except automobile-oriented uses	PC	CD

¹All commercial use types shall comply with the provisions of Section __ - Thresholds for Determining the Applicable Review Procedure.

Table 1 - Permitted Uses (continued)		
<i>Uses</i>	<i>Permit Procedure</i>	
	<i>Less than 3,000 s.f.</i>	<i>Equal to or > 3,000 s.f.</i>
Commercial Use Types (contained within enclosed building) ²		
- Drive-Through Facilities	CD	CD
- Eating and Drinking Establishments, except drive-through facilities	PC	CD
- Financial, Insurance, and Real Estate Services	P	PC
- Food/Beverage Retail Sales, except drive through facilities	PC	CD
- Funeral and Interment Services (cremating and undertaking)	PC	CD
- Home Business	P	P
- Laundry	P	PC
- Medical Services	PC	CD
- Parking Lot Kiosk - Auto-dependent	CD	N
- Parking Lot Kiosk- Pedestrian-oriented	P	CD
<i>Discussion: Adopt standards to address size, placement, pedestrian access, circulation, and public service requirement. The "P" is for pedestrian-oriented kiosks. "CD" applies to auto-oriented kiosks.</i>		
- Participant Sports and Recreation (indoor and outdoor)	PC	CD
- Personal Services - General, except Drive-Through Facilities	P	PC
- Professional and Administrative Services	P	PC
- Repair Services - Consumer	P	PC
- Research Sales and Services	P	PC
- Retail Sales	P	PC
- Spectator and Entertainment Sports - Limited and Other	PC	CD
- Swap Meets	PC	CD
- Temporary Outdoor Markets	PC	CD
- Transient Habitation - Lodging	P	CD

²All commercial use types shall comply with the provisions of Section ___ - Thresholds for Determining the Applicable Review Procedure.

Table 1 - Permitted Uses (continued)	
<i>Uses</i>	<i>Permit Procedure</i>
Residential ³ 1. Residential use types limited to: <ul style="list-style-type: none"> - Family - Group Residential - Group Residential/Group Care - Residential Care Facilities 2. Residential building types limited to: <ul style="list-style-type: none"> - Detached - existing as of __, 2000 - Attached (Townhouse) - common wall with commercial and/or civic use - Multi-Dwelling - Accessory Dwelling - in conjunction with attached dwelling 	PC
Planned Development, in accordance with Chapter 2.5 <i>[Need to tweak this chapter to provide PC/CD threshold, or remove PD designations.]</i>	PC/CD
Accessory Uses (contained within enclosed building) <ul style="list-style-type: none"> - Essential Services - Required off-street parking in accordance with Chapter 4.1 - Other development customarily incidental to the primary use in accordance with Chapter 4.3 	P P P
Projections, such as chimneys, spires, domes, and towers not used for human occupancy exceeding 75 feet in height, in accordance with Chapter ____.	PC

³All residential uses shall comply with the provisions of Section __ - Mixed Use standards.

Section __.__.40 - DEVELOPMENT STANDARDS

Section __.__.40.01 - Thresholds for Determining the Applicable Review Procedure (Commercial Uses)

The permit procedures for commercial uses in the MUCS Zone shall be as identified in Table 1. The size of each use is determined based on the total gross floor area of the use. For the purposes of the MUCS Zone only, floor area also includes non-enclosed uses needed for automobile circulation associated with car washes, fuel sales, and drive through facilities (e.g., areas needed for operational use, queuing and service areas) except for customer and employee parking, as defined in Chapter 3.0.

Section __.__.40.02 - Commercial Floor Area Ratio

Minimum floor area ratios (FAR) are required for all property with a Mixed Use Commercial designation. This requirement is to ensure that commercial land is preserved for primarily commercial purposes. For an explanation of how to apply/calculate FAR, refer to the definition of "Floor Area Ratio" in Chapter 1.6 - Definitions.

All commercial and mixed use developments shall comply with the following standards for commercial floor area:

- a. For commercial use types, the minimum floor area ratio shall be __ (0.25) and the maximum floor area ratio shall be __ (1.0).
- b. For civic use types, the minimum floor area ratio shall be __ (0.25) and the maximum floor area ratio shall be __ (2.0).
- c. Housing and structured parking shall not be included in maximum floor area ratio.
- d. To increase FAR above established maximum, a proponent must apply for a Planned Development in accordance with Chapter 2.5. However, in all cases the primary use of the property(ies) shall be commercial.

Section __.__.40.03 - Mixed Use Development

- a. Residential uses located on the ground floor shall not exceed 50 percent of the ground floor space of the parcel; the Planned Development process may be used to transfer ground-floor commercial and residential uses between parcels in the same development, provided that no more than 50% of the ground floor space in the development is residential.

- b. Mixed use developments shall comply with the open space standards in Chapter ____, Mixed Use Residential.
- c. When a project is composed of two or more phases, each phase shall meet the minimum FAR as described in section ____.40.02 above, or an alternative proposed through the Planned Development review process. The commercial uses on an NC site are required to be developed prior to or concurrently with other uses, with the exception of residential uses that are in existence as of the adoption of the NC zone

Section ____.040.04 - Setbacks

- a. Front setback. 0-foot minimum. A maximum setback of 20 feet shall apply to all building sites except as provided in subsections 1 and 2 below:

Discussion: The following standards are intended to protect the pedestrian environment and manage access onto arterial streets, while accommodating limited types of uses that are particularly dependent on on-site automobile circulation.

- 1. Exception for Improved Pedestrian and Automobile Circulation. The maximum setback may be increased by 50% through a Conditional Development approval when the Planning Commission finds that an increased setback will provide for improved pedestrian circulation and safety, and improved vehicular access management outside the public rights-of-way. For example, objectives for both pedestrians and vehicles can be met through the provision of shared driveways, connected parking lots, and improved pedestrian connections between buildings and the street sidewalk, and internal connections between adjoining buildings. However, in no case shall parking facilities be allowed between the building front and the street.
- 2. Exceptions Granted Through Conditional Development/Planned Development Review: The maximum setback may be increased (i.e., number feet for Conditional Development review, ≥ number feet for Planned Development review) to provide for the following features:
 - a) Pedestrian amenities in conformance with Chapter __ - Pedestrian Standards; or
 - b) Protection of significant trees and/or designated natural resources.

However, in no case shall parking facilities be allowed between the building front and the street.

- b. Side and Rear Setbacks and Building Separations. The following setbacks shall apply:
1. 0-foot minimum adjacent to MUCS, Neighborhood Commercial (NC) Core, and Industrial (I) Zones.
 2. 20-foot minimum adjacent to low and medium density residential Zones, and buffering shall be provided in accordance with Chapter 4.2 - Landscaping.
 3. 10-foot minimum adjacent to medium-high and high density residential Zones, and buffering shall be provided in accordance with Chapter 4.2 - Landscaping.

Section __.__.040.05 - Compliance with Pedestrian-Oriented Development Standards

The Pedestrian Standards of Chapter __ shall apply to the following types of development in the MUCS Zone:

- a. All new buildings;
- b. All building expansions of 20 percent of existing square footage, or 3,000 square feet, whichever is greater; and
- c. Developments subject to Planned Development approval shall comply with the Pedestrian Standards, when required by a condition of approval.

Section __.__.040.06 - Structure Height

No structure shall exceed 45 feet in height.

Section __.__.50 - COMPLIANCE WITH THE ZONING ORDINANCE

All development shall comply with applicable design standards and other provisions of the Zoning Ordinance including, but not limited to, portions of Article 4 Chapters 4.0, 4.1, 4.2, 4.6, 4.7 and 4.9.

Land Development Code Update

COMMERCIAL TECHNICAL REVIEW GROUP MINUTES

Date: October 12, 1999

Start Time: 7:05 p.m.

Location: Downtown Fire
Station Meeting Room

Members Present:

Pat Lampton, Chair

Kirk Bailey

Mary Buckman

Chick Gerke

Bruce Hansen

Tony Howell

Gary Pond

Rick South

Tim Willis

Tom Wogaman

Members Absent:

Trish Daniels

Staff Present:

Ken Gibb, Community Development Director

Mike Gallagher, Associate Planner

Terry Nix, Recorder

Consultants Present:

Joe Dill, Otak

Scott Siegal, Otak

Visitor:

Bill York

Visitors Propositions:

Mr. York stated that he is a new resident, having moved here in February, and that he previously served for six years on the Pasadena Planning Commission. He asked that serious consideration be given to limiting use, both size and type, in MUCS. He expressed concern about damaging the vitality of the downtown area by tempting businesses to move out of downtown for lower rents elsewhere. The Committee had a brief discussion with Mr. York.

Major Discussion Items:

Chair Lampton said the goals of this meeting include: 1) complete discussions related to the MUUCS zone, especially as applied to the Ninth Street strip area, and 2) finish review of individual concerns related to Draft 3, identified at the last meeting.

To provide a context for discussion, Mr. Gallagher provided an overview of why and how the NC and MUUCS zones were developed, noting that consideration was given to Comprehensive Plan policies, the Comprehensive Plan Map, existing uses, and examples in other jurisdictions. He noted that "transition of existing development toward mixed uses and pedestrian orientation" is a central concept in all three zones. He reviewed applicable Comprehensive Plan policies and the emphasis on nodal development.

Mr. Gallagher referred to discussions at the last meeting related to Ninth Street. He reviewed previous work by the Mapping Committee for this area, noting the recommendation to redesignate linear commercial along Ninth Street to mixed use commercial with possible major or minor NC. He said he has developed a strip map of Ninth Street which identifies and categorizes existing uses, as well as tabulated use data, and he offered it for review.

Discussion followed related to the motivation for the MUUCS designation. Mr. Gallagher stated that the goal to transition linear commercial out of existence is a very long term conceptual plan and that the current work is based on a 20-year planning period. He added that existing conditions must be considered and that the MUUCS is an attempt to transition toward goals of pedestrian orientation and human scale environment and to allow for the introduction of residential uses within commercial areas.

Further discussion followed related to the transition of Ninth Street. Suggestions by individual Committee members included:

- A special study of the Ninth Street area, as recommended by the Comprehensive Plan Mapping Committee, may be appropriate to help guide the transition.
- Interim zoning for Ninth Street may need to be unique, separate from MUUCS.
- It may be appropriate to view Ninth Street as a variant of the Central Business District.
- A general commercial designation might be established, in addition to the three zones in the draft.
- It may be appropriate to lighten NC standards to attract large retail, and/or limit large retail in the zone applying to commercial lands other than NC or CBD.

Mr. Gallagher acknowledged concerns about some of the uses currently allowed in MUUCS and about design features in NC which may encourage businesses to locate in MUUCS. He initiated discussion related to the possibility of limiting sizes or revising design factors for MUUCS to encourage

development in NC.

The Chair reviewed a suggestion on the table to create a new zone for some general uses that don't fall neatly into the MUCS zone as currently established. In further discussion, it was noted that a detailed, long-range transition plan on Ninth Street would involve significant time and effort, could not adequately be addressed by this Committee in the time frame allowed, and may be more appropriately addressed separately through a corridor/area/refinement plan. Further discussion followed regarding the possibility of creating a Mixed Use General Commercial district which would include some of the uses currently identified in MUCS, particularly those more oriented to automobiles (e.g., car lots, mini-warehouses, etc.).

Discussion followed regarding process and whether additional meetings maybe necessary. In response to inquiry, Mr. Gallagher said staff will work on developing a Mixed Use General Commercial section. He added that it is becoming apparent that this Committee will need to be involved in the mapping exercise as well.

Other Concerns/Issues Raised at Last Meeting

In discussion regarding MUCS Development Standards, individual Committee members suggested that consideration be given to the following changes to Draft 3:

- Include trigger size for second floor requirements in MUCS, similar to major and minor NC.
- Reconsider structure height. It was noted that the Neighborhood TRG has had significant discussion related to height issues which may be helpful to review.
- Add wording to 040.04a.1 to address drive through circulation.

Pedestrian Oriented Design Standards:

Discussion followed regarding street orientation. It was noted that there are provisions in the draft which require parking to be placed to the rear of the building, that maximum setback requirements will bring buildings to the corner, and that the majority of mini-mart customers are auto-oriented users.

Discussion followed about connectivity between adjacent commercial developments. Staff and the consultants reviewed language in the draft which address connectivity and agreed to review and ensure that strong connectivity provisions are included.

Discussion followed regarding requirements for parapets. The issue was flagged for further consideration.

Discussion followed regarding the standards for awnings. There was general agreement to eliminate restrictions on material type identified in the draft.

Discussion followed regarding surface standards. Mr. Gallagher reviewed modifications made since the last meeting.

Standards for Shopping Streets:

Brief discussion followed regarding traffic calming standards.

Standards for Blocks:

Discussion followed regarding language addressing the maximum block perimeter. It was suggested that the NC perimeter be changed to 1200 feet.

Pedestrian Oriented Design Standards (Cont.):

Discussion followed regarding building materials standards for residential development. It was noted that staff has had significant discussion on this issue and it was suggested that it be referred to the Neighborhood TRG Committee.

Mr. Dill said Draft 4 will be distributed with revisions in red line format and will cover NC, MUCS, PODS. Mr. Gallagher added that he will advise when staff will be ready to present a first draft of a General Commercial zone as requested.

Action Items / Tasks:

Develop a new zone (Mixed Use General Commercial) which encompasses uses that do not fit neatly into MUCS.

Next meeting: October 26, 1999

Adjournment Time: 9:50 p.m.

Land Development Code Update			
COMMERCIAL TECHNICAL REVIEW GROUP MINUTES			
Date: October 26, 1999	Start Time: 7:07 p.m.	Location: Library Meeting Room	
Members Present:	Pat Lampton, Chair	Kirk Bailey	Mary Buckman
	Trish Daniels	Tony Howell	Gary Pond
	Rick South	Tim Willis	Tom Wogaman
Members Absent:	Chick Gerke	Bruce Hansen	
Staff Present:			
Ken Gibb, Community Development Director			
Mike Gallagher, Associate Planner			
Terry Nix, Recorder			
Visitors:			
Tom Grigsby, Evanite			
Marilyn Koenitzer			
Nancy Reynolds, ODOT			
Frank Trombetta, Evanite			
T. M. Singh			

Visitors Propositions:

Marilyn Koenitzer stated that she suggested the formation of a Mixed Use Transitional (MUT) zone, that she is familiar with these districts as used elsewhere, and she offered herself as a resource person. Since the purpose is to transition to less intensive use, she said, she questions whether a re-intensification provision is needed and she wonders how that process would work. Mr. Lampton noted that, as proposed in Draft #2, a public process would be required for re-intensification.

Tom Grigsby, Evanite, said staff's current proposal meets the original goals of MUT: to reduce conflicts between the industrial site and other uses, to transition to less conflicting uses, and to achieve these goals in a fair and flexible manner. Evanite is comfortable with the language in Draft #2 which allows for the possibility of re-intensification through the Conditional Development (CD) process, he said, adding that language which prohibits re-intensification would discourage attempts to de-intensify. He reviewed his requested modifications, underlined on page 5 of the staff report.

Discussion followed between Mr. Grigsby and TRG members regarding his comments, the suggested modifications to Draft #2, current and anticipated uses of the site, and Evanite's desire to retain the right to re-intensify through the CD process. Mr. Gibb distributed and reviewed permitted MUT uses and Mr. Howell briefly reviewed his proposed modifications and how they would relate to possible long term transitional scenarios.

Major Discussion Items:

Mixed Use Transitional (MUT)

The Chair reviewed the agenda. He said his goal is to resolve the question of re-intensification and to forward a recommendation on MUT Draft #2 this evening.

Mr. Gibb distributed and reviewed an overview of the MUT process to date, through the South Corvallis Refinement Plan, the Comprehensive Plan Update, and Ordinance Development. He reviewed features of Draft #2 and the major unresolved issue of re-intensification. Draft #2 establishes that re-intensification would require Conditional Development approval, he said, and he reviewed modifications suggested by Councilor Howell (highlighted) and by Evanite (underlined).

In discussion, the following points were made by individual TRG members:

- Evanite's current use of the site includes some nonconforming use.
- Draft #2 as proposed would provide future decision makers freedom to determine the community's best interest at the time through the CD process.
- It might be appropriate to include additional review criteria in the CD process specifically for MUT re-intensification.
- The proposed modifications (highlighted) would provide assurance to properties that have transitioned to less intensive use that neighboring properties would not be allowed to re-intensify in a way that impacts their business.
- Eliminating the re-intensification flexibility allowed for within Draft #2 may be a disincentive to de-intensify.
- The proposed modifications are not likely to affect Evanite's use, but would realistically apply to future multiple owners of the site.
- The CD process, which is required prior to re-intensification in Draft #2, is very rigorous and thorough.

It was moved and seconded to support the language recommended by staff in the first and second boxes on page 5 of the staff report and to not include the shaded language in either box. The motion passed by a vote of six to three:

Yes: Daniels, Lampton, Pond, South, Willis, Wogaman

No: Bailey, Buckman, Howell

It was moved, seconded, and carried unanimously to support the language recommended by staff in the third box on page 5 of the staff report and to not included the underlined language.

Brief discussion followed and staff agreed with several minor wording changes to Draft #2.

Draft #4 of NC, MUCS, PODS and Preliminary Outline of MUGC (Mixed Use General Commercial)

Mr. Gallagher referred to a general outline of MUGC, previously distributed. He distributed and reviewed an updated comparative table for Major NC, Minor NC, MUCS, and MUGC, including the purpose, general provisions, uses and development standards. He said he is currently analyzing exiting uses on Ninth Street.

Discussion followed regarding the requirement to include civic use in MUGC. It was noted that civic use could include public space such as a library, park, or promenade.

Mr. Howell requested an opportunity to discuss private vs. public streets and possible limitations on private streets related to public assembly, street trees, extra capacity utilities, transit issues, and connectivity. He also requested that staff consider adding MUGC size limitations. Ms. Daniels said, as a long time runner, she prefers asphalt to concrete for multi-use paths.

In response to inquiries, Mr. Gallagher agreed to add a definition section to clarify recent changes in phraseology. He further agreed to coordinate with the Neighborhood Technical Review Committee on language.

Next meeting: November 2, 1999

Adjournment Time: 9:30 p.m.

Land Development Code Update		
COMMERCIAL TECHNICAL REVIEW GROUP MINUTES		
Date: November 2, 1999	Start Time: 7:00 p.m.	Location: Downtown Fire Station Meeting Room
<u>Members Present:</u>	Pat Lampton, Chair, Kirk Bailey, Mary Buckman, Trish Daniels, Chick Gerke, Tony Howell, Gary Pond, Rick South, Tim Willis, Tom Wogaman	
<u>Members Absent:</u>	Bruce Hansen	
<u>Staff Present:</u>	Ken Gibb, Community Development Director Mike Gallagher, Associate Planner Terry Nix, Recorder	
<u>Consultant Present:</u>	Joe Dills, Otak	
<u>Visitors:</u>	John Stewart, 444 NW 9 th Mary Nolan, Corvallis Chamber of Commerce	
<u>Visitors Propositions:</u>		
<p><u>John Stewart</u> reviewed his involvement with several projects in the community, including a planned small-scale commercial node at Timberhill. He requested that the LDC update include enough flexibility to allow for consideration of models other than those based strictly on economic viability. He stated that enlightened developers, such as those at Timberhill, are sometimes willing to subsidize commercial activity because they feel it is essential to developing life and activity in a neighborhood. TRG members had a brief discussion with Mr. Stewart. In response to an inquiry, he opined that the maximums specified in Major and Minor NC should be based on square footage of establishments rather than on acreage.</p> <p><u>Mary Nolan</u> explained that, as the new business advocate at the Corvallis Chamber of Commerce, she is here to observe and learn.</p>		

Major Discussion Items:

The Chair noted that flip charts have been placed around the room and he asked that TRG members record any issues related to Draft 4 that they would like to discuss further. He said the purpose of this meeting is to review the fourth and final draft for the NC, MUCS, and MUGC Zones, and to discuss and resolve any outstanding issues.

Review minutes of September 21 and September 28, 1999

Mr. Gallagher commented that the draft minutes are provided in brief outline format, similar to that used for the Comprehensive Plan Work Groups. Following brief discussion, the Chair encouraged TRG members to review the minutes prior to the next meeting.

Overview of Draft #4 and Preliminary Outline for MUGC

Mr. Gallagher reviewed an updated Comparative Table for NC, MUCS, and MUGC, including the purpose, general provisions, uses, and development standards. In response to inquiry, he said staff envisions that MUCS would be applied, for example, to areas between commercial neighborhood centers along Ninth Street and South Third Street. There was a suggestion to add language that clarifies MUCS is not intended to be applied to Greenfield areas.

Mr. Gallagher stated that Draft #4 includes added detail related to NC Master Site Plans (MSP). He added that staff is proposing that MSPs go through a process more similar to the Conditional Development (CD) process rather than the Planned Development (PD) process because staff felt it was important to encourage MSPs to start on the basis of complying with development standards, rather than on the basis of modifying standards.

He stated that Draft #4 provides choices for TRG consideration in several areas. He reviewed information from a database system called Retail Lease Track, Inc. and gave examples of existing uses square footages in the community. He reviewed options for Major NC maximum footprint, noting that it is staff's impression that a 40,000 sq. ft. footprint would be workable and meet the intent of the Zone, but that a larger footprint would draw a broader base of potential anchor stores, therefore potentially increasing the likelihood of long-term success. Discussion followed regarding specific retailers and their target ranges based on data provided by staff.

He reviewed options for the threshold at which pedestrian oriented design standards would be required. He then reviewed the 7,500 sq. ft. maximum building footprint standard proposed as a use threshold in the MUCS which is intended to encourage large retail to locate in Major NC rather than the MUCS. Brief discussion followed regarding methods of addressing existing uses along Ninth Street which might become nonconforming with this language.

Discussion of Issues

NC-Purpose

There was brief discussion regarding the stipulation that civic uses should be included in NC. Mr. Gallagher noted that civic uses would include public spaces such as plazas, and that staff is developing definitions for various phrases used within the zone language.

NC-General Provisions

The Committee discussed options for maximum acreage in Minor and Major NC. Mr. Gallagher noted that these rules will apply to new NC only and that existing NC will be established through the LDC Update Project zone mapping element, based on existing conditions of the sites and surrounding development, using the size limits as general guidelines.

The following ideas were presented by individual members and discussed by the TRG:

The possibility of setting the Major NC maximum at 10 acres with bonus acreage if residential is included.

The importance of not contributing to competition with the downtown core.

The desire to set maximums in a way that encourages large retail to locate in Major NC.

Developers may exceed the stipulated maximums through an approved process.

The possibility of setting a minimum size for NC and allowing the process to determine the maximum size.

There was general agreement that the building footprint size should not include the street.

There was majority agreement (7 to 3) to set a maximum of two acres for Minor NC and a maximum of 12 acres for Major NC. In discussion, it was specified that the existing sites likely to be NC's should not be necessarily constrained by these zone size limitations, and that the new zoning map should not identify existing NC sites as nonconforming, even though they may be larger than 12 acres.

There was a suggestion to reword 20.01 for clarity.

NC-Uses

Discussion followed regarding participant sports and recreation. Mr. Gallagher gave examples of indoor and outdoor uses. There was general agreement to limit to indoor uses in NC. There was further agreement that an exception to allow for outdoor participant sports and recreation use would require a PD in Minor NC and a CD in Major NC.

Discussion followed regarding whether or not the code should allow existing non-conforming uses to expand. There was agreement to identify existing uses as conforming and to allow their expansion as long as they comply with the development standards.

Discussion followed regarding the 20% expansion threshold. There was a suggestion that this be applied on a per building basis rather than per site to provide equal opportunities for all property owners on a site. In discussion about instances where property owners might collectively desire a larger expansion of one building on a site rather than smaller expansions of several buildings, it was noted that they could go through the process to accomplish this.

There was agreement to delete "or buildings" from the language.

Discussion followed about whether to delete laundry facilities from the list of allowed uses. It was noted that this does not refer to dry cleaning, which is included under personal services.

Discussion followed regarding types of detention/correction facilities and those that might be appropriately located in NC. There was agreement to retain the highlighted language on page NC-6 under Major Services and Utilities.

Mr. Gerke departed at 9:15 p.m.

Discussion followed regarding Religious Assembly uses. It was suggested that staff consider separating small uses from larger ones in some cases, and that consideration be given to permitting a wider range of temporary uses.

Discussion followed regarding whether there are some instances where small Transient Habitation might be appropriately located in NC. Staff will discuss this further at the staff planning meeting.

NC-Development Standards

Discussion followed regarding maximum building footprints and the possibility of allowing a larger footprint as an incentive to add a second floor. There was majority agreement (6 to 3) to set the maximum footprint of any building in the Major NC at 55,000 sq. ft.

Discussion followed regarding the possibility of using a sliding scale of requirements for expansions in developed areas based on the size of expansion. There was general agreement that this is an attractive idea; however, it would be too difficult to implement.

There was a suggestion to combine numbers 2 and 3 on page NC-9 for clarity.

Discussion followed regarding the language related to civic use types. There was agreement to delete "daycare" from the list of civic uses at the bottom of page NC-10.

NC-Master Site Plan

Several TRG members expressed concern about situations with multiple ownership and discussion followed. Mr. Dills and Mr. Gallagher confirmed that the intent is to encourage, but not to force or compel, property owners to work together on an application. He noted that MSP is modeled after a hybrid of requirements from the Conditional Development and Conceptual Detailed Development Plan review processes, and is intended to ensure that subsequent development can occur on the applicant's site but that it is not binding to future development on other properties within the NC. The other properties would similarly have to apply for an MSP for their new or major redevelopment on their properties.

Discussion followed regarding the level of detail and expense required for an MSP. It was determined to discuss this further at the next meeting. The Chair noted that there are several issues remaining for review and he suggested that TRG members thoroughly read the section related to MSP prior to that meeting.

Next meeting: November 9, 1999

Adjournment Time: 10:15 p.m.

Land Development Code Update		
COMMERCIAL TECHNICAL REVIEW GROUP MINUTES		
Date: November 9, 1999	Start Time: 7:05 p.m.	Location: Fire Station Meeting Rm.
<u>Members Present:</u>	Pat Lampton, Chair, Kirk Bailey, Chick Gerke, Tony Howell, Gary Pond, Rick South, Tim Willis, Tom Wogaman	
<u>Members Absent:</u>	Mary Buckman, Trish Daniels, Bruce Hansen	
<u>Staff Present:</u>	Ken Gibb, Community Development Director Mike Gallagher, Associate Planner Terry Nix, Recording Secretary	
<u>Consultant Present:</u>	Joe Dill, Otak	
<u>Visitors:</u>	Tom Grigsby, Evanite Doug Sweetland, EDP	
<u>Visitors' Propositions:</u>	None	

Major Discussion Items:

The Chair reviewed the agenda and the process to be used this evening.

- ◆ Review Minutes of September 21 and September 28, 1999

It was moved, seconded and carried unanimously to adopt the minutes as distributed.

- ◆ Staff Debrief on CTRG Recommended Changes Incorporated into Draft #3 of the Mixed Use Transitional (MUT)

Mr. Gallagher reported that all comments received from the CTRG related to the MUT Zone have been incorporated into Draft #3. He advised on additional minor wording changes, including the new term "green areas" which will be used in place of "open space." He stated that, unless substantiative changes are needed as the process moves along, staff does not plan to bring this back to the CTRG prior to the public open house.

◆ Continued Discussion of Issues Identified on Flip Chart Sheets at the Last Meeting

Mr. Gallagher noted that there are several areas within the City where the logical shopping street is classified as arterial; therefore, staff recommends a modification to Shopping Street Standards to allow use of an arterial as a shopping street in Neighborhood Centers (NC) where there is existing development. Discussion followed regarding various applicable locations within the City. The following points were made by individual CTRG members during discussion:

- Arterials often do not function in a pedestrian fashion.
- In some cases, arterials feel like a shopping street. In other cases, they do not.
- It may be appropriate to consider large and small arterials separately.
- Each site is unique and should be considered individually.
- Staff will have the ability to review on an individual basis when Master Site Plans are submitted.
- It may be appropriate to consider arterials as shopping streets in redevelopment using a given set of factors.

There was general agreement to remove the prohibition against arterial shopping streets for existing development in Major and Minor NC.

11-8-99 MEMORANDUM

Mr. Gallagher reviewed a memorandum from himself and Joe Dills with examples of how CTRG direction regarding nonconforming development in the proposed NC and Mixed Use Community Shopping (MUCS) Zones might be implemented. Brief discussion followed.

There was general agreement that pre-existing nonconforming uses should remain nonconforming in NC.

Mr. Gallagher reviewed examples in the memo related to size thresholds.

In discussion, Mr. Gallagher clarified that variances to any of the standards may be requested through the appropriate process. CTRG members discussed time requirements of the public process and hardships this may place on applicants, as well as this community's historical desire to be involved in planning decisions,

It was moved, seconded, and unanimously carried to accept as written all of the NC thresholds included in the memo of November 9, 1999.

NC – MASTER SITE PLAN (Continued)

Mr. Gallagher reviewed previous CTRG discussion related to Master Site Plan (MSP) requirements. He said staff concurs that the emphasis should be on a more detailed description of the property itself with a skeleton conceptual plan for adjacent properties, focusing on infrastructure, particularly circulation systems. He suggested that the requirements in Draft #4 be pared down accordingly.

In discussion, there was general agreement that the following elements (but not necessarily limited to) are appropriate to include in an MSP:

- Circulation and connectivity (shopping streets/major pedestrian connections)
- Existing building envelopes
- Major infrastructure connections (general locations)
- Significant natural features
- Lot lines
- Existing land use designations

Discussion followed regarding appeal opportunities and staff's ability to reduce requirements on a case by case basis.

There was general agreement that staff rewrite the MSP requirements and circulate to CTRG members for comment prior to the next meeting.

It was noted that 070.i.3 on page NC-23 may be too prohibitive. There was general agreement to add wording which refers to the criteria on page NC-22.

MUCS – PURPOSE

Concern was expressed that the current wording does not clarify that MUCS may be applied only to existing development. Discussion followed. There was general agreement to eliminate the phrase "quasi-judicial" in both places where it appears. It was further agreed to eliminate the third sentence under MUCS Zone Purpose.

MUCS – USES

Discussion followed regarding the proposed 7,500 sq. ft. threshold. CTRG members expressed a desire to set levels which will encourage development in NC. There was general approval of the 7,500 sq. ft. threshold.

Discussion followed regarding Participant Sports and Recreation use appropriate to MUCS. There was general agreement to remove outdoor use from this category.

Discussion followed regarding Spectator Sports and Entertainment (SSE) uses appropriate to MUCS. Individual CTRG members made the following comments:

- NC is the more appropriate location for SSE -- Other.
- The process provides sufficient checks and balances to address any concerns.
- MUCS is intended to be a transitional zone.
- The nature of SSE facilities is widely varied, making it difficult to anticipate future uses.

It was moved and seconded to eliminate SSE–Other from MUCS uses. The motion passed by a vote of 4 to 3, with Chair Lampton breaking the tie:

Yes: Mr. Bailey, Mr. Howell, Mr. Wogaman, Mr. Lampton

No: Mr. Gerke, Mr. Pond, Mr. South

Abstain: Mr. Willis

MUCS – DEVELOPMENT STANDARDS

Discussion followed regarding the appropriate level of expansion to trigger pedestrian orientation standards. There was general agreement that a sliding scale would be difficult to administer. Mr. Gibb offered another option, to set the trigger at 3,000 sq. ft. or 20%, whichever is less, with a specified exemption.

It was moved, seconded, and carried unanimously to set the expansion level at 20% or 3,000 sq. ft., whichever is less, with a 500 sq. ft. exemption.

There was general agreement that these levels should also be applied to NC.

Mr. Gallagher relayed a request from the Public Works Department that all alleys be private. Discussion followed.

Pedestrian Oriented Design Standards (PODS)

Mr. Gallagher agreed to modify the language to clarify that buildings on the corner must be oriented to both streets.

In discussion, it was confirmed that under-awning signs are allowable.

Mr. Gallagher reviewed input from the Public Works Department which clarifies what materials can be used on public sidewalks.

Mr. Howell reviewed discussions by the Bicycle and Pedestrian Advisory Commission (BPAC) related to potential conflicts between angled parking and bike lanes in the NC. The BPAC had not reached any clear decision.

Mixed Use General Commercial (MUGC) - USES

Discussion followed regarding whether Participant Sports and Recreation – Outdoor should be allowed in MUGC or should always be directed to Major NC. Possible uses identified included an outdoor stadium, a sports complex with batting cages, a miniature golf course, an amusement center with outdoor elements. There was general agreement to keep this as an allowable use in MUGC.

Discussion followed regarding appropriate places for commercial agriculture uses. There was consensus to eliminate this use from MUGC.

Discussion followed regarding residential use that may be appropriate to MUGC. There was general agreement to include RV Parks and to exclude Transient Lodging. It was further agreed that residential will be allowed in MUGC as an accessory use.

Following brief discussion, there was consensus that mini warehouses and schools should be allowable MUGC uses.

MUGC – DEVELOPMENT STANDARDS

Mr. Gallagher noted that there is currently no maximum footprint or maximum size of use specified in MUGC, and he requested input. Discussion followed regarding uses appropriate to MUGC, the need to provide a place for auto-oriented uses, the desire to keep shoppers in the community, the desire to protect the downtown, and the hierarchy of uses. It was suggested that staff review the possibility of setting two maximums – one for auto-oriented uses, another for pedestrian-oriented uses.

There was general support for a 55,000 sq. ft. maximum oriented to uses that don't fit well into Major NC.

There was general agreement to set similar gateway standards in other districts.

Mr. Lampton encouraged Committee members to read the section on PODS and get any comments to staff as soon as possible.

Mr. Gallagher said it is likely that an additional meeting will be held in December and he will advise.

Adjournment Time: 10:08 p.m.

Land Development Code Update

COMMERCIAL TECHNICAL REVIEW GROUP (CTRG) MINUTES

Date: December 7, 1999

Start Time: 7:00 p.m.

Location: Downtown Fire Station

Members Present: Pat Lampton, Chair Kirk Bailey Tim Willis
Trish Daniels Tony Howell Mary Buckman Rick South
Gary Pond

Members Absent: (if needed)

Chick Gerke Bruce Hansen
Tom Wogaman

Staff present: Mike Gallagher, Associate Planner; Ken Gibb, Community Development Director; Joe Dills, Otak.

Visitors:

Shiela Lyons

Visitor's Propositions:

Shiela Lyons indicated that she was attending the meeting to get a general sense of the *Land Development Code (LDC)* Update Project. She expressed particular interest in how the Project was addressing bicycle access/safety.

Major Discussion Items:

The Chair reviewed the agenda and the process to be used this evening. The substantive goals of this meeting include: 1) review and approval of several minutes; 2) review Draft #2 of the Mixed Use General Commercial (MUGC) Zone Chapter, provide comments to staff for Draft #5 ; 3) continuing review of Draft #4 of the Pedestrian Oriented Design Standards (PODS) Chapter and the Shopping Street Standards (SSS) and ; and, 3) review of the new Draft #4 version of the Major Neighborhood Center (NC) Master Site Plan (MSP) requirements. Mr. Gallagher indicated that changes made to the Chapters in response to CTRG recommendations and/or other staff-generated modifications will be available sometime in January, and will be provided as soon as completed. The CTRG will be notified as early as possible if major changes not reviewed by the group are proposed by staff. Draft #5 will be presented for at a Public Open House during which the public will be able to review the products of the CTRG and Neighborhood Technical Review Group work, prior to CTRG forwarding the chapters to the Planning Commission.

- ◆ Review Minutes of October 12, October 26, November 2, and November 9, 1999:

It was moved, seconded and carried unanimously to adopt the October 12th and November 2nd minutes as distributed.

October 26th minutes - Ms. Daniels noted that on page 3, reference should be made to her preference for use of asphalt on multi-use paths.

November 9th minutes - Mr. Howell noted that on page 5, the statement regarding gateway standards should read, "There was general agreement to set similar gateway standards in other districts."

Chair Lampton noted that on page 5, there is an inappropriate reference to attempts to limit competition with downtown businesses. The intent is to direct and protect regional shopping in the downtown area. This protection should be indicated.

It was moved, seconded and carried unanimously to adopt the October 26th and November 9th minutes as amended.

◆ Review/Recommendations on Draft #2 of MUGC

Mr. Gallagher reviewed a memorandum from Mr. Dills and himself regarding recommendations on how to address the CTRG's suggestion to direct large retail uses that "*do not fit well*" within the Major NC Zone to the MUGC Zone. The staff and consultant suggest that large land-extensive or low intensity retail uses (i.e., those uses with low Floor to Area Ratios) would appear to be the type of retail use that would more appropriately be directed to the MUGC zone than to the Major NC.

Discussion followed on what is the defining characteristic of the types of large retail uses that are appropriate for the MUGC Zone. Points made, thoughts expressed, or questions asked included:

- Would the existing maximum parking standard control the size of parking lots? (staff generally confirmed this, but committed to following up on the question)
- The MUGC Zone is intended to accommodate uses that necessarily depend on the auto substantially more than uses that are capable of being more pedestrian-oriented (which are intended to be encouraged to locate in the NC zones). However, even this may be too broad of an intent, because some uses that may be appropriate in the Major NC may draw people from a broader community area who access the businesses via cars.
- Potentially characterize the use based on number of auto-trips generated by the use. However, concern was expressed about tracking this.
- Potentially limit those uses in the MUGC to those serving regional needs for auto-dependent uses.
- A problem with using the FAR: A new use can come in later and change the ratios.

Recommendations from CTRG regarding the large, land extensive uses, included:

- Modify the Purpose statement in the MUGC to indicate that the nature of the business allowed

in the zone, such as requiring less pedestrian orientation, may conflict with the pedestrian orientation goals of the NC Zone.

- Create a new category of retail use, "Home Improvement." This use should be limited in the MUGC Zone only to those businesses which include unenclosed product sales space that is at least 50% of the enclosed space. Home Improvement uses which include unenclosed product sales space that is less than 50% of the enclosed space may be permitted in the Major NC. Staff should also consider possibly limiting the use (both enclosed and unenclosed product sales footprint space) to 55,000 square feet, certainly within the Major NC and potentially within the MUGC.
- Do not include a 10% outdoor storage restriction for the Major NC.
- All commercial zones should include a use table that lists all of the types of commercial uses listed in the definitions section. This will make it absolutely clear as to which uses are, or are not, permitted.

Discussion followed regarding other recommended changes which include:

- *Uses:* Allow retail sales of nursery stock in the MUGC (but no wholesale sales in the MUGC or NC Zones). Staff will determine whether or not the Agriculture/Horticulture use is intended to apply to primary production and/or wholesale production of nursery stock. If so, it should not be allowed. If the use is intended to apply to retail sale of nursery stock then include in the MUGC and NC or better define the use to include primary production/wholesale.
- *Parking:* Do not allow variation from the 130% maximum parking requirements of the existing Code (recognizing that exceptions may be developed for proposed multi-level parking). Add routine text about compliance with parking standards.
- Correct the Building Orientation reference to . .70.01 on page 6 of Draft #2
- The following PODS should be listed as applying, under . .40.09
 - ✓ . .70.02, subsections a, b, c, d, e, f
 - ✓ . .70.03, subsections a, b, c
 - ✓ . .70.04, subsections b (although a lesser percent coverage of the ground wall area should be specified in the MUGC - the amount to be proposed by staff in later drafts) d, e, f (although specifying that weather protection is only required at street-oriented entrances), g, h, d, and e.

◆ Review/Recommendations on PODS

Discussions regarding the PODS provisions were interspersed throughout the meeting and resulted in the following recommendations:

- . .70.04.f - Weather Protection
 - ✓ Modify to require weather protection with a minimum of 60% sidewalk coverage along the face of buildings adjacent to sidewalks and/or plazas, with no uncovered areas longer than 20 feet.
 - ✓ Remove the second bullet under the subsection, which limits the material types that could be used for awnings. The CTRG did not feel compelled to regulate the building material

of awnings.

- Add definitions of “blade sign” and “monument sign” in Chapter 1.6 - Definitions
- The definition of “fuel service” in Chapter 1.6 - Definitions, should reference automobile fluid changing facilities (e.g., “oil change” businesses)
- No vehicle parking or circulation should be allowed between a building’s front facade and a street serving as that building’s frontage street (except for the “car wash” and “fuel sales” use types).

◆ Review/Recommendations on SSS

Discussion regarding the SSS Chapter resulted in the following recommendation:

- Require public access easements for private shopping streets.

◆ Review/Recommendations on MSP

Staff indicated that the revision to the MSP language reflects the likelihood that a separate chapter for the procedure will be created in Article 2 of the Zoning Ordinance. Consequently, new background and purpose subsections have been added to this version.

Discussion ensued regarding the new version, resulting in the following recommendations:

- Section d.4.j - Change the effective period of the approval from 5 years to 3 years. The CTRG felt it was not reasonable to constrain for any more than 3 years any development by any individual owner/operator if a any one or group of other parties to the approved plan decide not to develop in accordance with the plan.
- Section “c” - Add to the triggering actions, an *exception* for expansions under 500 square feet.
- Add a minor modification (administrative) process similar to that provided for Planned Developments.

◆ Other General Comments Received Not Specific to a Chapter

Other comments/recommendations interspersed throughout the discussions but not directly covered by an agenda item included the following:

- Consider consolidating gateway standards in one chapter and reference in other chapters accordingly.
- All zone chapters should reference the applicable block dimension standards.
- All zone chapters should include routine text requiring compliance with applicable parking standards in Chapter 4.1.
- The use table in each commercial zone chapter should include a complete list uses, indicating those permitted (outright or through review) and not permitted.
- Daniels recommended language be included that prohibits any increase in allowed parking above the 130 percent of base standard allowed by the current Code. Howell suggested that some

modification may be appropriate if additional parking is provided in a multi-level parking structure.

◆ Next Meeting

Staff explained that the agendas for the next set of CTRG meetings have been reversed. Consequently, the new Limited Industrial/Office Zone will be first reviewed during the January 25th meeting, and the first review of the new Riverfront Zone will occur during the February 8th meeting.

**--COMMERCIAL DEVELOPMENT--
SOME NEW COMPREHENSIVE PLAN POLICIES**

Policy 3.2.1 - Land use pattern shall emphasize:

- *Preservation of significant open space and natural features;
- *Efficient use of energy & other resources;
- *Compact urban form;
- *Efficient provision of transportation & other public services; and
- *Neighborhoods with a mix of uses, diversity of housing types, pedestrian scale, a defined center, and shared public areas

Policy 3.2.3 City shall address compatibility conflicts through design & other transitional elements, as well as landscaping, building separation, & buffering

City shall implement a process to develop more specific development standards or design guidelines that closely represent the vision of Corvallis. These standards or guidelines may address such items as: the effective use of building mass; orientation to the street; landscaping; and the placement of windows, doors, porches, and other architectural elements. Upon completion, the City shall revise the LDC to ensure conformance with the new standards or design guidelines (3.2.5)

City shall develop standards that ensure adequate open space & landscaping on residential, commercial, & industrial developments, & shall maintain these standards in the LDC (5.2.3)

City shall...develop gateway locations & development standards that include building orientation to the street for most uses; appropriate site & building design standards; extensive landscaping and trees to provide a boulevard effect; frequent access points for bicycles & pedestrians...(5.2.4)

City shall encourage use of streets or some other suitable border to separate active neighborhood & community parks from residences (5.6.16)

City shall revise the LDC to encourage fronts of buildings to face parks & other public open spaces (5.6.17)

Residential, commercial, and open space/recreational uses that are consistent with adopted Greenway policy and development regulations shall be encouraged along the downtown riverfront (6.2.5)

All areas with commercial Comprehensive Plan Map designations other than Central Business District and Professional Office shall be redesignated as Mixed Use Commercial (see Policy 8.10.7 for direction on LDC standards to be developed...) (8.10.3)

New commercial development shall be concentrated in designated mixed use zones, which are located to maximize access by transit and pedestrians (8.10.4)

Commercial activity extending from existing commercial areas along collector or arterial streets (strip

type development) shall not be permitted beyond the area designated on the CP Map, dated Dec. 1998 (8.10.5)

City shall develop standards for a hierarchy of mixed use commercial zones, with minor neighborhood centers serving neighborhood shopping & office needs, major neighborhood centers serving community shopping & office needs, & the downtown commercial zones serving regional shopping & office needs. The P-AO Zone can serve both community & regional office needs. Major neighborhood centers shall be sited at transit nodes on arterial streets & shall incorporate pedestrian-scale features such as building orientation to the street & limiting the maximum block perimeter. As the LDC is updated, zones shall be developed that address all of the community's desired commercial needs (8.10.7)

City shall locate major & minor neighborhood centers near junctions of arterials & collectors (8.10.8)

City shall require at least one major commercial entrance to be located immediately adjacent to the public & private streets within the neighborhood center & mixed use areas. Additionally, parking lots shall be located to the rear of buildings, & where they do not disrupt the pedestrian landscape, may be located to the side of buildings (8.10.9)

Along the shopping street in neighborhood centers, City shall encourage occupation of ground floor storefront space by retail & service users that serve local neighborhood needs & generate high volumes of pedestrian traffic (8.10.10)

To provide for more compact commercial development & encourage a mix of uses in commercial zones, City shall develop standards that will require some types of large commercial developments to have multiple stories. These additional levels may be dedicated to parking or to other commercial or residential uses permitted in the zone (8.10.11)

City shall develop standards for commercial, office, & industrial zones to require that, any spaces in excess of the minimum standard shall be located in underground or structured parking facilities in developments with large minimum parking requirements (such as over 200 spaces) (8.10.12)

City shall develop standards in the LDC to encourage or require with development or redevelopment, the consolidation of vehicle accesses on arterial streets, where appropriate and practical (8.10.13)

Commercial activity on or extending from 9th Street limited to area designated on 1998 CP Map (8.12.1)
10th & Highland shall be designated for residential uses adjacent to street, except for areas currently designated commercial (8.12.2)

City shall develop standards that minimize conflicts between abutting land uses & the transportation function of 9th Street, & enact provisions of the Transportation Alternatives Analysis that addresses driveway consolidation, access conflicts, & pedestrian refuge islands (8.12.3)

As a transition between more intensive commercial uses and residential uses, professional & administrative office uses shall not be extended beyond the area designated on the 1998 CP Map (8.12.4)

Development along HWY 20/34 appropriate when developed in accordance with applicable local area & regional plans such as West Corvallis-North Philomath Plan, Transportation Plan, & HWY 20/34 Plan...(8.14.1)

Linear commercial activity along HWY 20/34 shall not be extended beyond the boundaries shown on the 1998 CP Map (8.14.2)

Special attention shall be given to public & private development along HWY 20/34 corridor to ensure it reflects a positive image of the community in keeping with policies of CP (8.14.3)

Direct access to HWY 20/34 shall be restricted to maintain carrying capacity by:

* new or expanded development shall comply with the ODOT Interim Transportation & Access Strategy until adoption of the final version;

- * New or expanded development on sites within 1/4-mile of HWY 20/34 shall have direct access to a local and/or collector street wherever practicable'
 - * Collector streets should be used for access to HWY 20/34, rather than local streets or direct access from individual properties. Access from local streets onto Philomath Blvd. may be allowed where no connection to a collector street available
 - * New or existing local street access to HWY 20/34 shall be restricted or eliminated where possible
 - * full street access points should be consolidated & spaced no closer than 1/4-mile intervals
 - * At least one collector street shall connect West Hills Road & Country Club Drive
 - * New or expanded development shall comply with State hwy access regs (8.14.4)
- Multiple accesses to properties along HWY 20/34 & related major streets shall be consolidated when:
- * land uses develop, expand, intensity, &/or change
 - * properties are consolidated and/or divided
 - * lot lines are adjusted (8.14.5)

NORTH 9TH STREET USES

Highlighted Uses Are Uses Recommended by Member for Possible Elimination in the MUCS Zone

Numbers in [brackets] in the West side column represent the number of uses along the west side of 9th Street that would be non-conforming provided conceptual NC layouts were codified - i.e., certain uses would be conforming in the NC.

USES	WEST SIDE	EAST SIDE (To Hwy. 99, or Directly Accessible From 9 th Street)
Animal Sales/Services Sales Retail		2
Animal Sales/Services Vet. Small Animals		2
Auto Cleaning (Detailing)		1
Auto Fleet Storage	2	2
Auto Light Equip. Rental	1	
Auto Light Equip. Repair		9
Auto Light Equip. Sales (Car Lot w/ and w/out repair)	2	1
Business Support Services	1	1
Car Wash		2
CIVIC USE Fraternal	1	
CIVIC USE Major Service/Utility		
Communications Service Establishments		1
Construction Sales/Services	2	7
Convenience Sales/ Personal Services ¹	5 (13) ¹ [1 (9)]	6 (14) ¹
Eating/Drinking Estab. Fast Order Food	6 [5]	3
Eating/Drinking Estab. Fast Order Food -Drive Though	4 [3]	5

Eating/Drinking Estab. Sit Down	7 [3]	10
Financial/Insurance/Real Estate	8 [7]	9
Food and Bev. Retail	3 [1]	2
Fuel Sales	3	1
Funeral Services		1
GENERAL INDUST.		1
LIMITED MANUFACTURING		2
Medical	2 [0]	2
Participant Sports and Rec.	1	2
Personal Services (General)	1 [0]	3
Professional/Admin. Services	3	18
Repair Services Consumers	2	2
Research Services	1	
Retail ¹	29 (21) ¹ [16 (7)]	26 (18) ¹
Residence		5
Spectator Sports/Entertainment	1	
Transient Habitation Lodging	5	2
Storage/Distribution		3
TOTALS	89	129

¹ Numbers in parentheses reflect totals if some ambiguous uses are classified as Convenience Sale/Personal Services rather than Retail.

MIXED USE COMMERCIAL

***8.10.3** *All areas with commercial Comprehensive Plan Map designations other than Central Business District and Professional Office shall be redesignated as Mixed Use Commercial. (See Policy 8.10.7 for direction on Land Development Code standards to be developed to address the community's commercial needs.)*

*** 40.2.2** *Mixed Use Commercial*

These areas will provide for primarily commercial uses but also will allow for some civic, industrial, and residential uses that are compatible with the predominant commercial uses, while maintaining the City's supply of commercially-designated lands

***8.10.7** *The City shall develop standards for a hierarchy of mixed use commercial districts, with minor neighborhood centers serving neighborhood shopping and office needs, major neighborhood centers serving community shopping and office needs, and the downtown commercial districts serving regional shopping and office needs. The Professional and Administrative Office district can serve both community and regional office needs. Major neighborhood centers shall be sited at transit nodes on arterial streets and shall incorporate pedestrian-scale features such as building orientation to the street and limiting the maximum block perimeter. As the Land Development Code is updated, districts shall be developed that address all of the community's desired commercial needs.*

NEIGHBORHOOD CENTERS

***A comprehensive neighborhood core or focus is typically the location of a mix of uses, possibly including a small public open space, shops, services, civic functions, and connections to public transportation.....Good connections for bicycles and pedestrians from secondary areas to the more intense core area are vital.**

- *9.2.5 A. Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.**

*** 40.4.1 Neighborhood Centers**

The Neighborhood Centers denote commercial areas that are designed with a pedestrian orientation and serve the general community and/or surrounding neighborhood. Neighborhood Centers may be designed to incorporate a mixture of uses. The dots denote the conceptual location of the Neighborhood Centers and the circles represent a 1/4 distance from the Centers, which is considered to be a comfortable walking distance. The shaded circles depict possible Minor Neighborhood Centers for which further study is needed.

NORTH 9TH STREET AREA

- 8.12.1** *Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998.*

- 8.12.3** *The City shall develop standards that minimize conflicts between abutting land uses and the transportation function of 9th Street and enact adopted provisions of the Transportation Alternatives Analysis that address issues such as driveway consolidation, access conflicts, and pedestrian refuge islands.*

LARGE RETAILERS

- * 13.12.12** *The City shall revise the Land Development Code to require large retailers to be located only on sites within major neighborhood centers adjacent to arterial roads. These facilities must have a major entry onto public streets. Such retailers are not appropriate within minor neighborhood centers.*

APPLICABLE COMPREHENSIVE PLAN POLICIES REGARDING CHARACTERISTICS OF COMMERCIAL ZONING

3.2 General Land Use

3.2.1 *The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:*

D. Compact urban form;

F. Neighborhoods with a mix of uses, diversity of housing types, pedestrian scale, a defined center, and shared public areas.

5.2 Community Character

5.2.4 *The City shall take appropriate actions to beautify and improve the community by: developing gateway locations and development standards that include building orientation to the street for most uses; appropriate site and building design standards; extensive landscaping and street trees to provide a boulevard effect; frequent access points for bicycles and pedestrians; and possible mitigation of the negative effects of overhead utility lines.*

8.10 Commercial and Office Land Development and Land Use

8.10.3 *All areas with commercial Comprehensive Plan Map designations other than Central Business District and Professional Office shall be redesignated as Mixed Use Commercial. (See Policy 8.10.7 for direction on Land Development Code standards to be developed to address the community's commercial needs.)*

8.10.4 *New commercial development shall be concentrated in designated mixed use districts, which are located to maximize access by transit and pedestrians.*

8.10.7 *The City shall develop standards for a hierarchy of mixed use commercial districts, with minor neighborhood centers serving neighborhood shopping and office needs, major neighborhood centers serving community shopping and office needs, and the downtown commercial districts serving regional shopping and office needs. The Professional and Administrative Office district can serve both community and regional office needs. Major neighborhood centers shall be sited at transit nodes on arterial streets and shall incorporate pedestrian-scale features such as building orientation to the street and limiting the maximum block perimeter. As the Land Development Code is updated, districts shall be developed that address all of the community's desired commercial needs.*

8.10.8 *The City shall locate major and minor neighborhood centers near the junctions of arterials or collectors.*

8.10.9 *The City shall require at least one major commercial entrance to be located immediately adjacent to the public or private streets within the neighborhood center and mixed use areas. Additionally, parking lots shall be located to the rear of buildings, and where they do not disrupt the pedestrian streetscape, may be located to the side of buildings.*

- 8.10.10 ***Along the shopping street of neighborhood centers, the City shall encourage occupation of ground floor storefront space by retail and service users that serve local neighborhood needs and generate high volumes of pedestrian traffic.***
- 8.10.11 ***In order to provide for more compact commercial development and to encourage a mix of uses in commercial districts, the City shall develop standards that will require some types of large commercial development to have multiple stories. These additional levels may be dedicated to parking or to other commercial or residential uses permitted in the district.***
- 8.10.12 ***The City shall develop standards for commercial, office, and industrial districts to require that, any spaces in excess of the minimum standard shall be located in underground or structured parking facilities in developments with large minimum parking requirements (such as over 200 spaces).***
- 8.10.13 ***The City shall develop standards in the Land Development Code to encourage or require with development or redevelopment, the consolidation of vehicle accesses on arterial streets, where appropriate and practical.***

8.12 North 9th Street Area

- 8.12.1 ***Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998.***
- 8.12.3 ***The City shall develop standards that minimize conflicts between abutting land uses and the transportation function of 9th Street and enact adopted provisions of the Transportation Alternatives Analysis that address issues such as driveway consolidation, access conflicts, and pedestrian refuge islands.***

9.0 Housing - Background

A comprehensive neighborhood core or focus is typically the location of a mix of uses, possibly including a small public open space, shops, services, civic functions, and connections to public transportation.....Good connections for bicycles and pedestrians from secondary areas to the more intense core area are vital.

Clearly it will be more easily achieved on large parcels in greenfield situations. For developed areas consisting of one or more immediate neighborhoods, where infill and redevelopment are appropriate and possible, the concept will be useful to guide development that maintains, enhances, and/or creates a sense of community.

The goals of Section 9.2 - Neighborhood-Oriented Development, are:

Provide more access and transportation choices for all citizens:

- ***By creating connections and a land use mix to make pedestrian and bicycle travel safe, desirable options;***

Provide viable opportunities at the appropriate scale and location for a mix of commercial, service, and residential uses:

9.2.5 *Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas. These neighborhood characteristics are as follows:*

- A.** *Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.*
- D.** *Neighborhood development provides for compatible building transitions in terms of scale, mass, and orientation.*
- F.** *Neighborhoods have an interconnecting street network with small blocks to help disperse traffic and provide convenient and direct routes for pedestrians and cyclists. In neighborhoods where full street connections cannot be made, access and connectivity are provided with pedestrian and bicycle ways. These pedestrian and bicycle ways have the same considerations as public streets, including building orientation, security-enhancing design, enclosure, and street trees.*
- H.** *Neighborhoods have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas.*
- I.** *Neighborhoods have public areas that are designed to encourage the attention and presence of people at all hours of the day and night. Security is enhanced with a mix of uses and building openings and windows that overlook public areas.*
- J.** *Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Parking lots and structures are located at the rear or side of buildings. On-street parking may be an appropriate location for a portion of commercial, institutional, and domestic capacity. Curb cuts for driveways are limited, and alleys are encouraged.*
- K.** *Neighborhoods incorporate a narrow street standard for internal streets which slows and diffuses traffic.*
- L.** *Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure.*
- M.** *Neighborhoods have street trees in planting strips in the public right-of-way.*

11.6 Pedestrian

11.6.1 *The City shall require safe, convenient, and direct pedestrian routes within all areas of the community.*

11.6.4 *New development and redevelopment projects shall encourage pedestrian access by providing convenient, useful, and direct pedestrian facilities.*

11.6.6 *Safe and convenient pedestrian facilities that minimize travel distance shall be provided by new development within and between new subdivisions, planned developments, shopping centers, industrial parks, residential areas, transit stops, and neighborhood activity centers such as schools, parks, and shopping.*

1.6.7 *Where minimizing travel distance has the potential for increasing pedestrian use, direct and dedicated pedestrian paths shall be provided by new development.*

11.6.11 *The City shall encourage timely installation of pedestrian facilities to ensure continuity and reduce hazards to pedestrians throughout the community.*

11.6.12 *New commercial development shall be oriented toward adjacent existing and planned sidewalk facilities to encourage pedestrian, bike, and transit activity.*

11.6.13 *New commercial and residential development shall generally provide for a maximum block perimeter of 1,500 feet, except where it would negatively impact significant natural features.*

12.2 Energy

12.2.5 *The City shall encourage land use patterns and development that promote clustering and multiple stories, take advantage of energy efficient designs, and have ready access to transit and other energy efficient modes of transportation. A location where this is desirable is in the Central City.*

13.11 South Corvallis Area

1 3.11.2 *The City shall develop standards for a major neighborhood center consistent with the Town Center mixed use guidelines in the South Corvallis Area Plan, including pedestrian and transit-oriented design, street connectivity, and public spaces.*

13.11.3 *Future requests for additions or deletions to the established mixed use districts shall be consistent with the overall goals and policies of the South Corvallis Area Plan.*

13.11.12 *The Neighborhood Plan Map of the South Corvallis Area Plan will serve as a guide to future annexations, subdivisions, and planned developments.*

13.11.18 *The following guidelines shall be used for review of development proposals within the South Corvallis Town Center:*

- A.** *All buildings in the identified Town Center area will be oriented to public or private streets.*
- B.** *The primary circulation within the Town Center shall be developed as public or private streets, with sidewalks, street trees, and on-street parking.*
- C.** *Bell or Powell Avenue will be extended to 3rd Street.*

- D. *Bell or Powell Avenue will be a key pedestrian-oriented street. As such, it will have buildings fronting on both sides for most of its length, on-street parking, curb extensions at intersections, and pedestrian amenities. An alternative street that provides the same design qualities may be proposed.*
- E. *Public spaces are required. Examples include: a plaza, shopping promenade, and a small park. Public spaces will be located and designed to emphasize focal points within the Town Center.*
- F. *A pedestrian promenade will link the northerly and southerly retail areas.*
- G. *A north-south street will connect Bell or Powell Avenue to Park Avenue.*
- H. *The design of the Town Center will not preclude a future connection to Richland Avenue.*
- I. *Connections to adjacent streets are required, and should include traffic calming measures, where appropriate.*
- J. *Compatibility with adjacent residential uses shall be demonstrated. Measures to be considered include sight-obscuring landscaping, fencing, setbacks, and lighting that precludes glare on adjacent properties.*
- K. *Retail uses within the Town Center shall be limited to no more than 100,000 square feet.*

14.4 Other Urbanization Issues

14.4.2 *Design elements shall provide transitions between various land uses and intensities where necessary to improve compatibility.*

40.2 Commercial Use Designations

40.2.2 Mixed Use Commercial

These areas will provide for primarily commercial uses but also will allow for some civic, industrial, and residential uses that are compatible with the predominant commercial uses, while maintaining the City's supply of commercially-designated lands.

40.4.1 Neighborhood Centers

The Neighborhood Centers denote commercial areas that are designed with a pedestrian orientation and serve the general community and/or surrounding neighborhood. Neighborhood Centers may be designed to incorporate a mixture of uses. The dots denote the conceptual location of the Neighborhood Centers and the circles represent a 1/4 distance from the Centers, which is considered to be a comfortable walking distance. The shaded circles depict possible Minor Neighborhood Centers for which further study is needed.

13.12 West Corvallis Area

- 13.12.4** *Within the City Limits of the West Corvallis - North Philomath Plan, the City shall use a Planned Development process when partially developed sites are converted to neighborhood villages, as designated on the adopted Plan.*
- 13.12.5** *The City shall consider revising the Land Development Code to provide for a range of incentives for development proposals meeting site development standards such as those described in the West Corvallis - North Philomath Plan.*
- 13.12.8** *The City shall revise the Land Development Code to require developers to develop Neighborhood Villages consistent with the West Corvallis - North Philomath Plan. Features in the Plan include, a shopping street, a 1/2 acre public space or plaza and a transit stop that allows other appropriate uses including small-scale shopping, professional offices, personal services, and eating drinking establishments.*
- 13.12.9** *The sizes and locations for the neighborhood centers and villages shown on the West Corvallis - North Philomath Plan are approximate, and are subject to approval through the Planned Development process.*
- 13.12.10** *The City shall locate major and minor neighborhood centers near the junctions of arterials or collectors.*
- 13.12.11** *The City shall revise the Land Development Code to require commercial entries to be located immediately adjacent to the street right-of-way within the neighborhood center and mixed use areas. Additionally, parking lots shall be located to the rear of buildings, and, where they do not disrupt the pedestrian streetscape, may be located to the side of buildings.*
- 13.12.12** *The City shall revise the Land Development Code to require large retailers to be located only on sites within major neighborhood centers adjacent to arterial roads. These facilities must have a major entry onto public streets. Such retailers are not appropriate within minor neighborhood centers.*
- 13.12.13** *Along the shopping street of neighborhood centers, the City shall encourage occupation of ground floor storefront space by retail and service users that serve local neighborhood needs and generate high volumes of pedestrian traffic.*
- 13.12.14** *The City shall revise the Land Development Code to encourage the fronts of buildings to face parks and other public open spaces.*
- 13.12.15** *The City shall revise the Land Development Code to require the incorporation of existing native vegetation or new native plantings where possible, particularly adjacent to open space areas.*
- 13.12.16** *Each neighborhood center shall have its own site-specific development standards and design guidelines that closely represent the vision of the area's stakeholders: the citizens of Corvallis, land owners, developers, and the larger community. Stakeholders shall develop these standards and guidelines through a charette, design workshop, or similar public process. Standards and guidelines shall be consistent with the overall West Corvallis - North Philomath Plan.*

**COMPARATIVE TABLE
FOR NEIGHBORHOOD CENTERS, MIXED USE COMMUNITY SHOPPING, &
MIXED USE GENERAL COMMERCIAL ZONES**

ITEM	MAJOR NC	MINOR NC	MUCS	MUGC	
Purpose	<u>Transition Existing Development Toward Mixed Uses & Pedestrian Orientation</u>				
	Core of Comprehensive Neighborhood, & Also Serves Broader Community Needs	Core of, & Service Focus Toward, Comprehensive Neighborhood, with Incidental Service to Broader Community	Serves Community Needs	Serves Community & Regional Needs	
	Focuses on Pedestrian Orientation & Minimizes Focus On Auto-Orientation	Accommodates Both Pedestrian-Orientation & Auto-Orientation			Accommodates Auto-Orientation, but Require Human Scale & Ease in Pedestrian Access
General Provisions	Procedures for Variations from Standards Provided				
	Nodal Locational Standards Accommodates Neighborhood Core Concept & Transit Focus		Generally Between NC Nodes, Focuses on Transit Corridors & Pedestrian-Orientation		Generally in Peripheral Areas Designated MUC
	8 - 12 Acre Max. Center Size	1 - 2 Acre Max. Center Size	No Min. Max. Zone Size		5-Acre Min.

ITEM	MAJOR NC	MINOR NC	MUCS	MUGC
Uses	Mixed Uses (Commercial/Residential) Allowed - Not Required	Mixed Uses (Commercial/Limited Industrial) Allowed - Not Required	Accommodates Auto-Oriented Uses	Most Accommodates Auto-Oriented Uses
	Encourages High Pedestrian Activity Commercial/Civic Uses, with Least Emphasis on Auto-Oriented Uses			

Development Standards		FAR's Quite Similar	
Require Circulation & Parking in Rear of Site		Encourage Parking in Rear of Site & Allows Some Parking on Side of Building	Encourage Parking in Rear of Site & Allows Some Parking on Side of Building. Allows Display Parking Along Streets (with Landscaping)
		Emphasis on Building Orientation Toward Streets	Emphasis on Non-Auto Portions of Building To Be Orientation Toward Streets
Emphasis on Building Orientation to Shopping Street with Strong Streetscape Enclosure & Amenities for Pedestrians	40,000 / 55,000 ft ² Max. Footprint No Max ft ² Use Multi-Story if 40,000 / 55,000 ft ² +	15,000 ft ² Max Footprint 7,500 ft ² Max Use (Some) 3,000 ft ² Permit Threshold	No Max/Min.
	20,000 ft ² Max. Footprint 5,000 ft ² Max. Use Multi-Story if Over 20,000 ft ²	Alleys & Access Consolidation Encouraged	No Requirements for Alleys & Consolidation
Alleys & Access Consolidation Required When Possible	Front Setback 0 ft Min. 20 ft As PC > 20 ft As PD	Front Setback 0 ft Min. (outright) 20 ft Max(outright)	Front Setback 10 ft Min. 20 ft. Max.
	75 ft or 6 Story Limit	45 ft Height Limit	45 ft Height Limit
	35 ft or 3 Story Limit		

ATTACHMENT B

Attached are the written comments received following the September 6, 2000, public hearing for LDT00-00002, CPA00-00007, & ZDC00-00009. These include:

1. Benton County Historical Society (Marvin Gloege)
2. Snyder Thompson
3. Corvallis Area Chamber of Commerce
4. Rob Pabst
5. Randy Jones
6. Denis White
7. Denis White
8. Economic Development Partnership
9. Devco Engineering
10. Alison L. Weber
11. Bruce Hecht, Coho Ecovillage, Inc.
12. Johnson & Sherton
13. Fenner, Barnhisel, Willis, Barlow & Stevens, P.C.
14. Carolyn A. H. Miller
15. OSU Federal Credit Union
16. Thompson Snyder
17. Bruce Hecht
18. Marilyn Dilles

Submitted @
9/6/00 Plc Hrg.
Testimony # 1

September 2, 2000

Corvallis Planning Commission
City Hall
Corvallis, OR 97333

Dear Planning Commission Members:

RE: City of Corvallis Proposal to Establish a Riverfront Zone, Relation to Proposed Benton County Historical Museum on 1st Street

On Wednesday, September 6, 2000, the Corvallis Planning Commission will hold a public hearing to consider a variety of amendments to the Land Development Code. Amongst the amendments is the proposal to establish the RF (Riverfront) Zone. This testimony is being transmitted on behalf of Board of Directors of the Benton County Historical Society. It pertains to our concerns about the zoning proposal as it affects our prospective museum project to be located along 1st Street between Adams and Washington Streets. Our primary concerns are outlined below:

The Riverfront Zone is drafted with commercial occupancy in mind – that is, retail trade with in-structure off-street parking and with the opportunity for upper floor residential use. A museum is permitted in the zone but is not similar to proposed commercial occupancy. This is the case, even though we will not know for some time whether the museum will be built as a stand-alone facility, on a partnership basis with commercial projects or with similar non-profit museums or cultural facilities. Many of the proposed zoning standards do not fit a museum, and are much too strict and prescriptive, even for commercial use. Following is a list of some of the proposed standards in the Riverfront Zone that are too strict, and too precisely written, together with our comments which are shown in **bold face type**.

1. Section 3.15.40.01.b. The building's occupied space must extend to the street property line along at least 75 percent of the property line along the sidewalk. An unlimited setback can be applied to a maximum of 25 percent of the property line when development incorporates enhanced pedestrian spaces and amenities which occupy not less than 100 percent of the additional setback area.

While ultimately we may be able to live with this, if we end up building a stand-alone museum facility, we may wish to have greater setbacks.

2. Section 3.15.40.02.a. Buildings shall be a minimum of three stories in height.

This may be a desirable end result for riverfront properties, but to require this through zoning, or use of the police power for reasons of health and safety, is beyond the scope of zoning. Furthermore, market forces should determine the height of buildings (beyond fire safety concerns). On top of

all of this, we don't know, and won't know for some time if our museum project will be built on a partnership basis, or otherwise. I believe it would be impossible for us to develop a three story, no setback structure without involving other parties.

3. Section 3.15.40.02.b. Stepbacks of upper stories are permitted along sidewalks beginning with the third floor. A minimum 3.0 Floor/Area Ratio must be maintained.

See comments for building height above.

4. Section 3.15.40.04.b. A minimum of 60 per cent of the building street frontage shall be glass with a maximum sill height above grade of 30 inches and extending no less than 84" above sidewalk grade.

While such a requirement may be appropriate for a commercial operation, it is not for a museum. There has been much concern expressed by museum staff about the amount of glass proposed for our 2nd Street property (the old Copeland Lumber Company building). It is very difficult to design a museum facility with a lot of exterior glass in order to protect exhibits and to provide maximum design flexibility. While the use of glass is appropriate, a 60% requirement is much too high for a museum.

5. Section 3.15.40.04.c. Buildings shall have at least one entrance oriented toward each abutting street or sidewalk with the primary entrance oriented toward First Street, Second Street, or an entrance where two streets intersect.

This would require the primary entrance for the museum to be oriented toward First Street with additional entries on Adams and Washington. That may be OK, but must be interpreted in relationship to other requirements.

6. Section 3.15.40.04.d. Secondary entrances are required on larger buildings. The distance between a building's entrances cannot exceed 100'.

This is entirely inappropriate for a museum facility, where exterior entrances must be controlled. This would require at least 5 entrances if the entire half block were to be used. The standard is OK for smaller retail operations with limited frontage, but makes no sense for a large museum development.

7. Section 3.15.60.01.a. Vehicle entries/exits serving off-street parking facilities shall not be allowed along 1st Street.

This means that any vehicle entry must be from either Adams or Washington Streets. That may be possible but it puts us in an architectural

straightjacket as both those streets have limited frontage. This is compounded by the requirement for primary building entry off 1st Street coupled with the requirements for building entrances every 100 feet. Also read the following section. This also raises a question about the possibility of having a drop-off point on 1st Street for school buses or for anyone desiring or needing entry as close to the front entry as possible.

8. Section 3.15.60.01.c. Above and/or below ground parking structures shall meet the following design factors:
1. Where parking structures front streets, retail and other uses shall be required along the ground level frontage, except that access entries/exits, when needed, may be located no further east than the first 25-feet immediately east of the alley or vehicle accessway.
 2. Parking structures shall not be visible from any street, and visibility shall be blocked from views along the streets (except down alleys or vehicle accessways) via occupiable building spaces that meet the Riverfront Zone Development Standards.

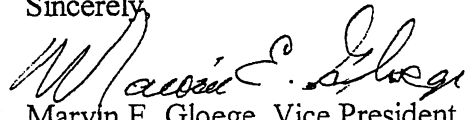
This section further limits location by requiring vehicle entry only in the first 25 feet east of the alley. So now there is primary pedestrian entry on 1st Street; 5 pedestrian entries; no vehicular entry on 1st Street; and vehicular entry only at the east 25' on either Adams or Washington.

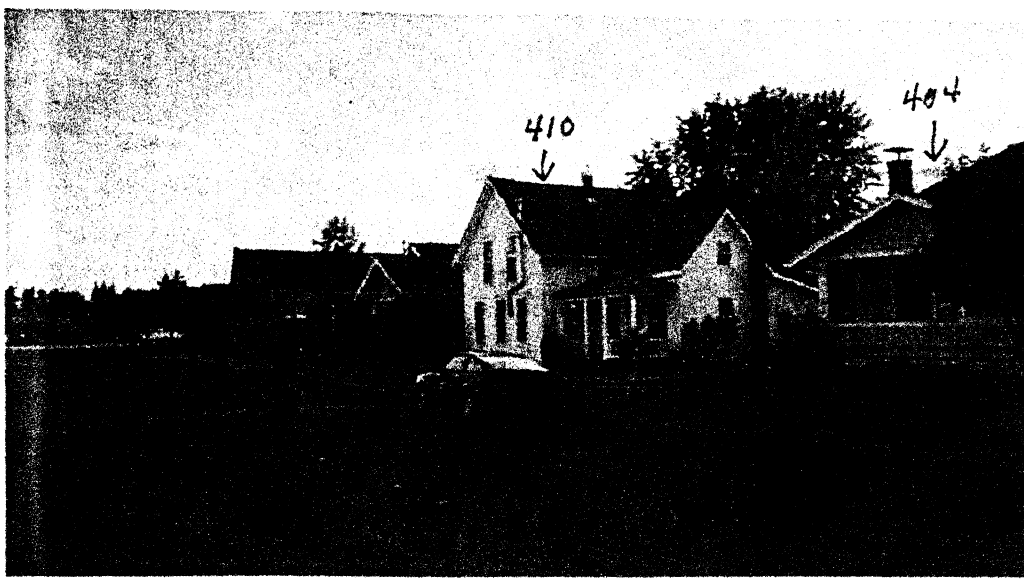
9. Section 3.15.60.02.

This is the parking requirement. Uses such as Restaurant, Retail, Office, Residential, and Entertainment are listed. However, a museum fits none of these categories, or even combinations of requirements. Therefore, there is no guideline for the museum.

Summary. As mentioned in the introductory comments, the proposed city standards for the Riverfront Zone do not fit a museum. A museum is a unique and special use. It is very difficult to prepare a set of standards for a zone that can be applied to a museum. As is the case with most uses that are classified as conditional (churches, schools, etc.) a museum requires a distinct and special review taking into consideration the unique nature of the facility. The Riverfront Zone is overwritten even for commercial use, and is much too prescriptive and strict for a museum.

Sincerely,


Marvin E. Gloege, Vice President
Board of Directors
Benton County Historical Society
1101 Main Street
Philomath, Oregon 97370



Submitted w 9/6/00 PIC
PROPERTIES AT Hrg.
404 AND 410 SW 9TH

Testimony #2



HOUSES ACROSS THE
STREET FROM
404 AND 410 SW 9TH



LOOKING NORTH FROM
404 AND 410 SW 9TH.

Submitted @ 9/6/00
PIC Hrg

Testimony #3

Memorandum



To: Planning Commission
From: Business Advocacy Committee
Date: September 6, 2000
RE: Land Development Code –
9th Street Zoning Change: Linear Development to MUCS

While it is the Chamber's belief that community needs and standards for development change over the course of time, and that desirable changes can be effectively encouraged, we wish to remind the Planning Commission that some changes are more beneficial in both the short and long term than others. The new Land Development Code formulated by the Technical Review Groups and City Staff has some positive features, but the Chamber is concerned about the scope of change and concomitant restrictions in several areas. One of the most problematic sections of the new Code deals specifically with the eventual elimination of linear ("strip") type development in favor of "Mixed Use Community Shopping," applied to areas where development is already extensive. This zone change will affect pockets of development throughout the community, but nowhere more profoundly than along the length of 9th Street from Hemlock Ave. to Polk Ave. This area is already highly developed according to earlier planning models and acknowledged by CTRG members as having very little likelihood of becoming a pedestrian amenity (CTRG, April 18, 2000).

Applying the Mixed Use Community Shopping designation to current Linear Commercial zones calls for the eventual complete restructuring of areas long established for particularly kinds of uses by the community at large. Ninth Street is hemmed in by Highway 99W to the east, and some of Corvallis' more affordable housing to the west. It is a major thoroughfare into the downtown and campus areas and has long served the community well for the uses that have developed along this stretch over time. Businesses and property owners have invested heavily in the area with the understanding that no great evolutionary leaps in community planning would undermine property values or their ability to conduct business and serve the community. With the zone change come numerous restrictions not in keeping with the design and use of current development. This situation raises several concerns that the Planning Commission should address.

Section 3.19.40.01 – Use and Building size

The proposed maximum use size (including outdoor sales space) is limited to 7,500 square feet in the MUCS zone and there is a maximum building footprint restriction of 15,000 square feet. We assume the intent of these restrictions is to make “big box” development impossible. We would like to point out, however, that Corvallis has several examples of aesthetically pleasing, desirable business types that are well over 7,500 square feet. Usage over 7,500 square feet does not directly translate into a pedestrian unfriendly, automobile-centered environment. Other factors having to do with location, lifestyle choices, and economics can be said to impact the uses and consequent environment of an area more than individual building size.

Many businesses currently existing along 9th Street will have to be “grandfathered” in and cannot change hands for any other use without partitioning of the space into the designated unit restrictions. Examples include Randy Jones Chevrolet, the OSU Federal Credit Union, Corvallis Auto Parts, Bi-Mart, Office Max, Tum-a-Lum Lumber, Al Hutchinson, and Highland Bowl. While the MUCS re-zoning is meant to eventually make 9th Street a more appealing space, it is actually putting in place major roadblocks to change in the form of disincentives. If, for instance, Randy Jones is never able to sell his car dealership for any other use other than a car dealership without the buyer making major structural changes to the property, the likelihood is that this parcel will remain exactly as it is. Not only does this mean a significant devaluation of Mr. Jones’ property value, but it also will undermine the City’s own efforts to change 9th Street for the better.

Section 3.19.40.03 - Commercial Floor Area Ratio

With this section, the MUCS zone requires that a building occupy 25 to 100% of the lot size. We assume that the intended affect of this rule is to limit parking lot size. Other affects include limitations to a property owner’s ability to provide “pedestrian amenities” required in the Land Development Code, and a disallowance of a property owner putting two or more buildings each occupying less than 25% of the total land on one lot. Making a property owner’s task of meeting code difficult or impossible undermines the viability of the Code as a whole and not allowing more than one building on a lot seems to serve no purpose what so ever.

Section 3.19.40.05 – Setbacks

Clearly, the intention of this section is to de-emphasize the car. 9th Street is, unquestionably, a ‘car-oriented’ portion of town in that it is a) already designed to be as such; b) a major access route from North Corvallis to the Downtown and Campus areas; and c) on the eastern most margin of developed Corvallis and, therefore, accessible to most of the population only by automotive means. Putting severe limitations on parking facilities will result in 9th Street ceasing to be a viable commercial area, which will have the further affect of setting up the area for structural and economic decline.

We would also like to point out one of the problems with disallowing parking between buildings and the street, moving parking facilities to the rear of buildings. Along the western side of 9th Street, development is backed up against some of Corvallis’ more affordable housing. Moving parking to the rear will result in traffic patterns decreasing along business frontages on 9th Street proper, and substantially increasing traffic in the residential zones around 10th Street and

Division. This runs counter to the goals in other parts of the Code pertaining to residential areas.

Conclusion

The rezoning of what has been 'linear' development to Mixed Use Community Shopping could have serious ramifications for existing businesses and uses. We urge the Planning Commission to reexamine the MUCS restrictions as they pertain to already developed areas taking into account the realities of location and economics.

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SEP 8 2000

Comm Dev Admin

Testimony #4

From: Rob Pabst
2848 NW Audene Drive
Corvallis, OR 97330

To: Corvallis Planning Commission

Date: September 7, 2000

Re: Land Development Code update

I wish to thank the planning staff and the Planning Commission for their visionary work on the Land Development Code update. The proposals I heard described by staff at the hearing on Wednesday evening (9/6/00) gave me great hope that our city is headed in the right direction in terms of land development. The emphasis on alternative modes of transportation, pedestrian- and bicycle-friendly neighborhoods, mixed-use zoning, urban villages, and more aesthetic residential development were all truly exciting. One person that spoke in opposition to some of the proposed changes called them "evolutionary"; I couldn't say it better myself, and congratulate you on taking these important steps for the future of a livable Corvallis.

My comments hereafter concern the protection of native plants and native habitats as they relate to land development. I'm a forest and plant ecologist, and as I've watched the Corvallis building boom over the last several years, I've become increasingly alarmed and dismayed by the disregard that new development has for native trees and plant communities. I would like to cite a few examples:

- One homebuilder in NW Corvallis cut 20 Douglas-fir and Oregon white oak trees on a steep, half-acre lot to accommodate a single large house. After the cutting, a bulldozer scraped off the remaining understory shrubs and herbs. The trees were nearly 100 years old. What's more, one of those trees was, for many years, the nesting tree for a family of red tail hawks. The sad thing is, only one or two of the trees had to be removed to build the house. The nest tree and 17 others could easily have been saved. My guess is the builder/owner had little appreciation for the natural environment and cut those trees for safety reasons. The irony, of course, is that the roots of those trees enhanced the stability of the steep slope. In addition, it seems the builder knew little about wind firmness of forest stands and how cutting can leave the remaining trees (on a neighbor's property, unfortunately) prone to windthrow.

- At another NW Corvallis development, a patch of remnant native prairie and a multi-acre expanse of meadow were scraped clean to topsoil, only to sit idle for two or three years while awaiting purchase and eventual development as custom homes. Some of these lots are still not built upon, but I can tell you the erosion, siltation, and loss of native plants that resulted was permanent and could have been avoided or minimized without unduly infringing on the developer's property rights. The patch of prairie contained a rich assemblage of natives, including Kincaid's lupine, host to the Fender's blue butterfly. Both of these species are now federally listed as threatened or endangered.

- The Dale Street sewer extension project, along a wetland north of Harrison Blvd, was done in mid-winter. This work created an appalling muddy mess in the wetland, in apparent disregard for wetland plants or possibly the incubating eggs of amphibians and insect larvae. In addition to that, the plant inventory in the wetland apparently was done in October, when some plants are no longer visible or identifiable. Surveys for plants and animals must be done at appropriate times of the year, and certainly any work involving wetlands or riparian areas must be done at a time of year when the harm done to them will be minimized.

4A

• Another example: habitat for a sensitive plant species was destroyed to accommodate the Highway 99 bike path near the overpass in north Corvallis.

• Even Oregon State University has gotten into the act. Last year a 210-year-old Oregon white oak tree on campus was cut for fear it was rotten and would fall onto a sidewalk that gets relatively little pedestrian traffic. Examination of the stump showed no rot.

• Finally, in west Corvallis, scores of oak trees were cut and bulldozed to make way for a development that now bears the tree's name.

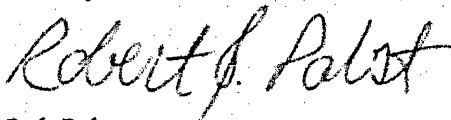
I don't think these things are done maliciously, but rather from a lack of awareness and a desire for cost-effectiveness. Regardless, the environment comes out on the short end. It wasn't always this way. Take a look at Witham Hill, where great care was taken to preserve a large number of native Oregon white oak and Douglas-fir trees around both single-family dwellings and apartment complexes. In contrast, the development mentality today seems to be driven mostly by profit and an attitude that the land in our city exists solely for buildings, pavement, and manicured yards. The question is, what can we do about it?

The builders and developers of today will probably say it costs too much to take a gentler approach to land development. But I'd argue that properties and developments built with care for existing native trees and plants will be of greater value, not just in economic return, but in terms of habitat for native animals such as acorn woodpeckers and western gray squirrels, and countless other organisms. It's rather obvious, but ornamental non-native plants and chem-lawns simply do not provide the same habitat as do native plants. Another argument will be that native plants are unappealing to home buyers. I believe that this is false. In many areas around the country, communities are incorporating native plants and habitats into landscaping plans, much to the favor of potential homeowners. This has been substantiated by recent research on people's perceptions, notably by Joan Iverson Nassauer at the University of Michigan. People want to do good. We should give them the chance.

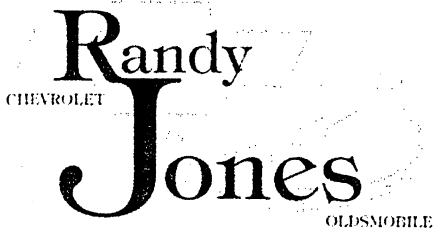
So, before we dismantle our local ecosystems completely, let's do better. Let's be responsible stewards and lessen our impact by working *with* and *for* the land instead of cutting, scraping, and breaking it to our will. To begin with, we need to know what native plants and habitats exist on building sites or within planned developments, and take steps to avoid or mitigate the damage that might be done to them. Outreach can certainly play a role, with the city, neighborhood associations, and local environmental groups encouraging the use of native trees and plants in landscaping. More importantly, we need development-code language or a city ordinance that protects native trees and habitats. In California, numerous communities have adopted ordinances to conserve native oak trees and woodlands. An example from Los Angeles County can be found on the web at http://planning.co.la.ca.us/drp_revw.html. Other information is available through the California Oaks Foundation (<http://www.californiaoaks.org/>).

I will be happy to provide any assistance to staff in developing the codes or language to make protection of native plants and habitats an integral part of land development in Corvallis.

Thank you,



Rob Pabst



Testimony 5

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SEP 9 2000
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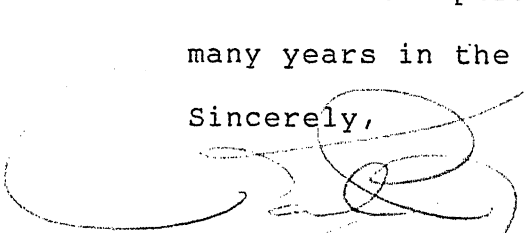
September 7, 2000

Planning Commission
City of Corvallis
P.O. Box 1083
Corvallis, OR 97339-1083

Mr. Towne:

I am requesting the property that I own at 1755 NW 9th Street, Corvallis, DBA Randy Jones Chevrolet-Oldsmobile be zoned Mixed Use General Commercial, which is the appropriate zoning for automobile dealerships. The MUGC zoning would allow us to expand our facilities as market demands change. We intend to operate this dealership at our present locations many years in the future.

Sincerely,



Randy Jones
President
Randy Jones Chev/Olds
1755 NW 9th St.
Corvallis, OR 97330

Schlesener, Kelly

From: White Family [rhapsody@peak.org]
Sent: Sunday, September 10, 2000 9:27 PM
To: pndfmly@proaxis.com
Cc: kelly.schlesener@ci.corvallis.or.us
Subject: comments on LDC testimony

Dear Gary and fellow Commissioners:

Below are my comments on some of the oral and written testimony on the code changes.

9th Street: I would support a motion to ask City Council and staff to look for a less drastic or abrupt change from LC to MUCS; phasing could be a part of it.

1st Street and Museum: I strongly support elimination of the minimum 3 story height requirement from RF. I am less persuaded on, but might support, exceptions to glass and entrance requirements but probably only if controlled by use (so maybe PD is better...?)

Central Park neighborhood rezoning exceptions: Because this has already been decided at the time of the comp plan changes I do not support the exceptions. However, I still feel that this kind of large area change that is not part of a generic change (and contrary to the goals of densification, in this case) should go through a public process as a separate case. (Again, I support the change, just not the process.)

Devco request to move minor neighborhood center to 45th & Country Club: I am tentatively in favor, but I feel this change needs more public involvement.

Dasteur property zone change: I think this needs public involvement of the neighborhood to the north.

Tony Howell changes: I support all of Tony's suggestions. I also volunteer to work with Tony and any others on the re-writing he proposes.

Cohousing issues: The cohousing group could take advantage of the wide ranges of densities allowed currently (but see below). With a three acre site, for example, they could triple their allowed density by using gross density and committing two acres to open space or natural area with a conservation easement. Although this might meet part of their needs, Bruce Hecht also feels, as stated in an email to Kelly and me, that PODS will prevent the kind of development they may want. Bruce has suggested perhaps some kind of special treatment for cohousing, such as a specific zone or other provisions. I think this merits attention, but when can we get to it?

Range of densities and density transfer: Following the comment above about cohousing densities, we should be aware that our density transfer provisions are really superfluous because you can actually achieve more in some cases using gross density, with no separate application. I just ask you to think about whether you might want to make the density requirements more explicit. It seems like we will see this issue again in Timberhill for sure. Of the options I presented at our last working session, perhaps the simplest is to just incorporate the idea of the density transfer provisions directly in the density calculation. Under this, 4 units per acre of unbuildable land on the site would be added to the maximum density of the buildable portion of the site.

Denis

Schlesener, Kelly

Testimony 7

From: White Family [rhapsody@peak.org]
Sent: Monday, September 11, 2000 4:36 AM
To: pndfmly@proaxis.com
Cc: kelly.schlesener@ci.corvallis.or.us
Subject: last comment ever on density

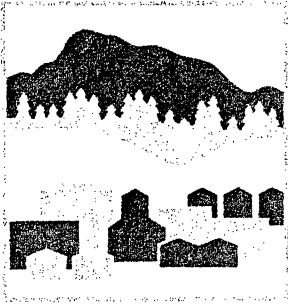
Gary and all,

Last gasp on density in the wee hours...

If we don't want to change the formula at this time, could we at least make the definition of density calculation more explicit, something like:

"Density calculation. The minimum density for a site is given by net density and the maximum density by gross density."

thanks,
Denis



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SEP 11 2000

Comm Dev Admin

Economic Development Partnership, Inc.

Testimony B

September 7, 2000

Corvallis Planning Commission
Corvallis Planning Division
501 SW Madison Ave.
Corvallis, OR 97333

Subject(s): MUCS and MUGC zone language - footage issue
Parking Structures

Dear Planning Commission Members:

I would like to comment and written testimony for the record on language contained in Draft LDC as it refers to each of the subjects I have referenced. At your meeting of September 6, there was a great deal of discussion and input regarding the MUCS and MUGC zones from those potentially impacted by the zone language change.

The revised language pertaining to the conforming use of existing structures and the relative square footage of each structure is not totally clear in regards to current or future permitted use. The primary issue deals with the change of use of an affected building, the change of ownership or the expansion of the building by the current owner/occupant. The confusion rests in the allowable use if the building changes hands and changes occupancy use, even if that use is permitted within the zone.

I read the revised language to say that any facility in the zone prior to December 31, 2000 is permitted over the footage restrictions of 15,000' as a conforming use and that any changes subsequent to December 31, 2000 shall also be permitted as long as the new or changes use is a permitted use in the zone. Correct? There would be the same application for the interior footage of 7500'.

Now, what if that new use wants to expand or remodel, increasing the size of the facility further? Will this continue to be a conforming use or will the footage restrictions apply? I realize there will be issues of non-conformance to the zone language such as set-backs, parking, etc. But, as was pointed out during the hearing, there will be difficulty on the part of existing facilities to comply with these zone restrictions due to most if not all of the lot development that would not be easily changes without great expense to the owner.

SA

Essentially, to address the concerns of the major property owners in this proposed district, there needs to be clarification as to conformity, change of use, change of ownership, expansion, etc. If the zone language refers to the specific facilities as of December 31, 2000 and not to the owner or the use of the facilities, these questions could be answered.

My second issue deals with the requirement in all zones of a structured parking facility for any additional parking, up to 30% in excess of the minimum 200 off-street spaces. While there is language that attempts to ameliorate the issue by allowing up to 50% over the minimum, this does not solve the concerns.

My primary concerns focus on the parking issues related to commercial or industrial zones. The current restriction for parking for most industrial/commercial zones is 1 space per 400' of gross floor space. For a building of 50,000' this equates to 125 spaces. A facility of this size, in an industrial zone could easily employ more than 125 employees. Thus, the current zoning restricts a facility of this size to the number of parking spaces allowed in the zone notwithstanding the needed parking for handicapped, vendors, customers, etc.

As existing business expands in facility size, most often there will be a corresponding increase in employees. Once that company reaches the 200 space minimum and is faced with having to add parking through a parking structure, the expansion more than likely will not take place. At \$10,000 per parking stall for a structure, the pure economics of an expansion project will not be viewed as positive.

Further, the limitations on additional parking except in a structured format will not be an attraction to larger firms interested in relocating or expanding to Corvallis. Again, the added cost of providing employee parking will be a deterrent to the efforts to recruit firms to the area. This restriction also places limitations on the size of firm and the numbers of employees that can be attracted to the area.

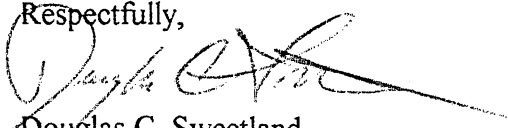
We are currently experiencing an inability to respond positively to a certain category of business due the current ratio of 1/400'; namely Technical Support Centers. Typically, these businesses employ a large number of people who work in a relatively small facility. An example is up to 500 people on 2 shifts working in 30,000'. With our current parking language, we can only accommodate parking for 75 parking spaces per shift or about 30% of the need. These are good jobs providing, in most instances, good wages. However, Corvallis is unable to compete for these projects due to the current parking restrictions. With the structure language, our ability to compete successfully will be further restricted.

I urge you to consider the long term financial implications of the parking language. Implementing such language with a degree of flexibility in the type and location of use would lend itself to encouraging local business expansion as well as eliminate an added barrier to outside interest in this area.

OB

Thank you for your efforts in this laborious process. I commend you for your commitment and feel confident that your recommendations to the City Council will include the concerns expressed at your hearing and through the written testimony you have received.

Respectfully,



Douglas C. Sweetland
President

DCS:ji

80



245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

Testimony 9

September 11, 2000

Corvallis Planning Commission
501 SW Madison Avenue
Corvallis, OR 97333

RECEIVED
SEP 11 2000
Comm Dev Admin

Subject: CPA00-00007
Comprehensive Plan Map Revisions

Dear Commissioners:

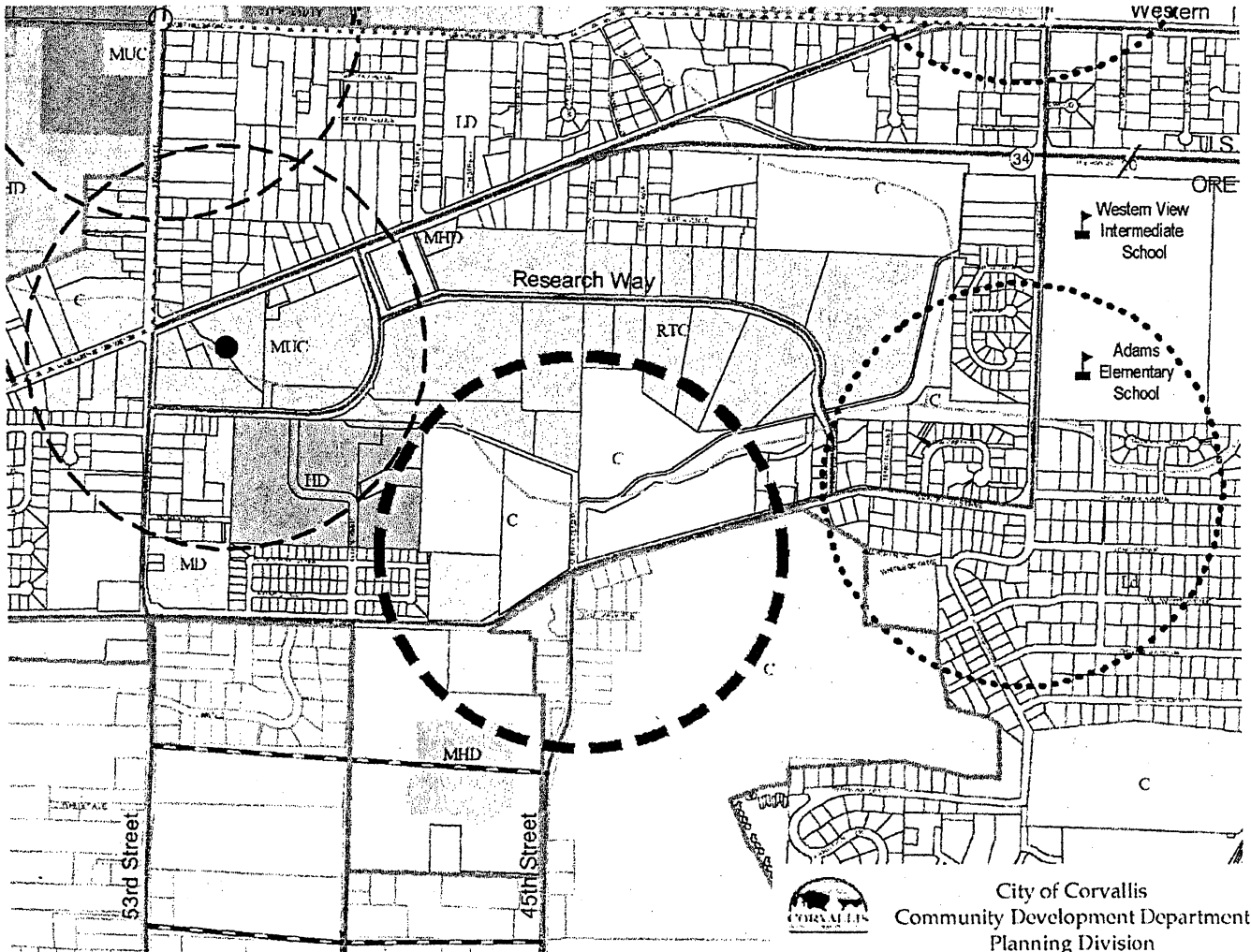
Regarding our recommendation made at the September 6th Public Hearing for a Comprehensive Plan Map Revision, we wish to offer one supplemental thought. Should you not wish to relocate the neighborhood study area designation from the 35th/Knollbrook/Country Club vicinity, an "additional" neighborhood center study area could be shown in the location proposed for the relocated study area (Figure 4). This new study area would not overlap any other area considered for neighborhood centers, and would encompass larger under-developed lots with potential to be developed with mixed-uses as a neighborhood center.

Sincerely,

Lyle Hutchens
Project Manager

LH:ml

9A



**SUPPLEMENTAL PROPOSED
COMPREHENSIVE PLAN MAP
REVISION: ADDITIONAL
NEIGHBORHOOD CENTER
STUDY AREA**

City of Corvallis
Community Development Department
Planning Division
Revised, December 1999

- South and West Corvallis Plans Boundaries
- City Limits
- Urban Growth Boundary
- Parcel Boundaries
- School
- Transportation Plan Functional Classification System:
(Approximate Locations)
- Existing Collectors, Arterials, and Arterial Highways
- Proposed Collectors, Arterials, and Arterial Highways
- Neighborhood Centers:
NOTE: Circles represent a 1/4-mile distance from Centers.
Location of Centers is approximate only.
- Proposed Minor Neighborhood Center
- Proposed Major Neighborhood Center
- Proposed Neighborhood Center Study Area
- Comprehensive Plan Designations:
- LD Residential - Low Density
- MD Residential - Medium Density
- MHD Residential - Medium - High Density
- HD Residential - High Density
- MUR Mixed Use Residential
- CBD Central Business District
- PO Professional Office
- MUC Mixed Use Commercial
- IDS Intensive Development Sector
- LI Limited Industrial
- LIO Limited Industrial - Office
- MUE Mixed Use Employment
- GI General Industrial
- II Intensive Industrial
- MJT Mixed Use Transitional
- RTC Research Technology
- P: Public Institutional
- A Open Space - Agriculture
- C Open Space - Conservation

Figure 04

Testimony 10

AUGUST 11, 2000

CONCILORS AND COMMISSIONERS, PLANNING COMMISSION,

PO BOX 1038

CORVALLIS, OR 97339-1083

RECEIVED

SEP 11 2000

Comm Dev Admin

PLEASE REFER TO MY INITIAL LETTER DATED JULY 17,2000 GIVING DESCRIPTION AND LOCATION OF THE PROPERTY UNDER DISCUSSION.

UPON READING YOUR RESPONSE I FIND THAT YOUR CONCERNS ARE EXACTLY THE SAME AS MINE! IT IS MY SINCERE DESIRE TO PROTECT THIS PROPERTY AND THE NEIGHBORHOOD. DEGRADATION. NOISE, LITTER AND TRAFFIC CONCERNS SHOULD BE ADDRESSED AT THIS TIME IN MY OPINION.IT IS MY HOPE THAT THE CITY CAN PLACE PROTECTION AND GUIDANCE AS SOON AS POSSIBLE; AND I WOULD EXPECT THAT THE NEIGHBORS IN THE IMMEDIATE AREA COULD HAVE INPUT.

IF AND WHEN THE PROPERTY IS SOLD IN THE IMMEDIATE FUTURE I WOULD HOPE THAT THE CITY HAS CONTROL TO AVOID RAMPANT AND UNDESIRABLE CONGESTION AND NOISE.

IN MY ORIGINAL LETTER OF JULY 17TH I GAVE MY REASONS FOR BELIEVING SINGLE FAMILY RESIDENTIAL IS NO LONGER A DESIRABLE AND APPROPRIATE ZONE, SO I WILL NOT REPEAT THEM HERE.

UPON GENERAL AND NON-SPECIFIC DISCUSSIONS WITH DEVELOPERS THEIR IMMEDIATE RESPONSES HAVE BEEN"WE COULD PLACE THIRTY APARTMENTS ON THE PROPERTY" AND "A GREAT SPOT FOR COMMERCIAL ZONING"

I FEEL STRONGLY THAT 30 APARTMENTS WOULD MEAN DOGS, CHILDREN, APPROX.50CARS AND CONTINUAL ACTIVITY 24 HOURS DAILY.IN MY OPINION THIS WOULD BE DISTRATOUS FOR THE RESIDENTIAL NEIGHBORHOOD, AND DEGRADE THE IMMEDIATE VICINITY. I AM SURE THIS IS NOT WHAT MY NEIGHBORS WOULD DESIRE.

COMMERCIAL DEVELOPMENT WOULD CREATE A DEFINITE TRAFFIC, NOISE AND LITTER PROBLEM AND I DO NOT BELIEVE A "NEIGHBORHOOD SHOP AREA" WOULD BE AT ALL PROFITABLE OR APPROPRIATE.

10A

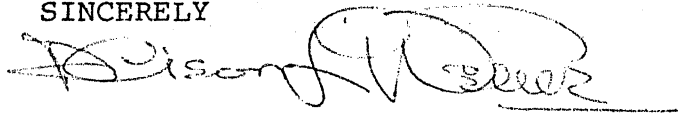
AFTER REVIEWING THESE THREE OPTIONS, I FEEL SURE YOU WILL AGREE THAT A BETTER SOLUTION MUST BE FOUND. FOR THIS REASON I AGAIN URGE YOU TO CONSIDER THE REQUEST I HAVE MADE TO CHANGE FROM RS-3.5 TO PA-O (PROFESSIONAL, ADMINISTRATIVE OFFICE) WITH A PD (PLANNED DEVELOPMENT) OVERLAY.

IT IS NOT MY PLAN TO DEVELOP THIS PROPERTY, BUT I BELIEVE THAT IT IS IMPERATIVE THAT CONTROL AND GUIDANCE BE IN PLACE BEFORE ANY DEVELOPMENT DOES OCCUR. THE PROFESSIONAL ADMINISTRATIVE, OFFICE ZONING WOULD BE QUIET, IT WOULD CLOSE DOWN ACTIVITY AT FIVE PM AND TRAFFIC WOULD BE MINIMAL.

NEIGHBORHOOD INPUT AND SUSTAINED INTEREST BY YOU, THE PLANNERS AND COUNCIL COULD WORK TO RETAIN A LOVELY NEIGHBORHOOD.

WE CONSIDER THIS AN APPROPRIATE TIME FOR THE CITY TO MAKE THIS MOVE, AND WE URGE YOU TO GIVE SERIOUS CONSIDERATION TO OUR REQUEST FOR A COMPREHENSIVE PLAN MAP AMENDMENT. AND PLEASE, PLEASE THINK OF A PLANNED DEVELOPMENT OVERLAY!

SINCERELY

A handwritten signature in black ink, appearing to read "Alison L. Weber". The signature is written in a cursive style with a horizontal line underneath.

ALISON L. WEBER

RECEIVED

SEP 11 2008

Comm Dev Admin

To: Corvallis Planning Commission
CC: Ed Barlow-Pieterick, Kelly Schlesener
From: Bruce Hecht, Coho Ecovillage Inc.
Date: 9/10/00
Re: Land Development Code Public Hearing Comments on Cohousing

Testimony 11

We would like to express our appreciation for all the efforts of those who took the time to update the Land Development Code. It is truly a monumental undertaking. We are excited to see how the efforts have resulted in new code sections and updates that support the intention of the Comprehensive Plan and Vision 2020. We whole-heartedly support the concepts of bringing in new low-density residential property as RS-6 and rezoning RS 3.5 property to RS-5 as well as the efforts to make commercial zones such as Ninth St. more pedestrian friendly. This is a big step forward.

However as members of an active cohousing group in intent upon seeing this type of development happen in Corvallis and, as advocates for future cohousing development in Corvallis, we see this time as an opportunity to modify the codes so that cohousing has a place in the updated Land Development Code.

We understand that we could probably get approval of a cohousing project through the Plan Development process but this is a complex and costly process that unnecessarily hampers future cohousing development. Cohousing is developed with resident participation and attempts to be affordable for its residents. It does not usually have the resources of a large developer.

For example in the Pedestrian Oriented Design Standards section 4.10 the objectives are right on and work well for traditional subdivisions using the lot development model; however the section falls short of supporting the specific needs of a cohousing development as implemented in North America. Here are few issues we identified:

- Section 4.10.60.01 this section requires structures to be oriented to streets. It does allow 200-foot sidewalk access but these provisions constrain the design of a pedestrian oriented cohousing project. See attached site plan for Martinez Park cohousing in Ft. Collins and notice path lengths to streets.
- It seems as though the entire concept of setbacks to front and rear yards does not work for cohousing even with the courtyard provision. Cohousing units do not really have front yards. See attached site plan and notice some units are setback almost 80 feet from the street.
- Parking for cohousing is clustered so that residents have to walk to their homes and interact with other residents. Per 4.10.60.01.a.3 off street parking shall not be placed between buildings and the streets to which those buildings are oriented. We have no idea how you apply this section to cohousing. In addition section 4.10.60.021a requires parking lots to be placed to the rear of buildings. Since parking is clustered and not specific to each unit how do you apply this section?

As you can see the updated LDC does not really support cohousing per se.

Per a paper presented at the 1998 American Planning Association Annual Conference by Bruce Coldham, a Massachusetts architect and Planning Commission member, here are a few code enhancements that would make cohousing easier within the code.

September 10, 2000

- 1) Common house is considered a shared amenity and not counted as a dwelling unit for density purposes.
- 2) Accessory uses should be allowed to be aggregated into a single building i.e. home offices can be housed in a single building without being considered a commercial use.
- 3) Minimum size of dwelling unit can be very small e.g. 600 sq ft gross.
- 4) Provide a density bonus in return for smaller houses since they have less environmental impact.
- 5) Allow reduced parking spaces for the community.
- 6) At least 60% of site should be open space.
- 7) Allow attachment of up to 6 units.

There are currently two cities we know of that have modified their zoning ordinances to support cohousing, Fredricks, MD and Hokington, MA. Also the city of Amherst, Massachusetts is currently reviewing a citizen-initiated draft of a zoning ordinance update that would allow a sort of mini-Planned Development process to better support cohousing projects. Amherst currently has two cohousing communities.

If you are interested in learning more about is happening in Amherst, Massachusetts contact Bob Mitchell or Connie Kruger (413) 256-404.

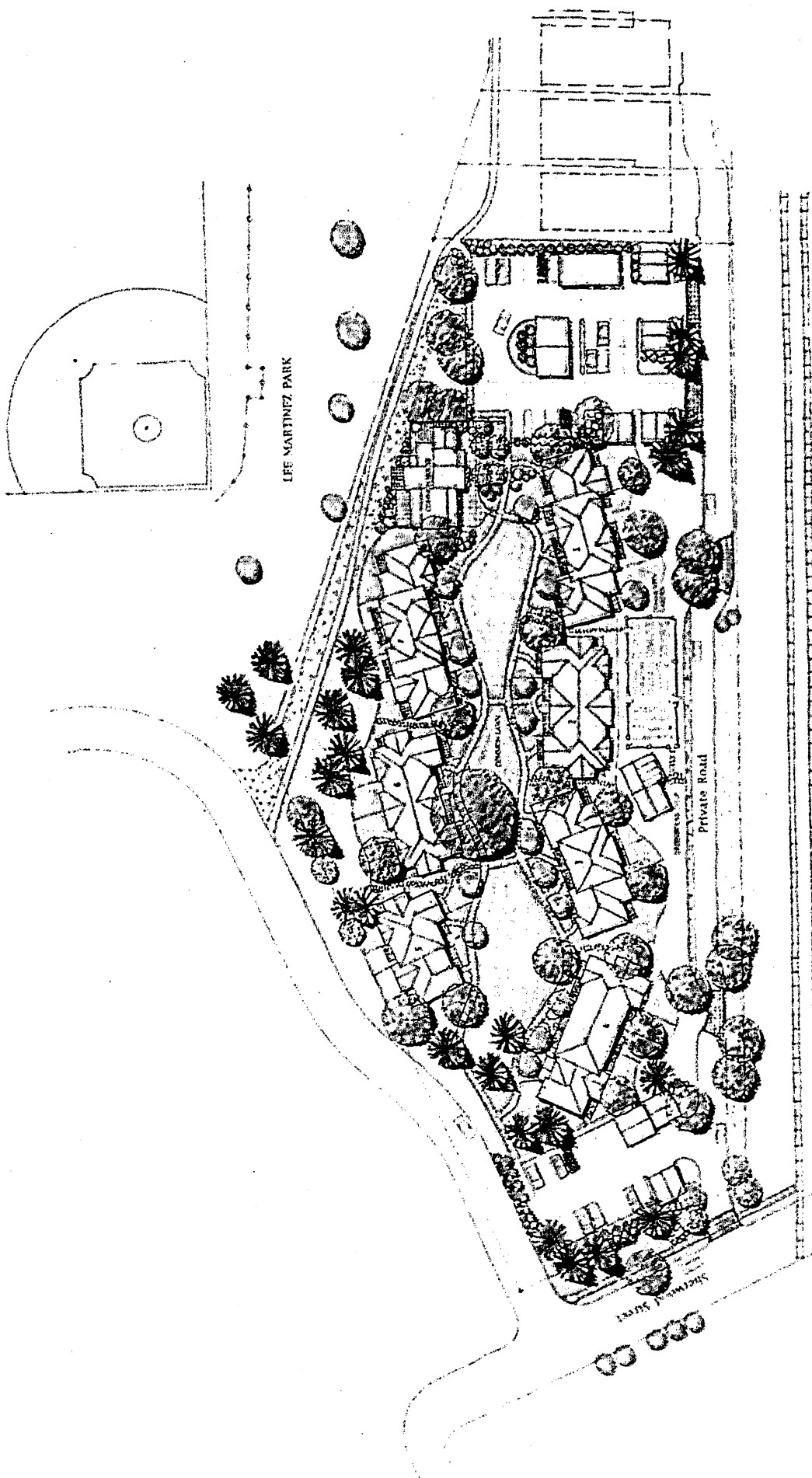
We feel that cohousing communities incorporate the spirit of the Corvallis Comprehensive Plan and by taking this opportunity to define codes that clearly describe cohousing as an additional development model cohousing could become more mainstream and help Corvallis obtains its vision of community. We would be glad to work with staff and the technical review committees to create a specific code section supporting cohousing.

Sincerely,

Coho Ecovillage, Inc

Bruce Hecht
Cheryl Good
John Lewis
Judith Hecht
Maureen Bayless
Dan Pullen
Richard Henry

Attachments:
Cohousing fact sheet
Cohousing resources
Newspaper articles on cohousing
Martinez Park cohousing site plan



ILLUSTRATIVE PLAN
MARTINEZ PARK COHOUSING

FT. COLLINS, COLORADO

11 AUGUST 1997

SCALE: 1"=30.0'



COHOUSING FACT SHEET

FOR IMMEDIATE RELEASE
March 8, 1999

MEDIA CONTACT: Neshama Abraham
(303) 413-8066; neshama36@aol.com

Definition of Cohousing

Cohousing communities are small-scale neighborhoods created with resident participation which provide a balance between personal privacy and living in a close-knit community of neighbors. Individual homes enjoy convenient access to shared space, including a "common house" with facilities such as a kitchen, dining room, a play room for children, workshops, guest rooms, office space, a sitting area and laundry. Each home is self sufficient with a complete kitchen. In addition, cohousing neighborhoods typically offer optional resident cooked meals in the common house several times a week.

Six Characteristics of Cohousing Communities

According to Kathryn McCamant, co-author of Cohousing: A Contemporary Approach to Housing Ourselves (Ten Speed Press, 1988), cohousing is characterized by six prevailing qualities:

1. Resident participation in the creation of the neighborhood
2. A design which encourages community interaction
3. Extensive common facilities supplementing private homes
4. Residents manage the community themselves
5. Non-hierarchical decision making (most decisions are made by consensus)
6. Residents do not rely on the community for their income source (although many cohousers work from home).

History of Cohousing in the U.S.

The concept of cohousing was introduced to the U.S. in 1988 with the publishing of the Cohousing book (see above) by Kathryn McCamant and Chuck Durrett. This husband/wife design team spent more than a year studying and photographing over 50 cohousing communities in Denmark, where the idea originated. McCamant and Durrett have since founded The CoHousing Company, based in Berkeley, CA, which specializes in the design and development of cohousing neighborhoods. Residents moved into the first American cohousing village in 1991 (Muir Commons in Davis, CA).

Demographic Figures

Currently there are 43 completed cohousing neighborhoods in North America, including 38 in the U.S. and five (5) in Canada. States having the highest concentration of completed cohousing neighborhoods are California (9), Washington (7), Colorado (6), and Massachusetts (4). Thirty (30) neighborhoods are now under construction in the U.S. and an estimated 150 other cohousing groups are in various stages of the development process. These stages range from newly formed groups

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whose members are just being introduced to the concept of cohousing, to those that are well along in the process and have identified or have a contractual arrangement on a site.

Completed Communities and Move-in Dates:

California

Arcata - Marsh Commons (Oct. 1998)
Berkeley - Sacramento Street (July 1997)
Chico - Valley Oaks Village (May 1996)
Davis - Muir Commons (Aug. 1991)
Davis - N Street Cohousing (on-going)
Emeryville - Doyle Street (April 1992)
Sacramento - Southside Park (Aug. 1993)
San Luis Obispo - Tierra Nueva (Feb. 1999)
Santa Cruz - Western Drive Cohousing (Fall 1998)

Colorado

Aspen - Common Ground (Oct. 1994)
Boulder - Nomad Cohousing (Jan. 1998)
Fort Collins - Greyrock Commons (March 1997)
Golden, Harmony Village (April 1997)
Lafayette - Nyland Cohousing (April 1993)
Littleton - Highline Crossing (July 1997)

Georgia

Atlanta - Lake Claire Cohousing (May 1997)

Illinois

Chicago - Ujima Place (1998)

Massachusetts

Amherst - Pine Street (Oct. 1994)
Amherst - Pioneer Valley (Oct. 1994)
Cambridge - Cambridge Cohousing (Feb 1998)
West Acton - New View Cohousing (Nov. 1996)

Michigan

Ann Arbor - Sunward Cohousing (Sept. 1998)

Minnesota

Minneapolis - Monterey Cohousing (phased)

New Mexico

Santa Fe - Commons on the Alameda (Oct. 1997)

New York

Ithaca - EcoVillage at Ithaca (Aug. 1997 completed first of five neighborhoods)
Saugerties - Cantines Island Cohousing (1998)

North Carolina

Asheville - Westwood Cohousing (Oct. 1998)
Carrboro - Arcadia (Feb. 1999)

Oregon

Portland - On-Going Concerns (April 1992)
Portland - Trillium Hollow (Oct. 1998)

Utah

Salt Lake City - Wasatch (March 1999)

Washington

Bothell - Songaia Cohousing (1998)
Langley - Talking Circle (April 1993)
Port Townsend - Rosewind Cohousing (on-going)
Seattle - Puget Ridge (Oct. 1994)
Snohomish, WA - Sharingwood; (phased)
Vashon Island - Vashon Cohousing (phased)
Winslow - Winslow (April 1992)

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Canada

British Columbia

Langley (Vancouver) - WindSong (July 1996)
Nelson - Heddle Road (1998)
North Vancouver - Quayside Village (1998)
Victoria - Cardiff Place (Oct. 1994)

Ontario

Ottawa - Terra Firma (1998)

Location of Cohousing Neighborhoods

Cohousing neighborhoods are located in urban, suburban, semi-rural and rural settings throughout North America. There are a growing number of projects in urban infill sites that help uplift the area economically and provide a renewed sense of community. Examples include: Berkeley, CA; Emeryville, CA; Sacramento, CA; Boulder, CO; Chicago, IL; Lake Claire, GA; Cambridge, MA; Asheville, NC; and Seattle, WA.

Economic Diversity and Affordability

Residents in cohousing neighborhoods typically have a range of income levels. This economic diversity is reflected in the size and price of homes, which can vary from a one-bedroom to a four-bedroom within the same community. Homes in a cohousing neighborhood may cost slightly more than the price of a comparable house in the local area. However, the cohousing homeowner gains from the added value of shared ownership in all of the common areas. Common spaces include the common house and its guestrooms, office space and meeting areas. In addition, cohousing homeowners are joint owners of the common land, which can be as much as 220 acres (Heartwood Cohousing in Bayfield, CO).

To make cohousing more affordable, seven projects have received subsidies from the local city or state government:

Muir Commons (Davis, CA)
Southside Park (Sacramento, CA)
Common Ground (Aspen, CO)
Nomad Cohousing (Boulder, CO)

Midtown Cohousing (Denver, CO)
Ujima Place (Chicago, IL)
Pioneer Valley (Amherst, MA)

Profile of "Typical" Cohousers

Cohousers fit the description of the new "cultural creatives," who are actively involved in community organizations and activities, find innovative solutions in creating their living situations, and who place a high value on the quality of their life. Many cohousers work from home; many have higher than average educations; many chose to read over watching television. Another trend is the increasing use of e-mail for communication and the growing use of websites for disseminating information to existing and potential members. Cohousing communities are typically intergenerational, including all types of households (singles of all ages, single parents, couples with children, couples without children, and seniors).

-more-

Resale value

Informal tracking of the resale value of homes in cohousing neighborhoods over the last eight years has demonstrated that cohousing homes hold their value at or above other new housing in the local market. This value can be attributed to the advantage of living in a setting where you know your neighbors and have ongoing social and safety benefits. Appraisers are beginning to account for these factors when placing an initial value on a cohousing dwelling. Most cohousing residents live in their home for a minimum of five years with little turnover among homeowners. Almost half the resales in cohousing communities are to residents already living in the community. This allows for household upsizing or downsizing without leaving the community.

Streamlined Development Model

Historically, it has taken between four to eight years from a group's first meeting until residents move into their neighborhood. Wonderland Hill Development Company of Boulder, CO, under the direction of president Jim Leach, has assembled a national team of cohousing experts to help reduce the financial risks and the length of the development timeline. This latest evolution, called "the streamlined approach," stemmed from the company's experience in developing five communities in Colorado - Nyland Cohousing, Lafayette; Greyrock Commons, Fort Collins; Harmony Village, Golden; Highline Crossing, Littleton; Nomad Cohousing, Boulder - and most recently, Tierra Nueva in San Luis Obispo, CA. The streamlined approach utilizes, from the onset of the development process, the best professional expertise in conjunction with the strength of resident participation.

The Wonderland team, recently cited in The New York Times as "... the most experienced cohousing developer in the U.S." is currently applying the streamlined model with the following projects: River Rock Commons, Fort Collins, CO; North Denver Cohousing, Denver, CO; Sonora Cohousing, Tucson, AZ; Bellingham Cohousing, Bellingham, WA; and Heartwood Cohousing, Durango, CO.

In addition, Cohousing Resources, a development and consulting company based in Portland, OR, is utilizing the streamlined approach to develop The Hilltop Cohousing Neighborhood in San Marcos, TX, and the Meadows on Buckingham Cohousing Community in Dallas, TX, and is co-managing Bellingham Cohousing with Wonderland Hill Development Company.

For further information

Additional information about cohousing and members of the streamlined team can be obtained through the following:

The Cohousing Network -- website www.cohousing.org (individual groups can be accessed through this website). CoHousing Journal (quarterly publication of the cohousing movement) -- (510) 486-2656

Wonderland Hill Development Company, Boulder, CO -- (303) 449-3232 or website www.whdc.com.

Cohousing Resources, Portland, OR -- (503) 203-1752 or chanson17@aol.com

The Cohousing Company, Berkeley, CA -- (510) 549-9980 or www.cohousingco.com and email coho@cohousingco.com

Support Financial Services, Lafayette, CO -- (303) 413-9227 or zpaiss@earthlink.net.

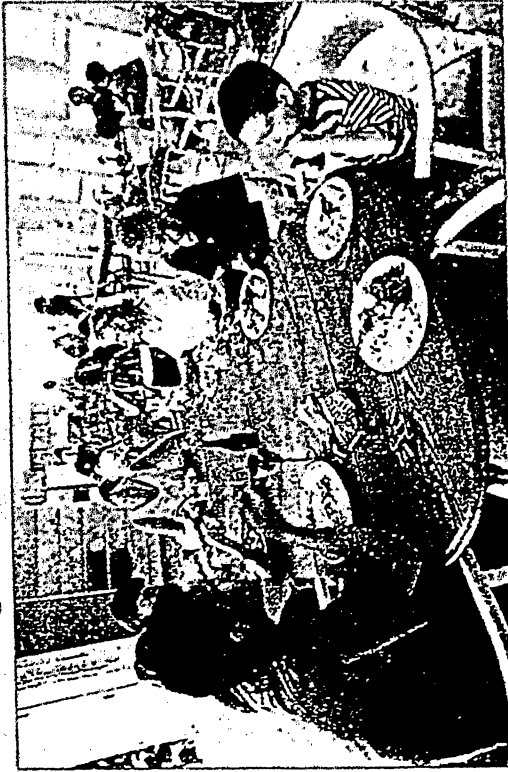
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USA TODAY

NO. 1 IN THE USA FIRST IN DAILY READERS

Communes grow up Co-housing developments meet needs of the '90s



In Georgia: Members of the Lake Clair Co-housing Community in Atlanta break bread in their common house. Residents take turns preparing the weekly dinner.



— Kathryn McCamant, author of *Cohousing: A Contemporary Approach To Housing Ourselves*

In Colorado: The Bayless family heads to a potluck in the Greyrock Common community in Fort Collins.

COVER STORY

Residents share values, sense of community

By Haya El Nasser
USA TODAY

ATLANTA — Nancy Lowe bangs on a pot to announce dinner. Residents of the Lake Claire Co-housing Community, milling about the spacious community house, line up for their weekly communal meal while children play in the common courtyard. On the menu this Sunday: brown rice, tofu salad and stir-fried vegetables.

The scene is very '80s, from the vegetarian meal to the Birkenstock sandals and community house. But this is not a hippie commune. Lake Claire is one of a growing number of co-housing developments that are the new continuums of the '90s.

Since the nation's first co-housing community was built in Davis, Calif., in 1991, 30 more have opened in urban, suburban and rural areas in 12 states. More than 150 are being planned in every region of the country.

These subdivisions of homes and townhouses are attracting people who yearn for a sense of community, a return to love-thy-neighbor philosophy and an environmentally conscious lifestyle. Co-housing residents are suburbanites and urban dwellers, old and young, middle-class and well-to-do. One reason co-housing is catching on is the nation's growing

Please see COVER STORY next page ▶



In Georgia: Nancy Lowe Green fills in the menu board

11

Co-housing projects designed to foster community

Continued from 1A

number of single households. Simple parents count on neighbors to watch the children. Single men and women find companionship. Older empty-nesters get help around the house. And everyone feels more sheltered from crime.

What is unique about co-housing is the way the developments begin. Usually a small group of people who want to live in co-housing take steps to build one in their community.

COVER STORY

They either pool their money to buy land or find a developer who owns land and will build a co-housing community they design with the help of an architect. Often they recruit buyers. The latest trend is developers who are building co-housing communities on their own without potential buyers. But critics say that's not the true spirit of co-housing, in which residents have a say in every step of the development.

Most co-housing residents are professionals. They're people who can afford to come up with a down payment sometimes as early as four years before they can move in to their homes. Down payments usually are 10% of the price.

Conceived in Denmark in the 1970s, co-housing is intentionally designed to create a village ambience. Front porches and balconies face a Main Street of sorts. The only way to get from the parking lot to the front door of each home is to walk past neighbors' homes.

"In most communities, you dip on the garage-door opener and slip inside without having to say 'boo' to your neighbor," says Don Lindenmann, editor in chief of the *CoHousing* journal in Berkeley, Calif.

Pedestrian walkways crisscross the courtyard and playground, and they all lead to the centerpiece of the complex: the common house. Equipped with a large kitchen, laundry room, play room, workshop and a big family room, the common house is the soul of co-housing. That's where group meals are held and where resi-

they want company.

Gerald Celente, head of the Trends Research Institute in Rhinebeck, N.Y., expects co-housing-style communities to prosper in 2000 and beyond. "When home-alone households will outnumber the traditional all-American family. People living alone made up 25% of all households in 1996, up from 17% in 1970, according to the U.S. Census Bureau. And the number of one-parent families almost tripled in that period to 9.3 million.

"Co-housing is an extended family," says Greg Ramsey, a resident of Lake Claire, where half of the units are occupied by single women, some with children, and the rest by married couples and families.

"It doesn't have to be a spiritual or religious ideal to tie it together but strictly a common value for shared community and fraternity."

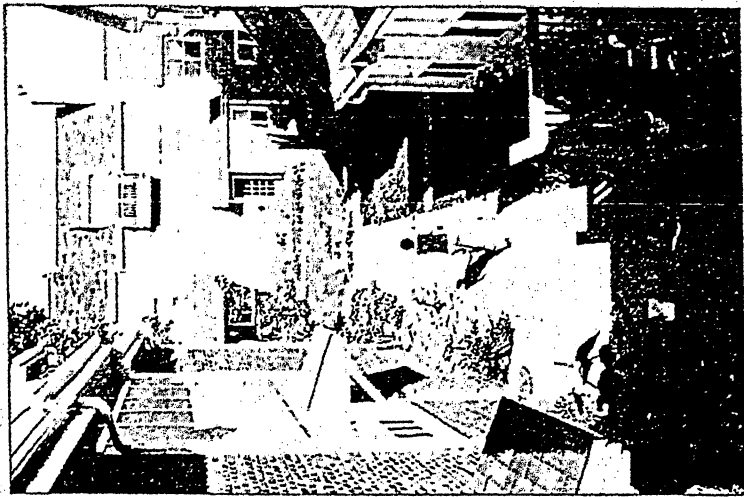
Ramsey, 39, works with Preston & Associates, an Atlanta architectural firm that designed Lake Claire. The complex of 12 town homes is on less than one acre in a gentrified, bohemian neighborhood near downtown Atlanta. The residents are teachers, actors, social workers, artists and computer systems engineers.

"First, it was the communities of the '60s and then the extreme opposite in the '80s. Now, we're somewhere in the middle," says Kathryn McCamant, author of *Consciousness to Contemporary Approach to Housing Ourselves*, the 1988 book that fueled the trend in the United States.

Solid investment

Co-housing residents don't like their communities to be confused with the '60s communes. And indeed they're not. Residents own their own home or town house. They can sell at any time and to anyone. Prospective buyers are asked to attend several community meetings before they buy into the complex. But unlike a co-op apartment building co-housing residents don't approve new members.

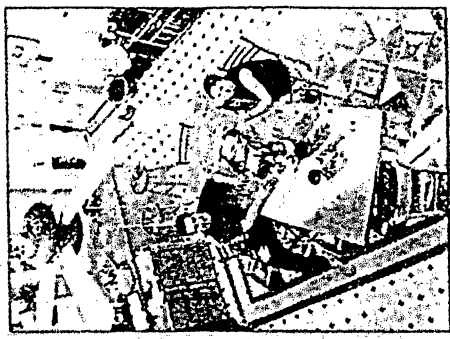
At Lake Claire in Atlanta, town homes run between \$100,000 and \$130,000 for units



Opened in April: At Atlanta's Lake Claire, town homes run between \$100,000 and \$130,000 for units that are 1,000 to 1,600 square feet.



Taste of community: Residents line up for a weekly communal meal. The meals are held in Lake Claire's common house.



Manned, with co-housing: Across Barry Stewart Mann and Sherry Mann Stewart paid \$128,000 for their 1,400-square-foot unit.

into one of 30 homes at Greyrock Commons, in Fort Collins, Colo., a year after they bought into the community. Steve, an engineer, admits that he was a bit concerned about the lack of privacy. "But people are pretty sensitive to that issue, and there's definitely a place to retreat," he says.

Steve now raves about the communal spirit. Residents quickly formed a carpool when it came time for children to start summer school. When people are headed to the grocery or hardware store, they put a colored flag by their door, inviting neighbors to drop off their shopping lists.

Liz Mitchell Curtis moved out of her five-bedroom house on two acres of land in the upscale Buckhead section of Atlanta and into Lake Claire as soon as the youngest of her three children went to college.

"I couldn't stand one more minute of suburbia," says the 49-year-old divorced welfare case worker. "But I was afraid that everybody was going to be totally humorless here, too earnest. But they're just people who honor humanity over everything else and believe in doing the right thing."

When she wants to be alone, she locks her door for privacy. When she feels like chatting, she steps out the front door and bonds with the neighbors. The big difference here is that the neighbors are more likely to be like her. But Curtis still gets razzed by her 23-year-old son.

"He just thinks it's hysterical," she says.

"When he calls he'll ask if we're having a group hug," Judy Baxter is 54 and a computer data analyst for the University of Minnesota's School of Public Health. She says she lived in a wonderful neighborhood in Minneapolis before moving to the Monterey Co-housing Community in St. Louis Park, a suburb of the city. The complex is eight apartments in a 1924 Georgian mansion and seven new townhomes.

In her old neighborhood, Baxter says she "worked very hard to build a relationship with my neighbors but then they would move or they would be too busy. People here are interested in having relationships."

CO-HOUSING DEVELOPMENTS ACROSS THE USA

- Co-housing communities vary across the country. A sampling of some under construction:
 - Cambridge, Cambridgeshire, Mass., 41 townhouses and apartments, 1.5 acres.
 - Concord Oasis, Contra Costa County, Calif., mini complex of five homes.
 - Two Echo, Brunswick, Ga., 13 homes.
 - Taiga Community, Fairbanks, Alaska, 18 homes.
 - Daystar Community, Tallahassee, Fla., 13 homes.
 - Higher Ground, Bend, Ore., 29 homes, 5.3 acres.
 - Faraway Ranch, Telluride, Colo., 20 homes, 1,000 acres.
 - Cantines Island Coho, Canineas Island, N.Y., 12 homes.

ment. Even cooking duties are shared. At Lake Claire, residents take turns cooking the weekly group meal. Residents pay a monthly association fee of \$80 for things such as landscaping and upkeep of the common house.

Privacy concerns

But co-housing is not for everyone. "It's not a way of life well-suited to extreme individualists," Lindenmann says. Residents have to work a little to protect their privacy.

Warms Lake Claire resident Kathy Burke, 46: "If you're having a domestic problem here, people will know. If you're having a drinking problem, people will know. But they'll also provide you communal support."

Steve and Laurie Bayless and their two children moved

everyone is the common space, which includes the common house. Every resident has a say in how the common space is used. The complexes rely heavily on shared resources, such as one lawnmower and one set of tools.

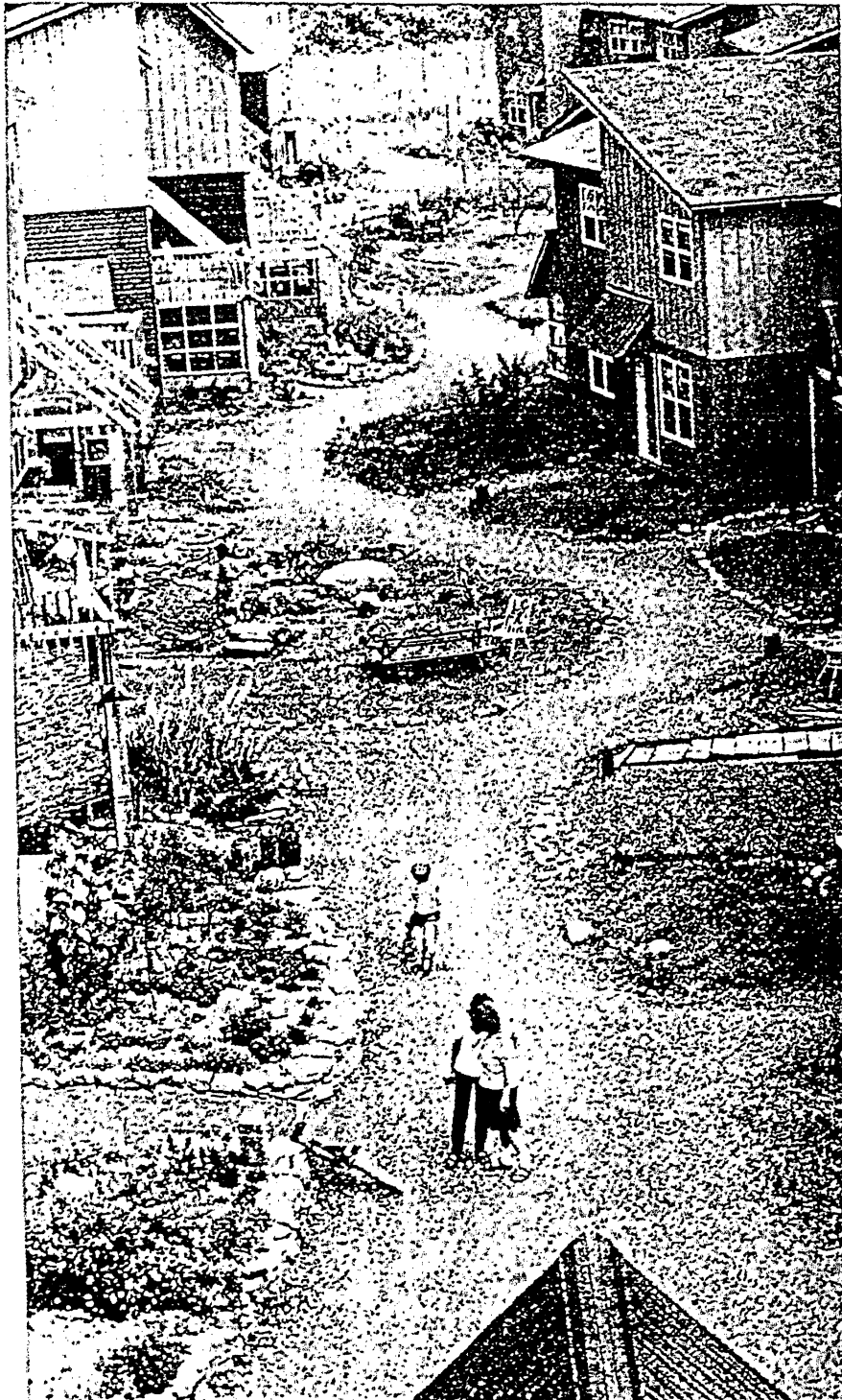
Recycling and energy conservation are also a key part of the co-housing movement. The homes can be worth

ready to be occupied, say co-housing experts.

And resale does not seem to be a problem. Lake Claire opened in April and there's already a waiting list of people interested in the first unit that goes on the market.

In co-housing complexes the

Putting Up Housing With A Built-In Sense of Community



The Ecovillage at Ithaca, N.Y., intends to have 120 to 150 homes in three to five neighborhoods dispersed over 175 acres. Its first neighborhood, with 30 homes, has been completed.

In cohousing, the life style is cooperation and interaction.

By MARY McALEER VIZARD

STANDING on a small dock in the Esopus Creek watching his children swim in the sun-dappled water, Michael Sklaroff tried to explain why he and his wife, Gail, decided to leave Manhattan and join a cohousing community being built in Ulster County.

"We're not trying to escape the city," said Mr. Sklaroff, an elementary school teacher in New York City who is still living in his Manhattan rental apartment while the house in Saugerties, N.Y., is being built. "We'd been interested in cohousing for a long time when I heard a radio interview about a group starting up in Saugerties. At first we started going to meetings informally. Then we got more involved and became permanent members."

He squinted into the sunlight glinting off the clear water to get a better look at his laughing children. "The truth is I could never afford to live like this on my own," he said. "This is an incredible piece of property. We both fell in love with the land."

The Sklaroffs were in Saugerties to attend a meeting of about 20 families who are soon to make an eight-acre wooded peninsula their home. Even though their houses will not be ready until fall at the earliest, the families already know one another; they have been together, in some cases for years, working on every aspect of the development. Called Cantine's Island, the 12-unit town-home complex is one of the newest exam-



Wendy and Matthew Weinburg bought a home at 12-unit Cantine's Island cohousing development in Saugerties, N.Y.

ples of cohousing, a process in which the homeowners-to-be act as the developers and design a life style based on the principles of cooperation and interaction.

In keeping with cohousing guidelines, the Cantine's Island homes will be built on a small portion of the property, with the rest left as open space. The house-fronts will face a common area or pedestrian walkway, encouraging interaction among neighbors. Parking will be in a separate building away from the houses, allowing residents to walk through the development to their homes. And there will be a common house, the focal point of all cohousing communities, where residents can choose to share meals, perhaps set up a day-care center, and have social and recreational activities.

Cohousing has been around for several decades, but interest in it has recently begun to grow. There are 28 established cohousing communities in the United States, and 26 more are under construction, according to Kay Abraham, a spokeswoman for several cohousing groups, including the Rocky Mountain Cohousing Association.

"That means the number of cohousing communities will double by the end of this year," Ms. Abraham

Continued on Page 6

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Housing With a Built-In Sense of Community

Continued From Page 1

said "And there are as many as 150 groups that have formed to start new projects" (She cautioned, however, that many of those 150 would probably not come to fruition.)

A 30-unit cohousing community in Ithaca, N.Y., has just been completed, with plans to build 90 to 129 additional homes. Three developments in Massachusetts have a total of 64 units, and several other developments are either under construction or in the planning stage in that state. The movement is also active in California and the Rockies.

The first cohousing project was built outside of Copenhagen in 1972, by 27 families who "were frustrated with suburban subdivisions and apartment complexes," said Kathryn McCamant, who, with her husband, Charles, Durrott, brought the concept to this country in their book, "Cohousing, A Contemporary Approach to Housing Ourselves" (Ten Speed Press). "They wanted a child-friendly environment with greater cooperation."

The husband-and-wife architecture team based in Berkeley, Calif., spent a year studying in Denmark, and published their book in 1988. It has become the prime guide for the cohousing community.

Cohousing is not new, Ms. McCamant said in a recent interview. It is actually a recreation of an old idea, she said, in that it tries to replicate the life of a small town or village. "The connection to other people and involvement in their lives is something we used to take for granted," she said. "The people who opt for cohousing are looking for something they can't find in conventional housing."

It is sometimes confused with communal living, which it decidedly is not. In cohousing, there is no unifying ideology, Ms. McCamant said. Instead, a diverse group of people from all income levels and backgrounds builds their own homes, with as much privacy as each family wishes.

The most pronounced difference from conventional housing is that all residents have an equal say in the decisions involving the project. They act as their own developers, and that involvement continues after construction is completed.

Dr. Michael Campain, an internist, said his reason for joining Cantine's Island was not so much a dissatisfaction with conventional housing as a desire for something more. "We're a tribal species and I was looking for my tribe," Dr. Campain said. "Cohousing helps you meet needs that the nuclear family can't. Kids should have other kids and other adults around to influence them. Otherwise family neuroses just keep getting passed around. Children especially need other models."

COHOUSING is also moving into a new phase, with developer-driven projects. Instead of a group of people getting a development started, a Colorado developer named James Leach is assuming that role, which includes recruiting the purchasers, putting up the financing and then guiding the group in forming its own community.

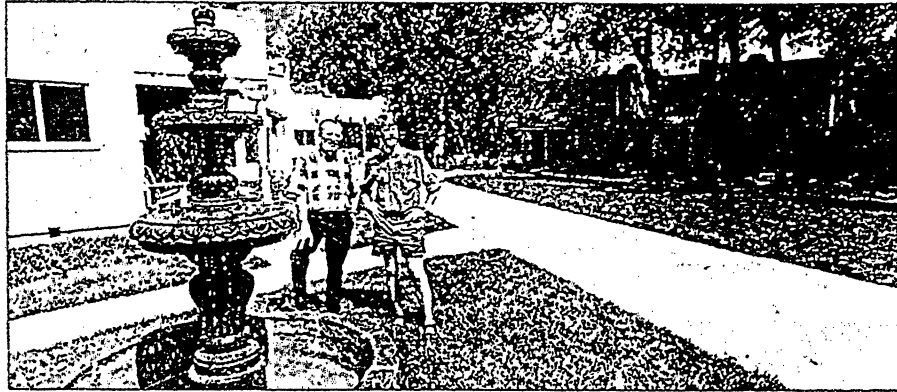
Mr. Leach is completing the first developer-driven cohousing project, called Summit, an 11-unit development in Boulder, Colo.; he is planning a second, Martinez Park, with 34 units, in Fort Collins, Colo.

California and Colorado lead the country in the number of cohousing communities. But the idea has been catching on in other areas as well. New York's first was the Ecovillage at Ithaca, which is scheduled to have three to five cohousing neighborhoods. Other cohousing groups are hoping to build in Troy and Rochester.

Massachusetts has three communities, two in Amherst with a total of 40 units, and one in Acton with 24 units. And as many as seven projects, two of them in Boston, are in the construction or planning stage, Ms. Abraham said.

The recent growth of cohousing can be attributed to its proven track record, Ms. McCamant said. "Selling the concept at the early stages was extremely difficult," she said. "It was new and people had no idea what to expect. Now there are cohousing communities across the country to point to. If people want to they can visit them, talk to residents, and see how they live and what the pitfalls are."

A few years ago, there were active co-



Brian Payne for The New York Times

the Westchester group eventually joined Cantine's Island.

William Chestnut had been a co-founder of the Westchester Cohousing Group and spent years and thousands of dollars trying to establish a site. He now looks back on the experience as a great education, albeit a costly one.

"There was a core group that spent between \$4,000 and \$5,000 each to do architectural studies and develop site plans for particular pieces of property," Mr. Chestnut said. "But it really got frustrating because some people would drop out and others would come in with completely new ideas. Eventually it just splintered apart. I'd still like to see it happen, but you need to find people who can work together and ride out the rough times, and that's not easy."

The most ambitious cohousing project in the country by far is the Ecovillage at Ithaca, which intends to have a total of 120 to 150 units in three to five cohousing neighborhoods. But it is much more than cohousing. Comprising 178 acres, it has been planned as a sort of laboratory for ecological sustainability, with its own farm, water treatment systems and energy generators. But most of that is in the future. So far, it has completed its first cohousing neighborhood, with 30 homes, and a second is now in the planning stages.

"There was a developer for this piece of land before we came who was going to build on 90 percent and preserve 10 as open space," said Liz Walker, director of the Ecovillage. "For the entire cohousing project, we plan to do just the opposite."

Jerry and Claudia Weisburd, the couple who designed the first neighborhood, had never done a cohousing project, although they had designed planned communities in and around Ithaca. Ms. Weisburd, who grew up in the Kingsbridge section of the Bronx, said she tried to incorporate some aspects of her old neighborhood into the design. "People were out on the stoops," she said. "They knew each other. And everyone spent a lot of time outdoors."

It is very important that the community not be isolated, Ms. Weisburd said. The Ecovillage is a mile and a half from downtown Ithaca. "It's not desirable, I think, to be an enclave," she said. "You don't want 30 houses on 100 acres in the middle of nowhere."

Working with a cohousing group had its challenges, Ms. Weisburd said. "Building a house is a tense time for even one person," she said. "Imagine working with 30 families who all have different ideas about what they want. For some this was their first home and they wanted to incorporate all of their dreams."

Cohousing is built on consensus, which means that everyone in the community must agree on all aspects of design, color, landscaping, even the kinds of tables that will furnish the common house.

"At the beginning colors were a problem," Ms. Weisburd said. "Everyone had a different idea and would get vehement about it, but as builders we had to place restraints. So we offered a palette of earth tones to choose from, and we do have a variety of colors in the housing, but at least it's not this bizarre group of brightly colored houses sitting together on a hillside."

Some designers have to rule hard on a community to get its members to stick to a unified design. The result of one such effort is Harmony Village, a 27-unit cohousing

community at the base of the foothills of the Rockies. The common house resembles a Spanish Mission church. "We wanted it to blend in with a Spanish Mission-style condominium across the street," said Matt Worswick, an independent designer who has done a number of cohousing projects, and who himself lives in Harmony Village.

"I had to make a strong case for a unified design," Mr. Worswick said. "People could express their individuality by choosing the trim colors on their house. And they could have any kind of door they wanted."

The need for consensus doesn't stop at the design stage, but continues throughout the project. Most cohousing communities have regular weekly meetings, typically lasting several hours, that deal with such mundane issues as where children can skateboard.

"At first I was skeptical about the lofty goals, but I've adapted," said Bill Webber, a retired physician living in the Ecovillage at Ithaca. "It requires a lot of patience and a willingness to work together."

Joe and Michelle Nolan were the last family to join the Ecovillage's cohousing. They were driving by on a motorcycle when they saw the construction and immediately decided to buy the last housing lot. "We didn't know much about cohousing, but we were intrigued by the concept," Mr. Nolan said.

The couple had been living in a conventional house in San Jose, Calif. "We had already decided to move back east, but this was a bigger change than we planned," Mr. Nolan said.

BEING the last to join the neighborhood saved the Nolans a great deal of work but made them feel a bit like children who join school at midterm. "By the time we came, everyone else had already been working together for a long time," Ms. Nolan said. "At first it felt a little strange, but we're adjusting."

Carol Gillespie was one of a core group who started Greyrock Commons, 30 units of cohousing that opened last year in Fort Collins, Colo. "The first families moved in after four years of work," Ms. Gillespie said. "By cohousing standards, we were on the fast track."

Greyrock Commons occupies 16 acres of flat plains with Greyrock Mountain in the distance. The land cost \$185,000, Ms. Gillespie said, and financing was the hardest part of the process.

"Six of the residents contributed between \$5,000 and \$10,000, what we call risk money," she said. "It's a little scary because you're not sure it's really going to be a viable enterprise at that point."

After all 30 houses were sold, the contributors got their money back with some profit, Ms. Gillespie said.

Asking residents to risk their own money in that way could be a thing of the past, if Mr. Leach succeeds in his plan to pioneer developer-driven cohousing projects in Boulder and Fort Collins.

"It really operates in a similar fashion to traditional cohousing, but instead of the homeowners taking all the risk, we share them," said Mr. Leach, president of Wonderland Hill Development Company in Boulder. "We also want residents to take some risk financially because it shows commitment to the project. Typically they pay for design costs and workshops. At the end of the project, residents usually will get that money back and some extra in a profit-sharing plan."

Matt Worswick, left, and James Leach in Harmony Village in Golden, Colo.

HK

Kathryn McCamant and husband, Charles Durrett, authors of cohousing book.



Darryl Paulsen for The New York Times

munities in Colorado since 1966. He has also acted as a consulting developer to several of Colorado's cohousing communities. "This way of working is not for every developer," he said. "It's a lot of extra work to be so involved with a group of people. You trade that for the savings of not having to market or sell the units."

Ms. McCamant praises developer-driven housing but cautioned that for it to be true cohousing it was necessary for the community to be involved with the developer in all the decisions about how they want to live and the designs of their homes. "Developer-driven projects really open up the market," she said. "A lot of people who would want to live in cohousing can't afford the financial risk. It also helps get financing when a professional builder with a proven track record is involved."

Since diversity is a goal in most cohousing projects, the groups try to offer a broad range of prices. At the Ecovillage at Ithaca, for instance, the smallest unit, a one-bedroom with a study, costs \$90,000. The most expensive is a four-bedroom, with study, for \$155,000. "Those are just the base prices," said Ms. Walker, the director. "A lot of people opt for custom work, which costs more. Basically you can spend as much as you want. You can also build whatever size house you want as long as you stay within the design specifications."

In general, cohousing units are smaller because buyers are also paying for shared amenities, like the common house, where most communities share meals several times a week.

The responsibility for cooking is shared by residents on a rotating basis, but equal sharing has not always been easy to achieve, according to Ms. Gillespie of Greyrock Commons. "It's been difficult for us," she said. "Everyone loves the idea of having a meal prepared, but it's been hard to get people to cook."

Many people become involved with cohousing thinking it is an affordable alternative and soon find out otherwise. Wendy Weinburd and her husband, Matthew, bought a three-bedroom, two-bath house at Cantine's Island. "We'll wind up paying \$130,000, which is definitely more than we thought," Ms. Weinburd said. "You can buy a house in Saugerties for less than \$100,000. Even a new house would cost between \$100,000 and \$120,000."

As a general rule, cohousing is thought to cost more up front than conventional projects, but there are savings over the long haul. For one thing, communities are built to be energy-efficient, with airtight construction and insulation. And residents share amenities and equipment, like lawn mowers and other tools. "The sharing made so much sense to me," Mr. Nolan of Ecovillage said. "In suburban neighborhoods, everyone has their tools and an ugly aluminum shed. Here we keep all that stuff in one place and everyone can use it."

Now that cohousing has gained acceptance by both developers and the financial community, Ms. McCamant sees it building momentum as the millennium approaches. "It's really the perfect answer for many of the challenges we'll be facing," she said.

One is the increasing isolation people experience in computer-based businesses, especially if they work at home. Several communities are being planned that incorporate offices in their design, Ms. McCamant said. "It's a great idea," she said. "So many people in cohousing have very creative careers. They can use the offices even if they work most of the time somewhere else."

The Ecovillage at Ithaca built eight offices in their common house, and residents bought them outright with their units. Ray and Maria Gasser bought two side-by-side offices, where they house their computer consulting business, which they had operated out of their home. The total space measures 160 square feet, Ms. Gasser said, and cost an extra \$20,500.

In true cohousing community spirit, the Gassers intend to allow others to use their office equipment when available. "We'll probably just donate one whole wall to the equipment," Ms. Gasser said. "And when it's free, anyone can come in and use it."

Getting local zoning approvals for the offices was a "regulatory nightmare," Ms. Walker said, as it can be in all residential developments. State regulations, "are extremely rigid as to the type of businesses permitted and percentage of the building that can be used," she said. "They don't make a distinction about using a common house."

Cohousing communities can form themselves into whatever legal entity they choose. The Ecovillage in Ithaca, for example, is a co-op, with a board that has approval power over buyers of an existing home. Cantine's Island in Saugerties is a homeowners' association, and resale does not need approval by other members of the group.

MS. McCAMANT said that cohousing was an ideal alternative to communities for the elderly. "A lot of retired people opt for cohousing because it prevents that sense of isolation older people feel once they stop working," she said. "I think it's more desirable than a senior community since it has all ages, which is a more natural way to live. Also seniors, who have a little more time to spend, can be an invaluable resource."

The Ecovillage at Ithaca has attracted a large proportion of retirees who say they find the life satisfying and challenging. Bill Webber, a retired plastic surgeon, said he could now indulge a previously unfulfilled passion for building and landscaping. "I'm always busy helping people put in a walk or plant flowers," he said. "I've always worked with my hands, and I'm still doing it here."

Resources

Anyone interested in exploring cohousing at any level should be aware of the following resources:

- *CoHousing*, the quarterly journal of The Cohousing Network, includes news about projects underway, reports from completed communities and articles about many different aspects of cohousing development and management of cohousing communities. The Cohousing Network at P.O. Box 2584, Berkeley, CA 94702. Phone: 510-486-2656.
- The Cohousing Network has World Wide Web Pages with a large body of information about cohousing at <http://www.cohousing.org>.
- Cohousing-L is the Internet discussion on cohousing, with over 500 participants from over 60 different cohousing groups and about 150 messages per month. You can join the discussion by sending an email message: subscribe cohousing-L <your name> to listproc@cohousing.org. However we urge you to read about the list and browse the archives of past cohousing-L messages BEFORE subscribing. The archives can be accessed through the WWW address above.
- *The Cohousing Handbook*, by cohousing consultant Chris Hanson, is the most comprehensive source of information on the "nuts and bolts" of cohousing development. Hanson draws on a wealth of personal experience to offer detailed advice on all aspects of developing a cohousing project. Check your local bookstore or contact Zev Paiss at 303-584-3237
- Rob Sandelin, coordinator of the Puget Sound Cohousing Network in Washington, has produced a Cohousing Resource Guide that contains information about group process, recruitment, site planning and other development issues. The 1998 version is available on the web at <http://www.infoteam.com/nonprofit/nica/resource.html>
- *CoHousing: A Contemporary Approach to Housing Ourselves* (second edition). By Kathryn McCamant and Charles Durrett. Berkeley: Ten Speed Press, 1994. Send \$28 (includes shipping and tax) to The CoHousing Company, 1250 Addison St. #113, Berkeley, CA 94702.
- *The CoHousing Company*, founded by McCamant and Durrett, is an architecture and consulting firm that specializes in cohousing design and development. The CoHousing Company provides services in the areas of group formation and facilitation, site search and acquisition, land development and project management as well as architecture. They also offer slide packets, a video and sample documents. Call 510-549-9980.
- *Housing As If People Mattered: Site Design Guidelines for Medium-Density Family Housing*. By Clare Cooper Marcus and Wendy Sarkissian. Berkeley: University of California Press, 1986.
- A 20-minute video about cohousing is available through The Cohousing Network.. The video clearly explains the cohousing concept and it contains interviews with cohousing residents in many North American communities. Send check for \$44 to TCN, 1460 Quince Ave., Boulder, CO, 80304

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FAX TRANSMITTAL SHEET

We are transmitting 7 pages, including this cover page. If you do not receive all pages, please call the J&S Salem office at the above number.

Date: September 11, 2000
To: Corvallis Planning Commission
c/o Fred Towne
Fax Number: 541-757-6936
From: Corinne C. Sherton
Client: KPG-Corvallis Investments, Ltd.

Message:

Please place the attached letter in the record of the Planning Commission's current proceeding regarding legislative amendments to the Corvallis Land Development Code.

- An original is being mailed.
- An original is being delivered.
- An original is available upon request.
- Facsimile transmittal only.

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Please reply to Salem office

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September 11, 2000

Corvallis Planning Commission
P.O. Box 1083
501 SW Madison Avenue
Corvallis, OR 97339-1083

VIA FAX AND
FIRST CLASS MAIL

Re: Proposed Amendments to Corvallis Land
Development Code and Zoning Map

Dear Planning Commission Members:

This letter is submitted on behalf of GFI-Corvallis Investments, Ltd. (GFI) and KFG-Corvallis Investments, Ltd. (KFG). GFI is the owner of the 9.1-acre K-Mart Center property located at the southeast corner of Highway 99W and Circle Blvd. KFG is the owner of the 4.6-acre Retail at K-Mart Center property located on Circle Blvd. adjacent to the K-Mart Center property.

Both the K-Mart Center and Retail at K-Mart Center properties are currently zoned PD(CS) (Community Shopping with approved Detailed Planned Development Plans). The K-Mart Center PD was approved in 1989. The K-Mart Center property is developed with an approximately 86,500 sq. ft. structure occupied by a K-Mart retail store. The Retail at K-Mart Center PD was approved in 1997. Construction has begun on the new main access drive for both properties located on the Retail at K-Mart Center property. Under the approved PD Plan, the Retail at K-Mart Center property will hold an approximately 43,500 sq. ft. structure occupied by one or more retail uses.

The zoning of both the K-Mart Center and Retail at K-Mart Center properties is currently proposed to be changed to the new Multiple Use Community Shopping (MUCS) zone. Based on Draft B of the proposed LDC amendments, together with certain additional changes proposed by Planning Staff in their August 25, 2000 Staff Report and September 6, 2000 Memorandum to the Planning Commission, GFI and KFG have the concerns and objections described below with regard to both the application of the new MUCS zone to their properties and the proposed text of the MUCS zone. This letter supplements the oral testimony I gave at the September 6, 2000 Planning Commission hearing.

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Appropriate Zoning District

GFI and KFG believe that the zoning district applied to their properties, on which particular retail structures and uses already exist or have vested approvals, should reflect the development that already exists on or has been approved for the K-Mart Center and Retail at K-Mart Center properties. The zoning district applied should also facilitate the continued usefulness of the existing and approved structures, in which property owners have invested considerable time and resources.

The new MUCS zone is **not** appropriate for the K-Mart Center and Retail at K-Mart Center properties. The purpose of the MUCS zone is "to provide for retail businesses and commercial and personal service activities of limited sizes" and to "transition to a more pedestrian-oriented and human-scale environment." Draft B 3.19.10. The MUCS zone would limit most retail and service uses to 7,500 sq. ft. of gross floor area and limit buildings to a footprint of 15,000 sq. ft. Draft B 3.19.30.g and 3.19.40.01. The existing and approved uses on the K-Mart Center and Retail at K-Mart Center properties are several times larger than the sizes envisioned by the MUCS zone. In addition, these properties are not located near residential neighborhoods (being surrounded by properties designated and zoned for commercial, industrial or research technology use) and Circle Blvd. is not a street used by pedestrians.

A more appropriate zone for the K-Mart Center and Retail at K-Mart Center properties would be the new Major Neighborhood Center (NC) zone. The Major Neighborhood Center circle designated on the Corvallis Comprehensive Plan Map, centered on the intersection of 9th Street and Circle Blvd., includes the K-Mart Center and Retail at K-Mart Center properties. The purpose section of the NC zone recognizes that it is intended to serve "broader community shopping needs." Draft B 3.14.10. The purpose section of the MUCS zone also recognizes that "larger uses [are intended to be] in the Major Neighborhood Center Zone." Draft B 3.19.10. The K-Mart Center and Retail at K-Mart Center properties also satisfy the locational criteria for the Major NC zone found at Draft B 3.14.20.01.a, in that they are located at an intersection of major collector or arterial streets, their eastern and southern boundaries are located mid-block and they are located within 1/4 mile of existing transit service. In addition, the existing and approved uses of the K-Mart Center and Retail at K-Mart Center properties are consistent with the commercial uses that are allowed in the Major NC zone without size limitations. Draft B 3.14.30.c. Finally, the approved 43,500 sq. ft. structure for the Retail at K-Mart Center property is consistent with the maximum 55,000 sq. ft. building footprint limitation of the Major NC zone, and the existing 86,500 sq. ft. structure on the K-Mart Center property is much closer to the 55,000 sq. ft. building footprint limitation of the Major NC zone than to the 15,000 sq. ft. building footprint size allowed in the MUCS zone.

At the September 6, 2000 hearing, many owners of commercially-zoned property along 9th Street advocated development of a modified Mixed Use General Commercial (MUGC) zone for application to commercial properties that were already developed for larger, more

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automobile-oriented commercial uses. Such a zone would be similar to the proposed new MUGC zone, but with Retail Sales (without size limitations) and Drive-Through Facilities as permitted uses. Such a modified MUGC zone could also be appropriate for the K-Mart Center and Retail at K-Mart Center properties.

Mixed Use Community Shopping (MUCS) Zone (Chapter 3.19)

Please note that the following comments also apply to parallel provisions in the proposed new Neighborhood Center and Mixed Use General Commercial zones.

1. Draft B 3.19.30.a (Prior Established Uses)

Prior Established Uses are listed as permitted (P) in the MUCS zone in Draft B 3.19.30.a. There would be two sub-types of Prior Established Uses -- (1) uses legally existing prior to December 31, 2000, and (2) uses permitted at the time a PD Plan overlying the subject property was approved. Draft B 3.19.30.a.1 and 2. As currently proposed, the following footnote ("footnote 1") would apply to **both** types of Prior Established Uses:

"Uses which were in existence and permitted in zoning prior to December 31, 2000, and are now located in the MUCS Zone, shall not be classified as non-conforming uses unless they have been discontinued for a period of at least one year in which case the requirements of Section 1.4.30.03 [sic 1.4.40.03 - Discontinuation of a Nonconforming Use] shall apply. Expansions and enlargements shall comply with all other applicable Code requirements. Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2000, are allowed pursuant to the requirements of Section 1.4.30 [Nonconforming Structures]."

As I confirmed in discussions with city planner Fred Towne, the first two sentences of footnote 1 are not intended to apply to the second category of Prior Established Use - uses allowed under a previously approved PD Plan. Under the current LDC, once a Detailed PD Plan has been approved and construction has begun, that PD Plan is vested and will thereafter control the development that can occur on the subject property. The property owner cannot be divested of its right to pursue a certain use allowed by the PD Plan simply because the use has been temporarily discontinued. Similarly, expansions and alterations of development under an approved PD will be governed by LDC provisions for PD modifications, rather than other LDC provisions for preexisting uses. GFI and KFG suggest that the first two sentences of footnote 1 be moved to a separate footnote that applies only to Draft B 3.19.30.a.1, the "existing use" subcategory of Prior Established Uses.

The third sentence of footnote 1 is based on a premise that prior established structures larger than the maximum 15,000 sq. ft. building footprint allowed under the new MUCS zone should be treated as Nonconforming Structures. GFI and KFG strongly object to such treatment of their

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Corvallis Planning Commission
September 11, 2000
Page 4

existing and approved structures. This will severely limit their ability to modify these structures to respond to the needs of existing and future tenants. Where prior approved development was established in good faith, the City of Corvallis should not adopt zoning regulations that could render such pre-existing development unusable. GFI and KFG ask that the third sentence of footnote 1 be changed to state that buildings in existence or allowed under a PD Plan approved prior to December 31, 2000 shall not be considered Nonconforming Structures.

2. Draft B 3.19.40.01 (Use and Building Size)

On page 40 of the August 25, 2000 Staff Report, staff proposed adding a paragraph d to this subsection providing that "~~buildings in excess of 15,000 ft.² existing prior to December 31, 2000~~, and in conformance with the [LDC] on that date shall not be classified as nonconforming structures with respect to size." (Emphasis added.) KFG and GFI support this concept, but argue that it should be expanded to include buildings in excess of 15,000 sq. ft. **that are constructed pursuant to a PD Plan that was approved prior to December 31, 2000.** As explained above, it is not fair for the City to treat a building allowed under a validly approved PD Plan as a Nonconforming Structure.

The new paragraph d proposed in the August 25, 2000 Staff Report goes on to exempt pre-existing buildings larger than 15,000 sq. ft. from the MUCS zone's 7,500 sq. ft. limitations on the size of most retail and service uses, as follows:

"* * * In such structures, change in use from the existing use to a use otherwise permitted but for the maximum use size limitation, shall be permitted. Similarly, for interior portions of buildings in excess of 7,500 ft² existing prior to December 31, 2000, and in conformance with the [LDC] on that date, change in use from the existing use to a use otherwise permitted, but for the maximum use size limitation, shall be permitted."

The above language would mean, that if the tenant of a pre-existing large building, such as the structure on the K-Mart Center property, should move out, the utility of the large structure would not be severely limited by the 7,500 sq. ft. limitation on the size of retail and service uses in the MUCS zone. Such a large structure could be occupied by another user or combination of users of similar sizes. Additionally, if the use type remained unchanged, no PD modification would be required. GFI and KFG strongly support including the above language in section 3.19.40.01 of the MUCS zone.

However, in the September 6, 2000 Staff Memorandum, a small but significant change in the above wording was proposed:

"* * * In such structures, change in use from the use existing prior to December 31, 2000, and in conformance with the [LDC] on that date, to a use otherwise **outright** permitted but for the maximum use size limitation, shall be

12E

Corvallis Planning Commission

September 11, 2000

Page 5

permitted. Similarly, for interior portions of buildings in excess of 7,500 ft² existing prior to December 31, 2000, and in conformance with the [LDC] on that date, change in use from the existing use to a use otherwise **outright** permitted, but for the maximum use size limitation, shall be permitted." (Significant changes emphasized.)

The change to a size exemption for uses otherwise **outright** permitted has the effect of making these portions of paragraph d useless, because there are **no** commercial or service use types (other than commercial day care facilities) that are "outright permitted" (P) uses in the MUCS zone if they are larger than 3,000 sq. ft. See Draft B 3.19.30.g. Rather, all commercial use types larger than 3,000 sq. ft. are listed as Plan Compatibility Review (PC) uses or Conditional Development Review (CD) uses. GFI and KFG strongly object to this change in paragraph d.

Pedestrian Oriented Development Standards (Chapter 4.10)

Paragraph c of Draft B 4.10.70.01 (Standards for Commercial, Industrial and Civic Development – Applicability) requires any independent or cumulative enlargement of commercial, industrial or civic structures in existence and in compliance with the LDC on December 31, 2000, involving between 500 and 3,000 sq. ft. of floor area or 20% of the structure's gross floor area, whichever is less, to comply with the new Pedestrian Oriented Development Standards (PODS), as modified by the choices allowed under Draft B 4.10.70.01.c.1 through 5. Draft B 4.10.70.01.c.1 requires such enlargements of existing structures to comply with **at least two** of the Building Orientation standards in Draft B 4.10.70.02.

GFI and KFG argue that paragraph c should be expanded to include not only structures **in existence on** December 31, 2000, but also structures **constructed pursuant to a PD Plan that was approved prior to** December 31, 2000. GFI and KFG also ask that Draft B 4.10.70.01.c.1 be modified to require compliance with only **one** of the Building Orientation standards in Draft B 4.10.70.02. As city staff pointed out at the September 6, 2000 hearing, the three Building Orientation standards in Draft B 4.10.70.02.a through c are applicable to the MUCS zone. Two of these three standards (at least 50% of the building's frontage must be located within the maximum setback; no off-street parking or vehicular circulation can be placed between the building and the street) are **impossible** for existing commercial buildings such as the K-Mart Center structure to meet. Thus, as currently proposed, Draft B 4.10.70.01.c makes it impossible to expand, by more than 500 sq. ft., the existing commercial structures that were built under the current LDC development standards.

Planned Development (Chapter 2.5)

1. Draft B 2.5.10 (Background)

The September 6 Staff Memorandum proposed addition of the following language to this section:

12F

Corvallis Planning Commission
September 11, 2000
Page 6

"The Planned Development process may be used to modify the use size limitations contained in Chapter 3.19 MUCS (Mixed Use Community Shopping) Zone."

This addition is needed because section 2.5.10 otherwise limits the Planned Development process to modifying the "development standards" of the underlying zone, not changes in the uses allowed in the underlying zone. The 7,500 sq. ft. size limitations on most commercial and service uses in the MUCS zone are found in the Permitted Use Types section, rather than in the Development Standards section, of the MUCS zone. GFI and KFG strongly support adding the above quoted provision to section 2.5.10.

2. **Draft B 2.5.60.01 (Procedures for a Minor Planned Development Modification)**

Paragraph e of this proposed new section provides as follows:

"Upon finding that the application qualifies as a Minor Planned Development Modification, the Director may consider the redesign in whole or in part of any Planned Development, to the extent that the redesign still falls within the thresholds outlined in Section 2.5.50.04." (Emphasis added.)

Paragraph d of this section would give the Director authority to require "new benefits" to mitigate any negative effects caused by a proposed Minor PD Modification. The above emphasized provision of paragraph e appears to go further, giving the Director authority to require the redesign of features of the PD that are not even related to the requested Minor PD Modification. This goes considerably beyond the City's past practice with regard to Minor PD Modifications. GFI and KFG request that paragraph e be deleted.

Thank you for your consideration of our objections and suggestion. GFI and KFG look forward to continuing to participate in the City's planning process.

Sincerely,



Corinne C. Sheraton

cc: Fred Towne
Craig R. Gasser

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Fenner, Barnhisel, Willis, Barlow & Stephens, P.C.

Attorneys at Law
123 NW Seventh Street
PO Box 396
Corvallis OR 97339-0396

*Testimony
13*

Peter L. Barnhisel
R. Tim Willis
John L. Barlow
Cary B. Stephens
John B. Fenner, Retired

Telephone
(541) 757-0575
Fax
(541) 757-2031
E-Mail
twillis@proaxis.com

September 11, 2000

Corvallis Planning Commission
Corvallis Planning Division
501 SW Madison Avenue
Corvallis, OR 97330

VIA FAX 766-6936

RE: LAND DEVELOPMENT CODE UPDATE PROJECT

Dear Planning Commission:

I served on the Commercial Technical Review Group (CTRG). Last Wednesday I listened to all of the testimony at your hearing. I was impressed with much of the testimony and felt the speakers raised concerns that were not addressed at the CTRG meetings.

Even though I enjoyed working with the CTRG members and staff, I feel that the proposed commercial zoning changes prepared by the consultants impose a planning experiment on Corvallis. The "new urbanism" concepts are being required on commercial growth outside of the downtown. While the concepts of protecting the downtown, encouraging mixed use and encouraging pedestrian orientation are nice, the new code dictates this form of development instead of promoting these ideas through incentives. If development design is going to be determined by the new code instead of the market, I think development will be stifled. There are many detailed and unusual requirements in the new code that will complicate commercial growth.

I also take issue with the proposed pedestrian orientation standards as applied to Corvallis. Those ideas may be nice for southern California, but Corvallis has a climate that is not pedestrian friendly almost eight months of the year. Most people are not out strolling in the rain. I strongly feel that these proposals discriminate against the handicapped, elderly, and people with small children. These people are very auto dependent and likely always will be during the rainy season.

I represent mainly small business and real estate owners. They will likely find growth or development

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Corvallis Planning Commission

Page 2

September 11, 2000

under the proposed code too complicated and expensive. In my opinion, any future development under the proposed code will be done by the very large commercial developers.

I would urge you to be extremely cautious in proposing a code that endangers existing businesses in Corvallis. That was an overriding concern of the testimony I heard last Wednesday. I have always felt that the importance of private business in helping generate the tax revenue to support the local economy and local government is underappreciated.

Very truly yours,

FENNER, BARNHISEL, WILLIS, BARLOW & STEPHENS, PC



R. Tim Willis

RTW:

enc.

pc:

13B

TOTAL P.02

TO: City of Corvallis Planning Commissioners
From: Carolyn A.H. Miller
Re: Land Development Code Update
Date: September 10, 2000

Testimony 14

RECEIVED

SEP 11 2000

Comm Dev Admin

Dear Planning Commissioners,

Yours is a difficult task and one that easily attracts criticism. Although I am writing only my concerns, I want to note that I also find much to be complimented in this document. Someday I'll write those comments as well! I deeply respect the generous and honest work that has gone into this process, by councilors, commissioners, staff, and citizen volunteers.

~~On the attached two pages, I have specifically commented on the definitions and two points of Chapter 2. These comments indicate specific and general concerns with the overall document. Additionally, I have further concerns about the sequencing of this process and the directions the city seems to be going.~~

First, I am a proponent of increasing density within City Limits in an attempt to contain sprawl. Additionally, pedestrian friendly neighborhoods are a desirable amenity. However, I fear that, as written in this proposal, our important natural resources will bear the brunt of these worthy goals. Why? Because standards that are created before natural resources are inventoried cannot adequately address their importance to the community or create appropriate development standards and zones. As a result, excessive paving, minimal development options, and few creative development standards are found in this code. For instance, where significant, steep, or sensitive natural features exist, clustering 2 units per acre may be a solution that allows less damaging development. The proposed code discourages such an option. Once inventories are completed, conservation overlay zones are created, drainage regulations are updated, etc., we can appropriately direct and regulate development.

Second, why is Corvallis so intent on pavement? I understand wanting to encourage alternative transportation routes, however, wider roads, larger parking lots, and dispersed commercial areas encourage driving from one end of town to the other for work and daily shopping. (Eugene transportation snarls are a good example of this.) Also, adding two-way paved alleys to our already immense collection of impervious surfaces seems counter productive to alleviating the run-off/flood control issues our city already faces.

Finally, I believe a residential revolution is taking place in Corvallis that is overlooked by this document. As family demographics change, the detached single-family home is supposed to become obsolete. However, something quite different is taking place: Unique and multi-generational families are consolidating into single family homes because they exist in desirable neighborhoods and have ample space for both shared and private space. This has tremendous social and economic advantages to individuals and to our community. Single parents are partnering-up to minimize child-care and housing costs. Adult children are caring for elderly parents, bringing in professional help as needed rather than placing them in nursing homes. Children of working parents are being cared for by live-in grandparents. Siblings are raising their families together.

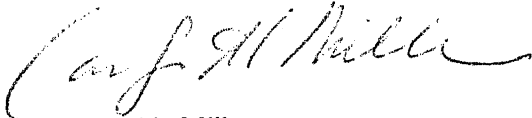
Unfortunately, the proposed LDC attempts to make large-lot single family homes obsolete, and illegal for other than "traditional" family uses. With appropriate regulations such homes could

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p 1

become legal and more available, alleviating many density and social welfare concerns/costs, without destroying traditional detached, single-family neighborhood amenities¹.

Again I thank you for your efforts and for considering my concerns.

Very Sincerely,



Carolyn A.H. Miller

¹Regulations for single family homes could include wording similar to those for accessory dwellings [...require that the owner of the lot occupy the residence]; or home businesses [the single-family character of the dwelling shall be maintained.... No activities shall infringe upon the right of neighboring resident to enjoy the peaceful occupancy of their homes.... Will not cause excessive or unusual traffic or parking in the vicinity.]

Additional Comments

1.6.30 - MEANING OF SPECIFIC WORDS AND TERMS

Alley - Public or private right-of-way designed and intended to serve as secondary access to the side or rear of those properties whose principal access is from a street.

To reduce problems associated with impervious surfaces, alleys should have one-way lane widths only and be constructed with pervious surfaces.

Buffer - An area designed to provide space or distance, obstruct undesirable views, serve as an acoustic barrier, or generally reduce impacts of adjacent development.

Do these impacts include increased traffic problems and declining property values?

Need a definition for a "Conservation Easement" which is mentioned in the definition of "Development Constraints."

Density Calculation - Density is allowed to be calculated using either gross density or net density as defined in this Chapter (1.6 Definitions) of the Code.

This definition leaves open to interpretation a critical planning/development element and may encourage disputes between the City, developers, and adjacent property owners. Clarification is needed as to when and/or in which zones "gross density" or "net density" are appropriately applied.

Dwelling Unit - One or more rooms, with bathroom and kitchen facilities (limited to one kitchen only), designed for occupancy by one family. In the case of group residential a dwelling unit may or may not include a kitchen and shall be defined as one or more rooms to include area(s) for sleeping accommodations.

In the interest of increased density, delete the "one kitchen only" limitation. Families in our community are increasingly sharing a dwelling unit with several generations, and extended relatives and partners. Sometimes two kitchens facilitate this function, and should not be a limitation. Any aspect of a dwelling unit that impacts adjacent and surrounding neighbors or neighborhoods should be limited, such as on-street parking.

Green Area - Percent of a lot that does not include areas covered by buildings, covered structures.... Green areas consists of items including but not limited to landscaping, private preservation areas, and/or pedestrian amenities such as sidewalks, plazas, multi-use paths, unenclosed patios, and decks....
Regardless of looking pretty, earth that is smothered by pavement, thereby exacerbating run-off problems and killing root structures, etc., is incorrectly defined as a "green area."

A definition of "Garage Sales" is needed if it is excluded from the storage requirements of a "Home Business." Some folks collect & store items all year long for the purpose of Garage Sales. This can be a mess and troublesome to neighbors.

Homeowners Association - An incorporated, nonprofit organization operating under recorded land agreements through which each lot owner of a planned development or other described land area [agrees to property maintenance standards and] is automatically subject to a charge for a proportionate....
Suggest adding words in brackets.

Open Space - Undeveloped or predominately undeveloped land, including waterways, in and around an urban area. Open space lands are reserved for general community use, and include parks, preserves general drainage corridors, and other area that are [maintained in their most natural state], and are permanently precluded from development.

Suggest adding words in brackets.

Outdoor Space, Common - Areas intended for common use and designed for outdoor living and recreation. [delete or in its natural state if you intend to develop these type of common spaces with the following] ...Normally includes swimming pools, recreation courts, patios....

It is important to differentiate between swimming pools and open space!!! As suggested in the draft definitions, the two are synonymous. I suggest keeping the term "open space" to mean a truly natural state; and "common outdoor space" define built-on recreational, landscaped, etc outdoor purposes/activities.

Overlay Zone - A zone created by ordinance.... For example, a planned development overlay zone may be applied to an RS-6 (Low Density Residential) piece of property and the resulting zone would be a PD(RS-6) [which indicates a Planned Development at the RS-6 density.]

Planned Development - A land development project comprehensively planned as an entity via a unified site plan that permits flexibility in development standards while maintaining the intent behind the standards.

Planned Development [proposals should] better address the preservation of

Suggested wording in brackets.

Significant Shrub - } Significant wildlife, plants, & habitat need to be
Significant Tree - } identified, defined + included.

Streets

e. Cul-de-Sac: A local street with only one outlet and having a turnaround. As emphasis should be placed on the creation of a roughly rectilinear street pattern...the use of cul-de-sacs should be minimized (Policy 11.3.8)

Cul-de-sacs have gotten a bum and false rap. The traffic problems occur not because of cul-de-sacs, but because adjoining connector and/or collector streets do provide adequate dispersion of traffic. Additionally, discouraging cul-de-sacs is counter productive to encouraging denser and friendlier neighborhoods. Families with children look for short cul-de-sacs for common, neighborly play areas that cannot exist if through traffic is allowed.

Yard - An open [area] unobstructed from the ground....

Suggested word in brackets.

Chapter 2.1

COMPREHENSIVE PLAN AMENDMENT PROCEDURES

2.1.30.11 - Map Errors and 2.2.40.10 - Map Errors

If the Director makes changes, for any reason, to the Comprehensive Plan Map, the City Council should be informed and give their approval to the change. Discovering some time later (how long is that?) that a map change has not occurred, may have many reasons and implications that the City Council should be aware of. The Council can determine whether or not a public process is needed.

2.2.20 PURPOSES

COMPREHENSIVE PLAN & CORRESPONDING ZONING MAP DESIGNATIONS

It is troublesome that the Comprehensive plan allows density designations that the LDC/Zoning disallows. For instance, in the Comprehensive Plan, the designation of Low Density (2-6 units/acre) residential development does not have a December 2000 deadline, or a property maximum or minimum. (See Chapter 3.1.10) It is my understanding that the Comprehensive Plan is the long-term guide for the LDC, not the inverse.

14D
p.4



OSU Federal Credit Union

Testimony 15

RECEIVED

SEP 11 2000

Comm Dev Admin

September 11, 2000

City of Corvallis
Attn.: Fred Towne
PO Box 1083
Corvallis, OR 97339

RE: Proposed zoning change for the 9th Street Corridor

The O.S.U. Federal Credit Union opposes the application for proposed zoning change for the Ninth Street corridor from Linear Commercial to Mixed Use Community Shopping (MUCS).

The proposed MUCS zoning indicates that the area is "*being located BETWEEN neighborhood centers...accommodating both pedestrian-oriented uses and a limited number of land uses that are more dependent on automobile circulation...supports alternative modes of transportation, including walking, transit and bicycles.*" It must be noted that the majority of Ninth Street is not between neighborhood centers; in fact, it is only adjacent to existing neighborhoods and will continue to always be adjacent to neighborhoods no matter how a neighborhood is defined. Further, the new MUCS zone places a severe limitation on the number of land uses that are already auto oriented and is contrary to current development and will severely retard future development. Current development already supports alternative modes of transportation - bus lines, sidewalks, and bicycle lanes are all available on Ninth Street and it's not reasonable to forecast that this auto corridor would become more pedestrian oriented than it currently is.

The suggested amendment to Section 3.19.40.01,d., introduced by City Staff on Wednesday, September 6, 2000, was an improvement over the initially proposed language, but it did not go far enough in reaching a reasonable zoning solution. Civic testimony at that meeting, including that made on behalf of the O.S.U. Federal Credit Union, clearly supported the premise that City Staff should reassess their recommendations. As noted in the testimony and by the Planning Commissioners, documentation provided by the City did not indicate a more appropriate zoning in the application to support the current development and existing infrastructure. We support the suggestion that the City Staff consider an alternative zone and definition and amend the MUCS zone to more accurately reflect the Ninth Street infrastructure, or reaffirm the existing zoning as part of the overall Land Development Plan. The prior land development codes have encouraged the development of Ninth Street as an auto oriented corridor. Current map development indicates that the vast majority of Ninth Street is developed. It appears counter-productive to drastically change development codes of a developed area, without evidence to support the economic and civic need for such a change.

We appreciate the opportunity to voice our concern, and also the work and time that City Staff and volunteers have put into this project. We would value any and all consideration to our request in making these adjustments to the proposed application.

15A

Testimony 16
RECEIVED
SEP 11 2000
Comm Dev Admin

Thompson Snyder
3175 NW Greenwood Av
Corvallis, OR 97330

Telephone: (541) 754-0696
Fax: (541) 754-0696
E-Mail: Tomandjan@proaxis.com

September 6, 2000

City Council
City of Corvallis
501 SW Madison St
Corvallis, OR 97333

Re: Downzoning of area between 7th & 11th,
Washington to Jefferson

Dear Council:

The City of Corvallis is proposing to downzone most of five blocks between 7th Street and 11th Street and Jefferson and Washington Streets from RS 20 to RS 12.

According to the Assessor's records and my observations, it appears that \$6,997,674 of the \$9,515,611, or 74%, of the area to be downzoned is currently developed or used as multifamily property and 26% is single family property. Of that \$6,997,674 of multifamily property, \$5,989,504 would be made nonconforming by the new zoning and \$1,009,170 would be exempted from the downzoning. Approximately 217,975 square feet of the total 326,875 square feet of the area, or 67%, are currently multifamily. My figures are approximate, based upon visual calculations of square footage. Some of the single family properties are occupied by a number of unrelated persons who share a common kitchen and are classified as single family.

If the downzoning occurs, almost \$6,000,000 of property (\$6,997,674 less \$1,009,170 exempted) will be downzoned to accommodate the wishes of property owners with less than \$2,500,000 of property. If the downzoning occurs, much of this property will be devalued, and someone will have to bear the responsibility for diminishment of property values. If the land is reappraised for tax purposes from RS 20 value to RS 12 value, there may be a significant decrease in property tax revenue. A 50 x 100 lot in this area is currently valued at over \$56,000 by the Assessor. Some adjacent blocks still remain RS 20 zoning.

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City Council
City of Corvallis
Re: Downzoning 7th to 11th
September 6, 2000
Page 2

This downzoning disrupts the zoning of a large area of property which has been zoned as RS 20 for more than 30 years. Downzoning, together with the additional restrictions on parking, setbacks, etc., may eliminate the possibility of developing this area for condominiums and small dense structures which give people easy access to downtown by foot or bicycle. Downzoning also violates the state mandate to increase density and reduces the already critical shortage of RS 20 land to add to the surplus of low density land.

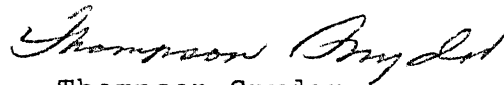
I question whether the owners of the property and the City of Corvallis can afford the diminishment of value and property tax revenue brought on by this downzoning. I am sure if the general population of the city was aware of what was happening, the population would object.

I am not aware of any owner of rental property in this area who was invited to any of the meetings of the group proposing the downzoning or notified of the group's actions even though the names and addresses of said owners were readily available to the group. I suspect that nearly all of the people requesting the downzoning purchased their property while it was zoned RS 20. This is similar to the situation where people purchase residential property in an EFU or forest zoned area and complain about the farm or forest activities conducted in those areas.

I believe the downzoning of this area should not be permitted. This may require a revision of the comprehensive plan. This letter is in addition to my letter of June 21, 2000, on the same subject.

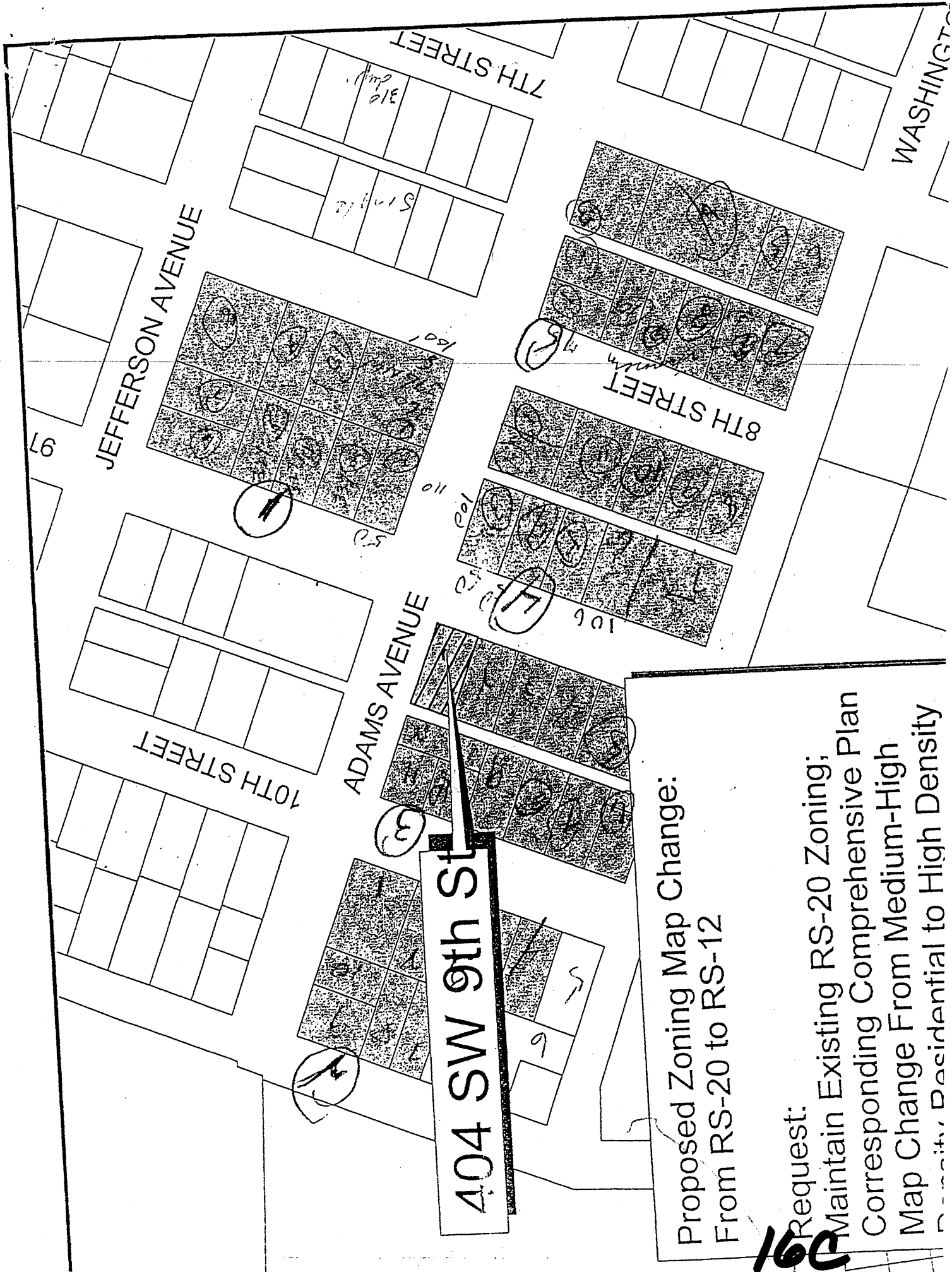
Enclosed are copies of information which I abstracted from the county records which helped form the basis for my statistics.

Yours truly,


Thompson Snyder

TS:s
Encl.
M26:corv

16B



404 SW 9th St

Proposed Zoning Map Change:
From RS-20 to RS-12

Request:
Maintain Existing RS-20 Zoning;
Corresponding Comprehensive Plan
Map Change From Medium-High
Density to High Density

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Summary

	VALUE			Size		
	Non Conf	Conf	Total	Non Conf	Conf	Total
1	1,684,980	580,898	2,265,878	38,600	19,500	58,100
	7400	2600		6600	3400	
2	841,627	415,273		31,000	17,500	48,500
	3700	1800		4400		
2-Exempt	1,008,170			21,775		
	4500			3100		
Total mult	1,849,777			54,775	17,500	72,275
	8200			7500	2500	
3	446,400	1,043,859		48,600	41,400	90,000
	3000	7000		3100	6900*	
						* 2 lots sub Standard size non conforming
(4)	1,429,050	263,050		54,500	10,000	64,500
	8400	1600		8400	1600	
(5)	1,587,447	214,857		55,500	12,000	67,500
	8800	1200		8200	1800	
Non Conf	5,989,504	Conf 2,517,937		196,700		
Exempt	1,008,170			21,775		
Total mult	6,997,674	Total VALUE 9,515,611		217,975	108,900	
		7400 multi		Total 326,875		
				6900		

16D

Block 1

Non cont	1,684,980	44%
Cont	580,898	26% (same distribution)
	<u>2,265,878</u>	

	Non Cont	Cont
Size	VALUE	SIZE VALUE
(1) 100x100 (10,000)	504,140	
(2) 110x50 (5500)	273,680	
(3) 50x100 (5000)		105,400
4. 50x100 (5000)	177,460	
5		50x100 (5000) 121,250
6 100x50 (5000)	257,660	
7 50x100 (5000)	151,118	
8 50x100 (5000)	235,914	
9		45x100 (4500) 159,617
10	<u>1,684,980</u>	MAY BE NON CONT
		(5000)
		50x100 191,010
		<u>580,898</u>
	38,600 non cont	19,500 cont
	66%	34%

Block 2

Noncont	841,627	3790
Exempt:	1,008,170	45070
mult,		8270
cont	415,273	18,070
	<u>2265,07</u>	

Nonconforming

Conforming

Size	Value	Size	Value
		75x100	177,926
①			
②	75x100		
	147,942		
③	50x100		
	153,419		
④	50x100		
	153,419		
⑤		50x100	126,431
⑥			
⑦			
⑧	50x100		
	135,869		
⑨	60x75 ⁽⁴⁵⁰⁰⁾		
	150,640		
⑩	40x100		
	100,338		
⑪			
	31,000	50x100	110,916
	<u>841,627</u>		

Exempted

⑤	190x50 ⁽⁵⁵⁰⁰⁾	265,120	
⑥	155x105 ^(16,275)	743,040	
	^(21,775)	1,008,170	
	69,050	1,849,797.	
			19,500
			415,273

Total	Sq Ft	70,275
Non Cont	31000	4190
Ex	21,775	31070
Cont	17,500	25
	<u>70,275</u>	100

None	841,627	3790
EX	1,008,170	45070
	<u>1,849,797</u>	82070
Cont	415,273	18070
Total	<u>3,265,070</u>	

Block 3

Non conf	446,400	30%
Conf	1,043,859	70%
	<u>1,490,259</u>	

Non conforming

Conforming

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12

SIZE	VALUE	SIZE	VALUE
		50x100	100,854
50x100 (5000)	117,224	50x100	120,079
		50x100	103,620
100x100 (10,000)	173,770	50x100	173,153
		50x100	107,189
		50x100	107,751
		50x100	126,431
		* 40x60	106,331
60x60 (3600)	160,406	* 40x100	98,451
<u>18,600</u>	3190	<u>41,400</u>	<u>69%</u>
	60,000		but nonConf

446,400	30%	1,043,859	70%
		<u>1,490,259</u>	

Block 4

non cont 1,429,050
 cont 263,050
 1,692,100

8470
 1690 (part
 being
 converted)

Non Cont

Cont

Size Value Size Value

- 1
- 2
- 3
- 4

50x100 (5000) 183,070
 50x100 (5000) —
 100x50 (5000) 273,680

50x100 148,695
 (3plex being
 converted to SF)
 50x100 114,355

- 5
- 6
- 7
- 8
- 9
- 10
- 11

100x100 (10,000) —
 50x100 (5000) 122,929
 100x50 (5000) 226,960
 50x100 (5000) 121,987
 50x100 (5000) 121,585
 75x100 (7500) 378,890

52,500
 1,479,050

10,000
 263,050

52,500
 8470

10,000
 1690

Block 5

Non Conf	1,587,447	88%
Con)	214,857	12%
	<u>1,802,304</u>	

Non Conforming

Conforming

Size

Value

Size

Value

- ①
- ②
- ③
- ④
- ⑤

50x100 (5000) 135,718

50x100 (3000) 113,721

75x100 (7500) 214,857

150x100 (15000) 153,419

45x100 (4500) ?
under remodel

- ⑥
- ⑦
- ⑧
- ⑨
- ⑩

55x100 ⁵⁵⁰⁰ 245,900

100x100 ^{10,000} 425,600

50x100 ⁵⁰⁰⁰ 213,729

50x100 ⁵⁰⁰⁰ 178,183

50x100 ⁵⁰⁰⁰ 171,673

55,500 82%

12,000 (18%)

1,587,447 88%

214,857 12%

1,802,304

Block 1 Jefferson to Adams
 - 8th to 9th

*
 61,080
 443,060
 504,140

① 360-376 SW 8th + 825 NW Adams Gary Milnes
 3 story 10 unit apt
 100 x 100 (or 105) 93
 4444.33

*
 176312

30,490
 243,190
 273,680

② 561 SW Adams 126312 Leland Gross
 3 story 6 unit apt 236
 110 x 50

56,640
 51,766
 108,406

③ 337 SW 9th 126304 Tom Bedline
 single family
 50 x 100

*
 58,640
 113,828
 172,468

④ 327 SW 9th 126296 Mal Condon
 converted multi-family 1557.63
 3 units?
 50 x 100

⑤ 321 SW 9th 126288 Necht
 single family
 50 x 100

56,640
 69,045
 125,685

① cont

*
30,520
227,140
257,660

⑥ 309 SW 9th
6 unit 3 story

126270
N WIDE REEF

100 x 50 (110')

*
56,640
124,478
181,118

⑦ 854 SW Jefferson
converted multifamily
50 x ?

126262 Tony Nelson
1126.47

3 stories + basement (occ)

*
58,640
237,274
295,914

⑧ 306 SW 8th
Alcohol + drug center
90 x 90

126254
337674 Milestones
3650.73

58,640
96,977
155,617

⑨ 320 SW 8th
Single Family
45 x

126247 Angelo
1391.41

58,640
132,370
191,010

⑩ 326 SW 8th
Single or converted
50 x 100

126239 Daline
1724

16K

Block 2

58,140 119,286 <u>177,926</u>	(1) 402 SW 10th SF 75 x 100	138085	Reid 2005.09
56,246 91,302 <u>147,948</u>	(2) 418 SW 10th ConV 75 x 100	138077	S. Channing 1097.06
54,920 98,499 <u>153,419</u>	(3) 428 SW 10th 3 family 50 x 100	323534	Chen 1645.35 4400000
54,920 98,499 <u>153,419</u>	(4) 440 SW 10th SF (multi) 50 x 100	323534	Chen 1645.30
30,670 234,450 <u>265,120</u>	(5) 1005 SW Washington 6 unit - 3 story 110 x 50	138044	Bennett
43,860 699,080 <u>743,040</u>	(6) 1061 SW Washington 18 unit - 3 story 155 x 105	138078	Russell 6790.56

B/S Cost

56,640 (M)
69,791
126,431

421 SW 10th
SIF
50 x 100

138127 Henning/Butler
1258.97

58,640 (C)
77,229
135,869

415 SW 10th
7 Family conv
50 x 100

138119 Driggott/Zottack
1205.87

(9)
61,700
88,910
150,610

405 SW 10th
1062 SW Adams
6 units
60 x 75

137970 Donovan
1455.79

(10)
56,640
43,698
100,338

4054 SW Adams
3 unit conv
40 x 100

137988 Donovan
1061.47

(11)
56,640
54,276
110,916

1051 SW Adams

126528
Donovan
1251.88

Block 3

56,640 (1)
44,214
700,854

400 SW 9th
SE
50x100

138718 JSS 7N
1037.17

56,640 (2)
55,554
112,124

410 SW 9th
3 plot converted
50x100

138700 TS
1178.97

56,640 (3)
63,439
120,079

420 SW 9th
SE
50x100

138192 Appelman (wells)
1263.36

56,640 (4)
46,980
103,620

422 SW 9th
SE
50x100

138184 T. Irum
996.19

29,770 (5)
144,000
173,770

440 SW 9th
Church
100 by 100

138176 Grace Christian Ch

58,640 (6)
114,513
173,153

961 SW Washington
SE
100x50

138150 Alderman
14848

56,640 (7)
50,549
107,189

437 SW 10th
SE or dup?
50x100

266670 Murray
1047.88

16N

B/S Deal

56,640
51,111
107,751

8

429 SW 10th
SF
50 x 100

138135 Dwire

1077.09

56,640
69,791
126,431

9

421 SW 10th
SF
50 x 100

138127 ^{Henning's} Butler/Henning
1458.97

56,640
49,691
106,331

10

415 SW 10th
SF
40 x 60

137996 'Daggett/Zotola
1177.37

56,640
101,766
160,406

11

960 SW Adams
962 SW Adams
2 family
60[?] x 60

Fisher/Stocks
738093
1472.66

56,640
41,811
98,451

12

950 SW Adams
SF
40 x 100

Daggett Zotola
138101 796.63

TBlock 4

①

862 SW Adams

138309 Yearke

Converted mult

50x

65,640

117,380

183,020

138309

②

814 SW Adams

Yearke

2480.9 ✓

Converted 2 (+?)

③

862 SW Adams

126312 Gross

2414.66

30,490

Converted 2

243,190

100 x 50

273,680

④

411 SW 9th

138234 Gross 1824.19

58,640

3 family being converted to SF

90,055

50 x 100

148,695

⑤

421 SW 9th

138242 Odell 1015.69

56,640

?

57,715

50 x 100

114,355

6

429-431

423-437 SW 9th

Deal in w/ 118624

4 unit + 85 + 3?

100 x 100

⑦

445 SW 9th 845 +
+ 863 SW Washington

118624

56,640

3 unit

66,289

50 x 100

122,929

1351.23

16P

B14 cont

(8)

855 SW Washington

6 unit 2 story

100 x 50

28,630
198,330

226,960

138267 Davis 7061.77

(9)

438 SW 5th

converted 3?

50 x 100

56,640

65,347

121,987

138275 Coble (wells)

4184.37

(10)

430 SW 5th

converted 7?

50 x 100

56,640

64,945

121,585

138283 Striker

1032.35

(11)

420 SW 5th

8 unit

75 x 100

42,250

336,640

378,890

138291 Haruda

3446.58

Bloate 5

①
52,640
79,078
135,718

760 & 762 SW Adams S
2 family
50 x 100

138,366 Rohmann
1489.5 ✓

②
56,640
56,581
113,221

750+
752 SW Adams S
duplex family
50 x 100
7

138358 Schomb
1206.84

③
58,640
156,217
214,857

400 SW 7th
single family (?)
75 x 100

138341 Cull
2237.45

④
54,920
98,499
153,419

430 SW 7th
15 unit
150 x 100

chen
323534 / 1645.30

5

? SW 7th
single? under remodel
45 x 100

⑥
30,990
214,910
245,900

723 SW Adams S
6 units
55 x 100

Sweeney 2233.71
138,317

16R

B/S Cant

16,504
28,160
380,640
408,800
16,504
425,304

⑦ 775 Washington
12 units
100x100

138408
138416
yrs. 86
Hr. Paid Prop
3732.88

65,140
148,089
213,729

⑧ 431 SW 8th
429 SW 8th
2 single family on 50x100
50x100

138390 Rohrman
18 yrs. 68

58,640
71,543
128,183

⑨ 421 SW 8th
2 family converted
50x100

138387 Rohrman
1365.84

65,140
106,033
171,673

⑩ 419 SW 8th & 419 1/2
2 family converted
50x100

138374 Rohrman
3657

Schlesener, Kelly

Testimony 17

From: Bruce Hecht [brucehe2@yahoo.com]
Sent: Monday, September 11, 2000 4:59 PM
To: Kelly Schlesener
Subject: LDC Comment

At the hearing on 9/6/00 there was testimony from several business owners along Ninth Street about how changes to the LDC would impact future development. Several of these folks expressed serious concern that proposed code changes for Ninth Street--designed to make it more friendly to pedestrians and bikes, and more aesthetically pleasing--would fail in its objective and hurt businesses at the same time. We respect the needs and rights of these business owners, and patronize their establishments. However, we feel the proposed code changes can accomplish the intended objectives without hurting businesses. Presently, Ninth Street, like South Third Street, is very hostile to pedestrians, bicycles, and even drivers turning into or out of businesses located along these streets. Aesthetically, these streets are an assault on the senses. We would like to see islands of green at select locations in the median strip of these streets. In addition, these streets need safe crosswalks and slower traffic. This type of retrofitting was done successfully in north Seattle along Lake City Way. If you're not familiar with Lake City Way, it is a miles-long corridor of strip development and heavy traffic. In the early 90's a portion of this street near a cluster of small businesses was altered to include islands in the median planted with small trees and shrubs, and even some sculpture. Crosswalks were bricked. The result was an attractive commercial district, but not to the exclusion of big business. Just a few blocks away, one of Seattle's largest Ford dealers (Bill Pierre Ford), continues to thrive. We feel a similar thing can and should be done for Ninth and South Third Streets

Sincerely,

Bruce Hecht and Rob Pabst
Corvallis Environmental Center

Do You Yahoo!?
Get your free @yahoo.com address at <http://mail.yahoo.com>

9-11-2000

Corvallis Planning Commission
Re: RF Riverfront District

Testimony 18
From: Marilyn Dilles,
a citizen of Corvallis
3045 N.W. Taylor
(541)758-0062

In the Public Interest

This new special area - RF - should signal that special conditions need to apply re land use. Since most of RF is within the State of Oregon's Greenway Statute, protection of its natural beauty by the Willamette River is essential. To ignore this by treating a park as a liability is not in the public interest.

The RF block which is most in conformity with Greenway Law is the Mater block; the blocks least in conformity are the Post Office and the Blackledge blocks with their blind walls facing the river and large trucking requirements.

One viable option might be to restrict land use on RF to enterprises which have been successful economically and are proven socially attractive to citizens. Surviving business include eating and drinking services.

Suggestions:

RF-3 Section 3.15-30-.01 Permitted use types (General)

a. 1. Prior established use types

Use types prior to 12-31-2000. ADD: CONDITIONAL USE ANNUALLY REVIEWED; REVOLKABLE. ~~3.15-40.04 b.~~

"A minimum of 60% of the length of the (Riverfront) building frontage shall be glass with a maximum sill height above grade of 30 inches and extending no less than 84" above sidewalk grade.".....

Another Conditional Use: An Addition of directions for oversize trucks, routing ingress and egress via 2nd, 3rd, and 4th Streets to and from I-5. No matter which choice is finalized, allowing trucks through a tiny park is inappropriate. Alleys and feeder cross-streets already exist to accommodate them.

b. ADD: CONDITIONAL USE ANNUALLY REVIEWED; REVOLKABLE

2. Residential use types:

a. Family: ADD "including single, couples, and shared by non-related persons."

b., c, and d.: DELETE as inappropriate in RF District due to space and oversize vehicle impacts/constraints.

3. Residential building types: ADD "elevators" before stairways.

Give Use types:

4. DELETE a,b,c,e, g, (see p. 1)h, i,j, K. All categories found elsewhere; inappropriate space and vehicular impact constraints.

18A

5. Commercial use types:

- DELETE: a,b,c,d,e,f,h,j, k,l,m,n;
- (o, see p. 1. Conditional use)
- (p. CONDITIONAL USE ANNUALLY REVIEWED, REVOLVABLE AND FEE-BASED
- (q. FOUND ELSEWHERE; INAPPROPRIATE NARROW SPACE AND OVERSIZE VEHICULAR IMPACT

6. Industrial use type:

DELETE: a,b. Transitional, away from this usage

7. Parking Services. DELETE ALL (Redundant, already 1.4.f.)

b. Accessory use types permitted outright:

- 1. Essential Services, including emergency vehicles: police, fire, ambulance.
- 2. Day care, family: ADD: adult; If Child is implied, DELETE all of 2 as inappropriate space (No outside play-yard)
- 3. Home business. ADD: Licensed and feebased.

3.15-30-02 Special Development - uses allowed through disc. review

- a. Conditional Development - occupied towers or penthouses
DELETE 1. See 3.15.40.02 c. Unacceptable as inappropriate visually and shadow-wise to Park proper. From Greenway's perspective, towers or penthouses "on adjacent land which will reduce solar access to (Park) site between 9 a.m. and 3 p.m. on November 21." Quotation is from Community Development (Planning Dept.) (General Application form.

b. Plan compatibility review.

- 1. Minor Utilities
 DELETE. Need to be underground or retrofitted within blggs.
- 2. Projections. DELETE, as architecturally objectionable to the public interest within greenway and park; visually and shadow-wise, fall, winter, and spring.

Section 3.15.40.01

- a.
- b. ADD: to last sentence fragment, "via alley"

Section 3.15.40.02 Structure Height and Step-backs

- a. DELETE FIRST SENTENCE: ADD: Buildings shall have zero minimum restrictions re height.
- b) DELETE FIRST SENTENCE AND ADD: No stepbacks are permitted along sidewalks or Riverfront (1st St).
- c. DELETE 75'; ADD: Maximum structure height shall be 30 feet, or 3 stories (counting ground level as first level), whichever is lesser, so that the shadows blocking light and sun into a public park is not violated.
- d. DELETE "not"; Sentence now reads: structure height of 30' does include parapets or pitched roofs.
- e. DELETE 75' and ADD: Occupied towers or penthouses above 30' will NOT be permitted, so that light and sun into a public park is not violated/abridged.

18B

ATTACHMENT C - DISCUSSION ITEM MATRIX

TOPIC	COMMENTS	OPTIONS
Definition of "Site"	Adopt staff-proposed language	Adopt
Definitions Pertaining to Acre	Need different definitions for "Acre," "Area, Gross," & "Area, Net"	Define as proposed in 9/12/00 staff memo
Clarification of Duplex Definition	Clarify that "stacked" units are okay	Define as proposed in 9/12/00 staff memo
Alleys	Should be encouraged but not required to be in separate tracts; should be one-way and pervious surfaces (see Attached Testimony # 14) from Carolyn Miller	Change "shalls" to "shoulds" re: separate alley tracts; change or maintain other req'ts
Campaign Signs	Limit # and size of campaign signs in residential zones	Discuss issues with City Attorney and staff
Definition of "Significant"	Need one	Develop or postpone until natural features addressed in future phase of LDC Update
Definition for "Conservation Easement"	Need one (see Attached Testimony # 14) from Carolyn Miller	Develop one
Density	concern with the transfer of density (Denis White e-mails); other testimony concern with where gross and net density will be applied (see Attached Testimony # 14) from Carolyn Miller	Change or maintain
List of Additional Definition comments	See Attached Testimony #14 from Carolyn Miller	Change or maintain
New PD Minor Modification language	Concerned with statement that Director may review Minor Mod. "in whole or in part" (see Attached Testimony #12 from Corinne Sherton)	Delete or maintain

Compatibility Review Criteria	Have it be the same in chapters 2.1 - 2.9, 2.12, & 2.13; change wording per Tony Howell's written testimony included in 9/6/00 staff memo to P/C (lead-in sentence & DEQ item)	Change or maintain
Conditional Development - Purpose	Delete 2.3.20.d (per Tony Howell's written testimony included in 9/6/00 staff memo to P/C)	Delete or maintain
Significant Natural Feature Submittal & Evaluation Requirements	Inadequately addressed (e.g. 2.3.30.01.b.5 & Chapter 4.2); need to address significant plant communities. Also, address more significant plants & wildlife than threatened & endangered species; need to develop tree & habitat preservation ordinance (per Tony Howell's written testimony included in 9/6/00 staff memo to P/C & Attached Testimony #4 from Rob Pabst)	Discuss in context of future phase of LDC Update
Parking Requirement for Technical Support Center	Need separate parking requirement, so not restricted by admin/office requirement (1:400) (see Attached Testimony # 8 from Doug Sweetland)	Create separate requirement for technical support center at 1:150, based upon 250 employees in single shift for 30,000 sq. ft. bldg.
Structured Parking Requirement for Uses with ≥200 space requirements	Too restrictive; discourages development (see Attached Testimony # 8 from Doug Sweetland)	Consider increasing threshold to 300 or 400 spaces.
Co-housing requirements	Co-housing has special needs and could be more supported by Code (bldg. orientation to street, setbacks, parking, etc. - see Attached Testimony #11 from Bruce Hecht)	Change or maintain & advise co-housing applicants to receive development standard variations through LDO & PD processes
Annexation submittal lead-in sentence	Add phrase to 2.6.30.03 per Tony Howell's written testimony included in 9/6/00 staff memo to P/C	Fix

Land Use Changes along West Hills Road	Concern with traffic increases of Neighborhood Centers or increases in residential density (see written testimony from Hardy Glascock included in 9/6/00 staff memo to P/C)	Discuss guidance of Comp Plan
9th STREET COMMERCIAL ISSUES		
Long term development philosophy for 9 th Street	Unreasonable to request and expect pedestrian oriented environment (multiple testimonies)	Discuss guidance from Comp Plan
Square Footage Limitations in MUCS Zone (7,500 & 15,000)	Too restrictive; grandfather in existing buildings so they could expand (multiple testimonies)	<ul style="list-style-type: none"> - acknowledge that LDO & PD processes may be used to vary these development standards & change PD chapter to ensure that it's clear; and/or - adopt a version of the staff-proposed wording that grandfathered in existing buildings & interior portions thereof; and/or - modify max. bldg footprint size to 35,000 sq. ft. (size of one of largest existing bldgs) on 9th St.; and or - allow a one-time 20% increase to existing bldg. footprint size
"Grandfathering" of Existing Buildings in MUCS Zone	Clarify proposed staff language (multiple testimonies)	
"Grandfathering" of Existing Site Development Other Than buildings in MUCS & MUGC Zones	Consider modifying staff-proposed language to allow (multiple testimonies)	
Purpose Statement for MUGC	Needs to be "tightened up" per Tony Howell's written testimony included in 9/6/00 staff memo to P/C	Change or maintain
Commercial Floor Area Ratio (FAR) requirement	Too restrictive (see Attached Testimony #3 from Chamber of Commerce)	Discuss guidance from Comp Plan
PODS Building Orientation Requirement for Existing Buildings	Consider modifying (multiple testimonies)	Modify PODS Chapter to lesser bldg. orientation standard for existing development

Jones, Thies, Post, & Meyer Requests to Establish Zoning Map Designation as MUGC instead of MUCS for Jones & Thies car lots, Post car washes, & Meyer Motel property	See Attached Testimony (multiple testimonies)	Change or address their expansion/development standard concerns within MUCS Zone instead
Sherton Request to Establish Zoning Map Designation of Major NC Zone instead of MUCS for K-Mart & Retail @ K-Mart Center	MUCS not appropriate (see Attached Testimony #12 from Corinne Sherton)	Change, better address these properties within MUCS Zone, or advise owners of those sites that they may obtain variations through PD process, since site already has existing PD
Alternative Zoning for 9th Street	Explore developing different zones than MUCS & MUGC (see Attached Testimony #15 from OSU Federal Credit Union)	Address concerns better through MUCS & MUGC zones (modify them) instead of developing alternative zone
15,000 sq. ft. limitation within MUCS Zone without respect to size of site	Unclear if that means only one 15,000 sq. ft. bldg. on a 5-acre site, etc.	Clarify that 15,000 sq. ft. limitation is only re; an individual bldg. footprint, not total sq. ft. of bldgs. on a site (could have many 15,000 sq. ft. bldgs. on a single site)
Maximum setbacks and requirements that parking not be located between buildings and street	Too restrictive	Discuss guidance from Comp Plan
Footnote in MUCS Table 1	Worried that it seems to apply to PD's too (see Attached Testimony #12 from Corinne Sherton)	Fix, since that's not the intent
Word "outright" in staff-proposed language re: grandfathering existing bldgs.	Remove the work "outright" (see Attached Testimony #12 from Corinne Sherton)	Fix, since that's not the intent
Riverfront Zone Development Standards Relative to a Museum	Don't fit a museum (see Attached Testimony #1 from Marvin Gloege)	Change or advise that LDO & PD process may be used to vary development standards
Riverfront Zone requirement for a 3rd story	Too restrictive (multiple testimonies)	Change or maintain

Various Riverfront Zone requirements	Make Conditional Developments annually reviewed and revokable; delete and/or modify some uses and development standards (see Attached Testimony #18 from Marilyn Dilles)	Maintain CD requirements; consider other comments
OTHER MAPPING REQUESTS		
Snyder Request to Change Comp Plan Map Designation for Central Park Neighborhood Area from Med Hi Density back to High Density Residential	See Attached Testimony (see Attached Testimony #16 from Thomas Snyder)	Change or advise Schneider to apply for separate Comp Plan Map Amendment process
Dasteur Request to Change Comp Plan & Zoning Map Designations for Property near 53rd & HWY 20/34 from Low Density Residential to MUR or Med High/MUR	See David Dodson Testimony from 9/6/00 staff memo to P/C	Change or advise Dasteur to apply for separate Comp Plan Map Amendment and Zone Map Change processes
Hutchins Request to move NC Circle on Comp Plan Map from 35th & Country Club to 45th & Country Club	See Attached Testimony #9 from Devco Engineering	Change or advise Hutchins to apply for separate Comp Plan Map Amendment process
Mater Request to Retain Zoning Map Designation of RS-3.5 instead of changing to RS-5	Property not all buildable due to flood plain issues (see Jean Mater written testimony from 9/6/00 staff memo to P/C)	Retain current designation or change per developed criteria for Low Density Residential map changes
Weber Request to Change Comp Plan & Zoning Map Designation for property on west side of 9th St. from Low Density Residential to Professional Office w/ zoning of PD(P-AO)	See Attached Testimony #10 from Alison Weber	Change or advise Weber to apply for separate Comp Plan Map Amendment and Zone Map Change processes



**CORVALLIS PLANNING COMMISSION
MINUTES
Wednesday, September 6, 2000**

Present

Gary Pond, Chair
Kirk Bailey
Jane Fleischbein
Bruce Osen
Bill York
Kelley Panknin Wirth
Denis White
Ed Barlow-Pieterick, Council Liaison

Staff

Jim Brewer, Deputy City Attorney
Ken Gibb, Community Development Director
Kelly Schlesener, Planning Division Manager
Fred Towne, Associate Planner
Kathy Seeburger, Associate Planner
Terry Valiant, Associate Planner
Renee' Lunsford, Recording Secretary

Excused Absent

Mary Buckman
James Hackett

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
Public Hearing: Land Development Code Text Amendment (LDT00-00002); District Change (ZDC00-00009); and Comprehensive Plan Amendment (CPA00-00007)			
Next Meeting:			September 20, 2000
Adjourned:			11:00 p.m.

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by the Chair at 7 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

I. PUBLIC HEARING: Land Development Code Text Amendment (LDT00-00002); District Change (ZDC00-00009); and Comprehensive Plan Amendment (CPA00-00007)

A. The Chair welcomed citizens and reviewed the public hearing procedures as follows:

1. Staff overview;
2. Applicant(s) presentation;
3. Staff report;
4. Questions from the Commission;
5. Public testimony;
6. Rebuttal by applicant (limited to opposition issues)
7. Sur-rebuttal
8. Deliberations and decision by Commission

Land use decisions are evaluated against applicable criteria from the Land Development Code and Comprehensive Plan. A list of the applicable criteria for this case is available as a handout at the back of the room. Persons testifying are asked to address their testimony to the criteria identified or other criteria they feel is relevant.

Persons testifying either orally or in writing may request a continuance to address additional documents or new evidence submitted in favor of the application. If this request is made, please identify the new document or evidence during your testimony. Persons testifying may also request that the record remain open seven additional days to submit additional written evidence. Requests for allowing the record to remain open should be included within a person's testimony.

The Chair opened the public hearing. He stated, "This is a legislative hearing, so what this body will be doing is taking testimony and making a recommendation to the City Council. From that point the Council will be holding some workshops in the month of October and early November and they will be taking public testimony and making decisions in November or December.

B. Staff Overview:

Planning Manager Kelly Schlesener began by reading into record a number of documents passed out by the Planning Commission. She stated, "The criteria this evening will consist of the entire Comprehensive plan because we're doing something monumental, we're implementing the Comprehensive Plan into the Land Development Code." This has been broken down into four parts.

Part 1: Legislative Amendment of the Land Development Code to implement the adopted Policies of the Comprehensive Plan and to address inconsistencies and legal issues.

Part 2: Comprehensive Plan Map and Text Amendments to make several map revisions and also make a text revision to Article 40 to provide descriptions of all Comprehensive Plan Map Land Use designations.

Part 3: District (Zoning) Map Change to amend the City's District (Zoning) Map to implement the adopted Comprehensive Plan and Map and to address inconsistencies. (Fred Towne held up a map, which highlighted these changes.)

Part 4: Analysis of Statewide Planning Goals, which compare how the three applications presented this evening comply with the Oregon Statewide Planning Goals.

Planner Schlesener noted that there are copies available at the back of the room which cover the following topics:

- The proposal and findings for each part of the staff report (abbreviated versions).
- Two memos; The first contains additional testimony that was submitted to staff after the release of the staff report; the second contains a few discussion items for the Planning Commission.
- "Crib Sheet Version" in layman's terms of what is being done this evening. This is also on the web site.

Planner Schlesener gave tribute to staff for their team effort in producing the documents.

- Crib Sheet, web site by Kathy Seeburger
- Map and Map report by Kathy Seeburger;
- Land Use Table Matrix by Terry Valiant,
- Commercial part of Staff Report by Fred Towne.

Planner Schlesener continued, "This process has been going on for about a year and one-half. It started in May of 1999 with a Public Open House, where we described the entire Land Development Code Update process and indicated all the dates and events that were going to be occurring between then and now.

Over the Summer of 1999 two technical review groups were established. The Commercial Technical Review Group and the Neighborhood Technical Review Group, which were appointed by the mayor, included half of the planning members as well as several council members on each group. These particular groups provided review boards for the work that the consultants, Otak and Mary Dorman, and staff were developing.

Between September, 1999 and June, 2000 those particular groups held 35-plus meetings to review six different drafts of the Land development Code.

In addition, there were four outreach meetings to get input from various stakeholders -- architects, builders, contractors, designers, developers, engineers, realtors and title companies -- within the community.

Between February, 2000 and May, 2000 the Draft Land Development Code Map was developed. In May, there was a Public Open House in which the draft of the mapping efforts and the Land Development Code text were presented to the public. In July, 2000, The Planning Commission held five work sessions on the Draft A of the Land Development Code document and the map. The result of those efforts produced Draft B."

September 6, (this evening) is our public hearing before the Planning Commission. We are not at the end of the process -- next week, September 13, we hope to have deliberations on this item. Then, in October, there are six council workshops sessions, which are public work sessions on Land Development Code. On November 20, the City Council will be holding a public hearing. December 4, is the second date that has been reserved for the conclusion of their public hearing.

Fred Towne said, "What we've done is we've tried to address the land development code issues that were raised by the Comprehensive Plan. The Comprehensive Plan is based on determinations about how land use planning should occur in the City of Corvallis. Once the Comprehensive Plan sets the policy direction, it's up to the City to put that into actual standards and development-related law." From this plan we developed three concepts; Comprehensive Neighborhoods, Mixed-use Commercial Development and Pedestrian-oriented Development.

Comprehensive Neighborhoods

The idea of Comprehensive Neighborhoods, came out of the West Corvallis Planning effort called "Neighborhood Villages." Comprehensive Neighborhoods are designed to contain certain components. They consist of:

1. Relatively high-density residential area (outer core)
2. Low-density development (mantle)

Planner Towne stated, "Since this kind of development is proposed in the Comprehensive Plan, (initiators of) the Land Development Code are attempting to place specific neighborhood centers on the zoning map and to identify the sorts of land use standards and development patterns that should occur."

Mixed-use Commercial Development

Mixed-use commercial development addresses commercial areas dispersed throughout the city that are not in neighborhood centers. The direction of the Comprehensive plan is to,

where appropriate, mix development types (residential uses and a mix of commercial types) within the commercial areas.

Pedestrian-oriented Development

The cornerstone of these concepts is Pedestrian-oriented development. The idea is that all commercial development should be easily accessible by foot. Corvallis is a small enough town that people can get places by foot. It is the second-highest used mode in the City of Corvallis. Because of this, the code now has a new set of standards - Pedestrian Oriented Design Standards (Chapter 4.10).

Planners Schlesener and Towne proceeded to give the highlights of the new Land Development Code as follows:

Residential Uses

- Increase in allowed housing types in residential zones, particularly in Low Density Residential zones.
- Decrease in minimum lot sizes and setbacks in residential zones.
- New requirement for varied housing/building types and lot sizes in the residential zones;
- Development of new Mixed Use Residential zone.
- Development of new pedestrian-oriented design standards for residential, commercial and some industrial types of development.

Staff explained the tag representations on the map as designated by different color codes.

Commercial Uses

Replacement of most existing commercial zones with a hierarchy of new commercial zones that allow for the opportunity of mixed use development.

- Introduction of a requirement for buildings to be oriented to streets, with parking located to the rear of the buildings (and to the side of buildings in cases where parking cannot be accommodated to the rear).
- Introduction of requirements to emphasize pedestrian-friendly atmospheres and prohibit vehicular circulation between buildings and the streets to which they are oriented (except for fuel sales, car washes, etc.)
- Reduction of setbacks between commercial buildings and streets.
- Development of new Limited Industrial-Office and Mixed Use Transitional industrial zones.

Planner Schlesener said, "I'd just like to say a few words about the map we've got up here. As we mentioned earlier, it does have a lot of information on it. We've tried to develop

a map that would only show what was changing. She then went on to explain what each color on the map represented.

Staff pointed that individual maps are also available in the library and on the web.

Schlesener then said, "We are now going to address some topics raised in memo, 'LAND DEVELOPMENT CODE Update Project – Memorandum,' dated September 6, 2000."

Schlesener and Towne briefly went through topics covered by this memo (see Exhibit A). Topics included:

- Definition for "Site" Maximum Parking Allowed
- Structured Parking Required
- Chapter 2.5: Planned Development, Section 2.5.10 – Background
- Chapter 2.5: Planned Development, Section 2.5.20 – Purposes
- Chapter 2.5: Planned Development, Section 2.5.40.04 – Review Criteria
- 4.10.70.01 – Applicability (PODS)
- 4.10.70.02 – Building Orientation, which includes:
 - Street frontage setback
 - Entrances
- Parking and vehicle circulation
- Map of MUCS Zone – Example #1
- Map of MUCS Zone – Example #2

Planner Towne then concluded by saying, "We're not expecting the Planning Commission to make the determinations on this tonight, we are just raising some issues. We know that people will comment about some of these things and then from our raising of issues and those that are raised by the public, and the comments that the public will make on some of these things, the Planning Commission will be able to make some determinations. "

Planner Schlesener concluded, "Staff is recommending approval of the Text Amendment to the Land Development Code, the Comprehensive Plan Amendment and the District (Zoning) Map Change subject to the findings, which are laid out in the Staff Report. All three of these items are legislative items.

C. Public Testimony in Favor of Application:

1. John Foster, 1205 NW Fernwood, Corvallis, OR submitted written testimony
2. David J. Dodson, Willamette Valley Planning: Mr. Dodson had two items that he wished to discuss. Both were submitted in written request form. One was a personal item (see Written Testimony Received Regarding Specific Land Development Code Text Change Requests, L-1), another was for clients, Mr. and Mrs. Dasteur (see Additional Written Testimonies received after the August 25, 200 Staff Report).

Commissioner York said, "It appears staff has attempted to address your guest house issue in Draft B. Have you looked at that and are you satisfied with the Language? Mr. Dodson responded, "Yes." Commissioner York said, "In regards to the second issue, introducing a new zone there between the two existing zones tends to look like spot zoning. Would your client be interested in extending the Community Shopping Zone that now lies at the two end parcels?" Mr. Dodson responded, "It was actually considered, we had extensive conversations with staff. Based on the existing supply and amount of commercial uses, it is very difficult to justify a need for additional commercial uses in Corvallis at this point in time."

Commissioner White suggested that Mr. Dodson be aware of the changes to the definition of 'attached' building types that have been introduced with regard to his intention to connect his a house and a guest house with a covered walk. Mr. Dodson responded affirmatively.

Commissioner Pond reminded participants that The Committee for Citizen's Involvement has a salmon-colored sheet in the back of the room to provide feedback for your experience with the public process.

D. Public Testimony in Opposition of Application:

1. Carol Harmon, 3985 NW Highland Drive, Corvallis Ms. Harmon owns three of the parcels that are at the north end of 9th Street. She spoke at length about the problems she felt the MUCS Zone would create for existing property owners on 9th Street. She identified problems as being:
 - New buildings with shallower set backs would obstruct existing businesses visibility.
 - Reconstruction would only allow a 15,000 square foot building.
 - Resale of these parcels or reconstruction by current owner might be impaired.
 - The loading zone behind the building may conflict with parking in the back.

Commissioner Bailey asked if Ms. Harmon had a chance to look at the staff recommended changes that were presented earlier. She responded that, No, she hadn't, she has been busy going to a host of other meetings.

Commissioner Wirth said, I remember your testimony from the previous meeting very well and I know that your points were taken into consideration. I would suggest that we obtain minutes of the CTRG(Commercial Technical Review Group), which contained a discussion regarding those frontage issues.

2. Randy Jones, owner of family-owned business, located at 1755 NW 9th Street, Corvallis. Randy Jones said, "I think my business was one of those 32,000 square foot building shown up there. I would like to commend Fred Towne. His staff has been wonderful in getting us information and answering a lot of questions that we had with the ramifications of the rezoning of 9th Street from Linear Commercial to Multi-use General Commercial and to Mixed Use Community Shopping. Commissioner Pond, I

was wondering if you could tell me the specific reasons for the rezoning issues on 9th Street. My perception is that it's to encourage foot traffic in lieu of automobile . . . and I happen to sell those 'ghastly' things. Randy continued, "I have received three notices, but I was really surprised that there were so few businesses up and down 9th Street that really knew what was going on. I think that you'll find on 9th Street, there is very little pedestrian traffic in the sense of walking or biking. People don't really walk or ride bicycles to my business. They either drive in . . . or they're towed in. In 1990, we bought the former Wayne Buck Chevrolet Oldsmobile, which was located on Highway 34, about four miles east of here. It became apparent, at that time, that our customers (thousands) did not like having to drive out to Highway 34 to buy their cars or get them repaired. It didn't feel very safe and it was a long way to go. General Motors' specific request when looking at this site was that we had to have the capacity to expand our facility with the addition of a possible franchise or franchises. We went to the city and met all of the specific requirements. It was very expensive ground and we put a substantial investment in on 9th Street. Our business has flourished and we continue to grow. Our concern is that the limitations on our ability to expand the building. Changing rules in the middle of the game is significantly unfair. My recommendation is that you continue to leave 9th Street as Linear Commercial."

Commissioner Pond said, "Mr. Jones, before you leave, I want to clarify a question you asked me. The question you asked me was as a business owner and a citizen. But as the chair of this group, we did not initiate this move, we are a hearing body that has worked on some groups and now we're taking public testimony. So, our task is to make a recommendation to City Council. This forum is for people to come forward and make those comments and I appreciate that."

Commissioner Bailey asked, "Have you had a chance to review the staffs' proposed modifications?" Jones responded, "Yes, but there are still some questions that I will take up with Fred Towne. Our biggest concern is whether or not we'll have the ability to expand. I'm not sure that we can."

3. Carolee Woodstock on behalf of the Corvallis Chamber of Commerce: (submitted a written statement)

Commissioner Bailey said, "This may be premature, because I haven't had a chance to read your testimony. You mentioned that you had some concerns about limitations of parking, were they primarily that they had to be at the rear of the building, or was it the minimum/maximum issue also. Woodstock responded that it was the minimum maximum issue also, but primarily to the rear. Having to run two sets of doors so that people can come in off the street and come in through the rear in problematic.

Commissioner Fleischbein asked, "You think 7,500 square feet is too limiting. Do you have any recommendations that you would think would be acceptable?" Woodstock responded, "I think each building needs to be examined on its merits and designs."

Counselor Pieterick said, "My understanding is that 7,500 square feet is what is permitted outright and that other larger sized facilities would be allowed through the Planned Development process. The issue is, would having to go through a public hearing to get a larger facility really change the character of 9th Street or modify the way people would approach developing on 9th Street? Woodstock responded, "It can be, there certainly is a cost associated with more hearing and the time that takes up."

Commissioner Wirth asked, "Do you know if the Chamber was involved with the CTRG?" Woodstock responded, "Yes." Wirth continued, "I imagine then that these concerns were brought up throughout that process?" Woodstock said, "I did not attend." Wirth said if we could get the synopsis on that it would be very helpful – at least a listing of the major issues."

4. Marvin Gloege, 1500 NW 5th Street, Corvallis: Gloege was representing the Benton County Historical Society (submitted written testimony).

Commissioner Bailey said, "Currently, we have a lot of parking lots off First Street and the idea was to transition to a retail/commercial upscale touristy-type of business -- aimed at a smaller scale than the museum use. You are correct in the sense that you're the exception. I think your use is a unique use and you may wish to pursue a Planned Development approach to this." Gloege said, "I want to be sure you understand that and recognize that and pass this information on to the City Council."

5. Ron Theis – 2150 NW 9th Street, Corvallis: (see Written Testimony Received Regarding Specific Map Change Requests K-2)

Commissioner Wirth asked, "Do you have any idea in advance what requirements are going to be? Theis responded, Sure, it's very likely that Honda will take a market like this and offer us an Acura dealership. There's a design forum project right now with Honda, where they are wanting us to change facilities and do some redevelopment of the showroom, which requires additional space." Pond then asked, "Do you have any idea of the kind of square footage required?" Theis responded, "No, every five years the manufacturer has different standards at the time. I'll be very disappointed if I can't meet those standards because of a zoning change that happened to me."

Commissioner Wirth said, "I can imagine that these car manufacturers across the country have these requirements of their dealerships and their dealerships obviously have to deal with zoning restrictions. Is there any process in which you can negotiate with the car manufacturers?" Theis responded, "I understand what you're saying . . . But I have gone from a 16-year correctly operating dealership to one that is incorrectly operating based on the theory of the plan. That isn't something that is Honda's problem. I would submit that that is a problem of the planning process."

9:00 p.m. The Planning Commission took a five-minute break.

6. Thompson Snyder (see Written Testimony Received Regarding Specific Map Change Requests K-5)

Commissioner Bailey said, "You gave us some statistics bases on assessed value. Do you have any on assessed loss? Did you put that in the letter?" Snyder responded, "It's in the letter, there's 326,875 square feet of the area, 217,975 square feet are multi-family – that's 67 percent of the land used. That's give-or-take because there's a lot of places that are single-family but they've got another place on them. There's a house there that's right by mine that's a 30- by -100 foot lot, a 40-by-60 foot lot in front of it. I could be off by a few square feet, maybe even more than a few square feet, but that's the best estimation I can give you."

Council Liaison Pieterick said, "It seems to me we had a neighborhood association form to collect signatures and actually made this request as part of a group effort. I am wondering if you made any similar effort to collect signatures for this area. Do you want the whole area kept at R-20?" Snyder said, "I think it's inappropriate to rezone the whole area. I think the solution to this is to have some condominiums and small apartments – where people can walk downtown."

7. Elaine Cull, Vice-president of the Central Park Neighborhood Association (see Additional Written Testimony, Letter #3).

Commissioner York said, "This is a comment for the record, you're speaking during the opposition time frame. My perception is that you are in favor of the staff recommendation. Ms. Cull responded that she was opposed to what he (motioning to Snyder) said." York continued, "I just wanted the record to be clear that you are speaking in support of the staff recommendation, which is to do the down-zoning."

Commissioner Bailey asked, "You said you had the signature of his daughter. Does she live in one of these properties?" Cull replied, "She lives in property 404." Bailey then asked, "So, it's one of the two that he was testifying about?" Cull replied affirmatively.

8. Richard Hein, president and CEO of OSU Federal Credit Union: Mr. Hein began by stating that he was here to represent 35,000 credit union members, which is an OSU cooperative. Hein said he had grave concerns if they should ever decide to sell their location at 1980 NW, 9th Street – you're fine unless you try to resale or reconstruct that property to another use. I would like to point out that our current location serves 1,800 people per day, on Saturday in excess of 500 vehicles in the drive through. "

Hein stated that he felt that 9th Street would never be more pedestrian-oriented than it is right now because of the already established businesses. He said, "My plea is to go back and have staff develop a zone that better reflects what 9th Street is and what we want it to be in the future."

Commissioner Osen said, "If we're short-sighted enough that we are cutting off options, we can be assured that we will never have a pedestrian-friendly environment. Facilities that aren't designed to accommodate pedestrians, will never, in fact, have pedestrians arrive there -- it's a self-fulfilling prophecy."

Commissioner Wirth asked, "I heard you testify, you're asking staff to develop a new zone. Is that to imply that you don't think MUGC would be proper on 9th Street?" Hein responded, "If it would include retail, but the way it is written, it does not include retail." Wirth then asked, "Am I correct in perceiving that MUGC does not allow drive-ups facilities?" Hein responded, "Neither the MUC nor the MUG properly describe either of the zones. And the zone should be properly described to represent the businesses currently there."

9. Robert Beard, owner of The Book Bin (locations on Third Street and Jackson Street): Beard spoke in opposition of the zoning changes on 9th Street and said, "This is not a very practical expectation. I can see how bicycle traffic works out there, but I can't for the life of me see how pedestrian traffic works in that sort of environment. If I hadn't had the experience of being in two different locations downtown -- where one location is extremely dependent on the auto and the other one isn't, I wouldn't be able to make these statements."

Mr. Beard continued and said, I agree that we serve a regional population also. We have ten thousand people per day commuting to Corvallis to work -- mostly in single occupant cars -- you have to take that into consideration.

10. Beth Timmons, SW 72nd Street. She is not within walking distance to shop for a lot of things but she feels that Corvallis offers a lot of different shopping options (pedestrian shopping as well as vehicular) within a relatively small area and that is one of the reasons she is proud to live in Corvallis.

11. Tom Powell, 5556 NW Winn Drive, Albany said he owns offices in Corvallis, Albany and Lebanon and says, "That little building there in Corvallis ran about \$750,000 and a lot of that was because of the requirements by the City of Corvallis, which today would be even greater than they were then."

Mr. Powell supports having building size in relationship to the property size. He asked several questions, "If you own five acres and can you only put a 15,000 square foot building on it, how much would that property be worth? Has anybody given any economic thought to these zone changes?"

12. Corinne Sherton: Sherton is an attorney from Salem representing KFG Investments, which is the owner of the property on Circle Boulevard where K-Mart is located and also the owner of the adjoining property. (Sherton says she will submit her statement in writing by Monday)

Ms. Sherton says they have several concerns. They are as follows:

- If for any reason the tenants change and the tenants would like to change the use, they may have to modify the structures.
- The vacancy provision states that if you don't use your rights for one year, you lose your rights to have the use there.
- Wording in section uses the word, "outright," Nothing that larger than 3,000 square foot with the exception of day care is permitted.
- Status of structure, is it considered non-conforming. It would be considered non-conforming in respect to size and set back requirements.

Ms. Sherton concluded by saying, that for 9th Street property owners, MUCS zone is just not a good fit for the development that exists and has been approved on these properties. It is not very likely that these properties are going to become the kind of pedestrian-oriented development that is envisioned for the MUCS zone. I certainly think that my clients would support the development of a combination zone that is more like the MUGC zone, but with retail and maybe drive-up possibilities added to it.

Commissioner Bailey asked, "To the west of where your client's site is a major neighborhood center. Have you considered that as an option to mixed use community shopping?" Sherton responded, "We have looked at that and we think that would be a better fit for our property than MUCS. If that is something that is being considered, we would be interested in pursuing that." Sherton added, "By the way, I would like to compliment your staff. I just got involved in this in the last few weeks and they have been very helpful in responding to my inquiries."

13. Steve Wiley: Wiley is the owner of Bob's Auto and Towing on 785 NW Cornell Avenue. Wiley states that Cornell Avenue only has about 35 feet of sidewalk on it right now. The rest of it is all driveway. It's not pedestrian-friendly. It has a gate at the end of the street where the city shops bring their equipment in and out. He doesn't think the property fits in the area as the development for retail. The property running directly to the railroad tracks is already proposed for the General Commercial zoning. Since we're adjacent to that property we'd like to see that extended to our area and the cost of changing to the proposed zoning will be cost prohibitive.

Commissioner York said, "Staff has recommended that we do what you're asking."

14. Lou Ratzliff owns of Schaefer's Recreation on 9th Street. Ratzliff had several concerns regarding zoning changes and the procedures followed to affect those changes. He began by saying he has only received one packet from the city regarding the changes in the zoning. He doesn't feel that the zone change on 9th Street is going to make it pedestrian-friendly and states, "Other than a few exceptions he doesn't feel like people walk on 9th Street, it's too dangerous." In addition Ratzliff says his business is not conducive to foot traffic. He says, "We sell pool chemicals. You don't see people riding down the street with 50-pound packs of pool chemicals, it doesn't work."

In regards to the zoning change, Ratzliff said he did his homework before he bought the property, he checked with the state, he checked with the county. He states, "I feel like I'm playing pool with my grandpa at Capitol Manor. The rules are set, you find out what the rules are, you try to play the game and then the City changes the rules of the game. He does not concur with the changes and feels it is not fair after the investment he has made in his property and feels the property owners should be involved in suggesting changes. He feels this is a taking issue and will remove the visibility of his business and he needs access to his business.

Commissioner Panknin-Wirth said the process has been going on for almost three years and the City has tried to involve all the interested groups in the City with ads in the paper and a large outreach process. She explained the process that mandates the review every ten years by the state.

The Chair also explained the workshops that will be taking place with the City Council during October and encouraged Mr. Ratzliff to participate in those workshops.

E. Neutral Testimony:

1. Bruce Hecht is currently working on a co-housing project and explained the co-housing concept of home ownership with shared common areas and usually shared meals with 20-30 households. The lot size is about 1-2 acres and the density is such that it encourages interaction between the homeowners. It is a type of community group. The RS-6 zone is marginal to support the concept and he said they would like to see this type of housing in RS3.5 zoning. He previously submitted written testimony to the Technical Review Committee with some suggestions concerning the co-housing section.

Commissioner York said it sounds like this would fit in a RS-12 zone better than RS-6 zone.

2. Rana Foster, SW Brooklane Drive, addressed 2.5.40.04 Review Criteria for Planned Development and the natural features section pertaining to significant and asked if there is a definition for significant and suggested another word as "significant" is not definitive. The PD section now is site specific and the agencies involved with review are not able to look at the overall hydrology of an area. She asked that flexibility and connectivity in the natural areas be encouraged in the new Code. Currently only wetland species are identified and the native species are not required to be identified and the recent Timberhill hearing is an example. She supports the previous testimony of Mr. Howell.

3. Tony Howell, 2030 deBord Street, addressed the memo he submitted and said he could answer any questions. He said related to Foster's testimony and the natural features issue, is just having some kind of bridge until this inventory section is finished, to have the developers provide their own inventory, but currently there is not much

direction on how to accomplish this inventory. The community expectation is to go beyond that and some guidance is needed.

The compatibility review criteria should be included as applicable as some are not included in each section. He suggested a language change to state "demonstrate compatibility - as applicable"....A DEQ permit, for example, does not review compatibility and the community is expected to do this. This could be a footnote as a reminder. He would like to emphasize the statement in the conditional development purposes statement that says "permit uses when potential adverse effects can be mitigated."

He addressed several sections of his written testimony including adequate information for annexations, MUG clarification of use and matching the neighborhood use.

E Close the Public Hearing:

Commissioner Bailey moved to close the public hearing, the motion was seconded and carried unanimously.

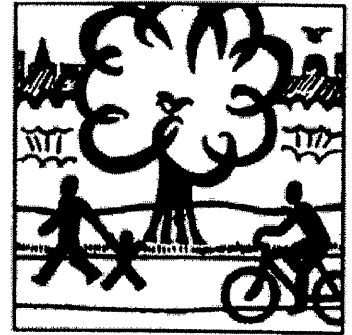
The Chair noted the Commission will deliberate on this matter on Wednesday, September 13 in the Fire Station Meeting Room. Written testimony can be submitted to the Planning Office until 5 p.m., Monday, September 11, 2000.

Commissioner Bailey asked for this to be structured in some manner so it can be handled efficiently. Commissioner York would like information on the planned development process that would be available to applicants that have property on 9th Street for example. The Commissions are encouraged to call or e-mail staff with any additional questions.

The meeting was adjourned at 11:00 p.m.

August 28, 2000

TO READERS OF THE LAND DEVELOPMENT CODE UPDATE STAFF REPORT:



The enclosed staff report contains detailed information regarding proposed changes to Corvallis' land use regulations and land use maps. The Planning Commission will be reviewing these proposed changes at a public hearing on September 6, 2000 at 7:00 PM in the Downtown Fire Station. You are encouraged to provide oral or written testimony to the Planning Commission. For some tips on providing effective public testimony, refer to the enclosed brochure.

There is a lot of information in the staff report, so this overview may help you get oriented.

TO REVIEW:	ATTACHMENT:	ASSOCIATED STAFF REPORT SECTION:
Proposed Changes to the Land Development Code Text...	Attachment P - Draft "B" (at end of document). Proposed deletions from the existing text are shown as crossed out. Proposed new text is shaded. Some entirely new chapters are identified as such.	White section
Proposed Changes to the Land Development Code Map...	Attachment A - Enclosed "Draft Proposed Zoning & Comprehensive Plan Map Changes" Map	Yellow section
Proposed Changes to the Comprehensive Plan Text...	Attachment D - Proposed Corrections to Article 40	Salmon section
Proposed Changes to the Comprehensive Plan Map...	Attachment A - Enclosed "Draft Proposed Zoning & Comprehensive Plan Map Changes" Map	Salmon section
How Changes are Intended to Address Statewide Planning Goals...		Green section

The Land Development Code is itself divided into the following four sections. Depending on your

interests, you may want to focus on specific sections:

Article I: General Provisions (Green Section of Draft B)

Describes decision-maker responsibilities, legal and enforcement provisions, and provides definitions that are referred to throughout the Code.

Article II: Administrative Procedures (Yellow Section of Draft B)

Contains procedures and criteria for land use actions that require the application of at least some discretion in approval.

Article III: Development Zones (Blue Section of Draft B)

All zones describe what land uses are allowed in the zone, corresponding approval processes (e.g. whether a particular use is allowed "outright" or must be evaluated at a public hearing), and specific development standards for that zone (e.g. lot sizes, building height, setbacks).

Article IV: Development Standards (Orange Section of Draft B)

Contains additional development requirements for items such as parking, landscaping, signs.

The Public Hearing Schedule and Process:

The proposed text and map changes must be reviewed and approved by the Planning Commission and the City Council at separate public hearings. The following meetings are scheduled:

September 6,	7:00 PM	Planning Commission Public Hearing
September 13,	7:00 PM	Additional Planning Commission Public Hearing, if Needed
October 10, 12, 17, 19, 24, & 26	5:30 PM	City Council Work Sessions
November 20,	7:00 PM	City Council Public Hearing
December 4,	7:00 PM	Additional City Council Public Hearing, if Needed

*The October 24th work session will take place in the Community Room of the Majestic Theater, 115 SW 2nd Street (upstairs). All other meetings will take place in the Downtown Fire Station, 400 NW Harrison Boulevard.

After the Planning Commission public hearing(s) and deliberations, the Planning Commission will be forwarding recommendations on the Code and Map changes to the City Council. The City Council will review the proposed changes at the October work sessions. At the City Council public hearing(s), the Council will be making a final decision regarding the proposed Code and Map changes.

PLEASE CONTACT US WITH ANY QUESTIONS!

To confirm meeting dates, times, or locations, or to ask any other questions, please contact the City's Planning Division at 766-6908 or send an e-mail to: planning@ci.corvallis.or.us.

WHY ARE THE CHANGES BEING PROPOSED?

State of Oregon land use laws require all cities to develop land use policies and regulations that address statewide planning goals. The City's primary land use planning documents are the Comprehensive Plan and the Land Development Code. The Land Development Code is sometimes referred to as a Zoning Ordinance or simply "the Code." The State requires all cities to periodically update these planning documents through a process called "Periodic Review."

The Comprehensive Plan contains land use policies that apply to the area within the Corvallis Urban Growth Boundary. The Comprehensive Plan is organized by sections that correspond to the statewide planning goals. The Comprehensive Plan Map contains land use categories, or "designations," that apply to lands within the Corvallis Urban Growth Boundary. Within the City Limits, these policies are implemented by the City's Zoning Map. For example, an area may be shown as subject to the "Low Density Residential" land use designation on the Comprehensive Plan Map. On the Zoning Map, there are three Low Density Residential zones (RS-3.5, RS-5 and RS-6) that implement this Comprehensive Plan designation.

The Comprehensive Plan and Map were updated through a two-year, citizen-based public process that started with an update to the City's Vision Statement, and resulted in the City's current 2020 Vision Statement. The Vision Update was then followed by work that included many citizen work groups and resulted in changes to the policies of the Comprehensive Plan and changes to many land use designations on the Comprehensive Plan Map. The revised Comprehensive Plan and Map were approved by the State in June, 2000.

The Comprehensive Plan and the 2020 Vision Statement are available in the Library or on the City's web site:
www.ci.corvallis.or.us/cd/publications.html.

As part of the mandated Periodic Review process, the City is required to update its Land Development Code and Zoning Map to implement the newly adopted policies of the Comprehensive Plan and newly adopted land use designations of the Comprehensive Plan Map. The proposed changes described in the staff report are intended to accomplish this.*

The current proposed Code changes were developed as part of a 1½-year long public process that included review by two technical review groups (consisting of City Councilors, Planning Commissioners, and citizens), as well as numerous open houses, targeted stakeholder meetings, and other public meetings. Information regarding the development of the proposed changes has been widely publicized over the last 1½ years via status reports within the City Newsletter, ads in the Gazette Times, information on the City's web site, and mailed notices.

*Next year, the City expects to begin work on a second phase of the Land Development Code Update effort to implement natural resource-related policies in the Comprehensive Plan.

Major Themes of the New Comprehensive Plan and the Proposed Code:

- **"Comprehensive Neighborhoods:"**

As described in the Comprehensive Plan, "comprehensive neighborhoods" are considered to be primarily residential areas that offer a range of uses for the daily needs and activities of residents within easy walking distance of the residences. Comprehensive neighborhoods contain a variety of housing types at densities that can support appropriately-scaled commercial development and public transportation.

- **Opportunities for Mixed Use Development:**

For the most part, the City's current zoning requires the separation of residential, commercial, and industrial uses. The new proposed Code and Map includes several new zones to provide opportunities for mixed use development. For example, several new mixed use commercial zones allow for some residential and industrial uses along with the predominant commercial uses. The proposed development standards for these new zones are intended to provide for compatibility between the uses.

- **Pedestrian-Oriented Development:**

Many of the new proposed Code standards are intended to provide for more pleasant, convenient, and efficient walking environments.

SOME HIGHLIGHTED PROPOSED CODE AND MAP CHANGES:

- Increase in allowed housing types in residential zones, particularly in Low Density Residential zones.
- Decrease in minimum lot sizes and setbacks in residential zones.
- New requirement for varied housing/building types and lot sizes in the residential zones;
- Development of new Mixed Use Residential zone.
- Development of new pedestrian oriented design standards for residential, commercial, and some industrial types of development.
- New requirement for garages to be located behind the front facade of homes or otherwise minimized - nine specific options are provided to comply with this requirement.
- Replacement of most existing commercial zones with a hierarchy of new commercial zones that allow for the opportunity of mixed use development.
- Introduction of a requirement for buildings to be oriented to streets, with parking located to the rear of the buildings (and to the side of buildings in cases where parking cannot be accommodated to the rear).
- Introduction of requirements to emphasize pedestrian -friendly atmospheres and prohibit vehicular circulation between buildings and the streets to which they are oriented (except for fuel sales, car washes, etc.).
- Reduction of setbacks between commercial buildings and streets.
- Development of new Limited Industrial-Office and Mixed use Transitional industrial zones.

PROPOSED ZONING MAP CHANGES:

Residential Zones	<ul style="list-style-type: none"> • <i>New Mixed Use Residential (MUR) Zone (applied to some properties in West Corvallis)</i>
Commercial Zones Note: In many instances, an existing commercial zone that is being eliminated may be replaced by either Neighborhood Center (NC - Minor or Major), Mixed Use Community Shopping (MUCS), or Mixed Use General Commercial (MUGC).	<p><u><i>Commercial Zones Proposed to be Eliminated:</i></u></p> <ul style="list-style-type: none"> • <i>Eliminate Shopping Area (SA) Zone (May be replaced by Neighborhood Center (NC), Mixed Use Community Shopping (MUCS), or Mixed Use General Commercial (MUGC) Zones)</i> • <i>Eliminate Shopping Area - University (SA-U) Zone (Replaced by Minor NC Zone)</i> • <i>Eliminate Special Shopping District (SSD) Zone (Replaced by MUCS Zone)</i> • <i>Eliminate Community Shopping (CS) Zone (May be replaced by NC, MUCS & MUGC Zones)</i> • <i>Eliminate Linear Commercial (LC) Zone (May be replaced by NC, MUCS, & MUGC Zones)</i> • <i>Eliminate Mixed Use Commercial (MUC) Zone (May be replaced by NC, MUCS, & MUGC Zones)</i> • <i>Eliminate Regional Shopping Center Zone (not replaced)</i> <p><u><i>Commercial Zones Proposed to Be Added:</i></u></p> <ul style="list-style-type: none"> • <i>New Neighborhood Center (NC) Zone (applied as noted above)</i> • <i>New Mixed Use Community Shopping (MUCS) Zone (applied as noted above)</i> • <i>New Mixed Use General Commercial (MUGC) Zone (applied as noted above)</i> • <i>New Riverfront (RF) Zone (applied downtown on the west side of First Street)</i>
Industrial Zones	<ul style="list-style-type: none"> • <i>New Limited Industrial - Office (LI-O) Zone (applied in South Corvallis, west of HWY 99W)</i> • <i>New Mixed Use Transitional (MUT) Zone (applied to Open Door & Evanite property)</i>

WHEN WOULD THESE CHANGES TAKE EFFECT IF APPROVED?

These proposed changes are legislative items that must be reviewed by both the Planning Commission and the City Council at separate public hearings. As stated above, it is expected that a City Council hearing on these items will occur on November 20 and on December 4, if needed. Final City Council action will follow the public hearing(s). However, the State of Oregon Department of Land Conservation and Development will still need to approve the proposed Code changes before they will be effective. State approval is estimated to occur sometime in early to mid-2001.

Submitted @
9/6/00 P/C Hrg.

September 2, 2000

Corvallis Planning Commission
City Hall
Corvallis, OR 97333

Dear Planning Commission Members:

RE: City of Corvallis Proposal to Establish a Riverfront Zone, Relation to Proposed Benton County Historical Museum on 1st Street

On Wednesday, September 6, 2000, the Corvallis Planning Commission will hold a public hearing to consider a variety of amendments to the Land Development Code. Amongst the amendments is the proposal to establish the RF (Riverfront) Zone. This testimony is being transmitted on behalf of Board of Directors of the Benton County Historical Society. It pertains to our concerns about the zoning proposal as it affects our prospective museum project to be located along 1st Street between Adams and Washington Streets. Our primary concerns are outlined below:

The Riverfront Zone is drafted with commercial occupancy in mind – that is, retail trade with in-structure off-street parking and with the opportunity for upper floor residential use. A museum is permitted in the zone but is not similar to proposed commercial occupancy. This is the case, even though we will not know for some time whether the museum will be built as a stand-alone facility, on a partnership basis with commercial projects or with similar non-profit museums or cultural facilities. Many of the proposed zoning standards do not fit a museum, and are much too strict and prescriptive, even for commercial use. Following is a list of some of the proposed standards in the Riverfront Zone that are too strict, and too precisely written, together with our comments which are shown in **bold face type**.

1. Section 3.15.40.01.b. The building's occupied space must extend to the street property line along at least 75 percent of the property line along the sidewalk. An unlimited setback can be applied to a maximum of 25 percent of the property line when development incorporates enhanced pedestrian spaces and amenities which occupy not less than 100 percent of the additional setback area.

While ultimately we may be able to live with this, if we end up building a stand-alone museum facility, we may wish to have greater setbacks.

2. Section 3.15.40.02.a. Buildings shall be a minimum of three stories in height.

This may be a desirable end result for riverfront properties, but to require this through zoning, or use of the police power for reasons of health and safety, is beyond the scope of zoning. Furthermore, market forces should determine the height of buildings (beyond fire safety concerns). On top of

all of this, we don't know, and won't know for some time if our museum project will be built on a partnership basis, or otherwise. I believe it would be impossible for us to develop a three story, no setback structure without involving other parties.

3. **Section 3.15.40.02.b.** Stepbacks of upper stories are permitted along sidewalks beginning with the third floor. A minimum 3.0 Floor/Area Ratio must be maintained.

See comments for building height above.

4. **Section 3.15.40.04.b.** A minimum of 60 per cent of the building street frontage shall be glass with a maximum sill height above grade of 30 inches and extending no less than 84" above sidewalk grade.

While such a requirement may be appropriate for a commercial operation, it is not for a museum. There has been much concern expressed by museum staff about the amount of glass proposed for our 2nd Street property (the old Copeland Lumber Company building). It is very difficult to design a museum facility with a lot of exterior glass in order to protect exhibits and to provide maximum design flexibility. While the use of glass is appropriate, a 60% requirement is much too high for a museum.

5. **Section 3.15.40.04.c.** Buildings shall have at least one entrance oriented toward each abutting street or sidewalk with the primary entrance oriented toward First Street, Second Street, or an entrance where two streets intersect.

This would require the primary entrance for the museum to be oriented toward First Street with additional entries on Adams and Washington. That may be OK, but must be interpreted in relationship to other requirements.

6. **Section 3.15.40.04.d.** Secondary entrances are required on larger buildings. The distance between a building's entrances cannot exceed 100'.

This is entirely inappropriate for a museum facility, where exterior entrances must be controlled. This would require at least 5 entrances if the entire half block were to be used. The standard is OK for smaller retail operations with limited frontage, but makes no sense for a large museum development.

7. **Section 3.15.60.01.a.** Vehicle entries/exits serving off-street parking facilities shall not be allowed along 1st Street.

This means that any vehicle entry must be from either Adams or Washington Streets. That may be possible but it puts us in an architectural

straightjacket as both those streets have limited frontage. This is compounded by the requirement for primary building entry off 1st Street coupled with the requirements for building entrances every 100 feet. Also read the following section. This also raises a question about the possibility of having a drop-off point on 1st Street for school buses or for anyone desiring or needing entry as close to the front entry as possible.

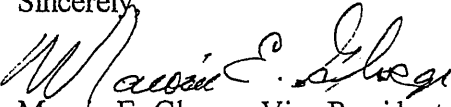
8. **Section 3.15.60.01.c.** Above and/or below ground parking structures shall meet the following design factors:
1. Where parking structures front streets, retail and other uses shall be required along the ground level frontage, except that access entries/exits, when needed, may be located no further east than the first 25-feet immediately east of the alley or vehicle accessway.
 2. Parking structures shall not be visible from any street, and visibility shall be blocked from views along the streets (except down alleys or vehicle accessways) via occupiable building spaces that meet the Riverfront Zone Development Standards.

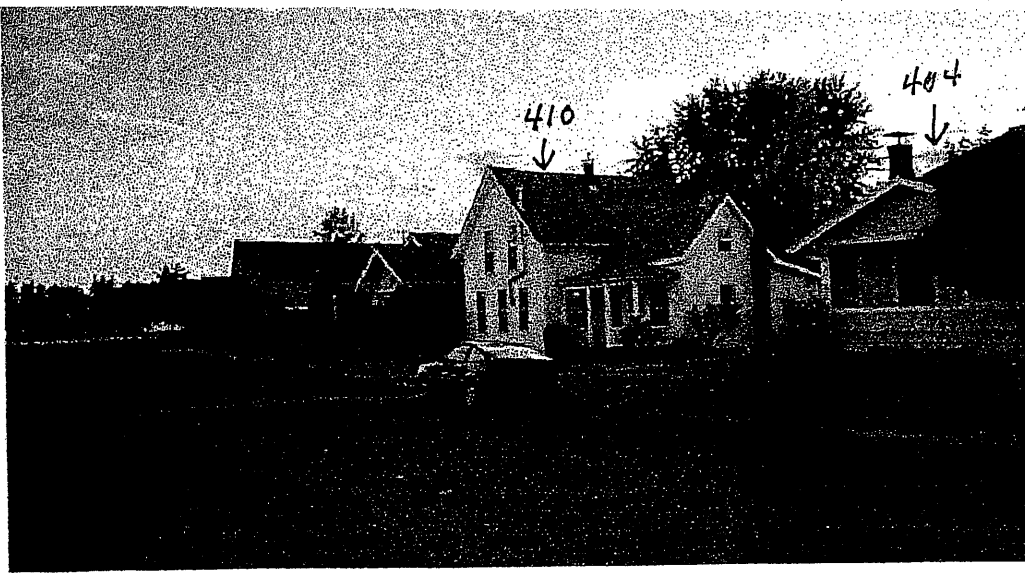
This section further limits location by requiring vehicle entry only in the first 25 feet east of the alley. So now there is primary pedestrian entry on 1st Street; 5 pedestrian entries; no vehicular entry on 1st Street; and vehicular entry only at the east 25' on either Adams or Washington.

9. **Section 3.15.60.02.**

This is the parking requirement. Uses such as Restaurant, Retail, Office, Residential, and Entertainment are listed. However, a museum fits none of these categories, or even combinations of requirements. Therefore, there is no guideline for the museum.

Summary. As mentioned in the introductory comments, the proposed city standards for the Riverfront Zone do not fit a museum. A museum is a unique and special use. It is very difficult to prepare a set of standards for a zone that can be applied to a museum. As is the case with most uses that are classified as conditional (churches, schools, etc.) a museum requires a distinct and special review taking into consideration the unique nature of the facility. The Riverfront Zone is overwritten even for commercial use, and is much too prescriptive and strict for a museum.

Sincerely,

Marvin E. Gloege, Vice President
Board of Directors
Benton County Historical Society
1101 Main Street
Philomath, Oregon 97370



Submitted w 7/6/00 PIC
PROPERTIES AT Hrg.
404 AND 410 SW 9TH



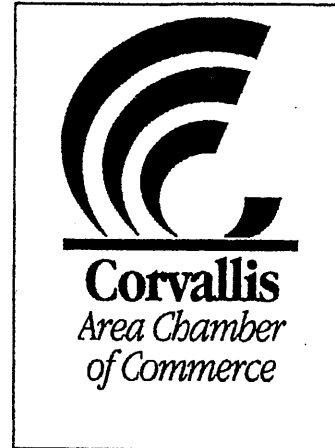
HOUSES ACROSS THE
STREET FROM
404 AND 410 SW 9TH



LOOKING NORTH FROM
404 AND 410 SW 9TH.

Submitted @ 9/6/00
PIC Hrg

Memorandum



To: Planning Commission
From: Business Advocacy Committee
Date: September 6, 2000
RE: Land Development Code –
9th Street Zoning Change: Linear Development to MUCS

While it is the Chamber's belief that community needs and standards for development change over the course of time, and that desirable changes can be effectively encouraged, we wish to remind the Planning Commission that some changes are more beneficial in both the short and long term than others. The new Land Development Code formulated by the Technical Review Groups and City Staff has some positive features, but the Chamber is concerned about the scope of change and concomitant restrictions in several areas. One of the most problematic sections of the new Code deals specifically with the eventual elimination of linear ("strip") type development in favor of "Mixed Use Community Shopping," applied to areas where development is already extensive. This zone change will affect pockets of development throughout the community, but nowhere more profoundly than along the length of 9th Street from Hemlock Ave. to Polk Ave. This area is already highly developed according to earlier planning models and acknowledged by CTRG members as having very little likelihood of becoming a pedestrian amenity (CTRG, April 18, 2000).

Applying the Mixed Use Community Shopping designation to current Linear Commercial zones calls for the eventual complete restructuring of areas long established for particularly kinds of uses by the community at large. Ninth Street is hemmed in by Highway 99W to the east, and some of Corvallis' more affordable housing to the west. It is a major thoroughfare into the downtown and campus areas and has long served the community well for the uses that have developed along this stretch over time. Businesses and property owners have invested heavily in the area with the understanding that no great evolutionary leaps in community planning would undermine property values or their ability to conduct business and serve the community. With the zone change come numerous restrictions not in keeping with the design and use of current development. This situation raises several concerns that the Planning Commission should address.

Section 3.19.40.01 – Use and Building size

The proposed maximum use size (including outdoor sales space) is limited to 7,500 square feet in the MUCS zone and there is a maximum building footprint restriction of 15,000 square feet. We assume the intent of these restrictions is to make “big box” development impossible. We would like to point out, however, that Corvallis has several examples of aesthetically pleasing, desirable business types that are well over 7,500 square feet. Usage over 7,500 square feet does not directly translate into a pedestrian unfriendly, automobile-centered environment. Other factors having to do with location, lifestyle choices, and economics can be said to impact the uses and consequent environment of an area more than individual building size.

Many businesses currently existing along 9th Street will have to be “grandfathered” in and cannot change hands for any other use without partitioning of the space into the designated unit restrictions. Examples include Randy Jones Chevrolet, the OSU Federal Credit Union, Corvallis Auto Parts, Bi-Mart, Office Max, Tum-a-Lum Lumber, Al Hutchinson, and Highland Bowl. While the MUCS re-zoning is meant to eventually make 9th Street a more appealing space, it is actually putting in place major roadblocks to change in the form of disincentives. If, for instance, Randy Jones is never able to sell his car dealership for any other use other than a car dealership without the buyer making major structural changes to the property, the likelihood is that this parcel will remain exactly as it is. Not only does this mean a significant devaluation of Mr. Jones’ property value, but it also will undermine the City’s own efforts to change 9th Street for the better.

Section 3.19.40.03 - Commercial Floor Area Ratio

With this section, the MUCS zone requires that a building occupy 25 to 100% of the lot size. We assume that the intended affect of this rule is to limit parking lot size. Other affects include limitations to a property owner’s ability to provide “pedestrian amenities” required in the Land Development Code, and a disallowance of a property owner putting two or more buildings each occupying less than 25% of the total land on one lot. Making a property owner’s task of meeting code difficult or impossible undermines the viability of the Code as a whole and not allowing more than one building on a lot seems to serve no purpose what so ever.

Section 3.19.40.05 – Setbacks

Clearly, the intention of this section is to de-emphasize the car. 9th Street is, unquestionably, a ‘car-oriented’ portion of town in that it is a) already designed to be as such; b) a major access route from North Corvallis to the Downtown and Campus areas; and c) on the eastern most margin of developed Corvallis and, therefore, accessible to most of the population only by automotive means. Putting severe limitations on parking facilities will result in 9th Street ceasing to be a viable commercial area, which will have the further affect of setting up the area for structural and economic decline.

We would also like to point out one of the problems with disallowing parking between buildings and the street, moving parking facilities to the rear of buildings. Along the western side of 9th Street, development is backed up against some of Corvallis’ more affordable housing. Moving parking to the rear will result in traffic patterns decreasing along business frontages on 9th Street proper, and substantially increasing traffic in the residential zones around 10th Street and

Division. This runs counter to the goals in other parts of the Code pertaining to residential areas.

Conclusion

The rezoning of what has been 'linear' development to Mixed Use Community Shopping could have serious ramifications for existing businesses and uses. We urge the Planning Commission to reexamine the MUCS restrictions as they pertain to already developed areas taking into account the realities of location and economics.



245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

* Submitted at
Public Hearing

September 6, 2000

Corvallis Planning Commission
501 SW Madison Avenue
Corvallis, OR 97333

Subject: CPA00-00007
Comprehensive Plan Map Revisions

Dear Commissioners:

We are writing to recommend an additional comprehensive plan map revision. This revision would relocate the proposed neighborhood center study area (Figure 1) in the vicinity of Adams Elementary School, at the 35th/Knollbrook/Country Club intersection, to the West in order to encompass underdeveloped land which would more likely be available for development as a neighborhood center (Figure 2).

We looked at this area in conjunction with our participation in the neighborhood technical review group for the land development code update and recognized the study area as proposed did not include any sizeable readily developable land. To our knowledge, there is no sizeable vacant residential property within the current study area and we would not presume that any of the Western View/Adams Elementary School property would be available in the foreseeable future.

You may recall in the past there was a stand-alone convenience store at the intersection of Knollbrook and 35th. This store was not economically sustainable and has been converted to a duplex residential unit. The vacant properties within the proposed relocated study area are of a size which could potentially accommodate a mix of uses as a planned development as compared to one single commercial use.

The 35th/Knollbrook/Country Club neighborhood would readily be able to access the properties within the relocated study area by using existing pedestrian and bicycle paths (Figure 3). A neighborhood center in the relocated area would also be more accessible to the developing Stoneybrook neighborhood.

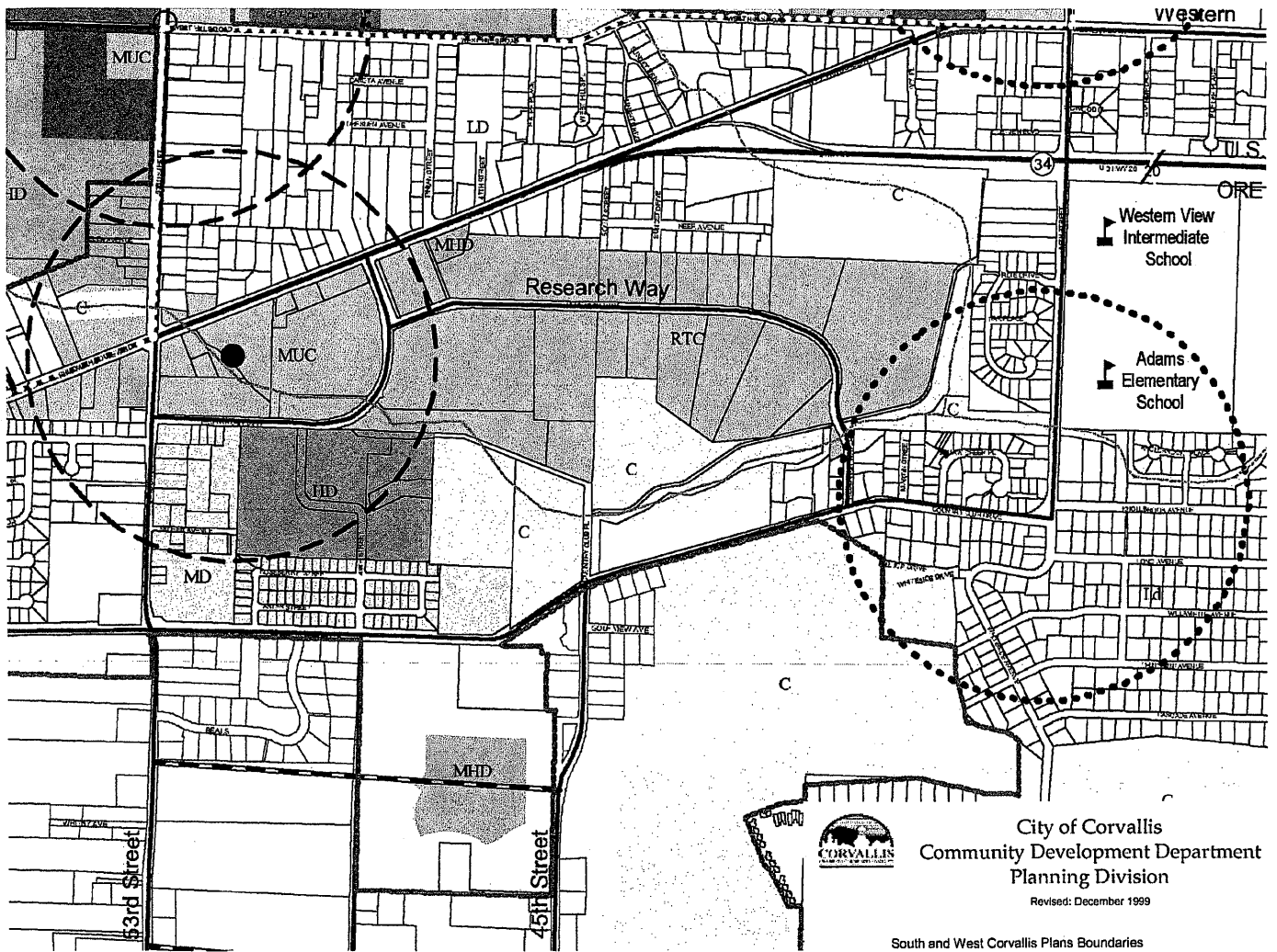
We appreciate your consideration of this recommendation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Lyle Hutchens', written over the typed name.

Lyle Hutchens
Project Manager

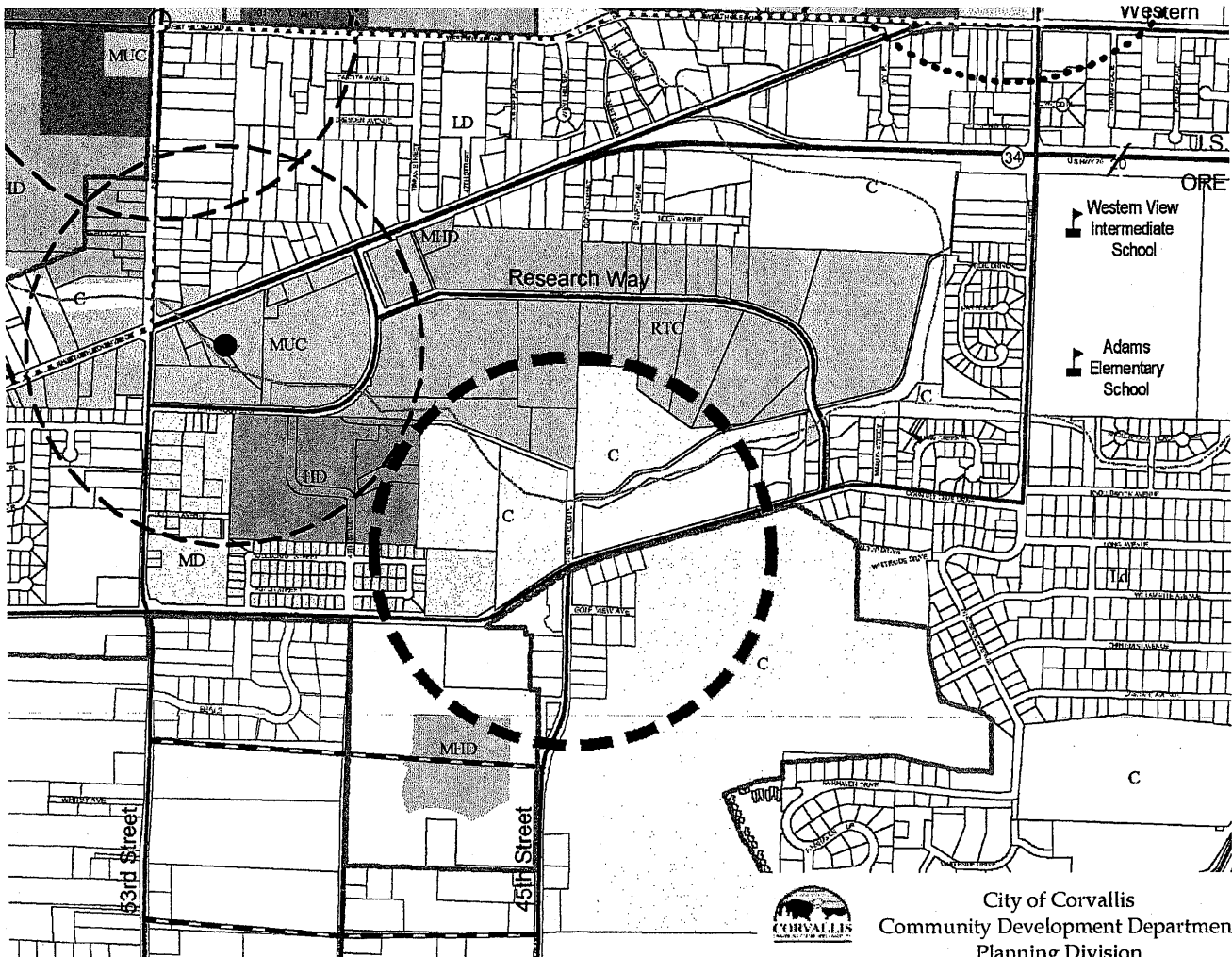
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EXISTING COMPREHENSIVE PLAN DESIGNATIONS

- South and West Corvallis Plans Boundaries
 - City Limits
 - Urban Growth Boundary
 - Parcel Boundaries
 - School
- Transportation Plan Functional Classification System:**
(Approximate Locations)
- Existing Collectors, Arterials, and Arterial Highways
 - Proposed Collectors, Arterials, and Arterial Highways
- Neighborhood Centers:**
NOTE: Circles represent a 1/4-mile distance from Centers. Location of Centers is approximate only.
- Proposed Minor Neighborhood Center
 - Proposed Major Neighborhood Center
 - Proposed Neighborhood Center Study Area
- Comprehensive Plan Designations:**
- LD Residential - Low Density
 - MD Residential - Medium Density
 - MHD Residential - Medium - High Density
 - HD Residential - High Density
 - MUR Mixed Use Residential
 - CBD Central Business District
 - PO Professional Office
 - MUC Mixed Use Commercial
 - IDS Intensive Development Sector
 - LI Limited Industrial
 - LIO Limited Industrial - Office
 - MUE Mixed Use Employment
 - GI General Industrial
 - II Intensive Industrial
 - MUT Mixed Use Transitional
 - RTC Research Technology
 - PI Public Institutional
 - A Open Space - Agriculture
 - C Open Space - Conservation

Figure 01



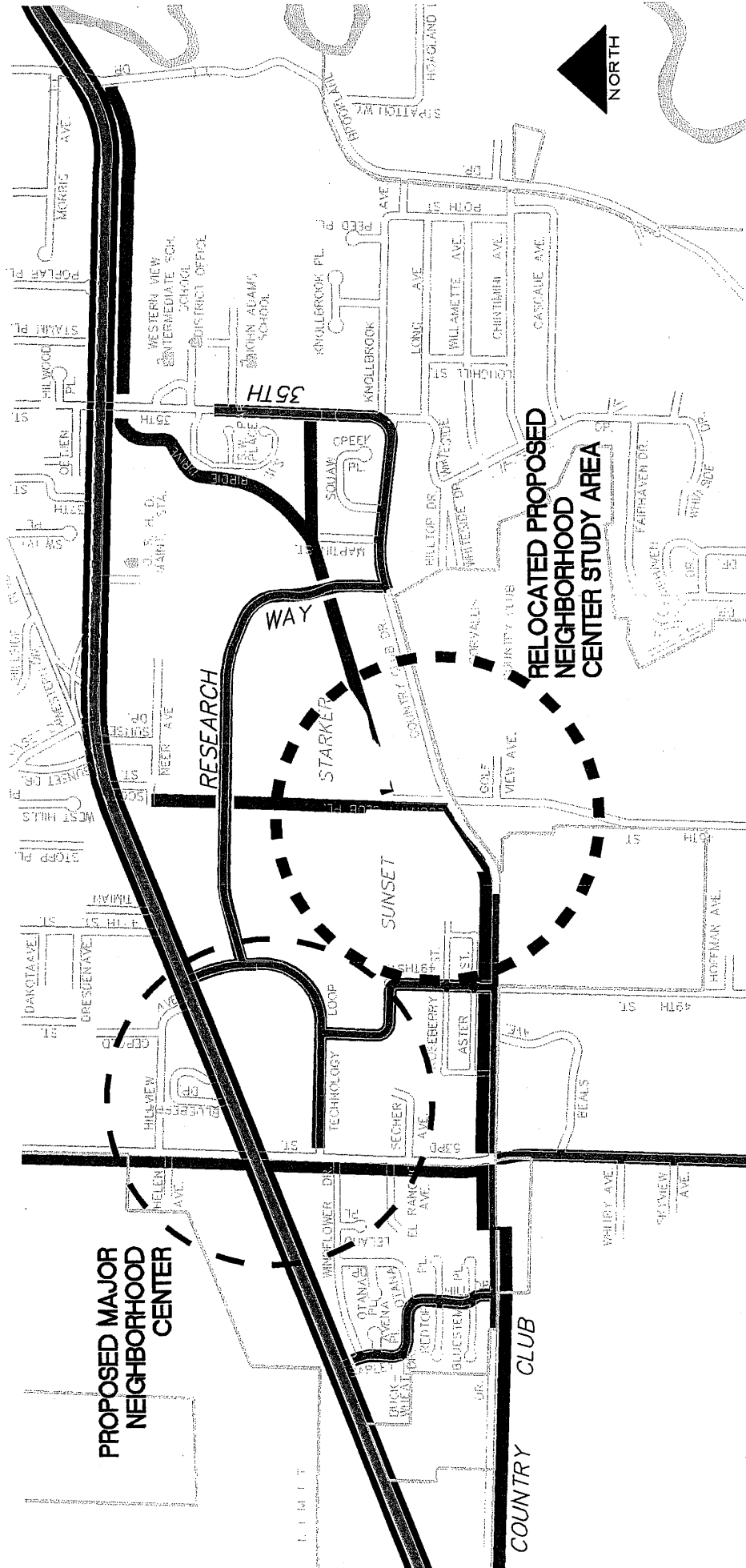
City of Corvallis
Community Development Department
Planning Division

Revised: December 1999

PROPOSED COMPREHENSIVE PLAN MAP REVISION: RELOCATION OF NEIGHBORHOOD CENTER STUDY AREA

- South and West Corvallis Plans Boundaries
- City Limits
- Urban Growth Boundary
- Parcel Boundaries
- School
- Transportation Plan Functional Classification System:**
(Approximate Locations)
- Existing Collectors, Arterials, and Arterial Highways
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- MUE Mixed Use Employment
- GI General Industrial
- II Intensive Industrial
- MUT Mixed Use Transitional
- RTC Research Technology
- PI Public Institutional
- A Open Space - Agriculture
- C Open Space - Conservation

Figure 02

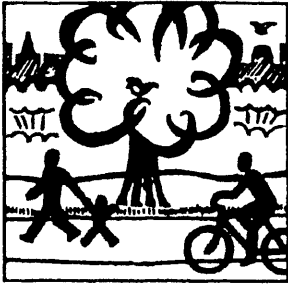


EXISTING PEDESTRIAN AND BICYCLE CONNECTIVITY IN THE VICINITY OF THE RELOCATED NEIGHBORHOOD CENTER STUDY AREA

Figure 03

ATTACHMENT VII

**Supplemental Staff Memo to Planning
Commission dated September 6,
2000 (re: additional testimony)**



LDC UPDATE PROJECT

MEMORANDUM

TO: Planning Commission

FROM: Planning Manager Kelly Schlesener

DATE: September 6, 2000

RE: Additional Written Testimony re: LDT00-00002, CPA00-00007, & ZDC00-00009

Attached is the additional written testimony that was received after the August 25, 2000 staff report to the Planning Commission was released for LDT00-00002, CPA00-00007, & ZDC00-00009.

HARDIN R. GLASCOCK
660 S. W. 56TH ST.
CORVALLIS, OREGON 97333

RECEIVED

AUG 24 2000

8/23/2000
Gov Admin

To: Fred Towne, Associate Planner
Community Development, Planning Division

Thank you for your important letter you sent to me as a West Hills Terrace property owner. Your information is of great value. I doubt if the some 100^{Terrace} owners of single family homes (including myself) have known about the change of all properties in West Hills Terrace in 1998 from low density (RS-3.5) to medium density (RS-9). These owners - most of them - have lived and improved their homes, developing well, for many years. I bought 660 on SW 56th in 1985 and found myself surrounded by "old timers". Which is to say we are fully developed and always repairing and improving. So we all are repellent at the thought of "duplexes" and any "Major" or "Minor" Neighborhood "Center" scattered in our subdivision. And, as you know, any additional ^{access} traffic over and above what we all will suffer starting Sept. 5 and much more in 2001 ^{would} be offensive or intolerable. Unfortunately I will be in Portland on Sept. 6 and cannot attend the Planning Commission's public hearing. It would be a travesty if the Commission should rule that the Corvallis West Hills Terrace is to be other than our low density. Sincerely, -Hardy Glascock

(P.S. Are the real estate dealers pushing for Medium Density here for bucks?)

Meyer Motels

RECEIVED
AUG 28 2000
Comm Dev Admin

City of Corvallis
Att: Katherine Seeburger
P.O. Box 1083
Corvallis, Ore. 97339-1083

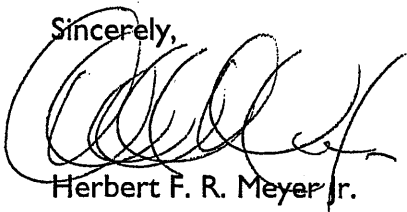
Re: Map: R0901 11535AB 00700 & 00101; 770 NW Cornell Avenue

Dear Katherine,

Meyer Motels, Ltd., owns the vacant parcel behind the Lyon's Restaurant which has access from both NW Ninth and NW Cornell Avenue. After reviewing the documents which you sent to us on behalf of the City of Corvallis as well as the information provided on the Internet, MML requests that this parcel be placed in the designation of Mixed Use General Commercial rather than Mixed Use Community Shopping.

All of our neighbors seem to be requesting the same zoning parameter, 785 NW Cornell, 700 NW Cornell, and 750 NW Cornell. I agree with them in their assessment that our vacant parcel is not compatible with the proposed zoning of Mixed Use Commercial Shopping and should be placed as Mixed Use General Commercial.

Sincerely,



Herbert F. R. Meyer Jr.

President

Meyer Motels, Ltd.

Planning Commission
Corvallis, OR

RECEIVED

SEP 5 2000

Commission Members,

Comm Dev Admin

We request that the Planning Commission confirm the change from RS-20 (High Density Residential) to RS12 (Medium-High Density) for the entire 5 block area between 7th and 11th as originally requested by the Washington-Adams-Jefferson Restoration Committee during the Comprehensive Plan Map Update. This request was discussed, reviewed, and approved as an addition to the Comprehensive Map during an extensive public review by the Mapping Committee, Planning Commission and City Council in 1998-99. To reiterate the main points in our letter (dated September 10, 1998) to the Planning Commission, a number of reasons can be cited for re-zoning this area:

- 1) **Historic Value** The area delineated for re-zoning is composed of uniquely historic homes and is considered one of the oldest neighborhoods in Corvallis. Many of the properties in this area are of similar historic character and value as those properties in adjacent National Historic District (Avery-Helms). There is a growing awareness that older neighborhoods are endangered and should be preserved for their inherent qualities and as visible links to our past.
- 2) **Neighborhood Zoning** Many adjacent blocks are of similar character and are zoned RS12 and RS9. Differential zoning can fragment neighborhoods and create artificial boundaries that historically did not exist.
- 3) **Structural Attributes** Most current building heights, set-backs, lot site coverages, lot widths and areas conform to standards established for RS9 and RS12. The RS20 designation simply does not describe the neighborhood as it exists.
- 4) **Neighborhood Stability** Stability of owner-occupied houses within this area would be enhanced with down-zoning. Many residents have renovated or restored their houses with the expectation that the neighborhood would be maintained or restored. This neighborhood evolved with an intimate connection with downtown Corvallis. We value this connection, and consider that a stable, attractive, and quiet neighborhood benefits the downtown, enhances community activities at Central Park, and more adequately represents the historical connection this neighborhood had with the town.

The request by the property owner to maintain RS20 on two lots (404 and 410 SW 9th) is incompatible with our original goals of maintaining the character and quality of our neighborhood. The obvious intent of the property owner is to eventually demolish or remove two historic houses and build an apartment building. The prevailing foot-print of this block is one- or two-story houses and not compatible with apartment buildings. We believe that this request should be denied and that this entire block be designated RS12. Thank you for your attention!

Sincerely,
Elaine Cull
Michael Pope
Elaine Cull

Michael Pope

W I L L A M E T T E V A L L E Y P L A N N I N G

September 1, 2000

Corvallis Planning Commission
Corvallis Planning Division
501 SW Madison Avenue
Corvallis, OR 97330

RECEIVED
SEP 1 2000
Comm Dev Admin

Subject: Dasteur Property Zone Change

Dear Planning Commissioner's:

On behalf of Mr. & Mrs. Dasteur, they have asked that I assist them in requesting a zone change for their property along Philomath Boulevard. The Dasteur's own three adjacent parcels along Philomath Boulevard (Tax lot 1000, 1600, and 1700). As noted on Attachment A, tax lot 1600 is designated Mixed use Commercial (MUC), while tax lots 1000 and 1700 are designated Low Density Residential (RS-5). The Dasteur's feel that their residential land adjacent to the state highway and a commercial area is better suited to more intensive development. As a result, they would like to request the Planning Commission consider redesignating the zoning on their property from Low Density Residential (RS-5) to Mixed Use Residential (MUR), Attachment B. If the Planning Commission supports this request, then the Dasteur's would ask that the Comprehensive Plan designations for these two residential properties be changed to Medium High Residential.

The 1998 Buildable Lands Inventory identifies a deficit of higher density residential lands. Specifically, a 20-acre shortage of medium high density lands and a 5 acre shortage of high density lands. At the same time, the inventory identifies a 3,438 acre surplus of low density residential lands. The zone changes being considered by the Planning Commission as part of periodic review further exacerbate the shortage by removing 61-acres of RS-12 land and 24-acres of RS-20 land and convert it to other designations. Our request would help satisfy the deficit of higher density residential lands, and at the same time help reduce the surplus of low density residential lands.

The MUR zone is being established to increase housing opportunities in close proximity to commercial zones. In fact, it can only be applied to properties that are contiguous with commercial land. It is intended for multi-family housing at densities high enough to support the surrounding commercial uses and to encourage convenient access to nearby residents. The new MUR zone is being applied to 18.7 acres of land in Corvallis, specifically around the new neighborhood centers along 53rd Street at Harrison Boulevard and West Hills Road. Our request will provide higher density housing adjacent to a commercial area, and will also help provide transitional housing between the intensive commercial area and the surrounding low density residential lands.

The following Comprehensive Plan Policies are applicable criteria for this request:

11.6.6 Safe and convenient pedestrian facilities that minimize travel distance shall be provided by new development within and between new subdivisions, planned developments, shopping centers, industrial parks, residential areas, transit stops, and neighborhood activity centers such as schools, parks, and shopping.

Locating residents in close proximity to commercial uses provides them with opportunities to walk and also makes commercial uses more viable with a supply of nearby customers.

11.7.2 The City of Corvallis shall cooperate with neighboring jurisdictions to provide a regional transportation system which facilitates convenient, energy efficient travel. This shall address the needs of persons who, for whatever reason, do not use private automobiles.

Locating residents in close proximity to commercial uses makes them less reliant on the automobile for obtaining food and basic necessities. Corvallis Transit Service Route 3 currently serves this area with bus service along 53rd Street at Philomath Boulevard. In addition, the new Philomath Connection runs by 53rd Street and Philomath Boulevard, providing opportunities for riders to go to either Corvallis or Philomath.

11.7.7 The City should seek appropriate opportunities for increasing residential density and providing industrial and commercial development along existing and proposed transit routes.

As mentioned previously, two bus routes stop at 53rd Street and Philomath Boulevard. Increasing residential density in this area is consistent with Policy 11.7.7.

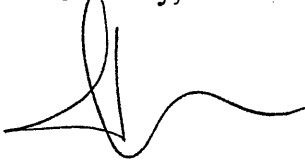
13.12.3 The City shall foster compact development and conserve open space by maintaining its Urban Growth Boundary consistent with the findings of the Buildable Lands Inventory and Land Need Analysis for Corvallis (1998).

Increasing density within the existing City limits reduces the need to annex additional lands and ensures preservation of the Urban Growth Boundary, consistent with Policy 13.12.3.

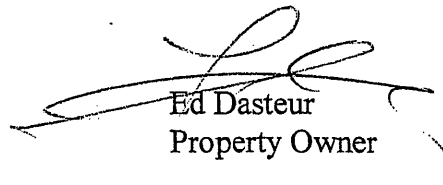
We appreciate all the hard work the Planning Commission and volunteers have put into updating the Land Development Code, and feel our requested change in land use is consistent with the Comprehensive Plan and Draft A of the Land Development Code.

Thank you for your time and consideration.

Sincerely,

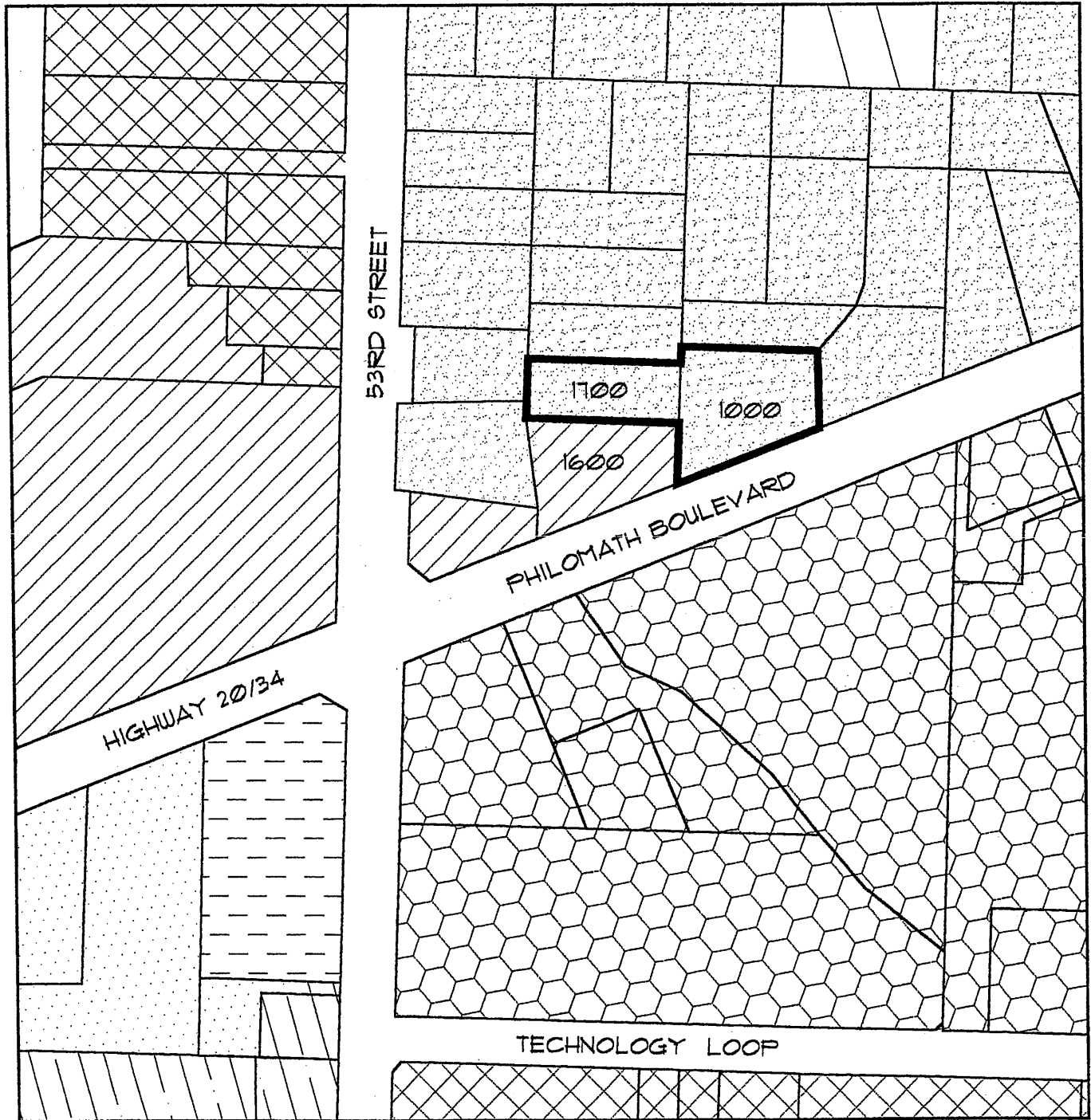





David J. Dodson, AICP
Willamette Valley Planning






Ed Dasteur
Property Owner

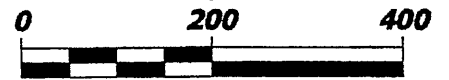
EXISTING ZONING



-  Subject Property
-  Zoned RS-3.5
-  Zoned R-S5

-  Zoned RS-9
-  Zoned RS-12
-  Zoned CS

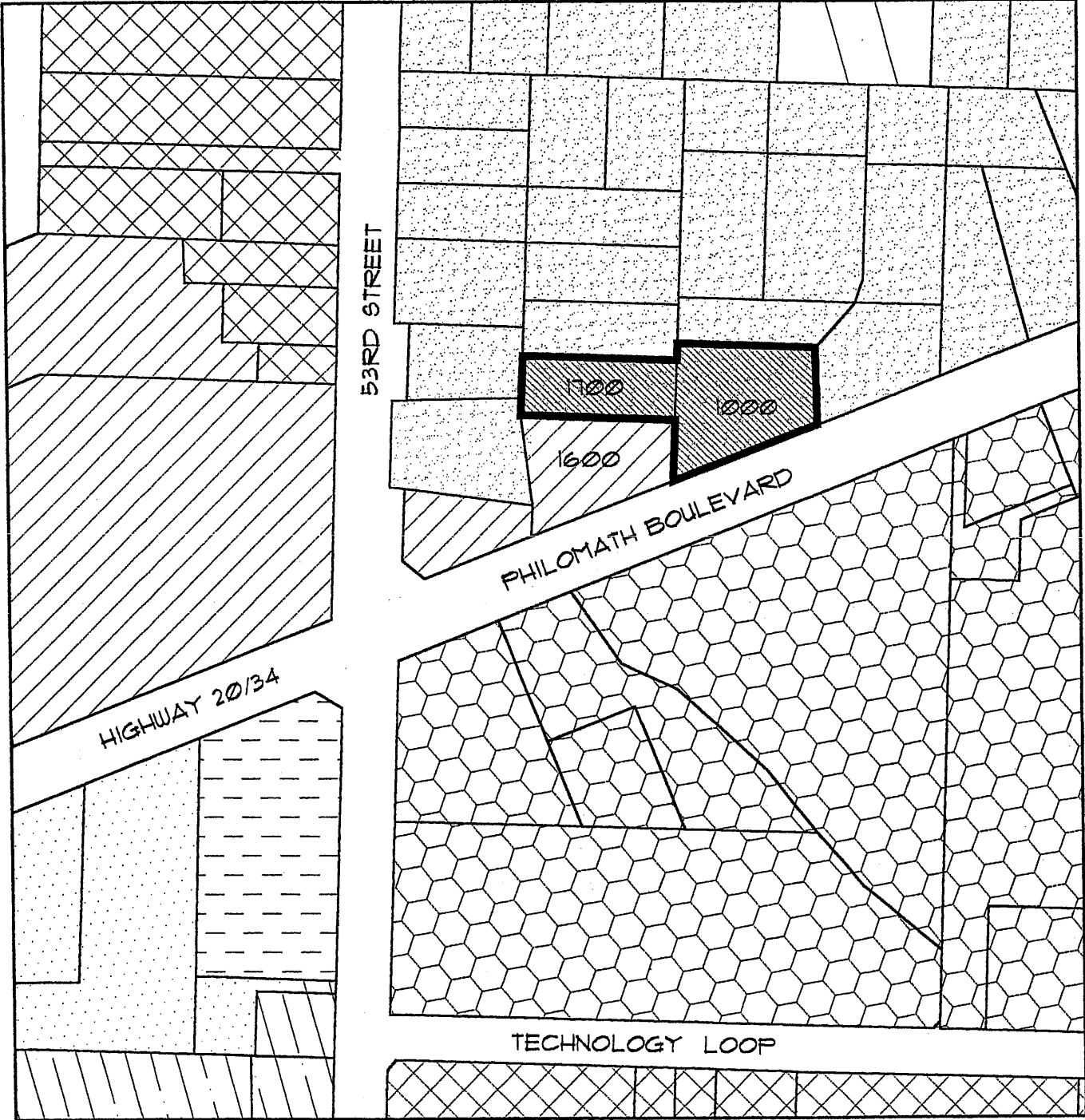
-  Zoned SA







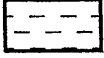
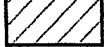
Scale: 1" = 200'



ATTACHMENT A

REQUESTED ZONE CHANGE



-  Subject Property
-  Zoned RS-3.5
-  Zoned R-S5

-  Zoned R-S9
-  Zoned RS-12
-  Zoned CS

-  Zoned SA
-  Proposed MUR



Scale: 1" = 200'

ATTACHMENT B

8

MEMORANDUM

To: Planning Commission
From: Tony Howell *Tony*
Subject: Suggested modifications to LDC Draft B
Date: September 5, 2000

RECEIVED
SEP 5 2000
Comm Dev Admin

Compatibility Review Criteria (see p. 2.3-8 for example)

These criteria appear in multiple chapters, but the list is not consistent. For example, the new language regarding preservation/protection of significant natural features appears in the review criteria for a district/zone change, but not for a Comp Plan map change. I like the new language in the expanded list, and recommend that it be consistent across all chapters (including Chapters 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 2.7, 2.8, 2.9, and 2.12). It also seems appropriate to add it to Chapter 2.13 (Plan Compatibility Review), since it is no less subjective than 2.13.30.05b and covers more aspects of what needs to be reviewed.

The biggest remaining weakness in the usefulness of this list is the mushiness of the language preceding the list. If we are to rely on this list as actual compatibility criteria, then I strongly recommend a change similar to the following:

Requests for [Conditional Developments, etc] shall be reviewed to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, ~~the following compatibility factors shall be considered~~ the application shall demonstrate compatibility in the following areas:

A change is also needed to Item *k* on the expanded list, to read: *Effects on air and water quality* (~~note: a DEQ permit is not sufficient to meet this criterion~~). I have seen decision-makers in the past assume that the DEQ evaluates compatibility in its permitting process, when it actually relies on the local jurisdiction to evaluate how the use impacts surrounding land uses and provide DEQ with a Land Use Compatibility Statement.

Chapter 2.3: Conditional Development

Section 2.3.20 Purposes (p. 2.3-1): Delete Item *d*. It is already stated in the Background section, and is adequately covered by Item *c*. It shifts the emphasis of this process from ensuring compatibility to mitigating incompatibility.

Section 2.3.30.01.b.5 Significant Natural Features Maps (p. 2.3-3): Items *b* and *c* dealing with significant plant and wildlife are inadequate. Significant specimen plants are covered, but Chapter 4.2 does not address how to evaluate or describe significant plant *communities*, as required by the Comp Plan. In addition, our intent in the Comp Plan was not to limit significant plants and wildlife to endangered or threatened species. I

would be happy to assist in re-writing this section, as well as the section of Chapter 4.2 dealing with this topic.

Chapter 2.6: Annexations

Section 2.6.30.03 – Application Requirements (p. 2.6-5): Add the following to Subsection b.13 to read: *General land use plan that illustrates the following, at a minimum, in sufficient detail to apply the Review Criteria (Section 2.6.30.06)*: This would put the burden on the applicant to provide adequate information to evaluate more problematic or complicated situations (such as Furtick), without requiring it of all applicants.

Chapter 3.20: Mixed Use General Commercial (MUGC) Zone

Rumor has it that a number of commercial uses that weren't envisioned for the MUGC are expressing an interest in this zone, I assume in order to avoid pedestrian orientation standards and footprint maximums. I envision this zone for uses that do not fit in neighborhood centers, because of their requirements for outdoor storage (auto sales, large nurseries, bulk landscaping supplies, lumber yards) or because of their non-retail nature (mini-warehouses, fleet storage, industrial laundries, funeral services). The CTRG debated about inclusion of some variations of these uses, such as Home Depot, which has characteristics of other large Major Neighborhood Center uses (BiMart), but also has lumber yard characteristics. In the end, Construction Sales & Service was allowed as a whole. However, it is important that we do not set up a situation where we incrementally add any other commercial use that doesn't like our other zones.

One method for this is to tighten up the Purpose statement (Section 3.2.10). The following changes might help with this:

The Mixed Use General Commercial (MUGC) Zone implements the Mixed Use Commercial Comprehensive Plan designation in areas located outside the Mixed Use Neighborhood Center Zone and the Mixed Use Community Shopping Zone. It is intended to provide areas for those commercial and related services and businesses that generally require structures, parking facilities, extensive outside storage, are non-retail or have and other characteristics with less pedestrian orientation than intended for other commercial zones. Site and building design within the MUGC is intended to comply with pedestrian-oriented and human-scale policies of the Comprehensive Plan, while recognizing and providing for the functional needs of uses that are less dependent on uses that may conflict with the pedestrian access and character of the other commercial zones.

This would focus on uses that conflict with other commercial zones, rather than uses coming forward and arguing that they have *functional needs* for being outside a neighborhood center (K-Mart, Walmart, Costco).

In addition, I think we have to set a limit on building footprint, in order to avoid a rush of big boxes looking for a loophole. In order to not undermine the Major Neighborhood Center, I would recommend the same limit of 55,000 sq. ft. (Section 3.20.40.01). My

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recollection is the CTRG recommended this. (It is important to remember that pedestrian-scale buildings are not just for customers, but also to support pedestrian commuting through or around a site to other destinations.)

Chapter 3.21: Mixed Use Transitional

An oft-repeated response to my earlier suggested revision was to question why I did not feel the Conditional Development process was enough protection to ensure that incompatible uses would not be re-introduced to this zone after it had transitioned to new uses. Well, I have taken that to heart. The changes noted above under **Compatibility Review Criteria** would meet most, although not all, of my concerns by giving the Review Criteria more teeth.

Chapter 4.2: Landscaping, Buffering, Screening, & Lighting

Section 4.2.20 – General Provisions (p. 4.2-2): As noted above, Subsection a is inadequate for giving an applicant direction on how to provide an inventory of significant plant *communities*, as required by the Comp Plan, or for providing an inventory of other significant natural features (even though it is referenced elsewhere as providing that guidance). I would recommend taking this out of this chapter (as it is not really related to landscaping), and placing natural features inventories and standards in their own chapter.

I realize more work will be done on this in Phase 2, but my recollection of an earlier Council discussion was that we could provide a framework for an applicant to provide an inventory and evaluate significance. Some of the Open Space criteria may be helpful. I would be willing to work on this with others to have ready for the Council work sessions.

SEP 6 2000

John W. Foster

Comm Dev Admin

Telephone (541) 754-3052
Jwformat@teleport.com1205 NW Fernwood Circle
Corvallis, Oregon, 97330

Memorandum for the Planning Commission

I urge the Planning Commission to approve the draft Land Development Code without major changes.

The draft code is consistent with the Vision Statement and the Comprehensive Plan, but within the limits imposed by these documents the working groups have adopted many suggestions of citizens-- including builders.

According to its critics, the new code will lead to a more crowded city with smaller houses and yards and it will put new restrictions on what a person can do with his property. It will change the character of Corvallis from a city of single family detached houses into one of crowded duplexes and apartments.

To some degree, these charges are true. Nevertheless, I believe the city that will be produced by the draft code is preferable to the city that would develop without it.

Some argue that the real problem is growth, and the only real solution is to stop growth. I think this solution is unrealistic. Even if somehow all annexations ceased, we would still have infill and redevelopment, and it is difficult to see how either could be stopped. Without the proposed code, the end result would be a more crowded city without the measures-- particularly the pedestrian friendly provisions-- that tend to soften the effects of growth and crowding. We might well end up with a city split into the crowded areas reserved for students and lower income families, and the "good" parts of town where the better off live.

Most of the criticism of the draft code, however, comes from those who believe that growth will be beneficial. Basically, the argument runs that Corvallis has become a very desirable place to live with the present code, and that it will be harmful to change something that works. I believe this is also an unrealistic view.

Growth, particularly by adding more subdivisions of single family houses on large lots will intensify already growing problems in traffic and the provision of services by the city. Growth under past rules could well lead to a greater divide between the new suburbs and the inner city. As long as the market continues to dictate the construction of high priced houses, growth will do little to make affordable housing more available. True, the least desirable housing may be abandoned to those without much money, but deteriorating inner city neighborhoods should not be the solution to affordability. In the end, we will end up with a city much larger in area, more dependent on cars--perhaps Harrison could be widened to six lanes--and much less livable.

Some have stated that the new code will significantly increase building costs and will discourage most development. Both building costs and the pace of development in the city depend on a very complex combination of factors. The new code will discourage certain kinds of development that are probably harmful to the city in the long run, but it may well encourage other kinds. New requirements for construction may be offset by savings due to smaller lots, less need for transportation, and smaller increases in taxes. Data from other cities tends to show that construction costs would not, in fact, increase.

Many people in Corvallis talk about how we don't want to become Salem or Eugene. Corvallis is no longer a small town, it is a growing city--as large as Salem or Eugene in the 1960's--with a city's problems. If we don't adopt the draft code, we will have to be very lucky to end up with a city as livable as Salem or Eugene.

Somes, Judy

From: Dr. Jean Mater [mater@mater.com]
Sent: Wednesday, September 06, 2000 4:13 PM
To: planning@ci.corvallis.or.us
Subject: Comment on proposed Comprehensive Plan Map

To the Corvallis Planning Commission:

I find I am unable to attend the Public Hearing for the Land Development Code on Wednesday, September 6, 2000 and ask that the following concern be entered in the record:

I have been notified that my property on SW Brooklane Drive, just off the East side of the Philomath Blvd, is proposed to be rezoned from RS-3 to RS-5.

In conversation with the Planning Department I understand the purpose is to rezone current low density areas to higher density areas to provide room for more housing.

I wish to list my objections as follows to the rezoning of my property:

1. Most of my acreage is in the flood plain and floodway, not wetlands but floodlands. Approximately 1/3 of my acreage floods every winter. The total acreage floods on an average of every four to five years.
2. Our home was built in recognition of the flood characteristics, with the cement foundation starting at road level. In periods when there is a flood, access to our house is in the floodway.
3. Acknowledging that a building permit might not be issued to additional dwellings which would have to be built in the floodway, rezoning to RS-5 would include these disadvantages:
 - a. Any additional construction would jeopardize our home by increasing the floodway height during major or even minor flooding.
 - b. Including that area in the area for home construction would give an erroneous impression of the area in West Corvallis available for home construction.
 - c. Allowing or encouraging construction of additional homes in this acreage would be a grave disservice to potential homeowners.

For the above reasons I request that my acreage on Brooklane, which is unique to Brook Lane, not be included in the general rezoning from RS-3 to RS-5.

I have photos of the area during normal winter flooding and

14

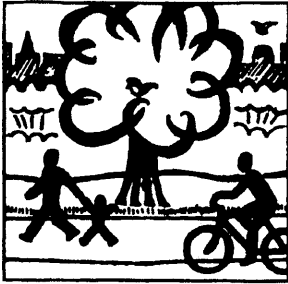
extraordinary
flooding which I would be pleased to make available.

Thank you for the opportunity to comment. I urge your serious
consideration
of my request.

Jean Mater
1415 SW Brooklane Dr.
Corvallis, OR
Phone: 541-753-7944 (home)
541-753-7335 (days)
e-mail: jmater@mater.com

ATTACHMENT VIII

**Supplemental Staff Memo to Planning
Commission dated September 6,
2000 (re: additional discussion
items)**



LDC UPDATE PROJECT

MEMORANDUM

TO: Planning Commission

FROM: Planning Manager Kelly Schlesener

DATE: September 6, 2000

RE: Additional Discussion Items re: LDT00-00002, CPA00-00007, & ZDC00-00009

Attached are some additional discussion items for your convenience. Staff will address these items as part of the verbal staff presentation and you can then refer to them during your deliberations for LDT00-00002, CPA00-00007, & ZDC00-00009.

Definition for "Site"

Site: Any lot or parcel of land or, when involved in a particular development proposal, any combination of contiguous lots or parcels of land.

- o. Maximum Parking Allowed** - No site shall be permitted to provide more than 30 percent in excess of the minimum off-street vehicle parking required by Section 4.1.30 below, except as indicated in "p," below.
- p. Structured Parking Required** - For development with off-street vehicle parking requirements in excess of 200 spaces, all parking in excess of the minimum shall be located in underground or structured parking facilities. In such cases, the parking maximum may be increased to 50 percent in excess of the minimum off-street vehicle parking required by Section 4.1.30 below.

CHAPTER 2.5 PLANNED DEVELOPMENT

Section 2.5.10 - BACKGROUND

Development regulations with pre-stated requirements often frustrate innovation and use of new techniques of project and architectural design that are in the public interest, but were not contemplated when requirements were adopted. It is the intent of this chapter to establish those procedures necessary to permit flexibility in the land development process, allow for better preservation of significant natural features, and/or allow for innovation in site planning and architectural design.

The Planned Development process is established to provide the mechanism for achieving greater flexibility and improved design where the scope of proposed modifications to pre-stated standards exceeds that permitted through a Lot Development Option. A Lot Development Option process allows modifications to required specification standards on an individual lot of record where the objectives of this Code can be met. The procedures for Lot Development Options are identified in Chapter 2.12.

A Planned Development (PD) designation is a zone ~~district~~ overlay that can be applied in conjunction with any other zoning ~~district~~ designation in accordance with the provisions of Chapter 3.32. Although this overlay designation permits modifications to the site development standards of the underlying zone ~~district~~ standards, it does not permit changes in uses specified by the underlying zone ~~district~~, with one two exceptions:

- The Planned Development process may be used to modify a valid (still active) Planned Development in existence (approved) prior to December 31, 2000, in order to add uses permitted by the underlying zone; and
- The Planned Development process may be used to modify the use size limitations contained in Chapter 3.19 MUCS (Mixed Use Community Shopping) Zone.

The procedures of this chapter are applicable when a property owner requests a Planned Development concurrent with a specific project review or on sites where a PD designation exists on the City's Official Development Zoning District Map. A Planned Development project proposal is referred to as a "Detailed Development Plan" and, upon Planning Commission approval, building permits are issued consistent with that plan.

Section 2.5.20 - PURPOSES

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 significant natural features, landscape features and amenities, and utilize such features in a harmonious fashion;

- d. Buildings footprints in excess of 15, 000 ft² existing prior to December 31, 2000, and in conformance with the Land Development Code on that date shall not be classified as nonconforming structures with respect to size. In such structures, change in use from the existing use existing prior to December 31, 2000, and in conformance with the Land Development Code on that date to a use otherwise outright permitted, but for the maximum use size limitation, shall be permitted. Similarly, for interior portions of buildings in excess of 7,500 ft² existing prior to December 31, 2000, and in conformance with the Land Development Code on that date, change in use from the an existing outright permitted use to a use otherwise outright permitted, but for the maximum use size limitation, shall be permitted.

- d. Building footprints in excess of 15, 000 ft² existing prior to December 31, 2000, and in conformance with the Land Development Code on that date shall not be classified as nonconforming structures with respect to size. In such structures, change in use from the use existing prior to December 31, 2000, and in conformance with the Land Development Code on that date to a use otherwise outright permitted, but for the maximum use size limitation, shall be permitted. Similarly, for interior portions of buildings in excess of 7,500 ft² existing prior to December 31, 2000, and in conformance with the Land Development Code on that date, change in use from an existing outright permitted use to a use otherwise outright permitted, but for the maximum use size limitation, shall be permitted.

2.5.40.04 - Review Criteria (Planned Developments)

Requests for approval of a Conceptual Development Plan shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility, pedestrian-orientation, and significant natural feature factors shall be considered:

- a. Compensating benefits for the variations being requested;
- b. Basic site design (the organization of uses on a site and its relationship to neighboring properties);
- c. Visual elements (scale, structural design and form, materials, and so forth);
- d. Noise attenuation;
- e. Noxious ~~o~~ Odors and emissions;
- f. Lighting;
- g. Signage;
- h. Landscaping for buffering and screening;
- i. Traffic Transportation facilities;
- j. Traffic and Effects on off-site parking impacts;
- k. Utility infrastructure;
- l. Effects on air and water quality;
- m. Design equal to or in excess of the types of improvements required by the pedestrian oriented design standards of Chapter 4.10¹;
- n. Preservation and/or protection of significant natural features and wildlife habitat; and
- o. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site.

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Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2000, are allowed pursuant to the requirements of Section 4.10.70.01 - Applicability.

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4.10.70.01- Applicability (PODS)

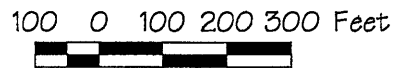
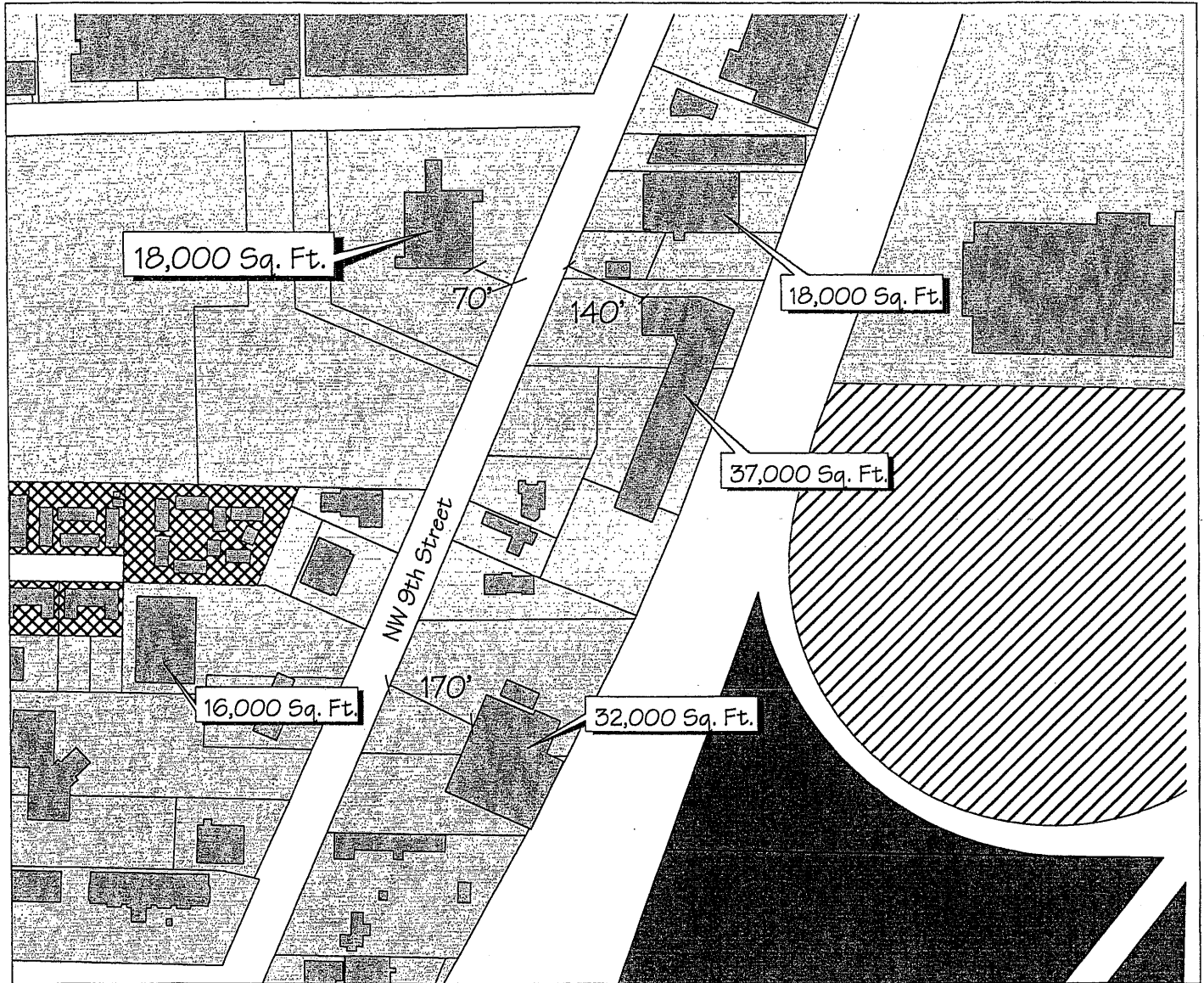
- c. Any independent or cumulative enlargements, extensions, or expansions of structures in existence, and in compliance with the Land Development Code, on December 31, 2000, involving floor area up to 3,000 square feet or 20 percent of the structure's gross floor area, whichever is less, for commercial or civic building types within all zones that make appropriate reference to Section 4.10.70.01.c, shall comply with all of the pedestrian requirements of Sections 4.10.70.02 - 4.10.70.05, except for the following provisions which allow choices among some standards.
1. Must choose at least 2 standards from Section 4.10.70.02 - Building Orientation (this criterion does not apply if the expansion/enlargement is an upper story addition only).

4.10.70.02- Building Orientation

All buildings shall be oriented to public or private streets (see Chapter 4.0 - Improvements Required With Development - for private and public street standards). Buildings on corner parcels shall be oriented to both streets bordering the property. Private streets used to meet this standard must include the elements in Chapter 4.0 - Improvements Required with Development. The street orientation standard is met when all of the following criteria are met:

- a. **Street frontage setback.** At least 50 percent of the building's linear frontage is located within the maximum setback established for the Zone for structures that have street frontage (except as provided elsewhere in this Chapter for development in the NC Zones). *(Note: Need graphics.)*
- b. **Entrances.** All sides that face an adjacent (public or private) street include at least one customer entrance. When the site is adjacent to more than one street, corner entrances at an angle of up to 45 degrees (from the largest of the two adjacent streets) may be substituted for separate entrances on adjacent streets. When the building does not have frontage along an adjacent street, direct pedestrian access to the street may be achieved by a sidewalk or courtyard connecting to a street no further than 100 feet from the building's pedestrian entrance. *(Note: Need graphics.)*
- c. **Parking and vehicle circulation.** Off-street parking or vehicular circulation shall not be placed between buildings and streets used to comply with this standard. Where allowed by the underlying Zone, outdoor vehicle display lots for sale of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motor homes and boat dealers, may be located adjacent to streets. The parking lot perimeter landscaping requirements of Section 4.2.40 shall be met. *(Note: Need graphics)*

MUCS Zone- Example #1

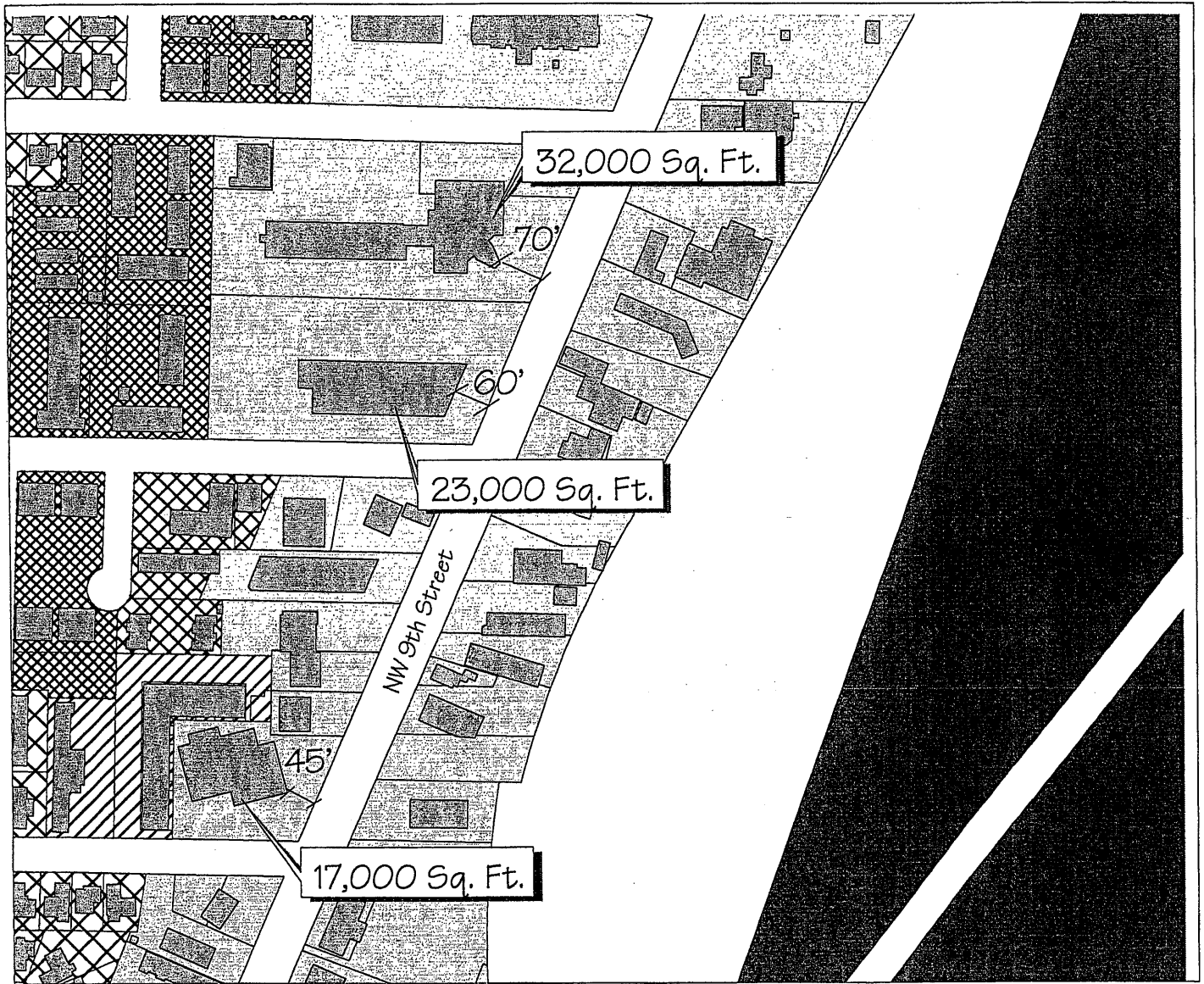


Legend

Development Districts (Zones)

- General Industrial
- High Density Residential
- Mixed Use Community Shopping
- Research Technology Center

MUCS Zone- Example #2



100 0 100 200 300 Feet



Legend

Development Districts (Zones)

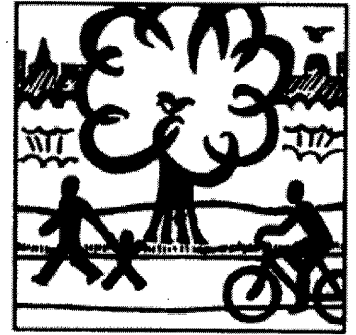
-  General Industrial
-  R5-20
-  R5-9
-  R5-12
-  Mixed Use Community Shopping
-  Professional-Administrative Office



8

August 28, 2000

TO READERS OF THE LAND DEVELOPMENT CODE UPDATE STAFF REPORT:



The enclosed staff report contains detailed information regarding proposed changes to Corvallis' land use regulations and land use maps. The Planning Commission will be reviewing these proposed changes at a public hearing on September 6, 2000 at 7:00 PM in the Downtown Fire Station. You are encouraged to provide oral or written testimony to the Planning Commission. For some tips on providing effective public testimony, refer to the enclosed brochure.

There is a lot of information in the staff report, so this overview may help you get oriented.

TO REVIEW:	ATTACHMENT:	ASSOCIATED STAFF REPORT SECTION:
Proposed Changes to the Land Development Code Text...	Attachment P - Draft "B" (at end of document). Proposed deletions from the existing text are shown as crossed out. Proposed new text is shaded. Some entirely new chapters are identified as such.	White section
Proposed Changes to the Land Development Code Map...	Attachment A - Enclosed "Draft Proposed Zoning & Comprehensive Plan Map Changes" Map	Yellow section
Proposed Changes to the Comprehensive Plan Text...	Attachment D - Proposed Corrections to Article 40	Salmon section
Proposed Changes to the Comprehensive Plan Map...	Attachment A - Enclosed "Draft Proposed Zoning & Comprehensive Plan Map Changes" Map	Salmon section
How Changes are Intended to Address Statewide Planning Goals...		Green section

The Land Development Code is itself divided into the following four sections. Depending on your

interests, you may want to focus on specific sections:

- **Article I: General Provisions (Green Section of Draft B)**
Describes decision-maker responsibilities, legal and enforcement provisions, and provides definitions that are referred to throughout the Code.
- **Article II: Administrative Procedures (Yellow Section of Draft B)**
Contains procedures and criteria for land use actions that require the application of at least some discretion in approval.
- **Article III: Development Zones (Blue Section of Draft B)**
All zones describe what land uses are allowed in the zone, corresponding approval processes (e.g. whether a particular use is allowed "outright" or must be evaluated at a public hearing), and specific development standards for that zone (e.g. lot sizes, building height, setbacks).
- **Article IV: Development Standards (Orange Section of Draft B)**
Contains additional development requirements for items such as parking, landscaping, signs.

The Public Hearing Schedule and Process:

The proposed text and map changes must be reviewed and approved by the Planning Commission and the City Council at separate public hearings. The following meetings are scheduled:

September 6,	7:00 PM	Planning Commission Public Hearing
September 13,	7:00 PM	Additional Planning Commission Public Hearing, if Needed
October 10, 12, 17, 19, 24, & 26	5:30 PM	City Council Work Sessions
November 20,	7:00 PM	City Council Public Hearing
December 4,	7:00 PM	Additional City Council Public Hearing, if Needed

*The October 24th work session will take place in the Community Room of the Majestic Theater, 115 SW 2nd Street (upstairs). All other meetings will take place in the Downtown Fire Station, 400 NW Harrison Boulevard.

After the Planning Commission public hearing(s) and deliberations, the Planning Commission will be forwarding recommendations on the Code and Map changes to the City Council. The City Council will review the proposed changes at the October work sessions. At the City Council public hearing(s), the Council will be making a final decision regarding the proposed Code and Map changes.

PLEASE CONTACT US WITH ANY QUESTIONS!

To confirm meeting dates, times, or locations, or to ask any other questions, please contact the City's Planning Division at 766-6908 or send an e-mail to: planning@ci.corvallis.or.us.

WHY ARE THE CHANGES BEING PROPOSED?

State of Oregon land use laws require all cities to develop land use policies and regulations that address statewide planning goals. The City's primary land use planning documents are the Comprehensive Plan and the Land Development Code. The Land Development Code is sometimes referred to as a Zoning Ordinance or simply "the Code." The State requires all cities to periodically update these planning documents through a process called "Periodic Review."

The Comprehensive Plan contains land use policies that apply to the area within the Corvallis Urban Growth Boundary. The Comprehensive Plan is organized by sections that correspond to the statewide planning goals. The Comprehensive Plan Map contains land use categories, or "designations," that apply to lands within the Corvallis Urban Growth Boundary. Within the City Limits, these policies are implemented by the City's Zoning Map. For example, an area may be shown as subject to the "Low Density Residential" land use designation on the Comprehensive Plan Map. On the Zoning Map, there are three Low Density Residential zones (RS-3.5, RS-5 and RS-6) that implement this Comprehensive Plan designation.

The Comprehensive Plan and Map were updated through a two-year, citizen-based public process that started with an update to the City's Vision Statement, and resulted in the City's current 2020 Vision Statement. The Vision Update was then followed by work that included many citizen work groups and resulted in changes to the policies of the Comprehensive Plan and changes to many land use designations on the Comprehensive Plan Map. The revised Comprehensive Plan and Map were approved by the State in June, 2000.

The Comprehensive Plan and the 2020 Vision Statement are available in the Library or on the City's web site:
www.ci.corvallis.or.us/cd/publications.html.

As part of the mandated Periodic Review process, the City is required to update its Land Development Code and Zoning Map to implement the newly adopted policies of the Comprehensive Plan and newly adopted land use designations of the Comprehensive Plan Map. The proposed changes described in the staff report are intended to accomplish this.*

The current proposed Code changes were developed as part of a 1½-year long public process that included review by two technical review groups (consisting of City Councilors, Planning Commissioners, and citizens), as well as numerous open houses, targeted stakeholder meetings, and other public meetings. Information regarding the development of the proposed changes has been widely publicized over the last 1½ years via status reports within the City Newsletter, ads in the Gazette Times, information on the City's web site, and mailed notices.

*Next year, the City expects to begin work on a second phase of the Land Development Code Update effort to implement natural resource-related policies in the Comprehensive Plan.

Major Themes of the New Comprehensive Plan and the Proposed Code:

- **"Comprehensive Neighborhoods:"**

As described in the Comprehensive Plan, "comprehensive neighborhoods" are considered to be primarily residential areas that offer a range of uses for the daily needs and activities of residents within easy walking distance of the residences. Comprehensive neighborhoods contain a variety of housing types at densities that can support appropriately-scaled commercial development and public transportation.

- **Opportunities for Mixed Use Development:**

For the most part, the City's current zoning requires the separation of residential, commercial, and industrial uses. The new proposed Code and Map includes several new zones to provide opportunities for mixed use development. For example, several new mixed use commercial zones allow for some residential and industrial uses along with the predominant commercial uses. The proposed development standards for these new zones are intended to provide for compatibility between the uses.

- **Pedestrian-Oriented Development:**

Many of the new proposed Code standards are intended to provide for more pleasant, convenient, and efficient walking environments.

SOME HIGHLIGHTED PROPOSED CODE AND MAP CHANGES:

- Increase in allowed housing types in residential zones, particularly in Low Density Residential zones.
- Decrease in minimum lot sizes and setbacks in residential zones.
- New requirement for varied housing/building types and lot sizes in the residential zones;
- Development of new Mixed Use Residential zone.
- Development of new pedestrian oriented design standards for residential, commercial, and some industrial types of development.
- New requirement for garages to be located behind the front facade of homes or otherwise minimized - nine specific options are provided to comply with this requirement.
- Replacement of most existing commercial zones with a hierarchy of new commercial zones that allow for the opportunity of mixed use development.
- Introduction of a requirement for buildings to be oriented to streets, with parking located to the rear of the buildings (and to the side of buildings in cases where parking cannot be accommodated to the rear).
- Introduction of requirements to emphasize pedestrian -friendly atmospheres and prohibit vehicular circulation between buildings and the streets to which they are oriented (except for fuel sales, car washes, etc.).
- Reduction of setbacks between commercial buildings and streets.
- Development of new Limited Industrial-Office and Mixed use Transitional industrial zones.

PROPOSED ZONING MAP CHANGES:

Residential Zones	<ul style="list-style-type: none"> • <i>New Mixed Use Residential (MUR) Zone (applied to some properties in West Corvallis)</i>
Commercial Zones Note: In many instances, an existing commercial zone that is being eliminated may be replaced by either Neighborhood Center (NC - Minor or Major), Mixed Use Community Shopping (MUCS), or Mixed Use General Commercial (MUGC).	<p><u><i>Commercial Zones Proposed to be Eliminated:</i></u></p> <ul style="list-style-type: none"> • <i>Eliminate Shopping Area (SA) Zone (May be replaced by Neighborhood Center (NC), Mixed Use Community Shopping (MUCS), or Mixed Use General Commercial (MUGC) Zones)</i> • <i>Eliminate Shopping Area - University (SA-U) Zone (Replaced by Minor NC Zone)</i> • <i>Eliminate Special Shopping District (SSD) Zone (Replaced by MUCS Zone)</i> • <i>Eliminate Community Shopping (CS) Zone (May be replaced by NC, MUCS & MUGC Zones)</i> • <i>Eliminate Linear Commercial (LC) Zone (May be replaced by NC, MUCS, & MUGC Zones)</i> • <i>Eliminate Mixed Use Commercial (MUC) Zone (May be replaced by NC, MUCS, & MUGC Zones)</i> • <i>Eliminate Regional Shopping Center Zone (not replaced)</i> <p><u><i>Commercial Zones Proposed to Be Added:</i></u></p> <ul style="list-style-type: none"> • <i>New Neighborhood Center (NC) Zone (applied as noted above)</i> • <i>New Mixed Use Community Shopping (MUCS) Zone (applied as noted above)</i> • <i>New Mixed Use General Commercial (MUGC) Zone (applied as noted above)</i> • <i>New Riverfront (RF) Zone (applied downtown on the west side of First Street)</i>
Industrial Zones	<ul style="list-style-type: none"> • <i>New Limited Industrial - Office (LI-O) Zone (applied in South Corvallis, west of HWY 99W)</i> • <i>New Mixed Use Transitional (MUT) Zone (applied to Open Door & Evanite property)</i>

WHEN WOULD THESE CHANGES TAKE EFFECT IF APPROVED?

These proposed changes are legislative items that must be reviewed by both the Planning Commission and the City Council at separate public hearings. As stated above, it is expected that a City Council hearing on these items will occur on November 20 and on December 4, if needed. Final City Council action will follow the public hearing(s). However, the State of Oregon Department of Land Conservation and Development will still need to approve the proposed Code changes before they will be effective. State approval is estimated to occur sometime in early to mid-2001.

Kelly Schlesener, Fred Towne, & Kathy Seeburger – 766-6908

CASE	LAND DEVELOPMENT CODE UPDATE PROJECT (PART OF PERIODIC REVIEW) LDT00-00002, CPA00-00007, and ZDC00-00009
REQUESTS	<ol style="list-style-type: none">1) Legislative Amendment to the Land Development Code to implement the adopted Policies of the Comprehensive Plan and to address inconsistencies and legal issues;2) Comprehensive Plan Map Amendment to make several Map revisions and also make a Text revision to Article 40 to provide descriptions of all Comprehensive Plan land use designations; and3) District (Zoning) Map Change to amend the City's District (Zoning) Map to implement the adopted Comprehensive Plan and Map and to address inconsistencies.
APPLICANT	City of Corvallis
LOCATION	Applies to properties Citywide
PUBLIC COMMENT	12,019 notices were mailed with 12 written comments received as of August 25, 2000
ATTACHMENTS	<ol style="list-style-type: none">A - Draft Proposed Zoning & Comprehensive Plan Map Changes (enclosed map)B - Existing Zoning Map (enclosed map)C - Existing Comprehensive Plan Map (enclosed map)D - Proposed Comprehensive Plan Text Amendments to Article 40E - Table of Comprehensive Plan Map Designations and Corresponding Zones

- F - Tables Outlining Proposed Zone Changes by Acreage
- G - Timberhill Area Mapping Corrections Information
- H - North Campus Area Plan Map
- I - Central Park Neighborhood Association Area Mapping Information
- J - Legal Issues Associated with Supply of Vacant Residential Land
- K - Written Testimony Received Regarding Specific Map Change Requests:
 - K-1 Weber
 - K-2 Theis
 - K-3 Pacheco, et al
 - K-4 Kimmel
 - K-5 Snyder, et al
 - K-6 Holst
 - K-7 Timmons
- L - Written Testimony Received Regarding Specific Land Development Code Text Change Requests
 - L-1 Dodson
 - L-2 Evanite Fiber
 - L-3 Mason
 - L-4 Pahlisch Homes
 - L-5 Bill Kloos
- M - Written Comments - General
- N - Work Order RE: Periodic Review and DLCD Letter Approving Comprehensive Plan
- O - Table Showing Proposed Uses by Zone
- P - Draft B - Proposed Changes to the Land Development Code Text

BACKGROUND

Update of Comprehensive Plan Text and Map - State law requires that the City update its primary land use planning documents via a process called Periodic Review. As part of this Periodic Review process, the City updated its Comprehensive Plan and Map, with City Council adoption in December, 1998. The Comprehensive Plan and Map were updated through a two-year, citizen-

based public process that started with an update of the City's Vision Statement, and resulted in the City's current 2020 Vision Statement. The Vision Update was then followed by work that included many citizen work groups and resulted in changes to the Policies of the Comprehensive Plan and changes to many land use designations on the Comprehensive Plan Map. The revised Comprehensive Plan and Map were acknowledged by the State in June, 2000.

Some of the major themes of the new Comprehensive Plan and Map pertain to the concept of "comprehensive neighborhoods" and pedestrian-oriented development, including the introduction of revised development standards, mixed uses, and an increase in choices for housing types and living environments.

Update of Land Development Code Text and Map - Also as part of the State-mandated Periodic Review process, the City is required to update its Land Development Code and District (Zoning) Map to implement the newly adopted Policies of the Comprehensive Plan and newly adopted land use designations of the Comprehensive Plan Map. The changes proposed in these legislative amendments (LDT00-00002, CPA00-00007, & ZDC00-00009) are intended to accomplish this required implementation of the new Comprehensive Plan and Map. Additionally, the changes are designed to address inconsistency and legal issues related to the Land Development Code Text and Map, as well as the Comprehensive Plan Text and Map. The changes were developed as part of a 1½-year long public process that included review by two technical review groups (consisting of City Councilors, Planning Commissioners, and citizens), as well as review through numerous open houses, targeted stakeholder meetings, and other public meetings. Information regarding the development of the proposed legislative amendments has been widely publicized over the last 1½ years via status reports within the City Newsletter, ads in the Gazette Times, information on the City's web site (www.ci.corvallis.or.us/cd/pl/ldcupdate.html), information at the Corvallis Public Library, information at the Corvallis Planning Division office, and mailed notices (including mailed notices to all property owners whose properties are proposed to receive a land use designation change).

In June, 2000, all owners of property proposed to receive a land use designation change were notified of two late June public workshops to discuss the land use changes. As a result of input from those meetings, several adjustments to the proposed land use Map changes have been incorporated.

In July, 2000, the Planning Commission held five public workshops to further refine the draft changes. The recommendations from these work sessions are being brought forward in the form of the currently proposed draft changes (Draft "B" of the Land Development Code Text, and the Map changes outlined in Attachment A). The Map changes include several modifications requested by property owners.

FORMAT OF THIS REPORT

This report is organized into four major parts, consistent with the separate actions that will be taken and an analysis of the Statewide Planning Goals. Each of the first three parts will contain a listing of the applicable criteria, a discussion, a summary of conclusions, and staff's recommendations. The fourth part will contain an analysis of the proposed legislative amendments in relation to the Statewide Planning Goals. The four major parts of the report are:

- I Legislative Amendment to the Land Development Code
- II Comprehensive Plan Amendment
- III District (Zoning) Map Change
- IV Analysis of Statewide Planning Goals

ACTIONS REQUIRED BY THE PLANNING COMMISSION

Following the public hearing, the Planning Commission will make a recommendation to the City Council regarding the Legislative Amendment to the Land Development Code and the Comprehensive Plan Amendment requests. Because the proposed District (Zoning) Map Change request is legislative in nature, the Planning Commission will also make a recommendation to the City Council regarding the District (Zoning) Map Change request, rather than a final decision.

PART I - LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE

THE LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE PROCESS

The Land Development Code outlines procedures for Legislative Amendments to the Land Development Code in Chapter 1.2. This Code chapter states that these amendments must be initiated by a majority vote of the Planning Commission or a majority vote by the City Council. To approve a Legislative Amendment to the Land Development Code, it must be found that the proposal complies with the applicable Comprehensive Plan Policies, applicable sections of the Land Development Code, and the Oregon Statewide Planning Goals and Guidelines. The Planning Commission is required to hold a public hearing regarding the Legislative Amendment to the Land Development Code and develop a recommendation to the City Council.

APPLICANT'S PROPOSAL

It is requested that the Planning Commission do the following:

- I. Formally initiate the proposed Legislative Amendment to the Land Development Code; and
- II. Recommend that the City Council approve the proposed Legislative Amendment to the Land Development Code, based upon the information and evaluation contained within this staff report.

The proposed Legislative Amendment to the Land Development Code includes a large amount of Text changes. A description of the proposed Text changes is contained below and divided into the categories of **A) Global Changes; B) Article I (General Provisions) - Chapters 1.0 through 1.6; C) Article II (Administrative Procedures) - Chapters 2.0 through 2.19; D) Article III (Use Classifications and Zoning Districts) - Chapters 3.0 through 3.37; E) Article IV (Development Standards) - Chapters 4.0 through 4.10.**

The complete proposed Text changes involved in this Legislative Amendment to the Land Development Code are included as Attachment P. A table showing proposed uses allowed in each zone is shown as Attachment O. Within Attachment P, the proposed changes are identified as follows:

- I. **Changes to existing Land Development Code Text are shown with red-lining (shading) and strike-out (with a line through Text). Proposed new language is shown with red-lining (shading) and language proposed for deletion is shown with strike-out (with a line through it).**
- II. **New Chapters proposed for the Land Development Code are shown with no red-lining or strike-out because the entire Chapters will be new Text. Rather than show the whole Chapters with red-lining (indicating new Text), it was thought that these Chapters would be easier to read without shading. At the beginning of each of these proposed "new" Chapters, language has been inserted to indicate to the reader that the chapter will be entirely new.**

A. "GLOBAL CHANGES"

Apply the changes described below in Articles I - IV *globally* (to all parts of the Code) to ensure consistent terminology and requirements. An example of such a "global change" is the proposal to amend the Code to change the word "district" to "zone,"

B. ARTICLE I (GENERAL PROVISIONS) - Chapters 1.0 THROUGH 1.6

Clarify terminology regarding *ministerial*, *general*, and *special* development (also a "global change"), revise provisions regarding nonconforming structures and uses to add compatibility criteria, address nonconforming development in the 100-year flood plain, and make clear that existing conforming development (as of the adoption of this ordinance) will remain conforming within the new zones of Major and Minor Neighborhood Center, Mixed Use Community Shopping, Mixed Use General Commercial, Limited Industrial - Office, and the existing zone of Agricultural-Open Space. Revise the definition chapter to add new terminology, and clarify existing definitions.

C. ARTICLE II (ADMINISTRATIVE PROCEDURES) - Chapters 2.0 THROUGH 2.19

Add new ORS 227.186 public notice requirements, clarify the proceedings for public hearings, change appeal periods from 10 to 12 days, add and revise application requirements among all the Chapters to provide consistency and ensure that significant natural feature information is provided. Amend review criteria to add "preservation and/or protection of significant natural resources and wildlife habitat" for most applications and amend review criteria to address adherence to new pedestrian-oriented design standards and minimization of cuts and fills (building along contours, etc.) for Conditional Development, Planned Development, and Subdivision applications. Somewhat reduce application requirements for Comprehensive Plan Map Amendments to Open Space - Conservation and Public Institutional, when these requests are associated with an Annexation request. Add ability for minor level of modifications to approved Conditional Developments and Subdivisions. Revise thresholds for Minor Planned Development Modifications to make more clear and incorporate elements related to architecture. Add procedures for review of Expedited Land Divisions. Revise the Annexation criteria to add that the advantages of a request need to outweigh the disadvantages, that Comprehensive Plan Map Amendments will be required for annexation requests that contain areas planned for open space and public institutional uses, and to require a set of livability indicators to be analyzed. Add requirements for a master site plan for properties zoned Major Neighborhood Center. Change Lot Development Option (LDO) requirements to address both existing and new development and set maximum thresholds that an LDO can address.

D. ARTICLE III (USE CLASSIFICATIONS & ZONING DISTRICTS) - Chapters 3.0 THROUGH 3.37

Residential Zones: Maintain RS-3.5 zone for existing developed RS-3.5 areas and vacant RS-3.5 lots less than one acre, and reduce front yard setbacks within RS-3.5 zone. Maintain RS-5 zone for existing developed RS-5 areas less than one acre and apply the RS-5 zone to undeveloped RS-3.5 areas greater than one acre. Revise RS-5 zone to add Attached Single Family up to 3 units, add Multi-Family Dwelling up to triplex only, add Group Residential as a use allowed through Conditional Development review, and set minimum

density at 3 units per acre. Maintain RS-6 zone for current RS-6 areas and apply to undeveloped RS-5 areas over one acre. Make RS-6 the primary Low Density Residential zone and the Low Density Residential zone that is required for new annexation requests. Revise RS-6 zone to add Group Residential uses, Attached Single Family up to 5 units, Multi-Family Dwelling up to 4 units, and set a minimum density of 4 units/acre. Revise RS-9 & RS-9(U) zones to add Group Residential and revise RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), & RS-20 zones to reduce minimum standards for lot size, lot width, and setbacks, and increase the maximum lot coverage for all but the RS-5 zone. Revise RS-5 zone to set a maximum lot coverage. Pedestrian Oriented Design Standards to apply to all zones and a mix of housing types required for larger developments within all zones except RS-3.5 (since no new large developments will occur in RS-3.5). Modify green area requirements for all zones except RS-3.5 and RS-5. Revise RS-9(U) & RS-12(U) zones to remove provisions that are redundant with the new Pedestrian Oriented Design Standards.

MUR Zone: The new Mixed Use Residential (MUR) zone implements the Mixed Use Residential Comprehensive Plan Designation, and may also be applied to Medium High and High Density Residential lands that are within 450 feet of lands with a commercial Comprehensive Plan Map designation. The new MUR Zone is intended to increase housing opportunities in close proximity to designated commercial zones and is aimed primarily for the development of multi-family housing at densities high enough to support the retail uses of the adjacent commercial zone and to provide direct and convenient access by residents to nearby commercial services. Varied housing types are encouraged in the MUR Zone. Small-scale retail, office, and service uses are also allowed when they are developed as part of a mixed use building. Development standards for the MUR Zone emphasize intensive development with building orientation to the street. Design standards are included in the new Pedestrian Oriented Design Standards Chapter of the Code (Chapter 4.10). The design standards are tailored to the type of use proposed (e.g. townhouse, multi-family, mixed use).

Commercial & Office Zones: Establish all uses and development standards for new zones (NC, MUCS, MUGC, & RF). Apply Pedestrian Oriented Design Standards (PODS) to all zones. Make clear that existing, conforming development (as of the adoption of this ordinance) will remain conforming within the new zones of NC, MUCS, & MUGC. Revise PA-O zone to remove provisions that are redundant with the new Pedestrian Oriented Design Standards.

NC Zone: The new Neighborhood Center (NC) zone implements the Minor and Major Neighborhood Center Comprehensive Plan designations. The new NC zone is intended to provide for concentrations of civic uses, retail businesses, commercial and personal service activities, and residential/commercial mixed use developments in the core of comprehensive neighborhoods, as envisioned by the Comprehensive Plan. Commercial uses in Minor NC's are intended to serve neighborhood shopping and office needs. Commercial uses in Major NC's are intended to serve broader community shopping and office needs in addition to the needs of the nearby neighborhood. Both the Minor and Major NC's are encouraged to the maximum extent possible to include civic uses that support the nearby comprehensive neighborhood. In Major NC's such civic uses may also serve a larger population.

MUCS Zone: The Mixed Use Community Shopping (MUCS) Zone implements the Mixed Use Commercial Comprehensive Plan designation in areas located outside Neighborhood Center (NC) Zones and the Mixed Use General Commercial Zone. The MUCS Zone is applied to areas that are already largely developed, mostly located between Neighborhood Centers, and intended to transition to a more pedestrian-oriented and human-scale environment. The MUCS Zone is intended to provide for retail businesses and commercial and personal service activities of limited sizes (with larger uses in the Major Neighborhood Center Zone), and mixed use developments, accommodating both pedestrian-oriented uses and a limited number of land uses that are more dependent on automobile circulation.

MUGC Zone: The Mixed Use General Commercial (MUGC) Zone implements the Mixed Use Commercial Comprehensive Plan designation in areas located outside the Neighborhood Center Zones and Mixed Use Community Shopping Zone. It is intended to provide areas for commercial uses and related services and businesses that generally require structures, parking facilities, outside storage and have other characteristics with less pedestrian orientation than intended for other commercial zones. Site and building design within the MUGC is intended to comply with pedestrian-oriented and human-scale Policies of the Comprehensive Plan, while recognizing and providing for the functional needs of uses that are less dependent on pedestrian access and character.

RF Zone: The new Riverfront (RF) Zone implements the Central Business Comprehensive Plan designation for a portion of the core downtown area on the west side of First Street. It is intended to provide an area for commercial, civic, and residential uses, and to merge downtown with the Riverfront Commemorative Park in a pedestrian-friendly, multi-use neighborhood that focuses on the river. While the zone does not permit new low density building types, it does encourage dwelling units in, or attached to, buildings containing commercial activities. Development in the RF zone is intended to enhance public safety and the pedestrian experience by encouraging the presence of citizens 24 hours a day. Allowed uses such as retail office and restaurants with windows to the sidewalk, and a residential neighborhood promote the greatest public access and activity.

Industrial Zones: Establish all uses and development standards for new zones (LI-O & MUT). Make clear that existing conforming development (as of the adoption of this ordinance) will remain conforming within the new zones of LI-O & MUT. Apply Pedestrian Oriented Design Standards (PODS) to all industrial zones except General Industrial (GI) and Intensive Industrial (II).

LI-O Zone: The Limited Industrial - Office (LI-O) Zone implements the Limited Industrial - Office Comprehensive Plan designation. It is intended to create and preserve areas where limited manufacturing, development oriented to the large-scale office industry (rather than small scale, single use, stand-alone office buildings), and related use types may locate, as defined and guided by this chapter. Ancillary or customarily incidental, non-industrial and non-office uses that support the primary use activity are permitted such as administrative, sales, and service uses. Together, all of these uses are intended to reduce potentially adverse impacts from, and provide a buffer between, General Industrial uses and non-industrial uses (e.g.,

neighborhood centers, residential and mixed use zones, etc.). The LI-O Zone development standards and design guidelines are intended to encourage quality appearance at community gateways, consistent with the Comprehensive Plan.

MUT Zone: This zone implements the Mixed Use Transitional (MUT) Comprehensive Plan designation. The MUT Comprehensive Plan designation should be applied to those existing industrial areas that are identified, through an area refinement plan, as being desirable for transition over time to less intensive uses. The MUT zone provides a mechanism to permit the introduction of new, less intensive uses while allowing general and intensive industrial uses to remain during an indefinite period of transition. It also addresses limitations on re-intensification of uses that have previously transitioned from general or intensive industrial uses to less intensive activities.

Key objectives of the MUT zone include: reducing conflicts between industrial and less intensive uses located nearby; providing an opportunity to develop a mix of non-industrial uses in the zone that are compatible with surrounding land uses; transitioning to new, less conflicting uses; and achieving the transition in a way that is fair and that preserves value and flexibility for the industrial businesses located within the MUT zone.

Agriculture - Open Space (AG-OS) Zone: Within the Agriculture - Open Space zone, place asterisks by uses that are not allowed on lands with a Comprehensive Plan Map designation of Open Space - Conservation. Make clear that existing conforming development (as of the adoption of this ordinance) will remain conforming within the AG-OS zone.

E. ARTICLE IV (DEVELOPMENT STANDARDS) - Chapters 4.0 THROUGH 4.10

Revise Chapter 4.0 requirements to be consistent with the City's Transportation Plan, and apply alley, block perimeter, and shopping street standards. Revise Chapter 4.1 to require parking to be located primarily to the rear or side of structures. Revise Chapter 4.2 to more specifically identify landscaping requirements, and add gateway landscaping and lighting requirements. Modify Chapter 4.7 to change sign requirements to reflect all the new zones. Add Chapter 4.10 - Pedestrian Oriented Design Standards to outline development standards related to pedestrian oriented design and architectural features, including requirements for building design and location of garages. Apply Pedestrian Oriented Design Standards to all Chapters where specified.

CRITERIA, DISCUSSION, AND CONCLUSIONS

The relevant criteria and staff discussion are presented in the following evaluation.

Applicable Statewide Planning Goals:

The following list of goals is a summary of each applicable Statewide Planning Goal. Full Text of each Goal may be viewed on the Oregon Department of Land Conservation and Development web site (www.lcd.state.or.us/goalsrul.html).

Goal 1 - Citizen Involvement - To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process. It requires each City and County to have a citizen involvement program with six components specified in the goal. It also requires local governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

Goal 2 - Land Use Planning - To establish a land use planning process and Policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. Outlines the basic procedures of Oregon's Statewide Planning Program. States that land use decisions are to be made in accordance with a Comprehensive Plan, and that suitable "implementation ordinances" putting the Plan's Policies into effect must be adopted. Requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to Statewide Planning Goals and Guidelines. An exception may be taken when a Statewide Planning Goal cannot or should not be applied to a particular area or situation.

Goal 5 - Open Spaces, Scenic, and Historic Areas, and Natural Resources - To protect natural resources and conserve scenic and historic areas and open spaces. Encompasses 12 different types of resources, including riparian corridors, wildlife habitats, mineral resources, wetlands, and waterways. Establishes a process through which resources must be inventoried and evaluated.

Goal 6 - Air, Water, and Land Resources Quality - To maintain and improve the quality of the air, water, and land resources of the State. Requires local Comprehensive Plans and implementing measures to be consistent with State and Federal regulations relative to air, water, and land resources.

Goal 7 - Areas Subject to Natural Disasters and Hazards - To protect life and property from natural disasters and hazards. Addresses development in places subject to natural hazards such as floods or landslides. Requires that jurisdictions apply "appropriate safeguards" (flood plain zoning, for example) when planning for development in such areas.

Goal 8 - Recreation Needs - To satisfy the recreational needs of the citizens of the State and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts. Calls for each community to evaluate its areas and facilities for recreation and develop plans to address the projected demand thereof. Also sets forth detailed standards for expedited siting of destination resorts.

Goal 9 - Economy of the State - To provide adequate opportunities throughout the State for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Calls for diversification and improvement of the economy. Asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

Goal 10 - Housing - To provide for the housing needs of citizens of the State. Requires each City to inventory its buildable residential lands and encourages the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.

Goal 11 - Public Facilities and Services - To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Calls for efficient planning of public services such as sewers, water, storm drainage, law enforcement, and fire protection. The Goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

Goal 12 - Transportation - To provide and encourage a safe, convenient, and economic transportation system. Requires a transportation plan to: "(1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle, and pedestrian; (2) be based upon an inventory of local, regional, and State transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of

transportation; (5) minimize adverse social, economic, and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans."

Goal 13 - Energy - To conserve energy. Declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Goal 14 - Urbanization - To provide for an orderly and efficient transition from rural to urban land use. Requires establishment of Urban Growth Boundaries "to identify and separate urbanizable land from rural land." Requires all cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. Specifies seven factors that must be considered in establishing an Urban Growth Boundary. Also lists four criteria to be applied when undeveloped land within an Urban Growth Boundary is to be converted to urban uses.

Goal 15 - Willamette Greenway - To protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway. Sets forth procedures for administering the 300 miles of greenway that protect the Willamette River.

Applicable Comprehensive Plan Policies:

1.2 Local Planning Process

Implementation Tools:

The Comprehensive Plan is implemented through the variety of mechanisms mentioned below:

- Plans are officially adopted documents used to focus long-range planning for either specific areas or the entirety of the Urban Growth Boundary. Examples of plans include the Comprehensive Plan, facility plans, master plans, and specific area plans.
- Regulations include the standards and procedures (see Figure 1.2 - Typical Development Review Process) contained in the Land Development Code and other ordinances. These apply to all land use requests such as land divisions, re-zoning of land, and site development.
- The Land Development Code (LDC) is a set of regulations that ensures development is of the proper type, design, and location, and is served by a proper range of public facilities and services. The LDC also ensures that development is in all respects consistent with the goals and policies of the Corvallis Comprehensive Plan.

1.2.1 The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.

Additional applicable Comprehensive Plan Policies will be referenced by Policy number throughout this discussion. Actual Text regarding these Comprehensive Plan Policies is contained within the City's Comprehensive Plan, which may be viewed on the City's web site (www.ci.corvallis.or.us/cd/pl/ldcupdate.html), at the Corvallis Public Library (located at 645 NW Monroe Avenue), and at the Corvallis Planning Division office (located on the upper floor at 501 SW Madison Avenue).

Applicable Land Development Code Sections:

Section 1.2.80 - Text Amendments

1.2.80.01 - Background

This Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.

1.2.80.02 - Initiation

Initiation of an amendment may be accomplished by one of the following methods:

- a. Majority vote of the City Council; or
- b. Majority vote of the Planning Commission.

1.2.80.03 - Review of Text Amendments

The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings.

The primary issue to be addressed in this effort is the requirement that such amendments conform with the Comprehensive Plan. Currently, the Land Development Code is not in conformance with the Comprehensive Plan. The Code is out of conformance because the Comprehensive Plan's new and modified Policies, and new zones and standards, have not been implemented into the Land Development Code. As mentioned, the Comprehensive Plan, revised in 1998, was developed and adopted through the City's Periodic Review process and is a very different document from the previous Comprehensive Plan. The Land Development Code Update Project, a 1½-year long public process that included review by two technical review groups (consisting of City Councilors, Planning Commissioners, and citizens), as well as review through numerous open houses, targeted stakeholder meetings, and other public meetings, has developed new Zones intended to bring the Land Development Code into conformance with the current Comprehensive Plan, which has been acknowledged by the State Department of Land Conservation and Development. The proposed Text amendments are a result of that public effort. **Given that the Land Development Code is out of conformance with the current Comprehensive Plan, public necessity, convenience, and general welfare require that it be amended to make it consistent with the current Comprehensive Plan and any other applicable Policies (Comprehensive Plan Section 1.2 as quoted above; LDC 1.2.80.01).**

The proposed Legislative Amendment to the Land Development Code is reviewed here against the applicable Statewide Planning Goals, Comprehensive Plan Policies, and Land Development Code procedural criteria. The discussion regarding the applicable Statewide Planning Goals is included at the end, following the discussion of the City's Comprehensive Plan and Land Development Code criteria. The discussion is organized into the following categories: **A) Global Changes; B) Article I (General Provisions) - Chapters 1.0 through 1.6; C) Article II (Administrative Procedures) - Chapters 2.0 through 2.19; D) Article III (Use Classifications & Zoning Districts) - Chapters 3.0 through 3.37; E) Article IV (Development Standards) - Chapters 4.0 through 4.10; and F) Statewide Planning Goal Analysis.**

A. GLOBAL CHANGES

As mentioned, Comprehensive Plan policy 1.2.1 states, *“The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan. In addition, Code Section 1.2.80.01 states that the “Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.”* As part of the proposed Legislative Amendment to the Land Development Code, many “global changes” will be incorporated. These “global changes” will ensure consistency among the Code’s terminology and requirements. In reviewing the current Code Text, many inconsistencies were found regarding terminology. Additionally, with the incorporation of all the Text changes outlined in Sections “B - E” below, many inconsistencies and/or conflicts with remaining Text will be created. Finally, some terms in the existing Code were found to be either “non-user friendly” or inconsistent with legal statute terminology. An example of a “non-user friendly” term is the term “District.” Use of the term “District” has confused many users of the Code in the past and has made it difficult when using the term in conversations with citizens. The term “District” actually means “Zone.” Since legal statutes and most jurisdictions in the nation use the term “zone,” and the general public is used to hearing the term “zone,” the term “District” is proposed to be replaced throughout the Code with the term “zone.”

Conclusion: A review of the proposed Text in total revealed inconsistencies and conflicts within the Text. The proposed “global changes” correct these. Eliminating identified conflicts and maintaining a consistent use of terminology, both within the Code and between the Code and the Comprehensive Plan, is a public necessity for the public convenience and general welfare associated with the general use of the Code. Given the above, incorporation of the proposed “global changes” is consistent with Comprehensive Plan Section 1.2.1 as quoted above and Code Section 1.2.80.01.

B. ARTICLE I (GENERAL PROVISIONS) - Chapters 1.0 THROUGH 1.6

Chapter 1.0 - Introduction

Chapter 1.1 - The City Council and Its Agencies and Officers

Chapter 1.2 - Legal Framework

Chapter 1.3 - Enforcement

Chapter 1.4 - Nonconforming Development

Chapter 1.5 - Reserved

Chapter 1.6 - Definitions

As mentioned, Comprehensive Plan policy 1.2.1 states, *“The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan. In addition, Code Section 1.2.80.01 states that the “Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.”* Consistent with these citations, changes proposed for Land Development Code Article I are a reflection of the need to bring the Code into conformance with the Comprehensive Plan, as well a need to correct legal issues associated with terminology, and provide clarifications based upon input from the Land Development Code

Update Project's public process over the last 1½ years. Substantive changes involve Chapters 1.2, 1.4, and 1.6 and are as follows:

1. **Chapter 1.2 - Legal Framework:**

(a) ***Official Zoning Map and Boundary Clarifications:*** The Official Zoning Map is proposed to be changed to the City's GIS (Geographic Informational System) version of the Zoning Map to enable staff and the general public access to a more technically correct version of the Zoning Map and access the Map electronically (Code Section 1.2.90). The interpretation of zoning boundaries (Code Section 1.2.90.02) will be changed to clarify some language and make it clear that in most cases, streets will not be zoned. These changes will make the Code more convenient for staff and customers, consistent with Comprehensive Plan Section 1.2 as quoted above and Code Section 1.2.80.01.

(b) ***Development Type Terminology:*** The main terms describing types of development (Code Section 1.2.110) will be changed to address a conflict with legal terminology used in statutes. Currently, throughout the Code the terms "Administrative Development" or "administratively processed" is evident. The term "administrative" cannot be used in this manner because it is a legal term in statutes that refers to procedures (hence, the title of Code Article II - Administrative Procedures). All the types of development described in Code Section 1.2.110 are part of the "Administrative Procedures" and, therefore, none of them can be called "administrative development." Additionally, the legal term in statutes for development that is non-discretionary and processed by staff is "ministerial development." The types of development in Code Chapter 1.2 (and throughout the remainder of the Code) will be changed to the following terms:

- "Ministerial Development" - for non-discretionary development processed by staff;
- "General Development" - for development with at least some amount of discretion, but still processed by staff; and
- "Special Development" - for development with a considerable amount of discretion and involving a public hearing in accordance with the provisions of Code Chapter 2.0, as well as approval by an established hearing authority.

Changing these terms will correct the conflict in terminology with legal terms used in statutes, and provide consistency throughout the Code. As the changes are necessary and convenient for the public, they are consistent with Comprehensive Plan Section 1.2 as quoted above and Code Section 1.2.80.01.

(c) ***Rough Proportionality:*** A new section called "Rough Proportionality" will be added to Code Chapter 1.2. This new Code section will outline a process that an applicant may pursue if the applicant contends that it cannot be required, as a condition of building permit or development approval, to provide

easements, dedications, or improvements at the level otherwise required by the Code. The new Code section (1.2.120) will provide a convenient and consistent approach for applicants to address disagreements with improvement requirements, and also provide the City with language regarding rough proportionality that has been accepted by the Oregon Court of Appeals. Given the above, the proposed Code section is consistent with Comprehensive Plan Section 1.2 as quoted above and Code Section 1.2.80.01.

Conclusion Regarding Chapter 1.2 Changes: Changes in Code Chapter 1.2 include clarifications regarding the Official Zoning Map and zoning boundaries, terminology changes regarding types of development, and the addition of a section on rough proportionality. These changes are necessary to make the Code more convenient for staff and the general public and to resolve conflicts with legal terminology used in statutes. Code Section 1.2.80.01 states that the Code may be amended whenever the public necessity, convenience, and general welfare require such amendment. Therefore, the changes to Chapter 1.2 are consistent with Comprehensive Plan Section 1.2 as quoted above and Code Section 1.2.80.01.

2. Chapter 1.4 - Nonconforming Development:

(a) *Compatibility Criteria:*

Applicable Comprehensive Plan Policy:

3.2.7 All special developments, lot development options, intensifications, changes or modifications of nonconforming uses, Comprehensive Plan changes, and district changes shall be reviewed to assure compatibility with less intensive uses and potential uses on surrounding lands. Impacts of the following factors shall be considered:

- A. Basic site design (i.e., the organization of uses on a site and its relationship to neighboring properties);**
- B. Visual elements (i.e., scale, structural design and form, materials, etc.);**
- C. Noise attenuation;**
- D. Odors and emissions;**
- E. Lighting;**
- F. Signage;**
- G. Landscaping for buffering and screening;**
- H. Transportation facilities; and**
- I. Traffic and off-site parking impacts.**

Comprehensive Plan Policy 3.2.7 requires compatibility criteria be applied to changes or modifications of nonconforming uses. Therefore, this compatibility criteria was added to Code Chapter 1.4 to address changes or modifications to nonconforming uses. The addition of this criteria is consistent with Policy 3.2.7.

(b) *Nonconforming Development Within the 100-Year Flood Plain:*

New FEMA (Federal Register/Vol. 62 No. 37, pages 8391-8400) regulations specify additional development standards for development within the 100-year flood plain, irregardless of whether the development is conforming or nonconforming. Therefore, these new requirements will be added to Code Chapter 1.4 to ensure that they are met for nonconforming development. Code Section 1.2.80.01 states that the Code may be amended whenever the public necessity, convenience, and general welfare require such amendment. The addition of these development standards is a public necessity to address the public's general welfare. Therefore, the addition of these development standards are consistent with Comprehensive Plan Section 1.2 as quoted above and Code Section 1.2.80.01.

(c) *Existing Conforming Development Within New Zones and the AG-OS Zone:*

Applicable Comprehensive Plan Policy:

8.2.1 The City and County shall support a diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low unemployment rate and to promote diversification of the local economy.

8.10.1 The location, type, and amount of commercial activity within the Urban Growth Boundary shall be based on community needs.

As discussed below under Section "D" of this part of the staff report, the majority of the existing commercial zones are required by Comprehensive Plan Policy 8.10.7 to be replaced with a series of mixed use commercial zones, and a new Limited Industrial - Office Zone is required to be developed by Comprehensive Plan Policy 8.9.17. In response to Comprehensive Plan Policy 3.2.1 which states that the desired land use pattern within the Corvallis Urban Growth Boundary will emphasize the preservation of significant open space and natural features, certain uses within the AG-OS (Agriculture - Open Space) Zone have been prohibited from being developed upon lands with a Comprehensive Plan Map designation of Open Space - Conservation. The establishment of these new zones, and use changes in existing zones, such as the AG-OS Zone, could result in many existing conforming uses becoming nonconforming. The widespread nature of such nonconformity would place an extreme hardship on land and business owners within the Urban Growth Boundary. Therefore, a new section will be added to Code Chapter 1.4 which addresses this issue. This new Code section (Section 1.4.50.02) will state that uses which were permitted by the underlying zone prior to a subject property's rezoning to a designation of NC (Neighborhood Center), RF (Riverfront), MUCS (Mixed Use Community Shopping), MUGC (Mixed Use General Commercial), LI-O (Limited Industrial - Office), or AG-OS (Agriculture - Open Space) shall not be classified as nonconforming development unless the uses have been discontinued for a period of more than one year.

Comprehensive Plan Policy 8.2.1 requires the support of a diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low

unemployment rate and to promote diversification of the local economy. Policy 8.10.1 requires the location, type, and amount of commercial activity within the Urban Growth Boundary to be based on community needs. Making a large number of existing uses throughout the community nonconforming will create an extreme hardship for land and business owners. Therefore, maintaining the ability for existing conforming uses to remain as conforming on lands that will be rezoned, as discussed above, is consistent with Policies 8.2.1 and 8.10.1.

Conclusions Regarding Chapter 1.4 Changes: The addition of compatibility criteria for changes or modifications of nonconforming uses is consistent with Comprehensive Plan Policy 3.2.7. Code Section 1.2.80.01 states that the Code may be amended whenever the public necessity, convenience, and general welfare require such amendment. The addition of supplementary mandated development standards for nonconforming development to Code Chapter 1.4 is a public necessity to address the public's general welfare (Federal Register/Vol. 62 No. 37, pages 8391-8400). Therefore, the addition of these development standards are consistent with Comprehensive Plan Section 1.2 as quoted above and Code Section 1.2.80.01. Making a large number of existing uses throughout the community become nonconforming will create an extreme hardship for land and business owners. Therefore, maintaining the ability for existing conforming uses to remain as conforming on lands that will be rezoned, as discussed above, is consistent with Policies 8.2.1 and 8.10.1.

3. Chapter 1.6 - Definitions:

Updating the Land Development Code to implement the Comprehensive Plan and address Code inconsistencies and conflicts will require that the definition Code Chapter (1.6) be updated as well. Where needed, new definitions will be added, existing definitions revised or deleted, and terminology corrected to reflect the language throughout the remainder of the Code.

Conclusions Regarding Chapter 1.6 Changes: Land Development Code Section 1.2.80.01 states that the Code may be amended whenever the public necessity, convenience, and general welfare require such amendment. The revisions within Code Chapter 1.6 - Definitions are a public necessity to create a clear understanding of terminology within the Code. Therefore, the addition of these development standards are consistent with Comprehensive Plan Section 1.2 as quoted above and Code Section 1.2.80.01.

C. ARTICLE II (ADMINISTRATIVE PROCEDURES) - Chapters 2.0 -THROUGH 2.19

Chapter 2.0 - Public Hearings

Chapter 2.1 - Comprehensive Plan Amendment Procedures

Chapter 2.2 - Development Zone Changes

Chapter 2.3 - Conditional Development

Chapter 2.4 - Subdivisions and Major Replats

Chapter 2.5 - Planned Development

Chapter 2.6 - Annexations

- Chapter 2.6 - Extension of Services Outside the City Limits**
- Chapter 2.8 - Vacating of Public Lands and Plats**
- Chapter 2.9 - Historic Preservation Provisions**
- Chapter 2.10 (New) - Major Neighborhood Center Master Site Plan Requirements**
- Chapter 2.11 - Reserved**
- Chapter 2.12 - Lot Development Option**
- Chapter 2.13 - Plan Compatibility Review**
- Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments**
- Chapter 2.15 - Hillside Development and Density Transfer**
- Chapter 2.16 - Request for Interpretation**
- Chapter 2.17 - Reserved**
- Chapter 2.18 - Solar Access Permits**
- Chapter 2.19 - Appeals**

As mentioned, Comprehensive Plan policy 1.2.1 states, “*The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.* In addition, Code Section 1.2.80.01 states that the “*Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.*” Consistent with Comprehensive Plan Section 1.2 as quoted above and Code Section 1.2.80.01, changes proposed for Land Development Code Article II are a reflection of the need to bring the Code into conformance with the Comprehensive Plan, as well as a need to correct inconsistencies, create more uniformity in application requirements and review criteria, incorporate more application requirements and review criteria related to significant natural features, incorporate additional review criteria related to pedestrian orientation, revise the provisions for annexations, and provide clarifications based upon input from the Land Development Code Update Project’s public process over the last 1½ years. Substantive changes involve Chapters 2.1 through 2.6, 2.10 - 2.13, and 2.19, and are as follows:

1. Chapter 2.0 - Public Hearings:

A new State law, ORS 227.186, has modified requirements for public notices. These new requirements will be incorporated into Code Chapter 2.0. The Order of Proceedings for both legislative and quasi-judicial public hearings will be revised to make the proceedings more clear. The appeal period for decisions shall be increased from 10 to 12 days from the date that a written decision is signed, pursuant to changes in State law. Finally, a new section will be added (Code Section 2.0.60) that addresses procedures for public hearings involving remands from the State Land Use Board of appeals (LUBA).

Conclusions Regarding Chapter 2.0 Changes: These changes proposed for Code Chapter 2.0 - Public Hearings are a public necessity to conform to new provisions of State law and make Orders of Proceedings clear for decision-making bodies and the public. As mentioned, Comprehensive Plan policy 1.2.1 states, “*The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.* In addition, Code Section 1.2.80.01 states that the “*Code may be amended whenever the public necessity, convenience, and*

general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.” Given the above, these proposed revisions are consistent with Comprehensive Plan Section 1.2 as quoted above and Code Section 1.2.80.01.

2. Application Requirements & Additional Review Criteria:

Applicable Comprehensive Plan Policies:

Policies containing elements associated with application materials and the preservation of significant natural features include Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, 7.7.7, 11.2.1, 11.2.10, 12.2.3, 12.2.5, 13.11.14, and the Policies within Comprehensive Plan Article 4.

Policies addressing pedestrian orientation and other transportation issues are included in Article 12 - Transportation.

Policies addressing utility infrastructure are primarily included in Article 10.

The Policies within Article 10 address the provision of utility infrastructure. The Policies within Article 4 and Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, 7.7.7, 11.2.1, 11.2.10, 12.2.3, 12.2.5, 13.11.14 emphasize the preservation of significant open space and natural features, the minimization of environmental impacts and impervious surfaces, the incorporation of topography as a factor affecting the design of development, energy-efficient development designs, and the continuation of pedestrian and bicycle linkages. The Policies within Article 12 address the provision of all modes of transportation facilities.

The application requirements throughout the Code Chapters for planning procedures that require a public hearing (Chapter 2.1 - Comprehensive Plan Amendment, Chapter 2.2 - Zone Changes, Chapter 2.3 - Conditional Development, Chapter 2.4 - Subdivisions and Major Replats, chapter 2.5 - Planned Development, and Chapter 2.6 - Annexation) will be modified to provide consistency and ensure that adequate significant natural feature information is provided. Detailed information will be required regarding watercourses, flood plains, wetlands, riparian areas, significant vegetation, plants and animals that are listed as threatened or endangered with either the United States Fish and Wildlife Service or the Oregon National Heritage Database, archaeological sites recorded by the State Historic Preservation Office (SHPO), slope analyses, topographic contours, grading plans, and information demonstrating that to the maximum extent practicable, grading (cuts and fills) has been minimized.

The review criteria of these same Code Chapters will be supplemented to address utility infrastructure, the preservation and/or protection of significant natural features and wildlife habitat, as well as the minimization of grading (cuts and fills). The Planned Development Chapter (Chapter 2.5) will also require that compensating benefits be provided for any variations requested.

Other planning procedure chapters (2.7 - Extension of Services Outside the City Limits, 2.8 - Vacating of Public Lands and Plats, 2.9 Historic Preservation, 2.12 - Lot Development Option, and 2.13 - Plan Compatibility Review) have been supplemented to address utility infrastructure and the preservation and/or protection of significant natural features and wildlife habitat.

Conclusion Regarding Application Requirement and Review Criteria Changes:

The proposed changes regarding application requirements and supplemented review criteria in Article II will require developments to supply information about and develop designs in compliance with the Comprehensive Plan Policies listed above. Therefore, the proposed changes are consistent with the Policies within Article 4, Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, 7.7.7, 11.2.1, 11.2.10, 12.2.3, 12.2.5, 13.11.14, the Policies within Article 12, and the Policies within Article 10.

3. Chapter 2.1 - Comprehensive Plan Amendment - Review Criteria for Comprehensive Plan Map Amendments to Open Space - Conservation or Public Institutional:

Applicable Comprehensive Plan Policies:

Policies containing elements the preservation of significant natural features include Policies in Article 4 and Policies 3.2.1, 5.6.11, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, 10.5.3, 10.5.4, 10.5.5, 10.5.8, 10.5.9, 10.5.10, and 11.2.1

The Policies within Article 4 and Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, and 11.2.1 emphasize the preservation of significant open space and natural features, the minimization of environmental impacts and impervious surfaces, and the incorporation of topography as a factor affecting the design of development. Policies 5.6.11, 10.5.3, 10.5.4, 10.5.5, 10.5.8, 10.5.9, and 10.5.10 discuss the acquisition and/or identification of lands for parks, schools, and open space in advance and as an integral part of urban development. In response to these Comprehensive Plan Policies, Chapter 2.1 - Comprehensive Plan Amendment, will include a different set of review criteria for Comprehensive Plan Map Amendments to Open Space - Conservation or Public Institutional when these requests are part of an Annexation request. These review criteria are much less onerous than other Comprehensive Plan Map Amendment requests such that these types of Comprehensive Plan Map Amendments can be encouraged. Additionally, as explained below in the discussion of Chapter 2.6 - Annexation, school and park sites will be required to be identified as part of Annexation requests. Where these school and park sites are identified as part of Annexation requests, they will also be required to be part of a Comprehensive Plan Map Amendment to change the land use designation to either Open Space - Conservation (for parks) or Public Institutional (for schools).

Conclusions Regarding Chapter 2.1 - Comprehensive Plan Amendment: The proposed changes regarding review criteria for Comprehensive Plan Map Amendments to Conservation - Open space or Public Institutional, when done in

conjunction with an Annexation request, are less onerous than for other Map Amendments and will encourage the retention of lands for parks, schools, and open space in advance and as an integral part of urban development. Therefore, the proposed changes are consistent with Comprehensive Plan Section 1.2 as quoted above and Land Development Code Section 1.2.80.01 - Background.

4. **Chapter 2.3 - Conditional Development & Chapter 2.4 - Subdivision & Major Replats - Adding Ability for Modifications:**

The current requirements within the Conditional Development and Subdivisions and Major Replat Chapters, Chapters 2.3 and 2.4, respectively, have no provisions for making small-scale revisions to approved plans. This deficiency has created problems when an applicant wants to make small adjustments to an approved development. The only avenue for these adjustments has been a public hearing for a new Conditional Development or Subdivision, whichever the case may be. Comprehensive Plan Section 1.2 requires the Land Development Code to be consistent with the Comprehensive Plan, and Land Development Code Section 1.2.80.01 states that the Code may be amended whenever the public necessity, convenience, and general welfare require such amendment. The proposed versions of Chapters 2.3 and 2.4 in Attachment B will include provisions for small-scale adjustments to Conditional Developments and Subdivisions. The thresholds to determine whether or not a change is small in nature, and the review criteria for the change, will be similar to the thresholds and criteria in the Planned Development Chapter (Chapter 2.5) that pertain to determining compliance with a Conceptual Development Plan.

Conclusions Regarding Chapter 2.3 - Conditional Development & Chapter 2.4 - Subdivision & Major Replats: The revisions within Code Chapters 2.3 and 2.4 will assist with public convenience and are, therefore, consistent with Comprehensive Plan Section 1.2 as quoted above and Code Section 1.2.80.01.

5. **Chapter 2.5 - Planned Development:**

(a) ***Revisions to Review Criteria for Determining Compliance with a Conceptual Development Plan:*** Section "D" (below) of this Part of the staff report outlines the many new Policies related to the new Comprehensive Plan themes, such as the concepts of Comprehensive Neighborhoods and pedestrian oriented and mixed use development (Policies 3.2.1, 3.2.3, 3.2.3, 3.2.5, 9.2.2, 9.2.4, 9.2.5, 9.2.6, etc.). Included in these new themes are Policies that relate to architectural and site design. As a result, the manner in which projects are evaluated against approved Conceptual Development Plans needs to be updated. The proposed changes to Code Section 2.5.50.04 outline the new thresholds and review criteria, including: a limitation on the number of variations that may be proposed by an applicant at a "Minor Modification" level (limitation of 3 from the list in Code Section 2.5.50.04); a reference to changes which might result in a "less pedestrian-friendly environment" in a number of the thresholds; a reference in one of the thresholds to an increase in the number of parking spaces over the number originally approved (such that an increase is viewed negatively in certain

situations); a reference to a list of thresholds for changes to architectural features that were approved as part of a project; and a more clear explanation that an applicant's proposal is also considered to be a "specific" requirement of approval, just like a condition of approval.

- (b) ***Expedited Land Division Procedures:*** State law ORS 197.360 requires that jurisdictions establish procedures for Expedited Land Divisions. The conditions under which an Expedited Land Division may occur, according to State law, may involve the provision of a high level of detail, similar to the detail required with a Detailed Development Plan. Therefore, the proposed procedures for an Expedited Land Division were placed at the end of the Planned Development Chapter (Chapter 2.5).

Conclusions Regarding Chapter 2.5 - Planned Development: As mentioned, Comprehensive Plan policy 1.2.1 states, "*The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.* In addition, Code Section 1.2.80.01 states that the "*Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.*" The changes to Code Section 2.5.50.04 place thresholds on changes that an applicant may propose when a project is being evaluated for compliance with an approved Conceptual Development Plan. These thresholds address topics within the new Policies of the Comprehensive Plan relating to architectural and site design. The establishment of procedures for an Expedited Land Division are a public necessity because they are required by State law (ORS 197.360). Given the above, these proposed revisions are consistent with Comprehensive Plan Section 1.2 as quoted above and Code Section 1.2.80.01.

6. **Chapter 2.6 - Annexations:**

Applicable comprehensive Plan Policies:

Policies include Policies 1.1.7, 1.1.8, and 1.1.9 regarding Livability Indicators and Benchmarks, and 5.6.11, 10.5.3, 10.5.4, 10.5.5, 10.5.8, 10.5.9, and 10.5.10

The most direct Policies addressing annexations include all of the Policies within Article 14, especially Policies 14.3.5 and 14.3.6.

Comprehensive Plan Policy 14.3.5 states that "*Annexations can only be recommended to the voters where the following findings are made: A) there is a demonstrated public need for the annexation; B) the advantages outweigh the disadvantages; and C) the City and other jurisdictions are capable of providing urban services and facilities required by the annexed area, when developed.*" Policy 14.3.6 goes on to explain examples of the "*factors to be considered in evaluating the public need for an Annexation*" ("A" from Policy 14.3.5). These examples of "factors" from Policy 14.3.6 "*may include, but are not limited to the following: A) the 5-year supply of serviceable land of this type to meet projected demand; B) the availability of sufficient land of this type to ensure choices in the market place; and C) other factors,*

including livability benchmarks, as delineated in the Land Development Code.” Comprehensive Plan Policy 1.1.7 states that “the City shall develop and monitor livability indicators...”. Policy 1.1.8 states that “the City-adopted indicators of livability shall be considered in making land use decisions.” Policy 1.1.9 states that “the City shall work to develop community benchmarks that measure progress in achieving its vision.”

The proposed revisions to Chapter 2.6 - Annexations were developed in direct response to the Comprehensive Plan Policies in Articles 1 and 14. As a result, the review criteria will mirror Policy 14.3.5 and Policies 14.3.6, 1.1.7, 1.1.8, and 1.1.9 will be evident in a new section for the Chapter (Code Section 2.6.30.07) which explains acceptable methodologies for addressing the review criteria. An additional review criteria not specifically spelled out in Policy 14.3.5 will also be present in Chapter 2.6 - Annexations. This criteria requires that if an annexation proposal includes areas planned for open space, general community use, or public or semi-public ownership, the annexation request shall be accompanied by a Comprehensive Plan Map Amendment to either Open Space - Conservation or Public Institutional. Policies 5.6.11, 10.5.3, 10.5.4, 10.5.5, 10.5.8, 10.5.9, and 10.5.10 address the acquisition and/or identification of lands for parks, schools, and open space in advance and as an integral part of urban development.

As mentioned, the requirements of Policy 14.3.6 will be evident in a new section for the Chapter (Code Section 2.6.30.07) which explains acceptable methodologies for addressing the review criteria. Part of this new section will explain that a Council Policy will be developed to address the appropriate way to calculate a 5-year supply of serviceable land. Part of this new section will explain how to address information on the availability of land relative to ensuring choices in the market place. Finally, part of this new section will explain how to approach the topic of livability indicators and benchmarks (Policies 1.1.7, 1.1.8, and 1.1.9). This section actually lists specific livability indicators and benchmarks that are relevant to Annexation requests. The introductory language developed for this part of the Annexation Chapter is as follows:

The community has just begun the process of identifying livability indicators to ultimately assist in the development of community-wide benchmarks. Not many true “benchmarks” have been developed yet. Additionally, many of the community-wide livability indicators are not applicable to annexation proposals. The guidance described below is an attempt to provide interim direction to applicants in order to address the criteria involving livability indicators and benchmarks. As the community further develops these livability indicators and benchmarks, this section of the Code will be updated accordingly.

When evaluating an annexation proposal relative to the livability indicators and benchmarks listed below, the livability indicators and benchmarks are intended to be balanced and identified as advantages and disadvantages relative to the annexation request. Compliance with all the benchmarks is not required. However, when balanced and viewed in aggregate, the decision-makers need to find that the advantages to the community of the annexation proposal outweigh the disadvantages.

Conclusions Regarding Chapter 2.6 - Annexations: The proposed revisions to Chapter 2.6 - Annexations are a direct response to the Comprehensive Plan Policies in Articles 1 and 14. As a result, the review criteria will mirror Policy 14.3.5 and

Policies 14.3.6, 1.1.7, 1.1.8, and 1.1.9 will be evident in a new section for the Chapter (Code Section 2.6.30.07) which explains acceptable methodologies for addressing the review criteria. An additional review criteria not specifically spelled out in Policy 14.3.5 will also be present in Chapter 2.6 - Annexations. This criteria requires that if an annexation proposal includes areas planned for open space, general community use, or public or semi-public ownership, the annexation request shall be accompanied by a Comprehensive Plan Map Amendment to either Open Space - Conservation or Public Institutional (Policies 5.6.11, 10.5.3, 10.5.4, 10.5.5, 10.5.8, 10.5.9, and 10.5.10). Therefore, the proposed changes are consistent with the Policies of the Comprehensive Plan and with Land Development Code Section 1.2.80.01 - Background.

7. New Chapter 2.10 - Major Neighborhood Center Master Site Plan Requirements:

Proposed Chapter 2.10 - Major Neighborhood Center Site Plan Requirements was developed to ensure that sites zoned as Major Neighborhood Centers will develop consistent with the requirements of the zone and the Comprehensive Plan (8.10.2; 8.10.7; 8.10.8; 8.10.9; 8.10.10). Many of the locations sited as Major Neighborhood Centers are composed of several ownerships or their development as an effective center are dependent upon coordination among a number of ownerships. Because of the potential complexity of such new developments or redevelopment, the CTRG believed a process managed by the Planning Commission was necessary. Such a process gives nearby property owners and residents an opportunity to have input on the ultimate layout of the center. At the same time, the CTRG believed that due to the specificity of the requirements in the Neighborhood Center (NC) Zone, only the broader questions associated with such a site plan required review, such as ensuring site layout and infrastructure allow development of the site and surrounding properties consistent with the concept of Comprehensive Neighborhoods (9.2.5). From these determinations, the CTRG proposed the review processes of the Chapter 2.3 Conditional Development were appropriate, but established different, specific review criteria addressing the concepts identified above.

Conclusions Regarding the New Chapter 2.10 - Major Neighborhood Center Master Site Plan Requirements:

The Comprehensive Plan gives relatively specific guidance regarding the need for a Major Neighborhood Center Zone and for the design concepts to be used for development in this zone. From the information presented in Land Development Code Chapter 3.14- Neighborhood Center (NC) Zone, proposed Land Development Code Chapter 2.10 - Major Neighborhood Center Site Plan Requirements, and the discussion in the above section, the proposed Chapter 2.10 - Major Neighborhood Center Site Plan Requirements is in conformance with Comprehensive Plan Section 1.2 as quoted above and Land Development Code Section 1.2.80.01 - Background.

8. Chapter 2.12 - Lot Development Option:

The current Code Chapter 2.12 - Lot Development Option (LDO) differentiates between "Major" and "Minor" Lot Development Options, depending on the extent to which a variation from a development standard is requested. However, the

differentiation between these two types of LDO's is relatively meaningless because the review criteria are the same for both and the planning process is basically the same as well. After developing the multitude of changes elsewhere in the Code, it was discovered that with the adoption of the proposed new Code, many existing developed residences will become nonconforming with respect to structures (e.g. their front yard setbacks may be too great, their garages may be located in a manner inconsistent with the new garage standards and so forth).

It was recognized that there was a need to approach variation requests (LDO's) differently for existing developed residential sites as opposed to undeveloped residential sites. Without this differentiation, many existing developed residences would not be able to construct additions and their redevelopment potential would be hampered. Therefore, the proposed Chapter 2.12 - Lot Development Option will address two types of LDO's: Type "A" and Type "B." Type "A" LDO's will pertain to residential uses of an undeveloped or underdeveloped lot within a developed portion of the City that is zoned RS-3.5 as of the adoption of the new Code, or existing residential structures constructed prior to the adoption of the new Code in any residential zone. The thresholds for Type "A" LDO's will reflect this type of development. Type "B" LDO's will pertain to requested variations for residential or nonresidential land uses not covered by Type "A" LDO's. The thresholds for Type "B" LDO's will be much different and will be reflective of the new development standards.

Conclusions Regarding Chapter 2.12 - Lot Development Option: With the adoption of the proposed new Code, many existing developed residences will become nonconforming with respect to structures, resulting in many existing developed residences not being able to construct additions or redevelop as they have in the past. The creation of two types of LDO's will enable existing developed residences to construct additions or redevelop much in the same manner as the past, thereby greatly reducing impacts of the new development standards on existing residential neighborhoods. These proposed changes are needed to avoid undue hardships on residential homeowners. Therefore, the proposed changes are consistent with Comprehensive Plan Section 1.2 as quoted above and Land Development Code Section 1.2.80.01 - Background, which allows amendments to the Code in cases of public necessity, convenience and general welfare.

D. ARTICLE III (USE CLASSIFICATIONS & ZONING DISTRICTS) - Chapters 3.0 THROUGH 3.37

Chapter 3.0 - Use Classifications

Chapter 3.1 - RS-3.5 (Low Density) Zone

Chapter 3.2 - RS-5 (Low Density) Zone

Chapter 3.3 - RS-6 (Low Density) Zone

Chapter 3.4 - RS-9 (Medium Density) Zone

Chapter 3.5 - RS-9(U) (Medium Density - University) Zone

Chapter 3.6 - RS-12 (Medium High Density) Zone

Chapter 3.7 - RS-12(U) (Medium High Density - University) Zone

Chapter 3.8 - RS-20 (High Density) Zone

Chapter 3.9 (New) - MUR (Mixed Use Residential) Zone

Chapter 3.10 - Reserved
Chapter 3.11 - P-AO (Professional and Administrative Office) Zone
Chapter 3.12 (To Be Deleted) - SA (Shopping Area) Zone
Chapter 3.13 (To Be Deleted) - SA(U) (Shopping Area - University) Zone
Chapter 3.14 (To Be Deleted) - CS (Community Shopping) Zone
Chapter 3.14 (New) - NC (Neighborhood Center) Zone
Chapter 3.15 (New) - RF (Riverfront) Zone
Chapter 3.16 - CB (Central Business) Zone
Chapter 3.17 - CBF (Central Business Fringe) Zone
Chapter 3.18 (to Be Deleted) - RSC (Regional Shopping Center) Zone
Chapter 3.19 (To Be Deleted) - SSD (Special Shopping District) Zone
Chapter 3.19 (New) - MUCS (Mixed Use Community Shopping) Zone
Chapter 3.20 (To Be Deleted) - MUC (Mixed Use Commercial) Zone
Chapter 3.20 (New) - MUGC (Mixed Use General Commercial) Zone
Chapter 3.21 (New) - MUT (Mixed Use Transitional) Zone
Chapter 3.22 (New) - LI-O (Limited Industrial - Office) Zone
Chapter 3.23 - LI (Limited Industrial) Zone
Chapter 3.24 - GI (General Industrial) Zone
Chapter 3.25 - II (Intensive Industrial) Zone
Chapter 3.26 - RTC (Research Technology Center) Zone
Chapter 3.27 - MUE (Mixed Use Employment) Zone
Chapter 3.28 - Reserved
Chapter 3.29 - Reserved
Chapter 3.30 - WRG (Willamette River Greenway) Zone Overlay
Chapter 3.31 - HPO (Historic Preservation Overlay) Zone
Chapter 3.32 - PD (Planned Development) Zone Overlay
Chapter 3.33 - Reserved
Chapter 3.34 - Reserved
Chapter 3.35 - Reserved
Chapter 3.36 - OSU (Oregon State University) Zone
Chapter 3.37 - AG-OS (Agriculture - Open Space) Zone

1. Chapter 3.0 - Use Classifications:

Updating the Land Development Code to implement the Comprehensive Plan and address Code inconsistencies and conflicts will require that the Use Classification Chapter (3.0) be updated as well. Where needed, new use classifications will be added, existing use classifications revised or deleted, and terminology corrected to reflect the language throughout the remainder of the Code.

Conclusions Regarding Chapter 3.0 Changes: As mentioned, Comprehensive Plan policy 1.2.1 states, *“The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan. In addition, Code Section 1.2.80.01 states that the “Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.”* The revisions within Code Chapter 3.0 - Use classifications are a public necessity to create a clear understanding of terminology within the Code. Therefore,

the addition of these development standards are consistent with Comprehensive Plan Section 1.2 as quoted above and Code Section 1.2.80.01.

1. Residential Changes:

As mentioned, Comprehensive Plan policy 1.2.1 states, "*The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.* In addition, Code Section 1.2.80.01 states that the "*Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.*" Currently, the Land Development Code is not in conformance with the Comprehensive Plan, as the residential themes of pedestrian-oriented development and design, housing variety (including the addition of more types of dwelling units which could increase the opportunity for the development of more affordable types of housing), increases in density, compact urban form, compatibility through design, mixed use residential, increase in different types of living environments, development designed around alternative modes of transportation, and development for senior citizens and disadvantaged groups identified in Comprehensive Plan Articles 3, 5, 7, 8, 9, 11, and 12 have not been adopted. The Land Development Code Update Project has developed new Zones intended to bring the Land Development Code into conformance with the Comprehensive Plan.

Applicable Comprehensive Plan Policies:

Policy 3.2.5 The City shall implement a process to develop more specific development standards or design guidelines that closely represent the vision of Corvallis as expressed by its citizens. These standards or guidelines may address such items as: the effective use of building mass; orientation to the street; landscaping; and the placement of windows, doors, porches, and other architectural elements. Upon completion, the City shall revise the Land Development Code to ensure conformance with the new standards or design guidelines.

The goals of Section 9.2 - Neighborhood-Oriented Development, are:

More compact development patterns:

- To provide more housing opportunities and choices;
- To minimize per unit development costs;
- To minimize infrastructure maintenance costs;
- To minimize City service costs (police, fire, sanitation); and
- To make efficient use of land.

Creation of high quality public areas (including streets, squares, and parks):

- To foster community interaction;

- To increase safety;
- To offset private open space reduction in individual units; and
- To connect individual housing units to the larger community.

Promote greater variety of housing types within desirable neighborhood contexts:

- To create lifetime housing options and choices within neighborhoods;
- To increase the desirability of long-term tenure in all types of housing; and
- To increase acceptance / desirability / compatibility of diverse housing within neighborhoods.

Provide more access and transportation choices for all citizens:

- By creating overall housing densities sufficient for viable public transit;
- By creating connections and a land use mix to make pedestrian and bicycle travel safe, desirable options; and
- To increase housing affordability by reducing the necessity of auto expenses for individuals and families.

Reduce the negative impacts of automobile reliance:

- On the general environment;
- On the livability of residential / commercial areas; and
- On land consumption required for auto use, storage, and buffering.

Provide viable opportunities at the appropriate scale and location for a mix of commercial, service, and residential uses:

- To create opportunities for more intense, efficient use of land for a broader range of uses; and
- To support the creation of more pedestrian-friendly residential areas and to support other transportation goals.

Promote comprehensive neighborhood / community planning efforts (such as specific area plans):

- To provide greater community consensus on desirable models of growth;
- To assure that the end result of development matches community needs and expectations;
- To assure the development community as to what is acceptable for a more streamlined process; and

- To provide for larger community needs such as connectivity and the complimentary mix of locations and land uses across land parcels of diverse size and ownership.

9.1 Relevant Vision Statement Elements

“Development standards have been created based on the characteristics of traditional Corvallis neighborhoods. These standards ensure that development and redevelopment create, protect, and enhance neighborhood form while facilitating the community-wide needs to improve transportation choices, provide housing for a diverse population within safe attractive neighborhoods, and maintain resource lands, natural areas, and recreational open spaces.”

“More efficient land use through higher densities and compact development reduces the amount of land required for development and the negative impacts of an extended infrastructure. . . . The number of daily auto trips and the length of those trips has been significantly reduced by: close coordination of land use and transportation decisions creating a careful mix of uses within neighborhoods; designing and building neighborhoods that are safe, easy, and convenient to walk and bicycle in; and building pedestrian connections between neighborhoods.”

9.2.5 Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas. These neighborhood characteristics are as follows:

- A. Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.
- B. Comprehensive neighborhoods support effective transit and neighborhood services and have a wide range of densities. Higher densities generally are located close to the focus of essential services and transit.
- C. Comprehensive neighborhoods have a variety of types and sizes of public parks and open spaces to give structure and form to the neighborhood and compensate for smaller lot sizes and increased densities.
- D. Neighborhood development provides for compatible building transitions in terms of scale, mass, and orientation.
- E. Neighborhoods have a mix of densities, lot sizes, and housing types.
- F. Neighborhoods have an interconnecting street network with small blocks to help disperse traffic and provide convenient and direct routes for pedestrians and cyclists. In neighborhoods where full street connections cannot be made, access and connectivity are provided with pedestrian and bicycle ways. These pedestrian and bicycle ways

have the same considerations as public streets, including building orientation, security-enhancing design, enclosure, and street trees.

- G. Neighborhoods have a layout that makes it easy for people to understand where they are and how to get to where they want to go. Public, civic, and cultural buildings are prominently sited. The street pattern is roughly rectilinear. The use and enhancement of views and natural features reinforces the neighborhood connection to the immediate and larger landscape.
- H. Neighborhoods have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas.
- I. Neighborhoods have public areas that are designed to encourage the attention and presence of people at all hours of the day and night. Security is enhanced with a mix of uses and building openings and windows that overlook public areas.
- J. Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Domestic garages are behind houses or otherwise minimized (e.g., by setting them back from the front facade of the residential structure.) Parking lots and structures are located at the rear or side of buildings. On-street parking may be an appropriate location for a portion of commercial, institutional, and domestic capacity. Curb cuts for driveways are limited, and alleys are encouraged.
- K. Neighborhoods incorporate a narrow street standard for internal streets which slows and diffuses traffic.
- L. Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure.
- M. Neighborhoods have street trees in planting strips in the public right-of-way.

Policies Requiring a Variety of Housing Types and Living Environments (which could contribute to the development of more affordable types of housing) include, but are not limited to: 3.2.1, Goals of Chapter 9.2, City's Vision Statement, Findings 9.2.e, 9.3.h, 9.4.c, 9.4.f, 9.5.e, Policies 9.2.5, 9.3.2, 9.3.3, 9.4.7, 9.4.9, 9.5.1, 9.5.2, 9.5.13, 9.5.14, 9.6.1, 9.6.3, 13.11.15, 13.11.16, and 13.12.7.

Policies Requiring a Compact Urban Form include, but are not limited to: 3.2.1, 8.7.5, Goals of Chapter 9.2, City's Vision Statement, Findings 9.2.e, 9.2.f, 9.2.w, 9.3.d, Policies 9.3.3, and 9.5.15.

Policies Requiring Pedestrian Oriented Design include, but are not limited to: 3.2.3, 3.2.4, 3.2.5, 5.2.4, 5.4.14, 7.5.5, 7.7.7, 7.7.8, 8.9.14, 8.10.9, Goals of Chapter 9.2, City's Vision Statement, Findings 9.2.e, 9.2.i, 9.2.j, 9.2.k, 9.2.x, 9.3.i, Policies 9.2.1, 9.2.2, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.2.8, 9.4.6, 9.5.14, 13.11.14, 13.11.16, and 13.12.14.

Policies Requiring Development Designed for Alternative Modes of Transportation (including trails, sidewalks, transit, bicycle paths, etc.) include, but are not limited to: 5.2.6, 5.6.8, 7.3.7, Goals of Chapter 9.2, City's Vision Statement, 9.2.4, 9.2.5, Findings

9.2.n, 9.2.o, 9.2.p, 9.2.s, Policies within Article 11 - Transportation, Policies 12.2.5, 12.2.6, and Policies within Article 13.

Policies Requiring the Provision of Housing for Senior Citizens and Disadvantaged Groups include, but are not limited to: 8.7.3, 8.7.6, 8.7.7, 9.4.7, 9.4.9, and Findings 9.4.c, and 9.4.d.

Policies Addressing Mixed Use Residential development include, but are not limited to: 8.2.1, 8.10.4, 8.10.6, 8.10.9, Goals of Chapter 9.2, City's Vision Statement, 9.2.5, and Findings 9.2.h, 9.2.i, and 9.2.m.

- (a) ***Changes to Existing Residential Zones:*** The proposed Code will maintain the RS-3.5 Zone (Chapter 3.1) for existing developed RS-3.5 areas and vacant RS-3.5 lots less than one acre. It will also reduce front yard setbacks within the RS-3.5 Zone. The proposed Code will maintain the RS-5 Zone (Chapter 3.2) for existing developed RS-5 areas less than one acre and apply the RS-5 Zone to undeveloped RS-3.5 areas greater than one acre. It will revise the RS-5 Zone to add Attached Single Family up to 3 units, add Multi-Family Dwelling up to triplexes only, add Group Residential as a use allowed through Conditional Development review, and set the minimum density at 3 units/acre. The proposed Code will maintain the RS-6 Zone (Chapter 3.3) for current RS-6 areas and apply the RS-6 Zone to undeveloped RS-5 areas over one acre. It will make RS-6 the primary Low Density Residential Zone and the Low Density Residential Zone that is required for new annexation requests. It will revise the RS-6 Zone to add Group Residential uses, Attached Single Family up to 5 units, Multi-Family Dwelling up to 4 units, and set a minimum density of 4 units/acre.

The proposed Code will revise the RS-9 & RS-9(U) Zones (Chapters 3.4 & 3.5, respectively) to add Group Residential uses. It will revise the RS-5, RS-6, RS-9, RS-9(U), RS-12 (Chapter 3.6), RS-12(U) (Chapter 3.7), & RS-20 (Chapter 3.8) Zones to reduce minimum standards for lot size, lot width, and setbacks, and increase the maximum lot coverage for all but the RS-5 Zone.

The proposed Code will revise the RS-5 Zone to set a maximum lot coverage. The proposed Code will apply the new Pedestrian Oriented Design Standards (Chapter 4.10) to all residential zones and require a mix of housing types for larger developments within all zones except the RS-3.5 Zone (since no new large developments will occur in RS-3.5). The proposed Code will modify green area requirements for all zones except the RS-3.5 and RS-5 Zones. It will also revise the RS-9(U) & RS-12(U) Zones to remove provisions that are redundant with the new Pedestrian Oriented Design Standards.

The new Policies of the Comprehensive Plan give substantial direction to revise the City's existing residential zones. It requires the City to facilitate neighborhood-oriented development by amending the Land Development Code to include provisions for reduced setbacks, reduced minimum lot sizes, varied lot dimensions, and development that addresses alternate modes of transportation (3.2.3, 3.2.4, 3.2.5, 5.2.4, 5.2.6, 5.4.14, 5.6.8, 7.3.7, 7.5.5, 7.7.7, 7.7.8, 8.9.14, 8.10.9, Goals of Chapter 9.2, City's Vision Statement, Findings 9.2.e, 9.2.i, 9.2.j, 9.2.k, 9.2.n, 9.2.o, 9.2.p, 9.2.s, 9.2.x, 9.3.i, Policies

9.2.1, 9.2.2, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.2.8, 9.4.6, 9.5.14, 13.11.14, 13.11.16, 13.12.14, Policies within Article 11 - Transportation, Policies 12.2.5, 12.2.6, and Policies within Article 13). It directs neighborhoods to have a mix of densities, lot sizes, and housing types, an increase in densities that results in more compact urban development, and introduce more opportunities for the development of more affordable types of housing (3.2.1, 8.7.5, Goals of Chapter 9.2, City's Vision Statement, Findings 9.2.e, 9.2.f, 9.2.w, 9.3.d, 9.3.h, 9.4.c, 9.4.f, 9.5.e, Policies 9.2.5, 9.3.2, 9.3.3, 9.4.7, 9.4.9, 9.5.1, 9.5.2, 9.5.13, 9.5.14, 9.5.15, 9.6.1, 9.6.3, 13.11.15, 13.11.16, and 13.12.7). It directs the City to investigate increasing the density in Low Density Residential zones (9.5.15), consistent with the State Department of Land Conservation and Development direction which requires that the City increase the density in its Low Density Residential zones. Additionally, it requires the City to provide for development for senior citizens and disadvantaged groups (8.7.3, 8.7.6, 8.7.7, 9.4.7, 9.4.9, and Findings 9.4.c, and 9.4.d).

Conclusions Regarding Changes to Existing Residential Zones: The proposed changes to the existing residential zones will implement the new Comprehensive Plan Policies identified above by: including provisions for reduced setbacks and minimum lot sizes, varied lot dimensions, and development that addresses alternate modes of transportation; by directing neighborhoods to have a mix of densities, lot sizes, and housing types, and an increase in densities that results in more compact urban development with more opportunity for the development of more affordable types of housing; and by increasing the density in Low Density Residential zones, consistent with the State Department of Land Conservation and Development direction. Additionally, the proposed changes will provide for development for senior citizens and disadvantaged groups. Finally, the changes will result in a larger opportunity for the development of more affordable types of housing due to more flexible development standards and the introduction of additional housing types throughout the zones. Given the above, the proposed changes to the existing residential zones will bring the Land Development Code into conformance with the Comprehensive Plan, including Comprehensive Plan Section 1.2 as quoted above, and as required by LDC Section 1.2.80.01 - Background.

- (b) **New Chapter 3.9 - Mixed Use Residential (MUR) Zone:** The new Mixed Use Residential (MUR) zone implements the Mixed Use Residential Comprehensive Plan Designation, and may also be applied to Medium High and High Density Residential lands that are within 450 feet of lands with a commercial Comprehensive Plan Map designation. The new MUR Zone is intended to increase housing opportunities in close proximity to designated commercial zones and is aimed primarily for the development of multi-family housing at densities high enough to support the retail uses of the adjacent commercial zone and to provide direct and convenient access by residents to nearby commercial services. Varied housing types are encouraged in the MUR Zone. Small-scale retail, office, and service uses are also allowed when they are developed as part of a mixed use building. Development standards for the MUR Zone emphasize intensive development with building orientation

to the street. Design standards are included in the new Pedestrian Oriented Design Standards Chapter of the Code (Chapter 4.10). The design standards are tailored to the type of use proposed (e.g. townhouse, multi-family, mixed use).

The minimum residential density for residential-only development within an MUR Zone will be 20 units per gross acre. The minimum residential density for mixed use development within the MUR Zone will be 12 units per gross acre. For mixed use residential developments only, where a project involves less than 20 units per gross acre, a development shall include a minimum of 10 percent of the total gross floor area in nonresidential use to be classified as a mixed use development and be eligible to use the minimum density of 12 units per gross acre.

The Comprehensive Plan provides direction for the establishment of mixed use development (8.2.1, 8.10.4, 8.10.6, 8.10.9, Goals of Chapter 9.2, City's Vision Statement, 9.2.5, and Findings 9.2.h, 9.2.i, and 9.2.m) and the Comprehensive Plan Map provides specific direction for the establishment of a Mixed Use Residential zone (via the fact that it has a Mixed Use Residential Map designation).

Conclusions Regarding New Chapter 3.9 - Mixed Use Residential (MUR) Zone: The proposed Mixed Use Residential Zone (Chapter 3.9) will implement the Comprehensive Plan Policies that direct the establishment of mixed use development and will implement the Comprehensive Plan Map designation of Mixed Use Residential in the West Corvallis area. Given the above, the proposed Mixed Use Residential Zone will bring the Land Development Code into conformance with the Comprehensive Plan, including Comprehensive Plan Section 1.2 as quoted above, and by Land Development Code Section 1.2.80.01 - Background.

2. Commercial and Office Changes:

As mentioned, Comprehensive Plan policy 1.2.1 states, "*The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.* In addition, Code Section 1.2.80.01 states that the "*Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.*" Currently, the Land Development Code is not in conformance with the Comprehensive Plan, as the new zones and standards identified in Comprehensive Plan Policy 8.10.7 have not been adopted. The Land Development Code Update Project has developed new Zones intended to bring the Land Development Code into conformance with the Comprehensive Plan.

Applicable Comprehensive Plan Policies:

Policies addressing land use and development standards include- 5.5.13; 8.10.1 through 8.10.13; 9.2.5; 9.2.7; 13.11.1 through 13.11.4;

13.11.17; 13.11.18; 13.12.1; 13.12.4; 13.12.8; 13.12.10; 13.12.12; and 13.12.16.

Policies addressing pedestrian orientation and other transportation issues are included in Chapter 12- Transportation.

The proposed Land Development Code Text changes addressing commercial land uses and District (Zoning) Map changes addressing commercial land uses were initiated to address Policies and Map designations in the Corvallis Comprehensive Plan. With its adoption in December 1998 and acknowledgment in June 2000, a number of Comprehensive Plan Map Designations were eliminated and new Map Designations were created to replace them. Those Comprehensive Plan Map designations that were eliminated included Shopping Area, Linear Commercial, and Regional Shopping Center. The elimination of these Comprehensive Plan Map designations resulted in the elimination of the following Zones: Shopping Area (SA); Shopping Area - University (SA-U); Community Shopping (CS); Linear Commercial (LC); Special Shopping District (SSD); Mixed Use Commercial (MUC); and Regional Shopping Center (RSC). To replace these Comprehensive Plan Map Designations, the Mixed Use Commercial Map Designation was created (Comprehensive Plan Policy 8.10.3). Based on Comprehensive Plan Policy 8.10.7, these changes created a need for new Districts (Zones). Commercial zones created include the Neighborhood Center (NC) Zone, the Mixed Use Community Shopping (MUCS) Zone, and the Mixed Use General Commercial (MUGC) Zone. These District (Zone) Changes as they are implemented on the Zoning Map are discussed in Section III-District (Zone) Changes of this report. This immediate section will address the proposed Text associated with each of these new zones.

Primarily, these LDC Text and Map changes were needed to implement the concept of the "Comprehensive Neighborhood" and its associated Neighborhood Center and to encourage/require development and redevelopment in other commercial areas to be more amenable to pedestrian access. This implementation is to be accomplished through the provision of interconnected street, pedestrian, and bicycle networks; through requirements that commercial buildings be constructed within a maximum setback from streets and sidewalks and with human-scale features that enhance the pedestrian environment; and through an allowance for a broader mix of uses (including residential uses) within commercial and industrial zones. Mixing uses is intended to make non-motor vehicle travel more practical. These concepts originated for Corvallis in the West Corvallis-North Philomath Plan and were reinforced through the development and adoption of the South Corvallis Area Plan. Policies from each of these plans have been adopted in Comprehensive Plan Article 13- Special Areas of Concern.

- (a) ***New Chapter 3.14 - Neighborhood Center (NC) Zone:*** The purpose of the Neighborhood Center Zone is described as follows:

The Neighborhood Center (NC) Zone implements the Minor and Major Neighborhood Center Comprehensive Plan designations. The NC Zone is intended to provide for concentrations of civic uses, retail businesses, commercial and personal service activities, and residential/commercial mixed use developments in the core of

comprehensive neighborhoods, as envisioned by the Comprehensive Plan. Commercial uses in Minor NC's are intended to serve neighborhood shopping and office needs. Commercial uses in Major Neighborhood Centers are intended to serve broader community shopping and office needs in addition to the needs of the nearby neighborhood. Both the Minor and Major NC's are encouraged to the maximum extent possible to include civic uses that support the nearby comprehensive neighborhood. In Major NC's, such civic uses may also serve a larger population.

The NC Zone also:

- a. **Locates a range of businesses within convenient walking and cycling distance of residential areas;**
- b. **Assures human-scale development oriented to pedestrian-friendly shopping streets;**
- c. **Supports the use of alternative modes of transportation, including walking, transit, and bicycles;**
- d. **Develops neighborhood cores at an appropriate human scale, while minimizing hazards, noise, traffic congestion, and other related effects of commercial concentrations;**
- e. **Implements the Comprehensive Plan provisions for development of "Minor" and "Major" Neighborhood Commercial Centers by establishing Minor NC and Major NC Zones on the Zone Map; and**
- f. **Provides useful public spaces serving the neighborhood core and surrounding uses.**

The Neighborhood Center (NC) Zone was developed in direct response to Comprehensive Plan Policies in Articles 8, 9 and 13 (identified above). Existing uses permitted and in conformance with zoning in place prior to this Code are considered conforming following adoption (refer to Section B.2(c) of this Part of this staff report for a further explanation of this concept). The NC Zone implements the Minor and Major Neighborhood Center Comprehensive Plan designations. The proposed NC zone provides for concentrations of civic uses, retail businesses, commercial and personal service activities, and residential/commercial mixed use developments in the core of comprehensive neighborhoods, as envisioned by the Comprehensive Plan (Policy 9.2.5) in Article 9 - Housing and in Article 8 - Economy (Policies 8.10.7; 8.10.8). Neighborhood Centers are also specifically identified for creation in West Corvallis and South Corvallis (13.11.2; 13.12.4; 13.12.7 through 13.12.13). Commercial uses in proposed Minor NC's are intended to serve neighborhood shopping and office needs. Commercial uses in Major NC's are intended to serve broader community shopping and office needs in addition to the needs of the nearby neighborhood (8.10.7). The Comprehensive Plan encourages the Minor and Major NC's to include to the maximum extent possible civic uses that support the nearby comprehensive neighborhood (9.2.5). In Major NC's such civic uses may also serve a larger population (8.10.7; 13.12.12). The proposed Neighborhood Center provides for these uses.

Neighborhood Center site design is also directed by a number of Comprehensive Plan Policies (8.10.6; 8.10.8; 8.10.9; 8.10.10; 9.2.5; 13.11.2; 13.11.18; 13.12.1; 13.12.8; 13.12.10; 13.12.11; 13.12.13). Consistent with these Policies, Neighborhood Centers are required to be located at intersections along Arterial or Collector Streets, to have a designated Shopping Street along which development fronts, and to provide pedestrian scale features and amenities such as windows along the street, small parks or plazas, and building orientation with at least one major commercial entrance to the Shopping Street. Parking lots are required to be behind or adjacent to buildings so as not to disrupt the pedestrian streetscape (8.10.9). The proposed NC Zone also limits uses fronting on Shopping Streets to commercial, civic, or service uses that generate high volumes of pedestrian traffic (8.10.8). The pedestrian-friendly nature of developments within the NC Zones is further enhanced through the required compliance with Chapter 4.10-Pedestrian Oriented Design Standards (11.6.1 through 11.6.7; 11.6.12; 11.6.13).

Conclusions Regarding the New Chapter 3.14 - Neighborhood Center Zone: The Comprehensive Plan gives relatively specific guidance regarding the need for a Neighborhood Center Zone and for the elements that are to be included within the zone. From the information presented in Land Development Code Chapter 3.14- Neighborhood Center (NC) Zone and the discussion in the above section, the proposed Neighborhood Center (NC) Zone is in conformance with the Comprehensive Plan as required by Comprehensive Plan Section 1.2 as quoted above and LDC Section 1.2.80.01 - Background.

(b) ***New Chapter 3.15 - Riverfront (RF) Zone:*** The Riverfront Zone is described in its purpose statement as follows:

The Riverfront Zone (RF) implements the Central Business Zone Comprehensive Plan designation for a portion of the core downtown area. It is intended to provide an area for commercial, civic, and residential uses, and to merge downtown with the Riverfront Commemorative Park in a pedestrian-friendly, multi-use neighborhood that focuses on the river. While the zone does not permit new low density building types, it does encourage dwelling units in, or attached to, buildings containing commercial activities. Development in the Riverfront Zone is intended to enhance public safety and the pedestrian experience by encouraging the presence of citizens 24 hours a day. Allowed uses such as retail office and restaurants with windows to the sidewalk, and a residential neighborhood promote the greatest public access and activity. Safe, adequate, and convenient parking for employees, customers, and residents is desired through use of on-street parking, and parking facilities that are functionally and visually compatible with the pedestrian orientation of the area. Structured parking facilities are encouraged to promote use densities that enhance opportunities to achieve the intended high level of neighborhood safety and pedestrian activity within the multi-use neighborhood. To the extent that they meet the other purposes of the RF Zone and other requirements of the entire Code, creative measures to provide needed parking within the RF Zone and potentially within the Central Business District are encouraged to foster community-preferred activities in the RF Zone.

The Riverfront (RF) Zone was developed specifically to address the need identified in the Comprehensive Plan (5.5.13; 13.5.12) to establish this new zone and the requirement that 1st Street be a compact, pedestrian-friendly amenity. Existing uses permitted and in conformance with zoning in place prior to this Code are considered conforming following adoption (refer to Section B.2(c) of this Part of this staff report for a further explanation of this concept). The downtown riverfront area consists of properties designated on the Comprehensive Plan Map as both Central Business (CB) and Conservation - Open Space (C-OS). The CB-designated properties are located along the west side of 1st Street, and the C-OS-designated properties are on the east side of 1st Street directly fronting the River. The proposed Riverfront (RF) Zone includes only those properties designated CB and located between Tyler Avenue to the north and the Hwy 34 overpass to the south.

The standards to be incorporated in the RF Zone are not as specifically identified as those desired in the NC Zones. The Comprehensive Plan directs new commercial development to be concentrated in designated mixed-use districts and located to maximize access by pedestrians and transit (8.10.4). It directs downtown commercial districts to serve regional shopping and office needs (8.10.7). The RF Zone allows a broad range of commercial and service uses outright. The proposed RF Zone also allows and fosters residential development on upper floors, providing direct pedestrian access to shopping, service, and employment throughout the downtown (8.10.6; 8.10.11). The Corvallis transit system operates out of the downtown, with a number of transit routes serving the area via 4th Street (less than a 1/4-mile walk from most of the RF Zone). Buildings are required to be directly adjacent to the street and to provide pedestrian scale features and amenities such as windows along the street, small parks or plazas, and building orientation with at least one major commercial entrance to the Shopping Street. Parking lots are required to be behind buildings so as not to disrupt the pedestrian streetscape (8.10.9). The proposed RF Zone also requires a minimum 2.5 Floor Area Ratio or (F.A.R.) making it in conformance with Comprehensive Plan Policies calling for compact pedestrian-friendly commercial development in the downtown (8.10.11; 13.5.8; 13.5.9; 13.5.10; 13.5.13). In addition, the requirement for pedestrian-friendly development standards is stated in the Corvallis Transportation Plan (11.6.1 through 11.6.7; 11.6.12; 11.6.13).

Conclusions Regarding the New Chapter 3.15 - Riverfront (RF) Zone:

The Comprehensive Plan gives specific direction regarding the need for a Riverfront Zone. Though the specific elements that are to be included within the zone are less clear than those of the NC Zone, compact, pedestrian-friendly, mixed-use development that provides for regional shopping and service needs is to be provided. From the information presented in Land Development Code Chapter 3.15- Riverfront Zone (RF) Zone and the discussion in the above section, the proposed Riverfront Zone (RF) Zone is in conformance with the Comprehensive Plan as required by Comprehensive Plan Section 1.2 as quoted above and LDC Section 1.2.80.01 - Background.

- (c) ***New Chapter 3.19 - Mixed Use Community Shopping (MUCS) Zone:*** The Mixed Use Community Shopping (MUCS) Zone is described in its purpose statement as follows:

The Mixed Use Community Shopping (MUCS) Zone implements the Mixed Use Commercial Comprehensive Plan designation in areas located outside Neighborhood Center (NC) Zones and the Mixed Use General Commercial Zone. The MUCS Zone is applied to areas that are already largely developed, are mostly located between neighborhood centers, and are intended to transition to a more pedestrian-oriented and human-scale environment. The MUCS Zone is intended to provide for retail businesses and commercial and personal service activities of limited sizes (with larger uses in the Major Neighborhood Center Zone), and mixed use developments, accommodating both pedestrian-oriented uses and a limited number of land uses that are more dependent on automobile circulation. The MUCS Zone also:

- a. Provides transitions from a linear pattern of commercial development toward a pedestrian-friendly environment;
- b. Locates a range of complementary businesses close to each other;
- c. Provides human-scale development to the greatest extent practicable;
- d. Mitigates the adverse impacts of automobile-oriented development on the pedestrian environment;
- e. Supports the use of alternative modes of transportation, including walking, transit and bicycles;
- f. Minimizes hazards, noise, traffic congestion, and other related effects of commercial concentrations; and
- g. Implements the Comprehensive Plan provisions for access management on arterial streets.

The MUCS Zone was developed to allow for a mix of uses that includes residential development and commercial uses that do not require large areas of outside storage. Existing uses permitted and in conformance with zoning in place prior to this Code are considered conforming following adoption (refer to Section B.2(c) of this Part of this staff report for a further explanation of this concept). Most new uses are limited in size, however, to 7,500 ft² (of the 25 “indoor” commercial use types in the MUCS, all but seven have a 7,500 ft² use size limitation). The MUCS Zone also has a building footprint maximum of 15,000 ft². The limitations on use and building size are intended to focus development of larger scale uses in the NC Zones(8.10.11; 13.12.12) and uses requiring extensive land area (auto dealers, building supply, etc) in the Mixed Use General Commercial (MUGC) Zone. As stated in the MUCS Zone’s purpose, areas designated as MUCS are intended to transition away from the existing, primarily auto-oriented pattern to a more pedestrian-oriented pattern (11.6.1 through 11.6.7; 11.6.12; 11.6.13). Allowance for development of residential structures or mixed-use structures that include residences will contribute to this transition. The pedestrian-friendly nature of developments within the MUCS Zone is further enhanced through the required compliance

with Chapter 4.10- Pedestrian Oriented Design Standards (11.6.1 through 11.6.7; 11.6.12; 11.6.13).

Use and building size limitations specified in the MUCS Zone were discussed in detail by the CTRG. Although it was decided that the transition from auto-orientation toward a more pedestrian-friendly environment could best be achieved by focusing larger retail uses in the NC Zone and uses requiring extensive land area (auto dealers, building supply, etc) in the Mixed Use General Commercial (MUGC) Zone, it was also recognized that there are many uses and buildings in the areas to be designated MUCS that exceed these use and building size limitations. As a result, existing uses permitted and in conformance with zoning in place prior to this Code are considered conforming following adoption. In addition, active Planned Developments are considered conforming following adoption.

- *Outstanding Issue Regarding Restrictions on Size of Uses and Building Footprints:* Staff has had a number of discussions with property owners who are concerned that existing buildings and/or building areas that are in excess of the building footprint limitation may be considered nonconforming should the use be changed. For example, an existing 30,000 ft² building being used in its entirety for a particular use is sold, and the new owner wishes to use it for another use allowed in the MUCS Zone. In this case, the use size limitation (generally 7,500 ft²) would apply, and the building would be required to be partitioned inside into smaller use areas. In addition, no expansion of the building could be done, as the building already exceeds the building footprint limitation, and any expansion increases this nonconformance.

As with any development standards in the Land Development Code, the Planned Development process can be used to propose variations from these use and building size limitations. Through this process, an applicant may be able to get approval for the proposed use by addressing the review criteria of Chapter 2.5 - Planned Development. This may involve construction of additional pedestrian amenities, etc.

A similar, though likely more common situation, may also occur in which such a building is currently divided into three 10,000 ft² uses. In this case, a change of use in any one of these 10,000 ft² spaces could not occur for most of the allowed uses in the zone, as the use size limitation would not be met. These potential situations raise the following question:

In the MUCS Zone, is it the desire of the City to require all requests for a change of use for existing buildings that exceed the building footprint limitation, or for building areas exceeding the use size limitations, to go through the Planned Development process?

If the answer is yes, the zone may be left as it is currently proposed. However, after further review of the issue, staff believes that the

answer is no. Therefore, it is recommended that language be added to the MUCS Zone to provide an exemption to these size limitations for existing buildings/building areas. It is recommended that this additional language be as follows:

Section 3.19.40.01

- d. **Buildings in excess of 15, 000 ft² existing prior to December 31, 2000, and in conformance with the Land Development Code on that date shall not be classified as nonconforming structures with respect to size. In such structures, change in use from the existing use to a use otherwise permitted, but for the maximum use size limitation, shall be permitted. Similarly, for interior portions of buildings in excess of 7,500 ft² existing prior to December 31, 2000, and in conformance with the Land Development Code on that date, change in use from the existing use to a use otherwise permitted, but for the maximum use size limitation, shall be permitted.**

Conclusions Regarding the New Chapter 3.19 - Mixed Use Community Shopping (MUCS) Zone: The Comprehensive Plan gives specific direction that new commercial zones shall allow a mix of uses and maximize access for transit and pedestrians. Though the specific elements that are to be included within the zone are less clear than those of the NC Zones, compact, pedestrian-friendly, mixed-use development that provides for local shopping and service needs is to be provided. From the information presented in Land Development Code Chapter 3.19- MUCS (Mixed Use Community Shopping) Zone and the discussion in the above section, the proposed MUCS (Mixed Use Community Shopping) Zone is in conformance with the Comprehensive Plan as required by Comprehensive Plan Section 1.2 as quoted above and LDC Section 1.2.80.01 - Background. As precise zone requirements, including building and use sizes, are not specified in the Comprehensive Plan, modifications to allow greater flexibility for changes in use of existing buildings are not likely to negatively impact this conformance.

- (d) ***Existing & Retained Commercial Zones:*** With the adoption and acknowledgment of the Corvallis Comprehensive Plan, a number of Comprehensive Plan Map Designations were eliminated and new Map Designations were created to replace them. Those designations that were eliminated included Shopping Area, Linear Commercial, and Regional Shopping Center. The elimination of these Comprehensive Plan Map designations resulted in the elimination of the following Zones: Shopping Area (SA); Shopping Area - University (SA-U); Community Shopping (CS); Linear Commercial (LC); Special Shopping District (SSD); Mixed Use Commercial (MUC); and Regional Shopping Center (RSC). A number of other commercial zones were kept, however, including the CB (Central Business), CBF (Central Business Fringe), and the P-AO (Professional and Administrative Office) Zones. Changes to these zones were made primarily to make them consistent with other sections of the Land Development Code and the

pedestrian-friendly direction the Comprehensive Plan directs. As a result, the CB, CBF, and P-AO Zones are proposed to be amended to incorporate required compliance with Chapter 4.10 - Pedestrian Oriented Design Standards (PODS), and limitations on vertical building projections not used for human occupancy.

The P-AO Zone received additional changes. Because required compliance with the PODS addresses many of the visual elements and other amenities that were contained in the menus associated with Site Design, Structure, and Neighborhood Impact, this section of the Code now provides other specific requirements (not contained in the PODS) that must be met rather than the more arbitrary "pointing" of items. In addition, the Energy Efficiency section was eliminated, as most of the items to be selected from or issues they were intended to address are now required by the Uniform Building Code.

- *Outstanding Issue Regarding Residential Uses in the Central Business (CB) Zone:* One of the written public comments in Attachment L-1 points out that the CB Zone does not currently allow the residential housing types of single family detached and attached, or duplex. The comment argues that for CB sites that are underdeveloped, these types of residential development should be allowed because the building of additional residential units on infill sites is consistent with the intent of increasing density. To name just a few, Comprehensive Plan Policies 9.2.5, 9.3.2, 9.3.3, 9.4.1, 9.5.1, 9.5.2 specifically require that a mix of housing types, densities, and lot sizes be provided in neighborhoods, that neighborhood development provide for compatible building transitions in terms of scale, mass, and orientation, that security is enhanced with a mix of uses and building openings and windows that overlook public areas, that innovative site development techniques and a mix of dwelling types should be encouraged to meet the range of and demand for housing, and that the City plan for affordable housing options for various income groups and that these options be dispersed throughout the City. Given these Policies, the request to add single family attached and detached and duplexes as allowed housing types for underdeveloped sites in the CB Zone is consistent with the Comprehensive Plan. It is recommended that the CB Zone be amended to include these housing types and Draft "B" of the Code has been amended to reflect this change.

Conclusions Regarding Existing & Retained Commercial Zones: The Comprehensive Plan gives specific direction that the P-AO, CB and CBF Zones are to remain. Although specific planning efforts addressing the downtown (CB and CBF) are identified in the Comprehensive Plan, a decision was made to accomplish these tasks in a future phase of the Land Development Code Update due to the magnitude of other Land Development Code changes that were mandated. No specific changes to the P-AO Zone were mandated. From the information presented in Land Development Code Chapters 3.11- P-AO, 3.16 - CB, and 3.17 - CBF Zones, and from the discussion in the above section, the proposed CB, CBF, and P-AO Zones are

in conformance with the Comprehensive Plan as required by Comprehensive Plan Section 1.2, as quoted above, and LDC Section 1.2.80.01 - Background.

3. Industrial Changes:

These Land Development Code Text changes addressing industrial land uses were initiated to address Policies and Map designations in the Corvallis Comprehensive Plan. With adoption of the Comprehensive Plan, two new Industrial Comprehensive Plan Map Designations were created to address Policy direction from the South Corvallis Area Plan. These Comprehensive Plan Map designations are Limited Industrial - Office (LI-O) and Mixed Use Transitional (MUT), requiring creation of the Limited Industrial - Office (LI-O) and Mixed Use Transitional (MUT) zones. These District (Zone) Changes as they are implemented on the Zoning Map are discussed in Section III- District (Zone) Changes of this report. This section will address the proposed Text associated with each of these new zones, as well as proposed changes to the existing industrial zones.

Applicable Comprehensive Plan Policies:

Policies addressing land use and development standards include- 8.9.1 through 8.9.18.

Policies addressing pedestrian orientation and other transportation issues are included in Chapter 12- Transportation.

- (a) ***New Chapter 3.22 - Limited Industrial - Office (LI-O) Zone:*** The Limited Industrial - Office (LI-O) Zone is described in its purpose statement as follows:

The Limited Industrial - Office (LI-O) Zone implements the Limited Industrial - Office Comprehensive Plan designation. It is intended to create and preserve areas where limited manufacturing, development oriented to the large-scale office industry (rather than small scale, single use, stand-alone office buildings), and related use types may locate, as defined and guided by this chapter. Ancillary or customarily incidental non-industrial and non-office uses that support the primary use activity are permitted such as administrative, sales, and service uses. Together, all of these uses are intended to reduce potentially adverse impacts from, and provide a buffer between, General Industrial uses and non-industrial uses (e.g., neighborhood centers, residential and mixed use zones, etc.). The LI-O Zone development standards and design guidelines are intended to assure quality appearance at community gateways, consistent with the Comprehensive Plan.

The Comprehensive Plan mandates that the City develop standards for a Limited Industrial - Office (LI-O) Zone (8.9.17). The east side of Highway 99W between Wake Robin Avenue and Airport Avenue is designated primarily as residential, with Mixed Use Commercial located at specific cross streets as Neighborhood Centers. The Comprehensive Plan Map locates the LI-O Zone along the west side of Highway 99W between Wake Robin Avenue and Airport Avenue. The LI-O Zone was so located to provide a buffer between the properties zoned General Industrial (GI) to the west and the proposed residential neighborhoods east of the highway. The zone could be applied in

other areas of the community to provide similar buffering between residential and industrial lands. The LI-O Zone was developed to be consistent with Comprehensive Plan Policy 13.11.4, requiring the inclusion of increased front yard landscaping, prohibition of pole-mounted signs, additional storage and screening requirements, and building orientation to transit stops. To further enhance the buffering characteristics of this Zone, compliance with elements of Chapter 4.10- Pedestrian Oriented Design Standards is required.

Conclusions Regarding the New Chapter 3.22 - Limited Industrial - Office

(LI-O) Zone: The Comprehensive Plan gives specific direction to create a Limited Industrial - Office (LI-O) Zone, and identifies specific elements that are to be included within the Zone. From the information presented in Land Development Code Chapter 3.22 - Limited Industrial - Office (LI-O) Zone, and from the discussion in the above section, the proposed Limited Industrial - Office (LI-O) Zone is in conformance with the Comprehensive Plan as required by Comprehensive Plan Section 1.2 as quoted above and LDC Section 1.2.80.01 - Background.

- (b) **New Chapter 3.21 - Mixed Use Transitional (MUT) Zone:** The Mixed Use Transitional (MUT) Zone is described in its purpose statement as follows:

This zone implements the Mixed Use Transitional (MUT) Comprehensive Plan designation. The MUT Comprehensive Plan designation should be applied to those existing industrial areas that are identified, through an area refinement plan, as being desirable for transition over time to less intensive uses. The MUT zone provides a mechanism to permit the introduction of new, less intensive uses while allowing general and intensive industrial uses to remain during an indefinite period of transition. It also addresses limitations on re-intensification of uses that have previously transitioned from general or intensive industrial uses to less intensive activities.

The MUT Zone was developed in direct response to direction in the Comprehensive Plan (13.11.7) that emanated from the South Corvallis Area Plan. The intention of the zone is to allow over time the transition from Intensive Industrial to a mix of less intensive uses for the Evanite and Open Door uses along the Willamette River in south Corvallis. The MUT Zone accomplishes all of the specific direction from the Comprehensive Plan, requires Conditional Development approval for new Intensive Industrial and General Industrial uses, while permitting many less intensive forms of development outright.

Consistent with Comprehensive Plan policy 13.11.7.C, which requires limitations on the re-establishment of Intensive or General Industrial uses when such uses have been replaced by less intensive uses, the MUT Zone requires Conditional Development approval for such requests. Discussion of this element of the MUT Zone took place at the July 26, 2000, Planning Commission work session at the request of a citizen that a time limit be established beyond which such re-establishment would not be allowed to occur. The decision was made at the work session to leave the requirements as proposed.

Conclusions Regarding the New Chapter 3.21 - Mixed Use Transitional (MUT) Zone: The Comprehensive Plan gives specific direction for the creation of a Mixed Use Transitional Zone, including some specific elements that are to be included within the zone. From the information presented in Land Development Code Chapter 3.21- MUT (Mixed Use Transitional) Zone and the discussion in the above section, the proposed MUT (Mixed Use Transitional) Zone is in conformance with the Comprehensive Plan as required by Comprehensive Plan Section 1.2 as quoted above and LDC Section 1.2.80.01 - Background.

- (c) **Existing & Retained Industrial Zones:** In addition to the industrial zones proposed for creation (LI-O and MUT), there are four industrial zones identified in the Corvallis Land Development Code. These are: LI Limited Industrial); GI (General Industrial); II (Intensive Industrial); and RTC (Research Technology Center). Changes to these zones were made primarily to make them consistent with other sections of the Land Development Code and, in the case of the RTC Zone, with the pedestrian-friendly direction the Comprehensive Plan directs. Although there is specific Comprehensive Plan direction for modifications to be made to these zones, a decision was made to accomplish these tasks in a future phase of the Land Development Code Update due to the magnitude of other Land Development Code changes that were mandated. As a result, the LI, GI, II, and RTC Zones are proposed to be amended only to the limited degree identified.

Conclusions Regarding Existing & Retained Industrial Zones: Although specific planning efforts addressing the GI, II, and RTC Zones are identified in the Comprehensive Plan, a decision was made to accomplish these tasks in a future phase of the Land Development Code Update due to the magnitude of other Land Development Code changes that were mandated. No specific changes to the LI Zone were mandated. From the information presented in Land Development Code Chapters 3.23 LI Zone ; 3.24 GI Zone ; 3.25 II Zone ; and 3.26 RTC Zone and from the discussion in the above section, the proposed LI, GI, II, and RTC Zones are in conformance with the Comprehensive Plan as required by Comprehensive Plan Section 1.2 as quoted above and LDC Section 1.2.80.01 - Background.

4. **Existing Chapter 3.37 - Agriculture - Open Space (AG-OS) Zone:**

Applicable Comprehensive Plan Policies:

Policies addressing significant natural features are primarily contained within Article 4

Additional Policies addressing significant natural features include, but are not limited to, 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, and 11.2.1, as well as the descriptions of the Comprehensive Plan land use designations of Open Space - Agriculture and Open Space - Conservation from Article 40 (40.4.2 & 40.4.3)

The Policies within Article 4 and Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, and 11.2.1 emphasize the preservation of significant open space and natural features, the minimization of environmental impacts and impervious surfaces, and the incorporation of topography as a factor affecting the design of development. The Comprehensive Plan has two different land use designations that address open space. These designations are called Open Space - Agriculture and Open Space - Conservation. The descriptions from Comprehensive Plan Article 40 are as follows:

40.4.2 Open Space - Agriculture

All predominantly agricultural lands within the Urban Growth Boundary, including areas in food production, tree farms, animal husbandry, and agricultural and forestry research.

40.4.3 Open Space - Conservation

All predominantly open spaces reserved for general community use, including parks, preserves, and general drainageway corridors. Under the Open Space - Conservation designation, limited development may be permitted on private lands provided that the the development does not create a hazard or interfere with the drainage function of the streams.

Note: These two descriptions are currently missing from Article 40 as part of an inadvertent oversight. They were approved by the Council in one of the final drafts of the Comprehensive Plan and their insertion into the current Comprehensive Plan is proposed as part of the Comprehensive Plan Amendment in Part II of this staff report.

Currently, there is only one open space zone within the Land Development Code. It is the Chapter 3.37 - Agriculture - Open Space (AG-OS) Zone. Ultimately, an additional zone called Conservation - Open Space (C-OS) needs to be developed. Although specific planning efforts addressing the development of such a C-OS Zone are clearly supported by the natural feature Policies of the Comprehensive Plan, a decision was made to accomplish this task in a future phase of the Land Development Code Update Project due to the magnitude of other Land Development Code changes that were mandated within the current phase of the Land Development Code Update Project. Deferral of the development of this C-OS Zone will also allow for this Zone to be developed in concert with other natural feature chapters that will occur as part of the future phase of the LDC Update Project. Such additional natural feature chapters will more fully implement Article 4 of the Comprehensive Plan.

Until the C-OS Zone is developed, the AG-OS Zone will continue to be applied to lands with Comprehensive Plan designations of Open Space - Agriculture **and** Open Space - Conservation. To ensure the restriction of more intensive agricultural land uses from lands with a Comprehensive Plan designation of Open Space - Conservation, a review was conducted of the land uses allowed in the AG-OS Zone. Asterisks were placed by uses that would be in conflict with the description for the Comprehensive Plan land use designation of Open Space - Conservation. Only the AG-OS uses without asterisks will be allowed on lands with a Comprehensive Plan Map designation of Open Space - Conservation. Additionally, as is the case with the

new zones, existing uses permitted and in conformance with the zoning in place prior to the proposed new Code will be considered conforming following adoption (refer to Section B.2(c) of this Part of this staff report for a further explanation of this concept).

Conclusions Regarding Chapter 3.37 - Agriculture - Open Space (AG-OS) Zone:

Until a Conservation - Open Space (C-OS) Zone is developed, the AG-OS Zone will continue to be applied to lands with Comprehensive Plan designations of Open Space - Agriculture and Open Space - Conservation. Asterisks will be placed by uses that would be in conflict with the description for the Comprehensive Plan land use designation of Open Space - Conservation (Policy 40.4.3). Only the AG-OS uses without asterisks will be allowed on lands with a Comprehensive Plan Map designation of Open Space - Conservation. Given the above, land uses on lands with a Comprehensive Plan Map designation of Open Space - Conservation will be consistent with the Comprehensive Plan as required by Comprehensive Plan Section 1.2 as quoted above and LDC Section 1.2.80.01 - Background.

E. ARTICLE IV (DEVELOPMENT STANDARDS) - Chapters 4.0 THROUGH 4.10

- Chapter 4.0 - Improvements Required with Development**
- Chapter 4.1 - Parking, Loading, and Access Requirements**
- Chapter 4.2 - Landscaping, Buffering, Screening & Lighting**
- Chapter 4.3 - Accessory Development Standards**
- Chapter 4.4 - Land Division Standards**
- Chapter 4.5 - Flood Control and Drainageway Provisions**
- Chapter 4.6 - Solar Access**
- Chapter 4.7 - Corvallis Sign Regulations**
- Chapter 4.8 - Manufactured Dwelling Park Standards**
- Chapter 4.9 - Additional Provisions**
- Chapter 4.10 (New) - Pedestrian Oriented Design Standards**

1. Chapter 4.0 - Improvements Required With Development :

- (a) *Revised to Reflect Transportation Plan Provisions:*** Article 11 of the Comprehensive Plan contains Policies that reflect the Policies within the City's adopted Transportation Plan. Article 11 also requires compliance with the City's Transportation Plan (11.3.7). Chapter 4.0 of the Land Development Code needs to be revised to reflect the Policies within both the Transportation Plan and the Comprehensive Plan. The changes proposed for Chapter 4.0 will bring this Code Chapter into conformance with both documents. Examples of some of the changes include revised references to the functional classification of streets, and a revised Street Functional Classification System chart showing the improvements associated with each type of street facility.
- (b) *Introduction of Alley, Shopping Street, and Block Perimeter Provisions:*** Comprehensive Plan Policies such as 9.2.5 and 13.11.10 encourage the use of alleys in development. Therefore, Chapter 4.0 will be revised to include standards for alleys. Comprehensive Plan Policies 8.10.7 and 11.6.13 require

that “new commercial and residential development shall generally provide for a maximum block perimeter of 1,500 feet, except where it would negatively impact significant natural features.” Chapter 4.0 will include block perimeter standards. Comprehensive Plan Policies 8.10.10, 13.12.8, and 13.12.13 require shopping streets for neighborhood centers. Chapter 4.0 will include standards for shopping streets.

Conclusions Regarding Chapter 4.0 -Improvements Required With Development: Chapter 4.0 - Improvements Required with Development will be revised to reflect the currently adopted Transportation Plan and Comprehensive Plan Policies. Examples of some of the changes include revised references to the functional classification of streets, and a revised Street Functional Classification System chart showing the improvements associated with each type of street facility. Chapter 4.0 will also be revised to add alley, shopping street, and block perimeter development standards. Given the above, the proposed changes to Chapter 4.0 will be consistent with the Comprehensive Plan as required by Comprehensive Plan Section 1.2 as quoted above and LDC Section 1.2.80.01 - Background.

2. Chapter 4.1 - Parking, Loading, and Access Requirements:

The Comprehensive Plan requires that “parking lots be located to the rear of buildings, and where they do not disrupt the pedestrian landscape, may be located to the side of buildings” (8.9.14, 8.10.9). Chapter 4.1 - Parking, Loading, and Access requirements will include provisions that require parking lots to be placed consistent with these Policies. Comprehensive Plan Policy 8.10.12 states that “the City shall develop standards for commercial, office, and industrial districts to require that, any spaces in excess of the minimum standard shall be located in underground or structured parking facilities in developments with large minimum parking requirements (such as over 200 spaces).” Staff was directed to develop a standard for incorporation into Chapter 4.1. The provision is worded as follows in Attachment P (Draft B of the Code):

4.1.20.p **Structured Parking Required - For development with off-street vehicle parking requirements in excess of 200 spaces, all parking in excess of the minimum shall be located in underground or structured parking facilities. In such cases, the parking maximum may be increased to 50 percent in excess of the minimum off-street vehicle parking required by Section 4.1.30 below.**

Conclusions Regarding Chapter 4.1 - Parking, Loading, and Access Requirements: Given the above, the proposed changes to Chapter 4.0 will be consistent with the Comprehensive Plan as required by Comprehensive Plan Section 1.2 as quoted above and LDC Section 1.2.80.01 - Background.

3. Chapter 4.2 - Landscaping, Buffering, Screening & Lighting:

The Policies within Article 4 and Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, and 11.2.1 emphasize the preservation of significant open space and natural features, the minimization of environmental impacts and impervious surfaces, and the

incorporation of topography as a factor affecting the design of development. In response to these Policies, and other Comprehensive Plan Policies which address and encourage substantial landscaping with development (3.2.3, 3.2.4, 5.2.3, 5.2.4, 5.3.1, 5.3.2, 5.33, to name a few), Chapter 4.2 will contain much more specific provisions for the preservation of significant natural vegetation and minimum landscaping requirements. Additionally, fencing requirements will be made more clear and gateway landscaping and fencing requirements along South Third Street will be included (5.2.1, 5.2.4, 5.5.11, 13.11.1, 13.11.10).

Finally, Comprehensive Plan Policy 9.3.7 requires that *“to the maximum extent possible in residential areas, glare from outdoor lighting shall be shielded and noise shall be limited.”* Council Policy 91-9.04 states that *“the City of Corvallis is interested in well shielded, energy efficient street lighting sources that direct the light source downward where it is needed, not up or sideways where it is wasted and causes glare, light trespass, and bright skies.”* A new section (Code Section 4.2.80) will be added to Chapter 4.2 to address lighting.

Conclusions Regarding Chapter 4.2 - Landscaping, Buffering, Screening & Lighting: Given the above, the proposed changes to Chapter 4.0 will be consistent with the Comprehensive Plan as required by Comprehensive Plan Section 1.2 as quoted above and LDC Section 1.2.80.01 - Background.

4. Flood Control and Drainageway Provisions:

New FEMA (Federal Register/Vol. 62 No. 37, pages 8391-8400) regulations specify additional development standards for development within the 100-year flood plain. Therefore, these new requirements will be added to Code Chapter 4.5 - Flood Control and Drainageway Provisions to ensure that they are met.

Conclusions Regarding Flood Control and Drainageway Provisions: Code Section 1.2.80.01 states that the Code may be amended whenever the public necessity, convenience, and general welfare require such amendment. The addition of these development standards is a public necessity to address the public's general welfare. Therefore, amendment of the LDC by addition of these development standards is consistent with Comprehensive Plan Section 1.2 as quoted above and Land Development Code Section 1.2.80.01.

5. Chapter 4.7 - Sign Regulations:

Code Chapter 4.7 - Sign Regulations lists many sign provisions in relation to the City's Zoning designations. Because the City's Zoning designations are changing, Chapter 4.7 will change to reflect the new names of the zones.

Conclusions Regarding Chapter 4.7 - Sign Regulations:

Given the above, the proposed changes to Chapter 4.7 will be consistent with the Comprehensive Plan as required by Comprehensive Plan Section 1.2 as quoted above and LDC Section 1.2.80.01 - Background.

6. Chapter 4.9 - Additional Provisions:

As discussed previously, the residential zones throughout the Code will be changing to require larger developments (greater than 5 acres) to provide a variety of housing types. To assist in complying with these new requirements, a housing type matrix will be added to the end of Chapter 4.9 - Additional Provisions. This matrix will be a quick way for an applicant to see what housing types are allowed in each zone and understand how the housing type variation requirements may be satisfied.

Conclusions Regarding Chapter 4.9 - Additional Provisions:

Given the above, the proposed changes to Chapter 4.7 will be consistent with the Comprehensive Plan as required by Comprehensive Plan Section 1.2 as quoted above and LDC Section 1.2.80.01 - Background.

7. New Chapter 4.10 - Pedestrian Oriented Design Standards:

(a) *Residential Requirements:*

As mentioned, Comprehensive Plan policy 1.2.1 states, "*The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.* In addition, Code Section 1.2.80.01 states that the "*Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.*" Currently, the Land Development Code is not in conformance with the Comprehensive Plan, as the residential themes of pedestrian-oriented development and design, housing variety, compact urban form, compatibility through design, increase in different types of living environments, and development designed around alternative modes of transportation identified in Comprehensive Plan Articles 3, 5, 7, 8, 9, 11, and 12 have not been adopted. The Land Development Code Update Project has developed a new chapter called Pedestrian Oriented Design Standards (Chapter 4.10) to bring the Land Development Code into conformance with the Comprehensive Plan with respect to design issues.

Applicable Comprehensive Plan Policies:

Policy 3.2.5 The City shall implement a process to develop more specific development standards or design guidelines that closely represent the vision of Corvallis as expressed by its citizens. These standards or guidelines may address such items as: the effective use of building mass; orientation to the street; landscaping; and the placement of windows, doors, porches, and other architectural elements. Upon completion, the City shall revise the Land Development Code to ensure conformance with the new standards or design guidelines.

The goals of Section 9.2 - Neighborhood-Oriented Development, are:

More compact development patterns:

- **To provide more housing opportunities and choices;**
- **To minimize per unit development costs;**
- **To minimize infrastructure maintenance costs;**
- **To minimize City service costs (police, fire, sanitation); and**
- **To make efficient use of land.**

Creation of high quality public areas (including streets, squares, and parks):

- **To foster community interaction;**
- **To increase safety;**
- **To offset private open space reduction in individual units; and**
- **To connect individual housing units to the larger community.**

Promote greater variety of housing types within desirable neighborhood contexts:

- **To create lifetime housing options and choices within neighborhoods;**
- **To increase the desirability of long-term tenure in all types of housing; and**
- **To increase acceptance / desirability / compatibility of diverse housing within neighborhoods.**

Provide more access and transportation choices for all citizens:

- **By creating overall housing densities sufficient for viable public transit;**
- **By creating connections and a land use mix to make pedestrian and bicycle travel safe, desirable options; and**
- **To increase housing affordability by reducing the necessity of auto expenses for individuals and families.**

Reduce the negative impacts of automobile reliance:

- **On the general environment;**
- **On the livability of residential / commercial areas; and**
- **On land consumption required for auto use, storage, and buffering.**

Provide viable opportunities at the appropriate scale and location for a mix of commercial, service, and residential uses:

- To create opportunities for more intense, efficient use of land for a broader range of uses; and
- To support the creation of more pedestrian-friendly residential areas and to support other transportation goals.

Promote comprehensive neighborhood / community planning efforts (such as specific area plans):

- To provide greater community consensus on desirable models of growth;
- To assure that the end result of development matches community needs and expectations;
- To assure the development community as to what is acceptable for a more streamlined process; and
- To provide for larger community needs such as connectivity and the complimentary mix of locations and land uses across land parcels of diverse size and ownership.

9.1 Relevant Vision Statement Elements

“Development standards have been created based on the characteristics of traditional Corvallis neighborhoods. These standards ensure that development and redevelopment create, protect, and enhance neighborhood form while facilitating the community-wide needs to improve transportation choices, provide housing for a diverse population within safe attractive neighborhoods, and maintain resource lands, natural areas, and recreational open spaces.”

“More efficient land use through higher densities and compact development reduces the amount of land required for development and the negative impacts of an extended infrastructure. . . . The number of daily auto trips and the length of those trips has been significantly reduced by: close coordination of land use and transportation decisions creating a careful mix of uses within neighborhoods; designing and building neighborhoods that are safe, easy, and convenient to walk and bicycle in; and building pedestrian connections between neighborhoods.”

9.2.5 Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas. These neighborhood characteristics are as follows:

- A. Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.
- B. Comprehensive neighborhoods support effective transit and neighborhood services and have a wide range of densities. Higher

densities generally are located close to the focus of essential services and transit.

- C. Comprehensive neighborhoods have a variety of types and sizes of public parks and open spaces to give structure and form to the neighborhood and compensate for smaller lot sizes and increased densities.
- D. Neighborhood development provides for compatible building transitions in terms of scale, mass, and orientation.
- E. Neighborhoods have a mix of densities, lot sizes, and housing types.
- F. Neighborhoods have an interconnecting street network with small blocks to help disperse traffic and provide convenient and direct routes for pedestrians and cyclists. In neighborhoods where full street connections cannot be made, access and connectivity are provided with pedestrian and bicycle ways. These pedestrian and bicycle ways have the same considerations as public streets, including building orientation, security-enhancing design, enclosure, and street trees.
- G. Neighborhoods have a layout that makes it easy for people to understand where they are and how to get to where they want to go. Public, civic, and cultural buildings are prominently sited. The street pattern is roughly rectilinear. The use and enhancement of views and natural features reinforces the neighborhood connection to the immediate and larger landscape.
- H. Neighborhoods have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas.
- I. Neighborhoods have public areas that are designed to encourage the attention and presence of people at all hours of the day and night. Security is enhanced with a mix of uses and building openings and windows that overlook public areas.
- J. Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Domestic garages are behind houses or otherwise minimized (e.g., by setting them back from the front facade of the residential structure.) Parking lots and structures are located at the rear or side of buildings. On-street parking may be an appropriate location for a portion of commercial, institutional, and domestic capacity. Curb cuts for driveways are limited, and alleys are encouraged.
- K. Neighborhoods incorporate a narrow street standard for internal streets which slows and diffuses traffic.
- L. Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure.
- M. Neighborhoods have street trees in planting strips in the public right-of-way.

Policies Requiring Pedestrian Oriented Design include, but are not limited to: 3.2.3, 3.2.4, 3.2.5, 5.2.4, 5.4.14, 7.5.5, 7.7.7, 7.7.8, 8.9.14, 8.10.9, Goals of Chapter 9.2, City's Vision Statement, Findings 9.2.e, 9.2.i, 9.2.j, 9.2.k, 9.2.x, 9.3.i, Policies 9.2.1, 9.2.2, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.2.8, 9.4.6, 9.5.14, 13.11.14, 13.11.16, and 13.12.14.

Policies Requiring a Variety of Housing Types include, but are not limited to: 3.2.1, Goals of Chapter 9.2, City's Vision Statement, Findings 9.2.e, 9.3.h, 9.4.c, 9.4.f, 9.5.e, Policies 9.2.5, 9.3.2, 9.3.3, 9.4.7, 9.4.9, 9.5.1, 9.5.2, 9.5.13, 9.5.14, 9.6.1, 9.6.3, 13.11.15, 13.11.16, and 13.12.7.

Policies Requiring a Compact Urban Form include, but are not limited to: 3.2.1, 8.7.5, Goals of Chapter 9.2, City's Vision Statement, Findings 9.2.e, 9.2.f, 9.2.w, 9.3.d, Policies 9.3.3, and 9.5.15.

Policies Requiring Development Designed for Alternative Modes of Transportation (including trails, sidewalks, transit, bicycle paths, etc.) include, but are not limited to: 5.2.6, 5.6.8, 7.3.7, Goals of Chapter 9.2, City's Vision Statement, 9.2.4, 9.2.5, Findings 9.2.n, 9.2.o, 9.2.p, 9.2.s, Policies within Article 11 - Transportation, Policies 12.2.5, 12.2.6, and Policies within Article 13.

The Comprehensive Plan states that *"the City shall implement a process to develop more specific development standards or design guidelines that closely represent the vision of Corvallis as expressed by its citizens and that these standards or guidelines may address such items as: the effective use of building mass; orientation to the street; landscaping; and the placement of windows, doors, porches, and other architectural elements. Upon completion, the City shall revise the Land Development Code to ensure conformance with the new standards or design guidelines"* (3.2.5). The Comprehensive Plan further states that *"street frontage character is particularly important for compatible development and encourages similar heights and widths of buildings, car storage behind the building fronts, main entries, windows, and porches oriented to the street, and similar setbacks"* (9.2.k, 9.2.5). It states that *"compact, mixed use development requires compatibility between buildings to assure privacy, safety, and visual coherency."* It states that *"similar massing of buildings, orientation of buildings to the street, the presence of windows, doors, porches, and other architectural elements, and the effective use of landscaping, all contribute to successful compatibility between diverse building types"* (9.2.i). It states that *"land use regulations that contain design guidelines or adequate transitions between land use zones mitigate compatibility problems"* (9.2.j).

The Comprehensive Plan states that *"buildings need to be close to the street, with main entrances oriented to public areas, and that neighborhoods need to have public areas designed to encourage the attention and presence of people at all hours of the day and night."* It states that *"security is enhanced with a mix of uses and building openings and windows that overlook public areas."* It states that *"domestic garages need to be behind houses or other wise minimized"* and gives the example of setting garages back from the front facade of a residential structure. It states that *"parking lots need to be located at the rear or side of buildings, that curb cuts for driveways are limited, and that alleys are encouraged."* It states that *"neighborhoods need to have*

buildings and street proportions that relate to one another in a way that provides a sense of enclosure” (9.2.5 & 3.2.3, 3.2.4, 3.2.5, 5.2.4, 5.4.14, 7.5.5, 7.7.7, 7.7.8, 8.9.14, 8.10.9, Goals of Chapter 9.2, City’s Vision Statement, Findings 9.2.e, 9.2.i, 9.2.j, 9.2.k, 9.2.x, 9.3.i, Policies 9.2.1, 9.2.2, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.2.8, 9.4.6, 9.5.14, 13.11.14, 13.11.16, and 13.12.14).

Through the use of design menus, the residential portion of proposed new Chapter 4.10 - Pedestrian Oriented Design Standards require: the orientation of residences to the street; the location of garages behind the front facade of a home or otherwise minimized (via a menu of 9 garage location choices); the construction of a choice of pedestrian amenities; the construction of a choice of architectural design elements that assist in making housing types more compatible with each other and maintaining a sense of privacy.

Conclusions Regarding Residential Requirements for New Chapter 4.10 - Pedestrian Oriented Design Standards:

The proposed new chapter 4.10 - Pedestrian Oriented Development Standards provide development standards related to design and address the Comprehensive Plan Policy direction mentioned above. From the information presented in Land Development Code Chapter 4.10, and from the discussion above, the residential portion of Chapter 4.10 is in conformance with the Comprehensive Plan as required by Comprehensive Plan Section 1.2, quoted above, and LDC Section 1.2.80.01 - Background.

(b) Commercial and Office (and some Industrial) Requirements:

As indicated in “a” above, Land Development Code Text Amendments are reviewed according to Comprehensive Plan Section 1.2 as quoted above and LDC Section 1.2.80.01 - Background:

Currently, the Land Development Code is not in conformance with the Comprehensive Plan, as the commercial themes of pedestrian-oriented development and design, compact urban form, compatibility through design, and development designed around alternative modes of transportation identified in Comprehensive Plan Articles 3, 5, 7, 8, 11, and 12 have not been adopted. The Land Development Code Update Project has developed a new chapter called Pedestrian Oriented Design Standards (Chapter 4.10) to bring the Land Development Code into conformance with the Comprehensive Plan with respect to design issues.

Applicable Comprehensive Plan Policies:

Policy 3.2.5 The City shall implement a process to develop more specific development standards or design guidelines that closely represent the vision of Corvallis as expressed by its citizens. These standards or guidelines may address such items as: the effective use of building mass; orientation to the street; landscaping; and the placement of windows, doors, porches, and other architectural elements. Upon

completion, the City shall revise the Land Development Code to ensure conformance with the new standards or design guidelines.

Additional Commercial Design Policies include, but are not limited to: 3.2.3, 5.2.4, 8.9.14, 8.10.7, 8.10.9, 8.10.10, 8.10.11, 8.10.12, Findings 9.2.i and 9.2.j

The Comprehensive Plan states that *“the City shall implement a process to develop more specific development standards or design guidelines that closely represent the vision of Corvallis as expressed by its citizens and that these standards or guidelines may address such items as: the effective use of building mass; orientation to the street; landscaping; and the placement of windows, doors, porches, and other architectural elements. Upon completion, the City shall revise the Land Development Code to ensure conformance with the new standards or design guidelines”* (3.2.5). The Comprehensive Plan further states that *“the City shall address compatibility conflicts through design and other transitional elements, as well as landscaping, building separation, and buffering”* (3.23). It states that *“the City shall take appropriate actions to beautify and improve the community by: developing gateway locations and development standards that include building orientation to the street for most uses; appropriate site and building design standards; extensive landscaping and street trees...”* (5.2.4).

The Comprehensive Plan requires that *“parking lots be located to the rear of buildings, and where they do not disrupt the pedestrian landscape, may be located to the side of buildings”* (8.9.14, 8.10.9). It also requires building orientation to the street, the establishment of maximum block perimeters, and *“at least one major commercial entrance to be located immediately adjacent to the public or private streets”* (8.10.9). It encourages the occupation of ground floor storefront space by retail and service users (8.10.10), requires the development of standards that will require some types of large commercial development to have multiple stories (8.10.11) and the development of standards to require that, for developments with large parking requirements, any parking spaces in excess of the minimum standard be located in underground or structured parking facilities (8.10.12).

The Comprehensive Plan states that *“compact, mixed use development requires compatibility between buildings to assure privacy, safety, and visual coherency.”* It states that *“similar massing of buildings, orientation of buildings to the street, the presence of windows, doors, porches, and other architectural elements, and the effective use of landscaping, all contribute to successful compatibility between diverse building types”* (9.2.i). It states that *“land use regulations that contain design guidelines or adequate transitions between land use zones mitigate compatibility problems”* (9.2.j).

Through the use of design menus, the residential portion of proposed new Chapter 4.10 - Pedestrian Oriented Design Standards require: building orientation to the street, building entrances to the street, parking lot circulation behind or to the side of buildings, an enhanced pedestrian environment, parking lots to the rear of buildings and to the side in limited situations,

weather protection, pedestrian amenities, architectural design variety and treatments, and window provisions.

Conclusions Regarding Commercial (and some Industrial) Requirements for New Chapter 4.10 - Pedestrian Oriented Design Standards:

The proposed new chapter 4.10 - Pedestrian Oriented Development Standards provide development standards related to design and address the Comprehensive Plan Policy direction mentioned above. From the information presented in Land Development Code Chapter 4.10, and from the discussion above, the commercial portion of Chapter 4.10 is in conformance with the Comprehensive Plan as required by Comprehensive Plan Section 1.2 as quoted above and LDC Section 1.2.80.01 - Background.

F. STATEWIDE PLANNING GOAL ANALYSIS

An analysis of the proposed Legislative Amendment to the Land Development Code in relation to the applicable Statewide Planning Goals is contained in Part IV (Analysis of Statewide Planning Goals) of this staff report. The conclusions in Part IV state that the proposal is in compliance with the applicable Statewide Planning Goals.

RECOMMENDATION ON LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE

Based upon the criteria and conclusions discussed above, it is recommended that the Planning Commission do the following:

- I. **Formally initiate the proposed Legislative Amendment to the Land Development Code; and**
- II. **Recommend that the City Council approve the proposed Legislative Amendment to the Land Development Code (LDT00-00002), with the language as proposed in Attachment P, as modified below, and based upon the findings listed below:**

Recommended Modification to Attachment P

1. **Add Section 3.19.40.01**
 - d. **Buildings in excess of 15,000 ft² existing prior to December 31, 2000, and in conformance with the Land Development Code on that date shall not be classified as nonconforming structures with respect to size. In such structures, change in use from the existing use to a use otherwise permitted, but for the maximum use size limitation, shall be permitted. Similarly, for interior portions of buildings in excess of 7,500 ft² existing prior to December 31, 2000, and in conformance with the Land Development Code on that date, change in use from the existing use to a use otherwise permitted, but for the maximum use size limitation, shall be permitted.**

FINDINGS

1. **Land Development Code's Implementation of the Comprehensive Plan:** Comprehensive Plan policy 1.2.1 states, "*The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan. In addition, Code Section 1.2.80.01 states that the "Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies."* Currently, the Land Development Code is not in conformance with the Comprehensive Plan. The reason the Code is not in conformance is that the Comprehensive Plan's new and modified Policies, and new zones and standards, have not been implemented into the Land Development Code. The Comprehensive Plan is a revised document developed and adopted through the City's Periodic Review process and is a very different document than the previous Comprehensive Plan. The proposed Legislative Amendment to the Land Development Code includes changes to bring the Land Development Code into conformance with the current Comprehensive Plan, which has been acknowledged by the State Department of Land Conservation and Development. Given that the Land Development Code is out of conformance with the current Comprehensive Plan, public necessity, convenience, and general welfare require that it be amended to make it consistent with the current Comprehensive Plan and any other applicable Policies (Comprehensive Plan Section 1.2; LDC 1.2.80.01).
2. **Global Changes:** A review of the proposed Land Development Code in total revealed inconsistencies and conflicts and these inconsistencies and conflicts will be resolved with the proposed "global changes" to the Code Text. Eliminating identified conflicts and maintaining a consistent use of terminology, both within the Code and between the Code and the Comprehensive Plan, is a public necessity for the public convenience and general welfare associated with the general use of the Code. Given the above, incorporation of the proposed "global changes" is consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.
3. **Official Zoning Map and Boundary Clarifications of Chapter 1.2:** Changing the Official Zoning Map to the City's GIS (Geographic Informational System) version of the Zoning Map will enable staff and the general public to have access to a more technically correct version of the Zoning Map and to be able to access this map electronically (Code Section 1.2.90). Changing the interpretation of zoning boundaries section (Code Section 1.2.90.02) to clarify some of the language and make it clear that in most cases, streets will not be zoned will provide more clear directions to staff and the general public. These changes will make the Code more convenient for staff and customers, consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.
4. **Development Type Terminology:** The main terms describing types of development (Code Section 1.2.110) are in conflict with legal terminology used in statutes. Currently, throughout the Code the terms "Administrative Development" or "administratively processed" is evident. The term "administrative" cannot be used in this manner because it is a legal term in statutes that refers to procedures (hence, the title of Code Article II - Administrative Procedures). The types of development in Code Chapter 1.2 (and throughout the remainder of the Code) will be changed to: "Ministerial Development" (non-discretionary development processed by staff); "General Development" (development with at least some amount of discretion, but still processed by staff); and "Special Development" (development with a considerable amount of discretion and involving a public hearing in accordance with the provisions of Code Chapter 2.0, as well as approval by an established hearing authority). Changing these terms will correct the conflict in terminology with legal terms used in statutes, and provide consistent terms throughout the Code. As the changes are necessary and will also be convenient for the public, they are consistent with Comprehensive Plan Section 1.2 and Code Section 1.2.80.01.
5. **Rough Proportionality:** A new section called "Rough Proportionality" will be added to Code Chapter 1.2. This new Code section will outline a process that an applicant may pursue if the applicant contends that it cannot be required, as a condition of building permit or development approval, to provide easements, dedications, or improvements at the level otherwise required by the Code. The new Code section (1.2.120) will provide a convenient and consistent approach for applicants to address disagreements with improvement requirements, and also provide the City with language regarding rough proportionality that has been accepted by the Oregon Court of Appeals. Given the above, the proposed Code section is consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.

6. **Compatibility Criteria:** Comprehensive Plan Policy 3.2.7 requires compatibility criteria to be applied to “all special developments, lot development options, intensifications, changes or modifications of nonconforming uses, Comprehensive Plan changes, and district changes shall be reviewed to assure compatibility with less intensive uses and potential uses on surrounding lands.” Such compatibility criteria will be added throughout the Code for all special developments, lot development options, intensifications, changes or modifications of nonconforming uses, Comprehensive Plan changes, and district changes. The addition of such compatibility criteria is consistent with Comprehensive Plan Policy 3.2.7.
7. **Nonconforming Development Within the 100-Year Flood Plain:** New FEMA (Federal Register/Vol. 62 No. 37, pages 8391-8400) regulations specify additional development standards for development within the 100-year flood plain, irregardless of whether the development is conforming or nonconforming. Therefore, these new requirements will be added to Code Chapters 1.4 and 4.5 to ensure that they are met for both nonconforming and conforming development. Code Section 1.2.80.01 states that the Code may be amended whenever the public necessity, convenience, and general welfare require such amendment. The addition of these development standards is a public necessity to address the public’s general welfare. Therefore, the addition of these development standards are consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.
8. **Existing Conforming Development Within New Zones and the AG-OS Zone:**
 The majority of the existing commercial zones are required by Comprehensive Plan Policy 8.10.7 to be replaced with a series of mixed use commercial zones. A new Limited Industrial - Office Zone is required to be developed by Comprehensive Plan Policy 8.9.17. In response to Comprehensive Plan Policy 3.2.1 which states that the desired land use pattern within the Corvallis Urban Growth Boundary will emphasize the preservation of significant open space and natural features, certain uses within the AG-OS (Agriculture - Open Space) Zone have been prohibited from being developed upon lands with a Comprehensive Plan Map designation of Open Space - Conservation. The establishment of these new zones and changes in uses in existing zones, such as the AG-OS Zone, could result in many existing conforming uses becoming nonconforming. The widespread nature of such nonconformity would place an extreme hardship on land and business owners within the Urban Growth Boundary. Therefore, Code Chapters 1.4, 3.14, 3.19, 3.20, 3.22, and 3.37 will include provisions which address this issue. The provisions will ensure that uses which were permitted by the underlying zone prior to a subject property’s rezoning to a designation of NC (Neighborhood Center), MUCS (Mixed Use Community Shopping), MUGC (Mixed Use General Commercial), LI-O (Limited Industrial - Office), or AG-OS (Agriculture - Open Space) shall not be classified as nonconforming development unless the uses have been discontinued for a period of more than one year.
- Comprehensive Plan Policy 8.2.1 requires the support of a diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low unemployment rate and to promote diversification of the local economy. Policy 8.10.1 requires the location, type, and amount of commercial activity within the Urban Growth Boundary to be based on community needs. Since making a large number of existing uses throughout the community become nonconforming will create an extreme hardship for land and business owners, maintaining the ability for existing conforming uses to remain as conforming on lands that will be rezoned as discussed above is consistent with Policies 8.2.1 and 8.10.1.
9. **Chapter 1.6 - Definitions:** Updating the Land Development Code to implement the Comprehensive Plan and address Code inconsistencies and conflicts will require that the definition Code Chapter (1.6) be updated as well. Where needed, new definitions will be added, existing definitions revised or deleted, and terminology corrected to reflect the language throughout the remainder of the Code. Land Development Code Section 1.2.80.01 states that the Code may be amended whenever the public necessity, convenience, and general welfare require such amendment. The revisions within Code Chapter 1.6 - Definitions are a public necessity to create a clear understanding of terminology within the Code. Therefore, the addition of these development standards are consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.
10. **Chapter 2.0 - Public Hearing Changes:** New public notice requirements will be incorporated, pursuant to a new State law (ORS 227.186). The Order of Proceedings for both legislative and quasi-judicial public hearings will be revised to make the proceedings more clear. The appeal period for decisions shall be increased from 10 to 12 days from the date that a written decision is signed, pursuant to changes in State law. Finally, a new section will be added (Code Section 2.0.60) that addresses procedures for public hearings

involving remands from the State Land Use Board of appeals (LUBA). These changes proposed for Code Chapter 2.0 - Public Hearings are a public necessity to conform to new provisions of State law and make Orders of Proceedings clear for decision-making bodies and the public. As mentioned, Comprehensive Plan policy 1.2.1 states, "*The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.*" In addition, Code Section 1.2.80.01 states that the "*Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.*" Given the above, these proposed revisions are consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.

11. **Application Requirements & Additional Review Criteria:** The Policies within Article 10 address the provision of utility infrastructure. The Policies within Article 4 and Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, 7.7.7, 11.2.1, 11.2.10, 12.2.3, 12.2.5, 13.11.14 emphasize the preservation of significant open space and natural features, the minimization of environmental impacts and impervious surfaces, the incorporation of topography as a factor affecting the design of development, energy-efficient development designs, and the continuation of pedestrian and bicycle linkages. The Policies within Article 12 address the provision of all modes of transportation facilities.

The application requirements throughout the Code Chapters for planning procedures that require a public hearing (Chapter 2.1 - Comprehensive Plan Amendment, Chapter 2.2 - Zone Changes, Chapter 2.3 - Conditional Development, Chapter 2.4 - Subdivisions and Major Replats, chapter 2.5 - Planned Development, and Chapter 2.6 - Annexation) will be modified to provide consistency and ensure that adequate significant natural feature information is provided. Detailed information will be required regarding watercourses, flood plains, wetlands, riparian areas, significant vegetation, plants and animals that are listed as threatened or endangered with either the United States Fish and Wildlife Service or the Oregon National Heritage Database, archaeological sites recorded by the State Historic Preservation Office (SHPO), slope analyses, topographic contours, grading plans, and information demonstrating that to the maximum extent practicable, grading (cuts and fills) has been minimized.

The review criteria of these same Code Chapters, will be supplemented to address utility infrastructure, the preservation and/or protection of significant natural features and wildlife habitat, as well as the minimization of grading (cuts and fills). The Planned Development Chapter (Chapter 2.5) will also require that compensating benefits be provided for any variations requested.

Other planning procedure chapters (2.7 - Extension of Services Outside the City Limits, 2.8 - Vacating of Public Lands and Plats, 2.9 Historic Preservation, 2.12 - Lot Development Option, and 2.13 - Plan Compatibility Review) have been supplemented to address utility infrastructure and the preservation and/or protection of significant natural features and wildlife habitat.

The proposed changes regarding application requirements and supplemented review criteria in Article II will require developments to supply information about and develop designs in compliance with the Comprehensive Plan Policies listed above. Therefore, the proposed changes are consistent with the Policies within Article 4, Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, 7.7.7, 11.2.1, 11.2.10, 12.2.3, 12.2.5, 13.11.14, the Policies within Article 12, and the Policies within Article 10.

12. **Chapter 2.1 - Comprehensive Plan Amendment - Review Criteria for Comprehensive Plan Map Amendments to Open Space - Conservation or Public Institutional:** The Policies within Article 4 and Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, and 11.2.1 emphasize the preservation of significant open space and natural features, the minimization of environmental impacts and impervious surfaces, and the incorporation of topography as a factor affecting the design of development. Policies 5.6.11, 10.5.3, 10.5.4, 10.5.5, 10.5.8, 10.5.9, and 10.5.10 discuss the acquisition and/or identification of lands for parks, schools, and open space in advance and as an integral part of urban development. In response to these Comprehensive Plan Policies, Chapter 2.1 - Comprehensive Plan Amendment, will include a different set of review criteria for Comprehensive Plan Map Amendments to Open Space - Conservation or Public Institutional when these requests are part of an Annexation request. These review criteria are much less onerous than other Comprehensive Plan Map Amendment requests such that these types of Comprehensive Plan Map Amendments can be encouraged and will result in the retention of lands for parks, schools, and open space in advance and as an integral part of urban development. Therefore, the proposed changes are

consistent with the Policies of the Comprehensive Plan, including Comprehensive Plan Section 1.2 and with Land Development Code Section 1.2.80.01 - Background.

13. **Chapter 2.3 - Conditional Development & Chapter 2.4 - Subdivision & Major Replats - Adding Ability for Modifications:** The current requirements within the Conditional Development and Subdivisions and Major Replat Chapters, Chapters 2.3 and 2.4, respectively, have no provisions for making small-scale revisions to approved plans. This deficiency has created problems when an applicant wants to make small adjustments to an approved development. The only avenue for these adjustments has been a public hearing for a new Conditional Development or Subdivision, whichever the case may be. Land Development Code Section 1.2.80.01 states that the Code may be amended whenever the public necessity, convenience, and general welfare require such amendment. The proposed versions of Chapters 2.3 and 2.4 in Attachment B will include provisions for small-scale adjustments to Conditional Developments and Subdivisions. The thresholds to determine whether or not a change is small in nature, and the review criteria for the change, will be similar to the Minor Modification thresholds and criteria in the Planned Development Chapter (Chapter 2.5). The revisions within Code Chapters 2.3 and 2.4 will assist with public convenience and are, therefore, consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.
14. **Chapter 2.5 - Planned Development - Revisions to Review Criteria for Determining Compliance with a Conceptual Development Plan:** The Comprehensive Plan includes Policies regarding the new Comprehensive Plan themes, such as the concepts of Comprehensive Neighborhoods and pedestrian oriented and mixed use development (Policies 3.2.1, 3.2.3, 3.2.3, 3.2.5, 9.2.2, 9.2.4, 9.2.5, 9.2.6, etc.). Included in these new themes are Policies that relate to architectural and site design. As a result, the manner in which projects are evaluated against approved Conceptual Development Plans needs to be updated. The proposed changes to Code Section 2.5.50.04 outline the new thresholds and review criteria, including: a limitation on the number of variations that may be proposed by an applicant at a "Minor Modification" level (limitation of 3 from the list in Code Section 2.5.50.04); a reference to changes which might result in a "less pedestrian-friendly environment" in a number of the thresholds; a reference in one of the thresholds to an increase in the number of parking spaces over the number originally approved (such that an increase is viewed negatively in certain situations); a reference to a list of thresholds for changes to architectural features that were approved as part of a project; and a more clear explanation that an applicant's proposal is also considered to be a "specific" requirement of approval, just like a condition of approval. As mentioned, Comprehensive Plan policy 1.2.1 states, "*The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.*" In addition, Code Section 1.2.80.01 states that the "*Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.*" The changes to Code Section 2.5.50.04 place thresholds on changes that an applicant may propose when a project is being evaluated for compliance with an approved Conceptual Development Plan. These thresholds address topics within the new Policies of the Comprehensive Plan relating to architectural and site design. Given the above, these proposed revisions are consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.
15. **Chapter 2.5 - Planned Development - Expedited Land Division Procedures:** State law ORS 197.360 requires that jurisdictions establish procedures for Expedited Land Divisions. The conditions under which an Expedited Land Division may occur, according to State law, may involve the provision of a high level of detail, similar to the detail required with a Detailed Development Plan. Therefore, the proposed procedures for an Expedited Land Division were placed at the end of the Planned Development Chapter (Chapter 2.5). Comprehensive Plan policy 1.2.1 states, "*The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.*" In addition, Code Section 1.2.80.01 states that the "*Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.*" The establishment of procedures for an Expedited Land Division are a public necessity because they are required by State law (ORS 197.360). Given the above, these proposed revisions are consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01.
16. **Chapter 2.6 - Annexations:** The proposed revisions to Chapter 2.6 - Annexations are a direct response to the Comprehensive Plan Policies in Articles 1 and 14. As a result, the review criteria will mirror Policy 14.3.5 and Policies 14.3.6, 1.1.7, 1.1.8, and 1.1.9 will be evident in a new section for the Chapter (Code Section 2.6.30.07) which explains acceptable methodologies for addressing the review criteria. Additional review

criteria not specifically spelled out in Policy 14.3.5 will also be present in Chapter 2.6 - Annexations. This criteria requires that if an annexation proposal includes areas planned for open space, general community use, or public or semi-public ownership, the annexation request shall be accompanied by a Comprehensive Plan Map Amendment to either Open Space - Conservation or Public Institutional (Policies 5.6.11, 10.5.3, 10.5.4, 10.5.5, 10.5.8, 10.5.9, and 10.5.10). Therefore, the proposed changes are consistent with the Policies of the Comprehensive Plan, including Comprehensive Plan Section 1.2 and with Land Development Code Section 1.2.80.01 - Background.

17. **New Chapter 2.10 - Major Neighborhood Center Master Site Plan Requirements:** Proposed Chapter 2.10 - Major Neighborhood Center Site Plan Requirements was developed to ensure that sites zoned as Major Neighborhood Centers will develop consistent with requirements of the zone and the Comprehensive Plan (8.10.2; 8.10.7; 8.10.8; 8.10.9; 8.10.10). Many of the locations sited as Major Neighborhood Centers are composed of several ownerships or their development as an effective center are dependent upon coordination among a number of ownerships. Because of the potential complexity of such new developments or redevelopment, it was believed that a process managed by the Planning Commission was necessary. Such a process gives nearby property owners and residents an opportunity to have input on the ultimate layout of the center. At the same time, the CTRG believed that due to the specificity of the requirements in the Neighborhood Center (NC) Zone, only the broader questions associated with such a site plan required review, such as ensuring site layout and infrastructure allow development of the site and surrounding properties consistent with the concept of Comprehensive Neighborhoods (9.2.5). From these determinations, the CTRG proposed the review processes of the Chapter 2.3 Conditional Development were appropriate, but established different, specific review criteria addressing the concepts identified above.

The Comprehensive Plan gives relatively specific guidance regarding the need for a Major Neighborhood Center Zone and for the design concepts to be used for development in this zone. From the information presented in Land Development Code Chapter 3.14- Neighborhood Center (NC) Zone, proposed Land Development Code Chapter 2.10 - Major Neighborhood Center Site Plan Requirements, and the discussion in the above section, the proposed Chapter 2.10 - Major Neighborhood Center Site Plan Requirements is in conformance with the Comprehensive Plan, including Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

18. **Chapter 2.12 - Lot Development Option:** With the adoption of the proposed new Code, many existing developed residences will become nonconforming with respect to structures, resulting in many existing developed residences unable to construct additions or redevelop as they have in the past. The creation of two types of LDO's will enable existing developed residences to construct additions or redevelop much in the same manner as the past, thereby greatly reducing impacts of the new development standards on existing residential neighborhoods. These proposed changes are needed to avoid undue hardships on residential homeowners. Therefore, the proposed changes are consistent with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background, which allows amendments to the Code in cases of public necessity, convenience and general welfare.

19. **Changes to Existing Residential Zones:** The proposed Code will maintain the RS-3.5 Zone (Chapter 3.1) for existing developed RS-3.5 areas and vacant RS-3.5 lots less than one acre. It will also reduce front yard setbacks within the RS-3.5 Zone. The proposed Code will maintain the RS-5 Zone (Chapter 3.2) for existing developed RS-5 areas less than one acre and apply the RS-5 Zone to undeveloped RS-3.5 areas greater than one acre. It will revise the RS-5 Zone to add Attached Single Family up to 3 units, add Multi-Family Dwelling up to triplex only, add Group Residential as a use allowed through Conditional Development review, and set the minimum density at 3 units/acre. The proposed Code will maintain the RS-6 Zone (Chapter 3.3) for current RS-6 areas and apply the RS-6 Zone to undeveloped RS-5 areas over one acre. It will make RS-6 the primary Low Density Residential Zone and the Low Density Residential Zone that is required for new annexation requests. It will revise the RS-6 Zone to add Group Residential uses, Attached Single Family up to 5 units, Multi-Family Dwelling up to 4 units, and set a minimum density of 4 units/acre.

The proposed Code will revise the RS-9 & RS-9(U) Zones (Chapters 3.4 & 3.5, respectively) to add Group Residential uses. It will revise the RS-5, RS-6, RS-9, RS-9(U), RS-12 (Chapter 3.6), RS-12(U) (Chapter 3.7), & RS-20 (Chapter 3.8) Zones to reduce minimum standards for lot size, lot width, and setbacks, and increase the maximum lot coverage for all but the RS-5 Zone. The proposed Code will revise the RS-5 Zone to set a maximum lot coverage. The proposed Code will apply the new Pedestrian Oriented Design Standards

(Chapter 4.10) to all residential zones and require a mix of housing types for larger developments within all zones except the RS-3.5 Zone (since no new large developments will occur in RS-3.5). The proposed Code will modify green area requirements for all zones except the RS-3.5 and RS-5 Zones. It will also revise the RS-9(U) & RS-12(U) Zones to remove provisions that are redundant with the new Pedestrian Oriented Design Standards.

The new Policies of the Comprehensive Plan give substantial direction to revise the City's existing residential zones. It requires the City to facilitate neighborhood-oriented development by amending the Land Development Code to include provisions for reduced setbacks, and minimum lot sizes, varied lot dimensions, and development that addresses alternate modes of transportation (3.2.3, 3.2.4, 3.2.5, 5.2.4, 5.2.6, 5.4.14, 5.6.8, 7.3.7, 7.5.5, 7.7.7, 7.7.8, 8.9.14, 8.10.9, Goals of Chapter 9.2, City's Vision Statement, Findings 9.2.e, 9.2.i, 9.2.j, 9.2.k, 9.2.n, 9.2.o, 9.2.p, 9.2.s, 9.2.x, 9.3.i, Policies 9.2.1, 9.2.2, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.2.8, 9.4.6, 9.5.14, 13.11.14, 13.11.16, 13.12.14, Policies within Article 11 - Transportation, Policies 12.2.5, 12.2.6, and Policies within Article 13). It directs neighborhoods to have a mix of densities, lot sizes, and housing types, and an increase in densities that results in more compact urban development and more opportunity for the development of more affordable types of housing (3.2.1, 8.7.5, Goals of Chapter 9.2, City's Vision Statement, Findings 9.2.e, 9.2.f, 9.2.w, 9.3.d, 9.3.h, 9.4.c, 9.4.f, 9.5.e, Policies 9.2.5, 9.3.2, 9.3.3, 9.4.7, 9.4.9, 9.5.1, 9.5.2, 9.5.13, 9.5.14, 9.5.15, 9.6.1, 9.6.3, 13.11.15, 13.11.16, and 13.12.7). It directs the City to investigate increasing the density in Low Density Residential zones (9.5.15), consistent with the State Department of Land Conservation and Development direction which requires that the City increase the density in its Low Density Residential zones. Additionally, it requires the City to provide for development for senior citizens and disadvantaged groups (8.7.3, 8.7.6, 8.7.7, 9.4.7, 9.4.9, and Findings 9.4.c, and 9.4.d).

The proposed changes to the existing residential zones will implement the new Comprehensive Plan Policies identified above by: including provisions for reduced setbacks, reduced minimum lot sizes, varied lot dimensions, and development that addresses alternate modes of transportation; by directing neighborhoods to have a mix of densities, lot sizes, and housing types, and an increase in densities that results in more compact urban development and more opportunity for the development of more affordable types of housing; and by increasing the density in Low Density Residential zones, consistent with the State Department of Land Conservation and Development direction. Additionally, the proposed changes will provide for development for senior citizens and disadvantaged groups. Finally, the changes will result in an increased opportunity for the development of more affordable types of housing because of more flexible development standards and the introduction of additional housing types throughout the zones. Given the above, the proposed changes to the existing residential zones will bring the Land Development Code into conformance with Comprehensive Plan Section 1.2 and LDC Section 1.2.80.01 - Background.

20. **New Chapter 3.9 - Mixed Use Residential Zone:** The new Mixed Use Residential (MUR) zone implements the Mixed Use Residential Comprehensive Plan Designation, and may also be applied to Medium High and High Density Residential lands that are within 450 feet of lands with a commercial Comprehensive Plan Map designation. The new MUR Zone is intended to increase housing opportunities in close proximity to designated commercial zones and is aimed primarily for the development of multi-family housing at densities high enough to support the retail uses of the adjacent commercial zone and to provide direct and convenient access by residents to nearby commercial services. Varied housing types are encouraged in the MUR Zone. Small-scale retail, office, and service uses are also allowed when they are developed as part of a mixed use building. Development standards for the MUR Zone emphasize intensive development with building orientation to the street. Design standards are included in the new Pedestrian Oriented Design Standards Chapter of the Code (Chapter 4.10) and are tailored to the type of use proposed (e.g. townhouse, multi-family, mixed use).

The Comprehensive Plan provides direction for the establishment of mixed use development (8.2.1, 8.10.4, 8.10.6, 8.10.9, Goals of Chapter 9.2, City's Vision Statement, 9.2.5, and Findings 9.2.h, 9.2.i, and 9.2.m) and the Comprehensive Plan Map provides specific direction for the establishment of a Mixed Use Residential zone (via the fact that it has a Mixed Use Residential Map designation). The proposed Mixed Use Residential Zone (Chapter 3.9) will implement the Comprehensive Plan Policies that direct the establishment of mixed use development and will implement the Comprehensive Plan Map designation of Mixed Use Residential in the West Corvallis area. Given the above, the proposed Mixed Use Residential Zone will bring the Land Development Code into conformance with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

21. **Need for New Commercial Zones:** Currently, the Land Development Code is not in conformance with the Comprehensive Plan, as the new zones and standards identified in Comprehensive Plan Policy 8.10.7 have not been adopted. The Land Development Code Update Project has developed new Zones intended to bring the Land Development Code into conformance with the Comprehensive Plan. Comprehensive Plan Map designations that were eliminated with the adoption of the current Comprehensive Plan included Shopping Area, Linear Commercial, and Regional Shopping Center. The elimination of these Comprehensive Plan Map designations resulted in the elimination of the following Zones: Shopping Area (SA); Community Shopping (CS); Linear Commercial (LC); and Regional Shopping Center (RSC). To replace these Comprehensive Plan Map Designations, the Mixed Use Commercial Comprehensive Plan Map Designation was created (Comprehensive Plan Policy 8.10.3). Based on Comprehensive Plan Policy 8.10.7, these changes created a need for new Districts (Zones). Commercial zones created include the Neighborhood Center (NC) Zone, the Mixed Use Community Shopping (MUCS) Zone, and the Mixed Use General Commercial (MUGC) Zone. Development of these new commercial zones is consistent with Comprehensive Plan Policy 8.10.7.

22. **New Chapter 3.14 - Neighborhood Center (NC) Zone:** The Neighborhood Center (NC) Zone is a direct response to Comprehensive Plan Policies in Articles 8, 9 and 13. Existing uses permitted and in conformance with zoning in place prior to this Code are considered conforming following adoption. The NC Zone implements the Minor and Major Neighborhood Center Comprehensive Plan designations. The proposed NC zone provides for concentrations of civic uses, retail businesses, commercial and personal service activities, and residential/commercial mixed use developments in the core of comprehensive neighborhoods, as envisioned by the Comprehensive Plan (Policy 9.2.5) in Article 9 - Housing and in Article 8 - Economy (Policies 8.10.7; 8.10.8). Neighborhood Centers are also specifically identified for creation in West Corvallis and South Corvallis (13.11.2; 13.12.4; 13.12.7 through 13.12.13). Commercial uses in proposed Minor NC's are intended to serve neighborhood shopping and office needs. Commercial uses in Major NC's are intended to serve broader community shopping and office needs in addition to the needs of the nearby neighborhood (8.10.7). The Comprehensive Plan encourages the Minor and Major NC's to include to the maximum extent possible civic uses that support the nearby comprehensive neighborhood (9.2.5). In Major NC's such civic uses may also serve a larger population (8.10.7; 13.12.12). The proposed Neighborhood Center provides for these uses.

Neighborhood Center site design is also directed by a number of Comprehensive Plan Policies (8.10.6; 8.10.8; 8.10.9; 8.10.10; 9.2.5; 13.11.2; 13.11.18; 13.12.1; 13.12.8; 13.12.10; 13.12.11; 13.12.13). Consistent with these Policies, Neighborhood Centers are required to be located at intersections along Arterial or Collector Streets, to have a designated Shopping Street along which development fronts, and to provide pedestrian scale features and amenities such as windows along the street, small parks or plazas, and building orientation with at least one major commercial entrance to the Shopping Street. Parking lots are required to be behind or adjacent to buildings so as not to disrupt the pedestrian streetscape (8.10.9). The proposed NC Zone also limits uses fronting on Shopping Streets to commercial, civic, or service uses that generate high volumes of pedestrian traffic (8.10.8). The pedestrian-friendly nature of developments within the NC Zones is further enhanced through the required compliance with Chapter 4.10- Pedestrian Oriented Design Standards (11.6.1 through 11.6.7; 11.6.12; 11.6.13).

Given the above, the proposed Neighborhood Center (NC) Zone is in conformance with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

23. **New Chapter 3.15 - Riverfront (RF) Zone:** The Riverfront (RF) Zone was developed to specifically address the need identified in the Comprehensive Plan (5.5.13; 13.5.12) to establish this new zone and the requirement that 1st Street be a compact, pedestrian-friendly amenity. Existing uses permitted and in conformance with zoning in place prior to this Code are considered conforming following adoption. The downtown riverfront area consists of properties designated on the Comprehensive Plan Map as both Central Business (CB) and Conservation- Open Space (C-OS). The CB-designated properties are located along the west side of 1st Street, and the C-OS-designated properties are on the east side of 1st Street directly fronting the River. The proposed Riverfront (RF) Zone includes only those properties designated CB and located between Tyler Avenue to the north and the Hwy 34 overpass to the south.

The standards to be incorporated in the RF Zone are not as specifically identified as those in the NC Zones. The Comprehensive Plan directs new commercial development to be concentrated in designated mixed-use

districts and located to maximize access by pedestrians and transit (8.10.4). It directs downtown commercial districts to serve regional shopping and office needs (8.10.7). The RF Zone allows a broad range of commercial and service uses outright. The proposed RF Zone also allows and fosters residential development on upper floors, providing direct pedestrian access to shopping, service, and employment throughout the downtown (8.10.6; 8.10.11). The Corvallis transit system operates out of the downtown, with a number of transit routes serving the area via 4th Street (less than a 1/4-mile walk from most of the RF Zone). Buildings are required to be directly adjacent to the street and to provide pedestrian scale features and amenities such as windows along the street, small parks or plazas, and building orientation with at least one major commercial entrance to the Shopping Street. Parking lots are required to be behind buildings so as not to disrupt the pedestrian streetscape (8.10.9). The proposed RF Zone also requires a minimum 2.5 Floor Area Ratio or (F.A.R.) making it in conformance with Comprehensive Plan Policies calling for compact pedestrian-friendly commercial development in the downtown (8.10.11; 13.5.8; 13.5.9; 13.5.10; 13.5.13). In addition, the requirement for pedestrian-friendly development standards is stated in the Corvallis Transportation Plan (11.6.1 through 11.6.7; 11.6.12; 11.6.13).

Given the above, the proposed Riverfront Zone (RF) Zone is in conformance with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

24. **New chapter 3.19 - Mixed Use Community shopping (MUCS) Zone:** The MUCS Zone was developed to allow for a mix of uses that includes residential development and commercial uses that do not require large areas of outside storage. Existing uses permitted and in conformance with zoning in place prior to this Code are considered conforming following adoption. Most new uses are limited in size, however, to 7,500 ft² (of the 25 "indoor" commercial use types in the MUCS, all but seven have a 7,500 ft² use size limitation). The MUCS Zone also has a building footprint maximum of 15,000 ft². The limitations on use and building size are intended to focus development of larger scale uses in the NC Zones (8.10.11; 13.12.12) and uses requiring extensive land area (auto dealers, building supply, etc) in the Mixed Use General Commercial (MUGC) Zone. As stated in the MUCS Zone's purpose, areas designated as MUCS are intended to transition away from the existing, primarily auto-oriented pattern to a more pedestrian-oriented pattern (11.6.1 through 11.6.7; 11.6.12; 11.6.13). Allowance for development of residential structures or mixed-use structures that include residences will contribute to this transition. The pedestrian-friendly nature of developments within the MUCS Zone is further enhanced through the required compliance with Chapter 4.10- Pedestrian Oriented Design Standards (11.6.1 through 11.6.7; 11.6.12; 11.6.13).

Use and building size limitations specified in the MUCS Zone were discussed in detail by the CTRG. Although it was decided that the transition from auto-orientation toward a more pedestrian-friendly environment could best be achieved by focusing larger retail uses in the NC Zone and uses requiring extensive land area (auto dealers, building supply, etc) in the Mixed Use General Commercial (MUGC) Zone, it was also recognized that there are many uses and buildings in the areas to be designated MUCS that exceed these use and building size limitations; however, so existing uses permitted and in conformance with zoning in place prior to this Code are considered conforming following adoption. In addition, active Planned Developments are considered conforming following adoption. In the MUCS Zone, is it not the desire of the City to require all requests for a change of use for existing buildings that exceed the building footprint limitation, or for building areas exceeding the use size limitations, to go through the Planned Development process. Therefore, it is recommended that language be added to the MUCS Zone to provide an exemption to these size limitations for existing buildings/building areas.

Given the above, the proposed MUCS (Mixed Use Community Shopping) Zone is in conformance with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background. As specific zone requirements, including precise building and use sizes, are not specified in the Comprehensive Plan, modifications to allow greater flexibility for changes in use of existing buildings are not likely to negatively impact this conformance.

25. **Existing Commercial Zones:** With the adoption and acknowledgment of the Corvallis Comprehensive Plan, a number of Comprehensive Plan Map Designations were eliminated and new Map Designations were created to replace them. Correlating zones were eliminated as well. However, a number of other commercial zones were kept, including the CB (Central Business), CBF (Central Business Fringe), and the P-AO (Professional and Administrative Office) Zones. Changes to these zones were made primarily to make them consistent with other sections of the Land Development Code and the pedestrian-friendly direction of the

Comprehensive Plan. As a result, the CB, CBF, and P-AO Zones are proposed to be amended to incorporate required compliance with Chapter 4.10 - Pedestrian Oriented Design Standards (PODS), and limitations on vertical building projections not used for human occupancy.

The P-AO Zone received additional changes. Because required compliance with the PODS addresses many of the visual elements and other amenities that were contained in the menus associated with Site Design, Structure, and Neighborhood Impact, this section of the Code now provides other specific requirements (not contained in the PODS) that must be met rather than the more arbitrary "pointing" of items. In addition, the Energy Efficiency section was eliminated, as most of the items to be selected from or issues they were intended to address are now required by the Uniform Building Code. Given Comprehensive Plan Policies 9.2.5, 9.3.2, 9.3.3, 9.4.1, 9.5.1, 9.5.2, single family attached and detached and duplexes have been added as allowed housing types for underdeveloped sites in the CB Zone. Given the above, the proposed CB, CBF, and P-AO Zones are in conformance with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

26. **New Chapter 3.22 - Limited Industrial - Office (LI-O) Zone:** The Comprehensive Plan mandates that the City develop standards for a Limited Industrial - Office (LI-O) Zone (8.9.17). The Comprehensive Plan Map locates the LI-O Zone along the west side of Highway 99W between Wake Robin Avenue and Airport Avenue. The LI-O Zone was so located to provide a buffer between the properties zoned General Industrial (GI) to the west and residential neighborhoods proposed east of the highway. The LI-O Zone was developed to be consistent with Comprehensive Plan Policy 13.11.4, requiring the inclusion of increased front yard landscaping, prohibition of pole-mounted signs, additional storage and screening requirements, and building orientation to transit stops. To further enhance the buffering characteristics of this Zone, compliance with elements of Chapter 4.10- Pedestrian Oriented Design Standards is required. Given the above, the proposed Limited Industrial - Office (LI-O) Zone is in conformance with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.
27. **New Chapter 3.21 - Mixed Use Transitional (MUT) Zone:** The MUT Zone was developed in direct response to Comprehensive Plan Policy 13.11.7 that emanated from the South Corvallis Area Plan. The intention of the zone is to allow, over time, the transition from Intensive Industrial to a mix of less intensive uses for the Evanite and Open Door uses along the Willamette River in south Corvallis. The MUT Zone accomplishes all of the specific direction from the Comprehensive Plan, requires Conditional Development approval for new Intensive Industrial and General Industrial uses, while permitting many less intensive forms of development outright. Consistent with Comprehensive Plan policy 13.11.7.C, which requires limitations on the re-establishment of Intensive or General Industrial uses when such uses have been replaced by less intensive uses, the MUT Zone requires Conditional Development approval for such requests. Discussion of this element of the MUT Zone took place at the July 26, 2000, Planning Commission work session at the request of a citizen that a time limit be established beyond which such re-establishment would not be allowed to occur. The decision was made at the work session to leave the requirements as proposed. From the information presented in Land Development Code Chapter 3.21- MUT (Mixed Use Transitional) Zone and the discussion above, the proposed MUT (Mixed Use Transitional) Zone is in conformance with Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.
28. **Existing & Retained Industrial Zones:** In addition to the industrial zones proposed for creation (LI-O and MUT), there are four existing industrial zones identified in the Corvallis Land Development Code: LI Limited Industrial); GI (General Industrial); II (Intensive Industrial); and RTC (Research Technology Center). Changes to these zones were made primarily to make them consistent with other sections of the Land Development Code and, in the case of the RTC Zone, with the pedestrian-friendly direction the Comprehensive Plan directs. Although there is specific Comprehensive Plan direction for modifications to be made to these zones, a decision was made to accomplish these tasks in a future phase of the Land Development Code Update due to the magnitude of other Land Development Code changes that were mandated. As a result, the LI, GI, II, and RTC Zones are proposed to be amended only to the limited degree identified. From the information presented in Land Development Code, Chapters 3.23 (LI Zone), 3.24 (GI Zone), and 3.25 (II Zone) are in conformance with the Comprehensive Plan, including Comprehensive Plan Section 1.2, and Land Development Code Section 1.2.80.01 - Background.
29. **Chapter 3.37 - Agriculture - Open Space (AG-OS) Zone:** The Policies within Article 4 and Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, and 11.2.1 emphasize preservation of significant open space and

natural features, minimization of environmental impacts and impervious surfaces, and incorporation of topography as a factor affecting the design of development. Until a Conservation - Open Space (C-OS) Zone is developed, the AG-OS Zone will continue to be applied to lands with Comprehensive Plan designations of Open Space - Agriculture **and** Open Space - Conservation. Asterisks will be placed by uses that would be in conflict with the description for the Comprehensive Plan land use designation of Open Space - Conservation (Policy 40.4.3). Only the AG-OS uses without asterisks will be allowed on lands with a Comprehensive Plan Map designation of Open Space - Conservation. Given the above, land uses on lands designated with a Comprehensive Plan Map designation of Open Space - Conservation will be consistent with the Comprehensive Plan, including Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

30. **Chapter 4.0 - Improvements Required With Development:** Article 11 of the Comprehensive Plan contains Policies that reflect the City's adopted Transportation Plan Policies and require compliance with the City's Transportation Plan (11.3.7). Chapter 4.0 of the Land Development Code needs to be revised to reflect the Policies within both the Transportation Plan and the Comprehensive Plan. The changes proposed for Chapter 4.0 will bring this Code Chapter into conformance with both documents. Examples of some of the changes include revised references to the functional classification of streets, and a revised Street Functional Classification System chart showing the improvements associated with each type of street facility.

Comprehensive Plan Policies such as 9.2.5 and 13.11.10 encourage the use of alleys in development. Therefore, Chapter 4.0 will be revised to include standards for alleys. Comprehensive Plan Policies 8.10.7 and 11.6.13 require that *"new commercial and residential development shall generally provide for a maximum block perimeter of 1,500 feet, except where it would negatively impact significant natural features."* Chapter 4.0 will include block perimeter standards. Comprehensive Plan Policies 8.10.10, 13.12.8, 13.12.13 require shopping streets for Neighborhood Centers. Chapter 4.0 will include standards for shopping streets.

Given the above, the proposed changes to Chapter 4.0 will be consistent with the Comprehensive Plan, including Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

31. **Chapter 4.1 - Parking, Loading, and Access Requirements:** The Comprehensive Plan requires that *"parking lots be located to the rear of buildings, and where they do not disrupt the pedestrian landscape, may be located to the side of buildings"* (8.9.14, 8.10.9). Chapter 4.1 - Parking, Loading, and Access requirements will include provisions that require parking lots to be placed consistent with these Policies. Comprehensive Plan Policy 8.10.12 states that *"the City shall develop standards for commercial, office, and industrial districts to require that, any spaces in excess of the minimum standard shall be located in underground or structured parking facilities in developments with large minimum parking requirements (such as over 200 spaces)."* Staff was directed to develop a standard for incorporation into Chapter 4.1, which will state that for development with off-street vehicle parking requirements in excess of 200 spaces, all parking in excess of the minimum shall be located in underground or structured parking facilities. In such cases, the parking maximum may be increased to 50 percent in excess of the minimum off-street vehicle parking required by Section 4.1.30 below. Given the above, the proposed changes to Chapter 4.0 will be consistent with the Comprehensive Plan, including Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

32. **Chapter 4.2 - Landscaping, Buffering, Screening & Lighting:** The Policies within Article 4 and Policies 3.2.1, 7.2.6, 7.3.5, 7.3.6, 7.3.7, 7.5.3, 7.5.5, 7.7.3, and 11.2.1 emphasize the preservation of significant open space and natural features, the minimization of environmental impacts and impervious surfaces, and the incorporation of topography as a factor affecting the design of development. In response to these Policies, and other Comprehensive Plan Policies which address and encourage substantial landscaping with development (3.2.3, 3.2.4, 5.2.3, 5.2.4, 5.3.1, 5.3.2, 5.3.3, to name a few), Chapter 4.2 will contain much more specific provisions for the preservation of significant natural vegetation and minimum landscaping requirements. Additionally, fencing requirements will be made more clear and gateway landscaping and fencing requirements along South Third Street will be included (5.2.1, 5.2.4, 5.5.11, 13.11.1, 13.11.10).

Finally, Comprehensive Plan Policy 9.3.7 requires that *"to the maximum extent possible in residential areas, glare from outdoor lighting shall be shielded and noise shall be limited."* Council Policy 91-9.04 states that *"the City of Corvallis is interested in well shielded, energy efficient street lighting sources that direct the light source downward where it is needed, not up or sideways where it is wasted and causes glare, light trespass, and bright skies."* A new section (Code Section 4.2.80) will be added to Chapter 4.2 to address lighting.

Given the above, the proposed changes to Chapter 4.0 will be consistent with the Comprehensive Plan, including Comprehensive Plan Section 1.2 and Land Development Code Section 1.2.80.01 - Background.

33. **Chapter 4.5 - Flood Control and Drainageway Provisions:** New FEMA (Federal Register/Vol. 62 No. 37, pages 8391-8400) regulations specify additional development standards for development within the 100-year flood plain. These new requirements will be added to Code Chapter 4.5 - Flood Control and Drainageway Provisions to ensure that they are met. Code Section 1.2.80.01 states that the Code may be amended whenever the public necessity, convenience, and general welfare require such amendment. The addition of these development standards is a public necessity to address the public's general welfare and is, therefore, consistent with the Comprehensive Plan, including Comprehensive Plan Section 1.2, and Land Development Code Section 1.2.80.01.
34. **Chapter 4.7 - Sign Regulations:** Code Chapter 4.7 - Sign Regulations lists many sign provisions in relation to the City's Zoning designations. Because the City's Zoning designations are changing, Chapter 4.7 will change to reflect the new names of the zones. Given the above, the proposed changes to Chapter 4.7 will be consistent with the Comprehensive Plan, including Comprehensive Plan Section 1.2, and Land Development Code Section 1.2.80.01 - Background.
35. **Chapter 4.9 - Additional Provisions:** As discussed previously, the residential zones throughout the Code will be changing to require larger developments (greater than 5 acres) to provide a variety of housing types. To assist in complying with these new requirements, a housing type matrix will be added to the end of Chapter 4.9 - Additional Provisions. This matrix will be a quick way for an applicant to see what housing types are allowed in each zone and understand how the housing type variation requirements may be satisfied. Given the above, the proposed changes to Chapter 4.7 will be consistent with the Comprehensive Plan, including Comprehensive Plan Section 1.2, and Land Development Code Section 1.2.80.01 - Background.
36. **Residential Portion of New Chapter 4.10 - Pedestrian Oriented Design Standards:** The Comprehensive Plan states that *"the City shall implement a process to develop more specific development standards or design guidelines that closely represent the vision of Corvallis as expressed by its citizens and that these standards or guidelines may address such items as: the effective use of building mass; orientation to the street; landscaping; and the placement of windows, doors, porches, and other architectural elements. Upon completion, the City shall revise the Land Development Code to ensure conformance with the new standards or design guidelines"* (3.2.5). The Comprehensive Plan further states that *"street frontage character is particularly important for compatible development and encourages similar heights and widths of buildings, car storage behind the building fronts, main entries, windows, and porches oriented to the street, and similar setbacks"* (9.2.k, 9.2.5). It states that *"compact, mixed use development requires compatibility between buildings to assure privacy, safety, and visual coherency."* It states that *"similar massing of buildings, orientation of buildings to the street, the presence of windows, doors, porches, and other architectural elements, and the effective use of landscaping, all contribute to successful compatibility between diverse building types"*(9.2.i). It states that *"land use regulations that contain design guidelines or adequate transitions between land use zones mitigate compatibility problems"* (9.2.j).

The Comprehensive Plan states that *"buildings need to be close to the street, with main entrances oriented to public areas, and that neighborhoods need to have public areas designed to encourage the attention and presence of people at all hours of the day and night."* It states that *"security is enhanced with a mix of uses and building openings and windows that overlook public areas."* It states that *"domestic garages need to be behind houses or otherwise minimized"* and gives the example of setting garages back from the front facade of a residential structure. It states that *"parking lots need to be located at the rear or side of buildings, that curb cuts for driveways are limited, and that alleys are encouraged."* It states that *"neighborhoods need to have buildings and street proportions that relate to one another in a way that provides a sense of enclosure"* (9.2.5 & 3.2.3, 3.2.4, 3.2.5, 5.2.4, 5.4.14, 7.5.5, 7.7.7, 7.7.8, 8.9.14, 8.10.9, Goals of Chapter 9.2, City's Vision Statement, Findings 9.2.e, 9.2.i, 9.2.j, 9.2.k, 9.2.x, 9.3.i, Policies 9.2.1, 9.2.2, 9.2.4, 9.2.5, 9.2.6, 9.2.7, 9.2.8, 9.4.6, 9.5.14, 13.11.14, 13.11.16, and 13.12.14).

Through the use of design menus, the residential portion of proposed new Chapter 4.10 - Pedestrian Oriented Design Standards require: orientation of residences to the street; location of garages behind the front facade of a home or otherwise minimized (via a menu of 9 garage location choices); construction of a choice of pedestrian amenities; and construction of a choice of architectural design elements that assist in making

housing types more compatible with each other and maintaining a sense of privacy. The proposed new chapter 4.10 - Pedestrian Oriented Development Standards provide development standards related to design and address the Comprehensive Plan Policy direction mentioned above. From the information presented in Land Development Code Chapter 4.10, and from the discussion above, the residential portion of Chapter 4.10 is in conformance with the Comprehensive Plan, including Comprehensive Plan Section 1.2 and as required by LDC Section 1.2.80.01 - Background.

37. **Commercial (and some Industrial) Portion of New chapter 4.10 - Pedestrian Oriented Development Standards:** The Comprehensive Plan states that *"the City shall implement a process to develop more specific development standards or design guidelines that closely represent the vision of Corvallis as expressed by its citizens and that these standards or guidelines may address such items as: the effective use of building mass; orientation to the street; landscaping; and the placement of windows, doors, porches, and other architectural elements. Upon completion, the City shall revise the Land Development Code to ensure conformance with the new standards or design guidelines"* (3.2.5). The comprehensive Plan further states that *"the City shall address compatibility conflicts through design and other transitional elements, as well as landscaping, building separation, and buffering"* (3.23). It states that *"the City shall take appropriate actions to beautify and improve the community by: developing gateway locations and development standards that include building orientation to the street for most uses; appropriate site and building design standards; extensive landscaping and street trees..."* (5.2.4).

The Comprehensive Plan requires that *"parking lots be located to the rear of buildings, and where they do not disrupt the pedestrian landscape, may be located to the side of buildings"* (8.9.14, 8.10.9). It also requires building orientation to the street, the establishment of maximum block perimeters, and *"at least one major commercial entrance to be located immediately adjacent to the public or private streets"* (8.10.9). It encourages the occupation of ground floor storefront space by retail and service users (8.10.10), requires the development of standards that will require some types of large commercial development to have multiple stories (8.10.11) and the development of standards to require that, for developments with large parking requirements, any parking spaces in excess of the minimum standard be located in underground or structured parking facilities (8.10.12).

The Comprehensive Plan states that *"compact, mixed use development requires compatibility between buildings to assure privacy, safety, and visual coherency."* It states that *"similar massing of buildings, orientation of buildings to the street, the presence of windows, doors, porches, and other architectural elements, and the effective use of landscaping, all contribute to successful compatibility between diverse building types"*(9.2.i). It states that *"land use regulations that contain design guidelines or adequate transitions between land use zones mitigate compatibility problems"* (9.2.j).

Through the use of design menus, the residential portion of proposed new Chapter 4.10 - Pedestrian Oriented Design Standards requires: building orientation to the street, building entrances to the street, parking lot circulation behind or to the side of buildings, an enhanced pedestrian environment, parking lots to the rear of buildings and to the side in limited situations, weather protection, pedestrian amenities, architectural design variety and treatments, and window provisions. The proposed new chapter 4.10 - Pedestrian Oriented Development Standards address the Comprehensive Plan Policy direction mentioned above. From the information presented in Land Development Code Chapter 4.10, and from the discussion above, the commercial portion of Chapter 4.10 is in conformance with the Comprehensive Plan, including Comprehensive Plan Section 1.2, and Land Development Code Section 1.2.80.01 - Background.

38. **Compliance with Statewide Planning Goals:** Given the analysis presented in Attachment IV of this staff report, the proposed Legislative Amendment to the Land Development Code complies with the applicable Statewide Planning Goals, identified as Goals 1-15.

PART II - COMPREHENSIVE PLAN AMENDMENT

THE COMPREHENSIVE PLAN AMENDMENT PROCESS

The Land Development Code outlines procedures for Comprehensive Plan Amendments in Chapter 2.1. This Code Chapter states that these amendments must be initiated by a majority vote of the City Council or must be submitted by particular property owners or their authorized agents. This Chapter of the Code states that a staff evaluation shall be provided that evaluates whether the proposal complies with the review criteria included in the Comprehensive Plan, Chapter 2.1 of the Land Development Code, and any other applicable Policies and standards adopted by the City Council. The Planning Commission is required to hold a public hearing regarding the Comprehensive Plan Amendment and develop a recommendation to the City Council.

ADDITIONAL BACKGROUND

As part of the Land Development Code Update process, the City has prepared proposed changes to the Zoning Map that implement the new Comprehensive Plan and Comprehensive Plan Map. Some limited changes to the Comprehensive Plan Map also are recommended. The proposed Comprehensive Plan Map changes are intended to address the following objectives:

- Implement subsequent mapping recommendations from the Commercial and Neighborhood Technical Review Groups and the Planning Commission.
- Correct existing inconsistencies with the Comprehensive Plan and/or Zoning Maps.

The proposed Map changes, as recommended by the Technical Review Groups, were reviewed by the City Council and Planning Commission at a joint work session on June 8, 2000. Affected property owners were notified of the proposed changes and invited to public open houses on June 20, 2000, and 22, 2000. The Planning Commission reviewed the proposed Mapping changes again at a July 20, 2000 work session. Affected property owners were notified again of the proposed Map changes through a legally-required public notice that was mailed on August 4, 2000. Throughout this process, individuals have been encouraged to submit any specific mapping requests to the Planning Commission for its consideration. To date, the City has received seven Mapping requests (involving Comprehensive Plan Map changes and/or Zoning Map changes, but primarily Zoning Map changes) from affected property owners (see Attachments K-1 through K-7). The locations of these Mapping requests are highlighted with blue tags on the enclosed Draft Proposed Zoning & Comprehensive Plan Map Changes Map.

APPLICANT'S PROPOSAL

It is requested that the Planning Commission do the following:

- I. Recommend that the City Council formally initiate the proposed Comprehensive Plan Amendment; and
- II. Recommend that the City Council approve the proposed Comprehensive Plan Amendment, based upon the information and evaluation contained within this staff report.

The proposal is two-fold:

1. **Map Amendment:** To amend the Comprehensive Plan Map in several areas (each one specifically described below in the Criteria, Discussion, and Conclusion section of this staff report) as a result of further review during this Land Development Code Update process. These changes are identified on the Map in Attachment A and are proposed to address inconsistencies between the Comprehensive Plan Map and either underlying development patterns, proposed land use designations associated with the proposed District (Zoning) Map, and/or proposed Mapping criteria associated with the proposed Text in the proposed Legislative Amendment to the Land Development Code.

The following maps pertaining to this Comprehensive Plan Amendment are enclosed for your reference:

- Draft Proposed Zoning & Comprehensive Plan Map Changes - Proposed changes to the Zoning and Comprehensive Plan Maps (Attachment A).
- Comprehensive Plan Map - New Comprehensive Plan Map adopted in 1998 (Attachment C).

On the Draft Proposed Zoning & Comprehensive Plan Map, Map changes are identified by color-coded tags to correspond to the following categories:

- White Tags: Proposed Changes to Implement the Comprehensive Plan, as Recommended by Technical Review Groups and/or Planning Commission.
- Yellow Tags: Proposed Corrections to Zoning Map and/or Comprehensive Plan Map Discrepancies.
- Red Tags: Other Recommended Zoning Map and/or Comprehensive Plan Map Changes.
- Green Tags: Proposed Agricultural-Open Space Zoning for City-owned Properties Subject to Open Space - Conservation Comprehensive Plan Designation.
- Blue Tags: Property Owner Mapping Requests.
- Purple Tags: Proposed Removal of Planned Development Overlay Zones

2. **Text Amendment:** To amend the Comprehensive Plan Article 40 in order to complete the land use designation description list. Article 40 is the Comprehensive Plan Text involving the descriptions of the Comprehensive Plan land use designations. This land use designation description list is included in Attachment D and was already approved by the City Council in one of the last drafts of the Comprehensive Plan, while it was being updated. However, the full list was inadvertently left out of the final version of the Comprehensive Plan that was adopted by the City Council in December of 1998. New Text which will complete the list is as follows:

40.3.2 Limited Industrial - Office

Refers to establishments primarily engaged in the on-site production of goods by hand manufacturing, which involves only the use of hand tools or light mechanical equipment, and the incidental direct sale to consumers of only those goods produced on-site with no outside open storage permitted, and compatible accessory activities. Impacts on neighboring properties resulting from limited industrial operations are expected to be minimal.

40.3.3 Mixed Use Employment

These areas will provide for a variety of employment opportunities by allowing for primarily industrial uses but also will allow for some commercial, civic, and residential uses that are compatible with the predominant industrial uses, while maintaining the City's supply of industrially-designated lands.

40.4.1 Public/Institutional

Lands in public or semi-public ownership such as the Oregon State University Campus, existing and known future District 509J school sites, City reservoirs, Linn Benton Community College, Good Samaritan Hospital and portions of the Corvallis Municipal Airport.

40.4.2 Open Space - Agriculture

All predominantly agricultural lands within the Urban Growth Boundary, including areas in food production, tree farms, animal husbandry, and agricultural and forestry research.

40.4.3 Open Space - Conservation

All predominantly open spaces reserved for general community use, including parks, preserves, and general drainageway corridors. Under the Open Space - Conservation designation, limited development may be permitted on private lands provided that the the development does not create a hazard or interfere with the drainage function of the streams.

40.4.4 Intensive Development Sector

Areas in which more intensive development will be permitted after annexation. Uses include residential development in excess of six units per acre and neighborhood or community commercial development.

40.4.5 Research - Technology Center

A campus-like complex designed to accommodate educational, scientific, industrial, and business research, development, planning, testing, and training activities and non-polluting manufacturing activities.

40.4.6 Urban Growth Boundary

A line that circumscribes the Urban Fringe and the City limits, denoting the area in which urban development is planned to occur.

40.4.10 7 Neighborhood Centers

The Neighborhood Centers denote commercial areas that are designed with a pedestrian orientation and serve the general community and/or surrounding neighborhood. Neighborhood Centers may be designed to incorporate a mixture of uses. The dots denote the conceptual location of the Neighborhood Centers and the circles represent a 1/4 distance from the Centers, which is considered to be a comfortable walking distance. The shaded circles without any dots depict possible Minor Neighborhood Centers for which further study is needed.

Comprehensive Plan Article 40 in its entirety is enclosed as Attachment D.

CRITERIA, DISCUSSION, AND CONCLUSIONS

The relevant criteria, staff discussion, and conclusions are presented below. A recommendation is provided at the end of this Comprehensive Plan Amendment part (Part II).

Applicable Statewide Planning Goals:

The list of applicable Statewide Planning Goals includes Goals 1, 2, and 5 - 15. A summary of each applicable Statewide Planning Goal is contained within Part I (Legislative Amendment to the Land Development Code) of this staff report. Full Text of each Goal may be viewed on the Oregon Department of Land Conservation and Development web site (www.lcd.state.or.us/goalsrul.html).

Applicable Comprehensive Plan Policies:

- 1.2.3 Amendments to the Comprehensive Plan can only be approved where the following findings are made:**
- A. There is a demonstrated public need for the change.**
 - B. The advantages to the community resulting from the change shall outweigh the disadvantages.**
 - C. The change proposed is a desirable means of meeting the public need.**
- 1.2.4 Those portions of the Comprehensive Plan that apply to areas outside the City Limits shall be amended in accordance with procedures set forth in the Corvallis Urban Fringe Management Agreement.**
- 3.2.7 All special developments, lot development options, intensifications, changes or modifications of nonconforming uses, Comprehensive Plan changes, and district changes shall be reviewed to assure compatibility with less intensive uses and potential uses on surrounding lands. Impacts of the following factors shall be considered:**
- A. Basic site design (i.e., the organization of uses on a site and its relationship to neighboring properties);**
 - B. Visual elements (i.e., scale, structural design and form, materials, etc.);**
 - C. Noise attenuation;**
 - D. Odors and emissions;**
 - E. Lighting;**
 - F. Signage;**
 - G. Landscaping for buffering and screening;**
 - H. Transportation facilities; and**
 - I. Traffic and off-site parking impacts.**

The remaining applicable Comprehensive Plan Policies will be referenced by Policy number throughout this discussion. Actual Text regarding these Comprehensive Plan Policies is contained within the City's Comprehensive Plan, which may be viewed on the City's web site (www.ci.corvallis.or.us/cd/pl/lcdcupdate.html), at the Corvallis Public Library (located at 645 NW Monroe Avenue), and at the Corvallis Planning Division office (located on the upper floor at 501 SW Madison Avenue).

Applicable Land Development Code Sections:

Section 2.1.30 - PROCEDURES

2.1.30.01 - Initiation

Comprehensive Plan amendments may be initiated by one of the following:

- a. An application submitted by the property owners or their authorized agents; or
- b. A majority vote of the City Council.

2.1.30.06 - Review Criteria

Comprehensive Plan amendments shall be reviewed to assure consistency with the purposes of this Chapter, Policies of the Comprehensive Plan, and any other applicable Policies and standards adopted by the City Council.

- a. Amendments shall be approved only when the following findings are made:
 1. There is a public need for the change;
 2. The change being proposed is the best means of meeting the identified public need; and
 3. There is a net benefit to the community that will result from the change.
- b. In addition, the following compatibility factors shall be considered for proposed amendments to the Comprehensive Plan Map:
 1. Visual elements (scale, structural design and form, materials, and so forth);
 2. Noise attenuation;
 3. Noxious odors;
 4. Lighting;
 5. Signage;
 6. Landscaping for buffering and screening;
 7. Traffic;
 8. Effects on off-site parking; and
 9. Effects on air and water quality.

The remaining applicable Land Development Code Sections will be referenced by Section number throughout this discussion. Actual Text regarding these Land Development Code Sections is contained within the City's existing Land Development Code, which may be viewed on the City's web site (www.ci.corvallis.or.us/cd/pl/lcdcupdate.html), at the Corvallis Public Library (located at 645 NW Monroe Avenue), and at the Corvallis Planning Division office (located on the upper floor at 501 SW Madison Avenue).

The discussion below is separated into the categories of: **A) Comprehensive Plan Map Amendment; and B) Comprehensive Plan Text Amendment.**

A. COMPREHENSIVE PLAN MAP AMENDMENT:

The Comprehensive Plan Map includes five new land use designations, as well as twenty-two new Neighborhood Centers (Major and Minor) and four Neighborhood Center study areas. These are proposed to be implemented on the Zoning Map as follows:

NEW LAND USE DESIGNATIONS & CORRESPONDING ZONES		
Land Use Category	New Comprehensive Plan Designations	New Zones
Residential	Mixed Use Residential	Mixed Use Residential
Commercial	<ul style="list-style-type: none"> • Mixed Use Commercial • Neighborhood Centers (7 Major, 15 Minor, 4 Study Areas) – Shown as Circles Overlaid on Map 	<ul style="list-style-type: none"> • Mixed Use Community Shopping • Mixed Use General Commercial • Neighborhood Center (Major & Minor) • Riverfront
Industrial	Limited Industrial - Office	Limited Industrial - Office
	Mixed Use Employment	Mixed Use Employment (Existing Zone)
	Mixed Use Transitional	Mixed Use Transitional

A table showing all Comprehensive Plan designations and corresponding zones, including those designations and/or zones proposed to be deleted, are shown in Attachment E. Additional tables comparing the relative acreages for the existing and proposed zones are shown in Attachment F.

1. Residential Comprehensive Plan Map Changes - New Locational Criteria for Mixed Use Residential:

The only new residential land use designation on the Comprehensive Plan Map is Mixed Use Residential (MUR). The only properties mapped with a Comprehensive Plan Map designation of Mixed Use Residential are located in the West Corvallis area. These properties were mapped as part of the West Corvallis-North Philomath planning process and are located in the following general areas: the intersection of NW 53rd Street and NW Harrison Boulevard, the intersection of SW 53rd Street and SW West Hills Road, and west of the intersection of SW 35th Street and SW Western Boulevard. The MUR site mapped near the intersection of NW 53rd Street and NW Harrison Boulevard is completely outside the current City Limits. The other two MUR sites are mapped such that they are partially outside the current City Limits. The fact that the Comprehensive Plan Map only shows mapped MUR sites in West Corvallis does not prevent additional MUR sites from being mapped elsewhere.

The MUR designation was discussed and concerns were raised related to the amount of area designated MUR that could potentially be developed in commercial uses. It is recommended that the extent of the MUR zone be limited in order to direct the majority of commercial uses to the Neighborhood Centers, the Central Business zone, or other commercial zones. It is also proposed that additional Mixed

Use Residential (MUR) sites be established on the Zoning Map, rather than the Comprehensive Plan Map. It is recommended that these future MUR sites be required to be located on lands that have a Comprehensive Plan Map designation of Medium-High or High Density Residential, and that they be located on property that is immediately adjacent to land with a commercial designation on the Comprehensive Plan Map. Additionally, it is recommended that MUR sites be limited to within a 450-foot radius of commercially-designated properties.

After applying this criteria, only one property in the City Limits will retain a Comprehensive Plan Map designation of MUR. This property is located at the northwest intersection of 53rd and West Hills Road. It is recommended that other MUR-designated areas be changed to a Medium-High Density Residential designation on the Comprehensive Plan Map. Those lands within the City Limits are recommended to receive the corresponding RS-12 zoning designation. For the portion of the MUR site near the University, it is recommended that the Comprehensive Plan Map designation be changed to Public Institutional, with a zoning designation of Oregon State University (OSU).

The reduction in the area designated as MUR adjacent to 53rd Street is consistent with Comprehensive Plan policies that foster appropriate levels of commercial development (8.10.1) and encourage enhancement of the downtown core (13.5.1). Another aspect of the size reduction has to do with the original designation's relationship to the two Neighborhood Centers at the corner of 53rd Street and West Hills Road. The West Corvallis - North Philomath Plan originally designated the center on the northeast corner as a Major Neighborhood Center (within a "neighborhood village" - the West Corvallis - North Philomath Plan equivalent of a Comprehensive Neighborhood); however, it was changed to a Minor Neighborhood Center with adoption of the Comprehensive Plan. This action reduced the community-wide draw of these centers, therefore also reducing the supporting need for the MUR. A similar situation exists for the MUR adjacent to 35th Street. The intersection of 35th Street and West Hills Road was originally designated in the West Corvallis- North Philomath Plan as a Minor center (within a "neighborhood village"). This center was removed with the adoption of the Comprehensive Plan. As the MUR designation was intended to support a neighborhood village, and one no longer exists in this location, the MUR is no longer appropriate. For the OSU property within the City, the designation of the property for University-related development is the appropriate substitute given its location and ownership.

Most of the properties being redesignated are outside the City and would not develop as MUR until annexed. As a result, there is adequate time to determine appropriate levels of MUR property development in the interim. Also, by allowing redesignation of Medium - High or High Density Residential properties as MUR when needed in the future throughout the City, the proposal does not reduce the potential for use of this designation where appropriate.

Conclusion Regarding MUR Residential Comprehensive Plan Map Changes:

From the above facts and discussion, it is determined there is a public need to reduce the MUR, thus focusing commercial development in the downtown and the Neighborhood Centers. The quantity of MUR is also no longer consistent with the

original formulation of the West Corvallis- North Philomath Plan. The proposal best meets the public need because the changes primarily focus on properties outside the City, retain a similar residential function, and are an appropriate reduction to respond to the changes to the Neighborhood Centers from the original West Corvallis- North Philomath Plan. The proposal provides a net benefit to the community by ensuring that commercial development is focused in the downtown and in designated Neighborhood Centers while maintaining the original residential function (1.2.3, 1.2.4, 3.2.7, 2.1.30.06).

2. Commercial Comprehensive Plan Map Changes - Elimination of Three Minor Neighborhood Centers:

The Comprehensive Plan Map identifies seven Major Neighborhood Centers (six in the City Limits) and fifteen Minor Neighborhood Centers (eleven in the City Limits). The Comprehensive Plan Map also shows four Neighborhood Center study areas.

A new Neighborhood Center zone implements the Neighborhood Centers shown as circles on the Comprehensive Plan Map. The Draft Revised Zoning Map shows the proposed locations of the Major and Minor Neighborhood Centers, as recommended. All six Major Neighborhood Centers in the City Limits are implemented on the Zoning Map. The CTRG recommends that eight of the eleven Minor Neighborhood Centers located in the City Limits be implemented on the Zoning Map. As proposed, three Minor Neighborhood Centers along Ninth Street will not be implemented. These Minor Neighborhood Centers are located at the intersections of 9th Street and Walnut Boulevard, 9th Street and Garfield Avenue, and 9th Street and Reiman Avenue. The Minor Neighborhood Center located at the intersection of 53rd Street and West Hills Road is proposed to be reduced in size to three acres. **Given the above, the CTRG also proposes that the circles relating to the three Minor Neighborhood Center sites that will not be implemented on the Zoning Map be deleted from the Comprehensive Plan Map** (see Draft Proposed Zoning & Comprehensive Plan Map Changes Map).

The circles proposed for removal are in areas that will remain designated as Mixed Use Community Shopping and, therefore, there is no significant reduction in the available commercial land supply (8.10.1). By reducing the number of Minor Neighborhood Centers, the likelihood of the remaining centers redeveloping into the desired form may be increased. In addition, the circles designating Minor Neighborhood Centers along 9th Street overlapped, therefore possibly diluting the intended function of such designations.

Conclusion Regarding Comprehensive Plan Map Changes Involving the Elimination of Three Minor Neighborhood Centers: The proposed elimination of the three circles denoting proposed Minor Neighborhood Centers provides a public need by removing unviable land use designations from the Comprehensive Plan Map. It is the best means of meeting this need as it supports the designation of the other Minor Neighborhood Centers, and provides a net benefit to the community for the same reason (1.2.3, 3.2.7, 2.1.30.06).

3. Comprehensive Plan Map Changes Associated with Mapping Discrepancies or Existing Development Patterns:

Some existing discrepancies between the land use designations on the adopted Comprehensive Plan Map and the Zoning Map have been identified. By law, the two maps must be consistent with each other. It is recommended that these Map discrepancies be corrected as part of this Land Development Code Update process. The recommended corrections to the Map discrepancies are highlighted on the Draft Proposed Zoning and Comprehensive Plan Map Changes Map with yellow tags. Case files and other sources of information were researched in order to determine appropriate means of correcting the discrepancies. Generally, the proposed corrections are intended to reflect existing development patterns.

Some additional proposed Comprehensive Plan Map changes that are not associated with outstanding discrepancies are described below. These changes, plus the proposed mapping corrections, are shown on the Draft Proposed Zoning & Comprehensive Plan Map Changes Map as Areas A through T. In some of the cases, these proposed Comprehensive Plan Map changes are accompanied by a corresponding Zoning Map Change. The explanation of the Zoning Map Change is included for informational purposes, since the rationale is the same for both types of Map changes.

Note: The Draft Proposed Zoning & Comprehensive Plan Map Changes Map does not include any proposed changes to reconcile existing Comprehensive Plan and Zoning Map discrepancies for the Timberhill area. Per a March 6, 2000 City Council decision, the City has committed to a separate process from the Land Development Code Update process to evaluate and reconcile the Timberhill area Map discrepancies (see Attachment G). As part of this effort, the City will evaluate any necessary adjustments to Low Density Residential lands for larger, undeveloped parcels consistent with the approach described above which is proposed to be implemented Citywide.

Area A - Glenridge Drive & Walnut Boulevard Area:	
Comprehensive Plan Designations:	Medium Density Residential (10 lots) Low Density Residential (1 lot)
Zoning:	RS-3.5 Medium Density Residential (all 11 lots)
Proposed Changes:	Change Comprehensive Plan designation for northernmost lot from Low Density Residential to Medium Density Residential. Change zoning to RS-9 Medium Density Residential for all 11 lots.
• Comprehensive Plan	

Rationale:

Of the eleven lots along Glenridge Drive between Walnut Boulevard and Queens Avenue, eight lots have existing duplexes. A Medium Density Residential Comprehensive Plan and zoning designation is considered to be more appropriate for the existing uses than a Low Density Residential designation. The corner lot at Glenridge and Queens contains a duplex and is subject to a Low Density Residential Comprehensive Plan designation and zoning. To be consistent with the proposed approach for the duplex properties directly to the south, it is recommended that this property be redesignated to a Medium Density Residential Comprehensive Plan designation and zoning.

Area B - Feather Glen Subdivision:	
Comprehensive Plan Designation:	Medium Density Residential
Zoning:	PD(RS-12) Medium-High Density Residential with a Planned Development Overlay
Proposed Changes: <ul style="list-style-type: none">• Comprehensive Plan• Zoning	Apply Medium Density Residential Comprehensive Plan designation and associated RS-9 zoning to single-family portion of the subdivision. Apply Medium-High Density Residential Comprehensive Plan designation and retain existing RS-12 zoning to multi-dwelling portion of subdivision. The Planned Development Overlay will continue to apply to the entire subdivision.
Rationale: <p>The Feather Glen subdivision was approved in 1995. The discrepancy between the zoning and Comprehensive Plan designations were not noted as part of this approval. The southern portion of the subdivision contains single-family attached and single-family detached units. The northern portion of the subdivision contains multi-dwelling apartment units. The proposed change is intended to reflect the existing development pattern.</p>	

Area C - Oakview Subdivision:	
Comprehensive Plan Designation:	Medium-High Density Residential
Zoning:	PD(RS-9) Medium Density Residential with a Planned Development Overlay
Proposed Change: <ul style="list-style-type: none">• Comprehensive Plan	Change Comprehensive Plan designation to Medium Density Residential

Rationale:

This subdivision contains eighteen single-family attached units, two single-family detached units, and two fourplexes. The lot sizes range from 2,665 square feet to 8,378 square feet. The surrounding areas are subject to Low and Medium Density Residential designations, with single-family detached units predominant. A Medium Density Residential designation is considered more compatible with the surrounding area than a Medium-High Density Residential designation, and is consistent with the existing development pattern.

Area D - Corvallis Alzheimer's Facility:

Comprehensive Plan Designation:	Medium Density Residential
Zoning:	PD(RS-12) Medium-High Density Residential with a Planned Development Overlay
Proposed Change: <ul style="list-style-type: none">• Comprehensive Plan	Change Comprehensive Plan designation to Medium-High Density Residential consistent with Comprehensive Plan Amendment approval.

Rationale:

In 1997, the City approved a Comprehensive Plan Amendment, District Change, and Planned Development for the Corvallis Alzheimer's Facility. The approved land use designations were Medium-High Density Residential, PD(RS-12). The existing Medium Density Residential Comprehensive Plan designation is a mapping error. It is recommended that this be corrected to Medium-High Density Residential, consistent with the 1997 Comprehensive Plan Amendment approval.

Area E - Conifer Boulevard:

Comprehensive Plan Designations:	Medium Density Residential (12 lots) Low Density Residential (6 lots)
Zoning:	RS-12 Medium-High Density Residential (12 lots) RS-3.5 Low Density Residential (6 lots)
Proposed Changes: <ul style="list-style-type: none">• Comprehensive Plan• Zoning	Change zoning to RS-9 Medium Density Residential for 12 lots; change zoning and Comprehensive Plan designation to Medium Density Residential for 6 additional lots.

Rationale:

Twelve properties along Conifer Boulevard are subject to a Medium Density Residential Comprehensive Plan designation and RS-12 Medium-High Density Residential zoning. All properties contain duplexes. Six additional properties extending north contain a similar pattern of duplex development. These six properties are subject to a Low Density Residential Comprehensive Plan designation and RS-3.5 zoning. A Medium Density Residential designation is considered appropriate for the existing development. It is recommended that the zoning map be corrected to RS-9 for the first twelve properties and that the Medium Density Comprehensive Plan and associated RS-9 zoning be applied to the additional six properties.

Area G - Monterey Villa Apartments:

Comprehensive Plan Designation:	Medium Density Residential
Zoning:	PD(RS-12U) - Medium-High Density Residential - University with a Planned Development Overlay
Proposed Change: <ul style="list-style-type: none">• Comprehensive Plan	Change Comprehensive Plan designation to Medium-High Density Residential.

Rationale:

As proposed, the Medium Density Residential designation only allows triplex or fourplex multi-dwelling uses. The Medium-High Density Residential designation is considered more appropriate for the existing multi-dwelling apartments use.

Area H - Johnson Avenue:

Comprehensive Plan Designation:	Low Density Residential
Zoning:	RS-9 Medium Density Residential
Proposed Change: <ul style="list-style-type: none">• Comprehensive Plan	Change Comprehensive Plan to Medium Density Residential

Rationale:

All lots have single family homes with lots sizes ranging from approximately 5,000 to 12,000 square feet. The block directly south has a Medium-High Density Residential land use designation (RS-12 zoning). The area to the north is designated Low Density Residential (RS-5 zoning). Because of the variation in lot sizes and in order to provide a smoother transition of densities in this area, staff recommend that the Comprehensive Plan Map be changed from Low Density Residential to Medium Density Residential.

Area I - OSU Property at 9 th Between Jefferson and Madison:	
Comprehensive Plan Designations:	Medium-High Density Residential (northern portion of lot; remainder of lot is subject to Public Institutional)
Zoning:	OSU - Oregon State University
Proposed Change: • Comprehensive Plan	Change Comprehensive Plan to apply Public Institutional to entire lot
<p>Rationale: This is a vacant property owned by OSU which is subject to OSU zoning. The lot is subject to a split Comprehensive Plan designation of Medium-High Density Residential and Public Institutional. It is recommended that the Public Institutional Comprehensive Plan designation apply to the entire lot.</p>	

Area J - Beekman Place:	
Comprehensive Plan Designation:	General Industrial
Zoning:	Existing Mixed Use Commercial; Proposed Minor Neighborhood Center
Proposed Change: • Comprehensive Plan	Change Comprehensive Plan to Mixed Use Commercial
<p>Rationale: The lot is an old railway right-of-way that is part of the Beekman Place development. In 1999, the City approved a zoning change for this property to Mixed Use Commercial. The property is now proposed to be rezoned from Mixed Use Commercial to Minor Neighborhood Center. The railway right-of-way was included in the approved Mixed Use Commercial zoning change. It is recommended that the Comprehensive Plan designation for this lot be changed to Mixed Use Commercial in accordance with the rest of the development.</p>	

Area L - First Congregational Church:	
Comprehensive Plan Designations:	Medium Density Residential Medium-High Density Residential Open Space - Conservation
Zoning:	RS-3.5 Low Density Residential
Proposed Changes: • Comprehensive Plan • Zoning	Consolidate Medium and Medium-High Density Residential areas on the Comprehensive Plan Map to Medium Density Residential. Apply RS-9 zoning to entire parcel.

Rationale:

The First Congregational Church on West Hills Road is subject to a split Comprehensive Plan designation: the western portion of the property is subject to a Medium-High Density Residential designation; and the eastern portion of the property is subject to the Medium Density Residential designation. A Squaw Creek drainage area extends along the northeast edge of the property and is subject to the Open Space - Conservation designation. The split residential designations originates from the West Corvallis - North Philomath Plan which envisioned a hierarchy of residential densities radiating from the proposed Neighborhood Center at the intersection of 53rd Street and West Hills Road. Because the property is already developed, it is recommended that a single residential designation apply to the residentially-designated portion of the property. The Medium Density Residential designation is considered more appropriate for this property. To implement this change, the zoning is proposed to change (for the entire parcel) from RS-3.5 to RS-9.

Area M - Cherry Avenue:

<i>Comprehensive Plan Designation:</i>	Medium Density Residential (96 lots) Mixed Use Residential (2 lots)
<i>Zoning:</i>	RS-3.5 Low Density Residential
<i>Proposed Change:</i> • <i>Comprehensive Plan</i>	Change Comprehensive Plan designation to Low Density Residential.

Rationale:

Under the adopted Comprehensive Plan, ninety-six lots in the Cherry Avenue area were redesignated to Medium Density Residential. Two lots just south of Willow Avenue were redesignated to Mixed Use Residential. These changes originated in the West Corvallis - North Philomath Plan and were incorporated into the Comprehensive Plan Map. Single family homes predominate in this area and the average lot size is 8,916 square feet. At the July 20, 2000 Planning Commission work session, staff noted that the adopted Medium Density Residential Comprehensive Plan designation may not be appropriate for this area. The Planning Commission recommended that the Comprehensive Plan be changed to Low Density Residential to reflect the existing development pattern. On July 25, 2000, the Planning Commission also recommended that the two lots subject to the Mixed Use Residential designation be changed to Low Density Residential.

Area N - Grand Oaks Summit Subdivision:

<i>Comprehensive Plan Designation:</i>	Low Density Residential
<i>Zoning:</i>	PD(RS-6) Low Density Residential with a Planned Development Overlay

Proposed Change: <ul style="list-style-type: none"> • Comprehensive Plan 	Change Comprehensive Plan designation to Low Density Residential consistent with the approved subdivision and planned development.
Rationale: There is an inconsistency between the adopted Comprehensive Plan Map and the existing Zoning Map for the easternmost portion of the Grand Oaks Summit subdivision development. Under the approved subdivision/planned development for this area, the existing zoning is PD(RS-6). On the Comprehensive Plan Map, this area is subject to a Medium Density Residential land use designation. The Medium Density Residential designation was first applied to this area through the West Corvallis-North Philomath planning process in order to provide for a hierarchy of densities radiating from the proposed Neighborhood Center located at the intersection of West Hills Road and 53 rd Street. However, because development is proceeding under the conditions of the original PD(RS-6) approval, staff recommends that the Medium Density Residential Comprehensive Plan Map designation be changed to revert back to Low Density Residential to be consistent with the existing PD(RS-6) zone.	

Area P - Nypro:	
Comprehensive Plan Designations:	Mixed Use Commercial (northwest corner) Research Technology Center (remainder)
Zoning:	PD(CS) Community Shopping with a Planned Development Overlay (northern section) Research Technology Center
Proposed Changes: <ul style="list-style-type: none"> • Comprehensive Plan • Zoning 	Apply Research Technology Center Comprehensive Plan designation and zoning to entire property.
Rationale: The Research Technology Center (RTC) zoning was approved for this area in 1983 and was expanded to its current extent in 1984. The RTC designation did not apply to the northwest section of what is now the Nypro property; this remained subject to PD(CS) zoning. It appears that the commercial designation may have been retained for this area in order to provide for a restaurant or other commercial uses intended to serve Sunset Research Park. Such uses are allowed as accessory uses under the RTC zone. In the adopted Comprehensive Plan Map, the Mixed Use Commercial designation (changed from Community Shopping) applies to the northwest section of the property. The existing PD(CS) zoning applies to the northern section of the property. The expanded commercial area on the Zoning Map is not consistent with land use approvals dating back to the early to mid 1980s. Because the entire site is developed as a research technology facility, staff recommends that the entire property be subject to Research Technology Center Comprehensive Plan and zoning. Because the majority of the site has not been subject to a Planned Development Overlay, staff also recommends that the PD be eliminated. Nypro was contacted regarding these proposed map changes and supports this approach.	

Area Q - Meredith Annexation Property:	
Comprehensive Plan Designation:	Low Density Residential
Zoning:	Agriculture - Open Space
Proposed Change: • Comprehensive Plan	Change Comprehensive Plan designation to Open Space-Conservation for entire lot.
<p>Rationale: A 1.82-acre site encompassing two tax lots was annexed to the City in 1996. As part of this approval, the Agriculture-Open Space zone was applied to the easternmost tax lot (consisting primarily of wetlands). This tax lot is shown on the Comprehensive Plan Map as subject to a split designation of Low Density Residential and Open Space - Conservation. It is recommended that the Comprehensive Plan Map be corrected to apply the Open Space - Conservation designation to the entire tax lot.</p>	

Area R - Park & Bell Avenue Properties:	
Comprehensive Plan Designation:	Low Density Residential
Zoning:	RS-9 Medium Density Residential
Proposed Change: • Comprehensive Plan	Change Comprehensive Plan designation to Medium Density Residential.
<p>Rationale: These two lots contain duplexes. The six lots immediately adjacent and to the west are zoned RS-9 and subject to a Medium Density Residential Comprehensive Plan designation. The Medium Density Residential designation is consistent with the adjacent land uses.</p>	

Area S - Goodnight Avenue Properties:	
Comprehensive Plan Designation:	Medium Density Residential
Zoning:	RS-5 Low Density Residential
Proposed Change: • Comprehensive Plan	Change Comprehensive Plan designation to Low Density Residential
<p>Rationale: The adopted Comprehensive Plan Map changed the designation of three single-family lots south of Goodnight Avenue to Medium Density Residential. This change was not included in the adopted South Corvallis Area Plan Map and not recommended during the Comprehensive Plan Update process. It appears that the map change to Medium Density Residential was an inadvertent error. It is recommended that the Comprehensive Plan Map be changed to Low Density Residential.</p>	

In each of the above cases, the proposed change is intended to provide consistency between the overriding Comprehensive Plan Designation and the existing development pattern, or type of development on adjacent properties, or existing zoning designation. In each case, the desire is to ensure compatibility among uses within an area. In several other cases, a mapping error occurred by either inadvertently changing a property's designation (S), or failure to make the appropriate Comprehensive Plan Map change D).

Conclusion Regarding Comprehensive Plan Map Changes Associated with Mapping Discrepancies or Existing Development Patterns: The proposed Comprehensive Plan Map changes associated with discrepancies serves the public need of creating consistency between existing development patterns and their associated Comprehensive Plan Map designations, or they provide corrections to mapping errors. These changes are the best means of meeting the public need as the changes proposed consciously provide greater compatibility than would either leaving the designations as is or making other map changes (1.2.3, 3.2.7, 2.1.30.06).

4. Comprehensive Plan Map Changes Associated with Property Owner Requests:

To date, the City has received seven written mapping-related requests from affected property owners. The locations of these requests are indicated by blue tags on the Draft Proposed Zoning & Comprehensive Plan Map Changes Map and are described in more detail below. The Planning Commission reviewed six of the seven requests a July 20 work session. Any changes recommended by the Planning Commission at this meeting have been applied to the Draft Proposed Zoning & Comprehensive Plan Map Changes Map.

Request 1 - Weber (see Attachment K-1)	
Location:	9 th Street and Conifer Boulevard
Request:	Change the zoning of three properties from RS-3.5 Low Density Residential to PD(P-AO) Professional and Administrative Office with a Planned Development Overlay. A corresponding Comprehensive Plan Map change from Low Density to Professional Office would be needed.
Planning Commission Recommendation:	Not recommended without opportunity to review more detailed information. A commercial designation would be expected to intensify traffic in the area. Traffic circulation already is difficult at this intersection. The Planning Commission would prefer to evaluate this request as part of a regular land use application.

Request 4 - Kimmel (see Attachment K-4) (Requests 2 & 3 are Zoning Map requests only and are not included in this Part of the report)	
Location:	Cobblestone Square Area
Request:	Change the Comprehensive Plan Map designation and zoning for three properties from RS-20 High Density Residential to Minor Neighborhood Center. Two of the lots provide required parking, connected by an easement, to the Cobblestone Square properties fronting on Monroe Avenue. The property located at 120 NW 14 th is an existing home.
Planning Commission Recommendation:	Not yet evaluated by the Planning Commission. The City approved a Conditional Development for the development of the parking lot to support Cobblestone Square in 1986. Parking is an approved conditional use for these two lots. In general, it is recommended that parcels proposed for a zone change be directly contiguous to the other parcels having the desired zoning. In addition, the existing RS-20 zone appears to be more appropriate for the existing residential use located at 120 NW 14 th Street.

Request 5 - Snyder, et al (see Attachment K-5)	
Location:	404 and 410 SW 9 th Street
Request:	Change the Comprehensive Plan Map designation and zoning for two properties in the Central Park Neighborhood area from Medium-High Density to High Density Residential (RS-20 zoning). In the discussion of proposed Zoning Map changes below, 52 properties in this area were redesignated from High Density Residential to Medium-High Density Residential in the adopted Comprehensive Plan Map.

<p>Planning Commission Recommendation:</p>	<p>Notify affected property owners in the Central Park area of this request. Reconsider this request at the September 6 public hearing after the property owners have been notified. (See Attachment I). Note: The original proposed zone change to RS-12 is shown on the Draft Proposed Zoning & Comprehensive Plan Map Changes Map.</p>
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Request 6 - Holst (see Attachment K-6)	
<p>Location:</p>	<p>South Corvallis Trailer Park, Twin Oaks Circle</p>
<p>Request:</p>	<p>Change the zoning of four properties in the trailer park from the proposed RS-9 Medium Density Residential to RS-20 High Density Residential. A corresponding Comprehensive Plan Map change to High Density Residential would be needed. This request was based on the understanding that the RS-20 zone would better reflect existing density and would also allow for the development of some additional spaces within the park.</p>
<p>Planning Commission Recommendation:</p>	<p>Not recommended. Staff noted at the July 20 work session that manufactured dwelling parks are not allowed in the RS-20 zone. This is because the State manufactured home park development standards are virtually impossible to achieve in the RS-20 zone. Applying the RS-20 zone also would not make the trailer park a conforming use. In addition, staff calculated the actual density at just over 11 units per acre (see staff comments, Attachment K-6). Additional reasons for retaining the Medium Density designation include the fact that the park is located within the 100-year flood plain and traffic congestion (especially for those attempting to make a left turn from Twin Oak Circle to South 3rd Street).</p>

At the July 20, 2000, Planning Commission mapping work session, Request 1 was reviewed and found to have insufficient information to determine whether a public need could be met by the proposal. Although much of the request may be reasonable, traffic issues associated with the 9th Street and Conifer Boulevard intersection precluded approval. The Planning Commission determined that this request would need to be brought back to the Commission through a formal Comprehensive Plan Amendment hearing process with appropriate traffic engineering studies and associated staff evaluation.

Request 4 pertains to the proposed rezoning of three lots in the vicinity of Cobblestone Square. Two of the lots provide required parking for Cobblestone Square and are connected to the Cobblestone Square buildings via an easement. These lots are currently subject to the residential RS-20 zoning. Parking on these lots is an approved conditional use. The third lot located at 120 NW 14th Street contains a residence; an easement on this property allows access to the Cobblestone Square parking. The property owner is requesting that all properties associated with Cobblestone Square be subject to the same Minor Neighborhood Center zoning. Because the existing parking and residential uses on these lots are allowed under the current zoning, the public benefit of this request is not clear.

Request 5 asked that the Planning Commission return two small lots on 9th Street near the University to the High Density Residential Comprehensive Plan Designation they held prior to adoption of the Comprehensive Plan. These lots were changed to Medium High Density Residential, along with 50 other properties within a five-block area, at the request of the Central Park Neighborhood Association. That change was made to reflect the dominant development pattern/density of development on these lots. The requested change was made by the owner of the two properties. The Planning Commission asked that the owner and the Central Park Neighborhood Association be informed that the request would be further considered at the September 6, public hearing and to be prepared to testify regarding this matter at that time. Staff evaluation of the request indicates that little benefit to the property owner would ensue from the requested change and that no public need could be identified.

Request 6 asks for a High Density Residential Designation to be placed on properties containing a manufactured dwelling park. Staff has determined that the change would make the existing use continue to be non-conforming. As a result, no benefit to the property owner and no public need could be demonstrated.

Conclusion Regarding Comprehensive Plan Map Changes Associated with Property Owner Requests: None of the requests identified above could be shown to meet the public need criteria. In each case the request created situations counter to the consistency in zoning/Comprehensive Plan Designation that is both required and desirable in the City, or the information presented was insufficient to make a determination that a public need for the change had been met (1.2.3, 2.1.30.06).

5. Open Space - Conservation Comprehensive Plan Map Changes:

Background: At a June 8, 2000 joint work session, the Planning Commission and City Council directed staff to evaluate options for applying the Agriculture - Open Space (AG-OS) Zone to those areas designated Open Space - Conservation on the Comprehensive Plan Map. Specifically, it was recommended that the AG-OS Zone be applied to those areas under direct City control, such as City parks and dedicated drainageways. At a July 20, 2000, Planning Commission work session, a draft map was reviewed that showed the locations of City-owned properties and properties with the Open Space - Conservation Comprehensive Plan designation. At that July 20 meeting, the Planning Commission directed staff to apply the AG-OS Zone only to those City-owned properties that are entirely subject to the Open Space - Conservation designation. Other areas that are subject to split designations and/or other ownership patterns are proposed to be evaluated as part of the future phase of the Land Development Code Update process.

Description of Change: The Draft Proposed Zoning & Comprehensive Plan Map Changes Map shows City-owned properties that are proposed to be subject to the Agriculture - Open Space zoning. In a few instances, some existing park properties and dedicated drainageways are not currently subject to the Open Space - Conservation Comprehensive Plan designation. **It is recommended that the Comprehensive Plan Map be changed to Open Space - Conservation for these areas.** Some City parks that are owned by the 509J School District are excluded from the proposed changes. The appropriate zoning for these parks can be evaluated as part of a future phase of the Land Development Code Update process.

To complement this proposed mapping change (and as described in Part I of this staff report - Legislative Amendment to the Land Development Code), the Text of the AG-OS Zone is proposed to be changed to identify specific uses that would not be allowed for properties having a Comprehensive Plan Map designation of Open Space - Conservation. This is proposed as an interim measure until a future phase of the Land Development Code Update process is undertaken; it is expected that as part of this process, the City will be evaluating options for creating a new Conservation - Open Space Zone which can be implemented for some areas designated with a Comprehensive Plan Map designation of Open Space - Conservation.

In most instances, the changes proposed here are from a residential Comprehensive Plan Map designation to the Open Space - Conservation Comprehensive Plan Designation. The properties under consideration are City-owned and their use provides a community benefit such as park land or drainageway. Although they provide these services to the residential lands around them, they are not truly residential in nature or available for residential development. As a result, their proper Comprehensive Plan Map designation should reflect these uses. The proposed changes will also assure their continued use as community facilities.

Conclusion Regarding Open Space - Conservation Comprehensive Plan Map Changes: There is a public need for these properties to be changed to the Open Space - Conservation Comprehensive Plan Map Designation to reflect their current community-wide importance and assure their continued such use. The proposed change is the best means of meeting the identified public need because the proposed designation is the only Corvallis Comprehensive Plan Map Designation that is appropriate for parks and drainageways. All others indicate some development potential not appropriate to the community-wide benefit these properties provide. The net benefit to the community is provided by the assurance into the future of the properties continued provision of their community-wide benefit as well as the removal of these properties from statistics that indicate land available for development (1.2.3, 3.2.7, 2.1.30.06).

B. COMPREHENSIVE PLAN TEXT AMENDMENT:

The Comprehensive Plan Text that was adopted in December 1998 inadvertently excluded definitions for the following Comprehensive Plan land use designations: Limited Industrial - Office, Mixed Use Employment, Public Institutional, Open Space - Agriculture, Open Space - Conservation, Intensive Development Sector, Research Technology Center. A description of the Urban Growth Boundary also was excluded. These land use designation definitions were last published in the November 1998 (Draft 4) version of the Comprehensive Plan.

Staff recommends that Article 40 of the Comprehensive Plan text be amended to reflect these definitions as shown in Draft 4 (see Attachment D).

Each of the above land use designations has lands associated with it on the adopted Comprehensive Plan Map. In addition, the Urban Growth Boundary is a critical element in the City's Comprehensive Plan. For such mapping elements to have meaning or validity, definitions must be provided in the Comprehensive Plan. Each of these definitions existed in the previous Comprehensive Plan document, and their meanings have not been changed in the current iteration. Their inclusion will provide the continuity between the two documents, intended by the inclusion of the these land use designations on the Comprehensive Plan Map.

Conclusion Regarding Comprehensive Plan Map Text Amendment to Supplement Article 40: The public need for these Comprehensive Plan Text Amendments is met by providing definitions for existing land use designations, without which, their purpose cannot be determined. Inclusion of these definitions is the best means of meeting this need as they provide consistency between the previous and current versions of the Comprehensive Plan Map. The net benefit to the community results from correction to the confusion that exists due to the current lack of definition for these Comprehensive Plan Map Designations (1.2.3, 2.3.30.06).

Statewide Planning Goal Analysis:

An analysis of the proposed Legislative Amendment to the Land Development Code in relation to the applicable Statewide Planning Goals is contained in Part IV (Analysis of Statewide Planning Goals) of this staff report. The conclusions in Part IV (Analysis of Statewide Planning Goals) state that the proposal is in compliance with the applicable Statewide Planning Goals.

RECOMMENDATION ON COMPREHENSIVE PLAN AMENDMENT

Based upon the criteria and conclusions discussed above, it is recommended that the Planning Commission do the following:

- I. **Recommend that the City Council formally initiate the proposed Comprehensive Plan Amendment; and**
- II. **Recommend that the City Council approve the proposed Comprehensive Plan Amendment (CPA00-00007), as proposed in Attachments A and D, and based upon the description and findings listed below:**

Description

1. **Map Amendment:** To amend the Comprehensive Plan Map in several areas (each one specifically described below in the Criteria, Discussion, and Conclusion section of this staff report) as a result of further review during this Land Development Code Update process. These changes are identified on the Map in Attachment A and are proposed to address inconsistencies between the Comprehensive Plan Map and either underlying development

patterns, proposed land use designations associated with the proposed District (Zoning) Map, and/or proposed Mapping criteria associated with the proposed Text in the proposed Legislative Amendment to the Land Development Code.

2. **Text Amendment:** To amend the Comprehensive Plan Article 40 (the Comprehensive Plan Text involving the descriptions of the Comprehensive Plan land use designations), in order to complete the land use designation description list. This land use designation description list is included in Attachment D and was already approved by the City Council in one of the last drafts of the Comprehensive Plan, while it was being updated. However, the full list was inadvertently left out of the final version of the Comprehensive Plan that was adopted by the City Council in December of 1998. New Text which will complete the list is as follows:

40.3.2 Limited Industrial - Office

Refers to establishments primarily engaged in the on-site production of goods by hand manufacturing, which involves only the use of hand tools or light mechanical equipment, and the incidental direct sale to consumers of only those goods produced on-site with no outside open storage permitted, and compatible accessory activities. Impacts on neighboring properties resulting from limited industrial operations are expected to be minimal.

40.3.3 Mixed Use Employment

These areas will provide for a variety of employment opportunities by allowing for primarily industrial uses but also will allow for some commercial, civic, and residential uses that are compatible with the predominant industrial uses, while maintaining the City's supply of industrially-designated lands.

40.4.1 Public/Institutional

Lands in public or semi-public ownership such as the Oregon State University Campus, existing and known future District 509J school sites, City reservoirs, Linn Benton Community College, Good Samaritan Hospital and portions of the Corvallis Municipal Airport.

40.4.2 Open Space - Agriculture

All predominantly agricultural lands within the Urban Growth Boundary, including areas in food production, tree farms, animal husbandry, and agricultural and forestry research.

40.4.3 Open Space - Conservation

All predominantly open spaces reserved for general community use, including parks, preserves, and general drainageway corridors. Under the Open Space - Conservation designation, limited development may be permitted on private lands provided that the the development does not create a hazard or interfere with the drainage function of the streams.

40.4.4 Intensive Development Sector

Areas in which more intensive development will be permitted after annexation. Uses include residential development in excess of six units per acre and neighborhood or community commercial development.

40.4.5 Research - Technology Center

A campus-like complex designed to accommodate educational, scientific, industrial, and business research, development, planning, testing, and training activities and non-polluting manufacturing activities.

40.4.6 Urban Growth Boundary

A line that circumscribes the Urban Fringe and the City limits, denoting the area in which urban development is planned to occur.

40.4.10 7 Neighborhood Centers

The Neighborhood Centers denote commercial areas that are designed with a pedestrian orientation and serve the general community and/or surrounding neighborhood. Neighborhood Centers may be designed to incorporate a mixture of uses. The dots denote the conceptual location of the Neighborhood Centers and the circles represent a 1/4-mile distance from the Centers, which is considered to be a comfortable walking distance. The shaded circles without any dots depict possible Minor Neighborhood Centers for which further study is needed.

FINDINGS:

1. Residential Comprehensive Plan Map Changes - New Locational Criteria for Mixed Use Residential:

The only new residential land use designation on the Comprehensive Plan Map is Mixed Use Residential (MUR). The only properties mapped with a Comprehensive Plan Map designation of Mixed Use Residential are located in the West Corvallis area. The fact that the Comprehensive Plan Map only shows mapped MUR sites in West Corvallis does not prevent additional MUR sites from being mapped elsewhere.

The MUR designation was discussed and concerns were raised related to the amount of area designated MUR that could potentially be developed in commercial uses. It is recommended that the extent of the MUR zone be limited in order to direct the majority of commercial uses to the Neighborhood Centers, the Central Business zone, or other commercial zones. It is also proposed that additional Mixed Use Residential (MUR) sites be established on the Zoning Map, rather than the Comprehensive Plan Map. It is recommended that these future MUR sites be required to be located on lands that have a Comprehensive Plan Map designation of Medium-High or High Density Residential, and that they be located on property that is immediately adjacent to land designated with a commercial designation on the Comprehensive Plan Map. Additionally, it is recommended that MUR sites be limited to within a 450-foot radius of commercially-designated properties.

After applying this criteria, only one property in the City Limits will retain a Comprehensive Plan Map designation of MUR. This property is located at the northwest intersection of 53rd and West Hills Road. It is recommended that other MUR-designated areas be changed to a Medium-High Density Residential designation on the Comprehensive Plan Map. Those lands within the City Limits are recommended to receive the corresponding RS-12 zoning designation. For the portion of the MUR site near the University, it is recommended that the Comprehensive Plan Map designation be changed to Public Institutional, with a zoning designation of Oregon State University (OSU).

The reduction in the area designated as MUR adjacent to 53rd Street is consistent with Comprehensive Plan policies that foster appropriate levels of commercial development (8.10.1) and encourage enhancement of the downtown core (13.5.1). Another aspect of the size reduction has to do with the original designation's relationship to the two Neighborhood Centers at the corner of 53rd Street and West Hills Road. The West Corvallis- North Philomath Plan originally designated the center on the northeast corner as a Major Neighborhood Center (within a "neighborhood village"-the West Corvallis- North Philomath Plan equivalent of a Comprehensive Neighborhood); however, it was changed to a Minor Neighborhood Center with adoption of the Comprehensive Plan. This action reduced the community-wide draw of these centers, therefore reducing the supporting need for the MUR. A similar situation exists for the MUR adjacent to 35th Street. The intersection of 35th Street and West Hills Road was originally designated in the West Corvallis- North Philomath Plan as a Minor Neighborhood Center (within a "neighborhood village"). This center was removed with the adoption of the Comprehensive Plan. As the MUR designation was intended to support a neighborhood village, and one no longer exists in this location, the MUR is no longer appropriate; for the OSU property within the City, the designation of the property for University-related development is the appropriate substitute given its location and ownership.

Most of the properties being redesignated are outside the City and wouldn't develop as MUR until annexed. As a result, there is adequate time to determine appropriate levels of MUR property development in the interim. Also, by allowing redesignation of Medium High or High Density Residential properties as MUR when needed in the future throughout the City, the proposal does not reduce the potential for use of this designation where appropriate. From the above facts and discussion, it is determined there is a public need to reduce the MUR, thus focusing commercial development in the downtown and the Neighborhood Centers. The quantity of MUR is also no longer consistent with the original formulation of the West Corvallis- North Philomath Plan. The proposal best meets the public need because the changes primarily focus on properties outside the City, retain a similar residential function, and are an appropriate reduction to respond to the changes to the Neighborhood Centers from the original West Corvallis- North Philomath Plan. The proposal provides a net benefit to the community by ensuring that commercial development is focused in the downtown and in designated Neighborhood Centers while maintaining the original residential function (1.2.3, 1.2.4, 3.2.7, 2.1.30.06).

2. Commercial Comprehensive Plan Map Changes - Elimination of Three Minor Neighborhood Centers:

The Comprehensive Plan Map identifies seven Major Neighborhood Centers (six in the City Limits) and fifteen Minor Neighborhood Centers (eleven in the City Limits). The Comprehensive Plan Map also shows four Neighborhood Center study areas. A new Neighborhood Center zone implements the Neighborhood Centers shown as circles on the Comprehensive Plan Map. The Draft Revised Zoning Map shows the proposed locations of the Major and Minor Neighborhood Centers, as recommended. All six Major Neighborhood Centers in the City Limits are implemented on the Zoning Map. The CTRG recommends that eight of the eleven Minor Neighborhood Centers located in the City Limits be implemented on the Zoning Map. As proposed, three Minor Neighborhood Centers along Ninth Street will not be implemented. These Minor Neighborhood Centers are located at the intersections of 9th Street and Walnut Boulevard, 9th Street and Garfield Avenue, and 9th Street and Reiman Avenue. The Minor Neighborhood Center located at the intersection of 53rd Street and West Hills Road is proposed to be reduced in size to three acres. **Given the above, the CTRG also proposes that the circles relating to the three Minor Neighborhood Center sites that will not be implemented on the Zoning Map be deleted from the Comprehensive Plan Map** (see Draft Proposed Zoning & Comprehensive Plan Map Changes Map).

The circles proposed for removal are in areas that will remain designated as Mixed Use Community Shopping, and therefore there is no significant reduction in the available commercial land supply (8.10.1). By reducing the number of Minor Neighborhood Centers, the likelihood of the remaining centers redeveloping into the desired form may be increased. In addition, the circles designating Minor Neighborhood Centers along 9th Street overlapped, therefore possibly diluting the intended function of such designations. The proposed elimination of the three circles denoting proposed Minor Neighborhood Centers provides a public need by removing unviable land use designations from the Comprehensive Plan Map. It is the best means of meeting this need as it supports the designation of the other Minor Neighborhood Centers, and provides a net benefit to the community for the same reason (1.2.3, 3.2.7, 2.1.30.06).

3. Comprehensive Plan Map Changes Associated with Mapping Discrepancies or Existing Development

Patterns: Some existing discrepancies between the land use designations on the adopted Comprehensive Plan Map and the Zoning Map have been identified. By law, the two maps must be consistent with each other. It is recommended that these Map discrepancies be corrected as part of this Land Development Code Update process. The recommended corrections to the Map discrepancies are highlighted on the Draft Proposed Zoning and Comprehensive Plan Map Changes Map with yellow tags. Case files and other sources of information were researched in order to determine appropriate means of correcting the discrepancies. Generally, the proposed corrections are intended to reflect existing development patterns.

Some additional proposed Comprehensive Plan Map changes that are not associated with outstanding discrepancies are described below. These changes, plus the proposed mapping corrections, are shown on the Draft Proposed Zoning & Comprehensive Plan Map Changes Map as Areas A through S. In some of the cases, these proposed Comprehensive Plan Map changes are accompanied by a corresponding Zoning Map Change. The explanation of the Zoning Map Change is included for informational purposes, since the rationale is the same for both types of Map changes.

In each of the identified cases, the proposed change is intended to provide consistency between the overriding Comprehensive Plan Designation and the existing development pattern, type of development on

adjacent properties, or existing zoning designation. In each case, the desire is to ensure compatibility among uses within an area. In several other cases, a mapping error occurred by either inadvertently changing a property's designation (S), or failure to make the appropriate Comprehensive Plan Map change (D). The proposed Comprehensive Plan Map changes associated with discrepancies serves the public need of creating consistency between existing development patterns and their associated Comprehensive Plan Map designations, or they provide corrections to mapping errors. These changes are the best means of meeting the public need as the changes proposed consciously provide greater compatibility than would either leaving the designations as is or making other map changes (1.2.3, 3.2.7, 2.1.30.06).

4. **Comprehensive Plan Map Changes Associated with Property Owner Requests:** To date, the City has received seven written mapping-related requests from affected property owners. The locations of these requests are indicated by blue tags on the Draft Proposed Zoning & Comprehensive Plan Map Changes Map and are described in more detail below. The Planning Commission reviewed six of the seven requests a July 20 work session. Any changes recommended by the Planning Commission at this meeting have been applied to the Draft Proposed Zoning & Comprehensive Plan Map Changes Map.

At the July 20, 2000, Planning Commission mapping work session, Request 1 was reviewed and found to have insufficient information to determine whether a public need could be met by the proposal. Although much of the request may be reasonable, traffic issues associated with the 9th Street and Conifer Boulevard intersection precluded approval. The Planning Commission determined that this request would need to be brought back to the Commission through a formal Comprehensive Plan Amendment hearing process with appropriate traffic engineering studies and associated staff evaluation.

Request 4 pertains to the proposed rezoning of three lots in the vicinity of Cobblestone Square. Two of the lots provide required parking for Cobblestone Square and are connected to the Cobblestone Square buildings via an easement. These lots are currently subject to the residential RS-20 zoning. Parking on these lots is an approved conditional use. The third lot located at 120 NW 14th Street contains a residence; an easement on this property allows access to the Cobblestone Square parking. The property owner is requesting that all properties associated with Cobblestone Square be subject to the same Minor Neighborhood Center zoning. Because the existing parking and residential uses on these lots are allowed under the current zoning, the public benefit of this request is not clear.

Request 5 asked that the Planning Commission return two small lots on 9th Street near the University to the High Density Residential Comprehensive Plan Designation they held prior to adoption of the Comprehensive Plan. These lots were changed to Medium High Density Residential with those of approximately four other City blocks at the request of the Central Park Neighborhood Association. That change was made to reflect the dominant development pattern/density of development on these lots. The requested change was made by the owner of the two properties. The Planning Commission asked that the owner and the Central Park Neighborhood Association be informed that the request would be further considered at the September 6, 2000 public hearing and to be prepared to testify regarding this matter at that time. Staff evaluation of the request indicates that little benefit to the property owner would ensue from the requested change and that no public need could be identified.

Request 6 asks for a High Density Residential Designation to be placed on properties containing a manufactured dwelling park. Staff has determined that the change would make the existing use continue to be non-conforming. As a result, no benefit to the property owner and no public need could be demonstrated.

None of the requests identified above could be shown to meet the public need criteria. In each case the request created situations counter to the consistency in zoning/Comprehensive Plan Designation that is both required and desirable in the City, or the information presented was insufficient to make a determination that a public need for the change had been met (1.2.3, 2.1.30.06).

5. **Open Space - Conservation Comprehensive Plan Map Changes:** At its July 20, 2000 meeting, the Planning Commission directed staff to apply the AG-OS Zone to those City-owned properties that are entirely subject to the Open Space - Conservation designation. Other areas that are subject to split designations and/or other ownership patterns are proposed to be evaluated as part of a future phase of the Land Development Code Update process.

The Draft Proposed Zoning & Comprehensive Plan Map Changes Map shows City-owned properties that are proposed to be subject to the Agriculture - Open Space zoning. In a few instances, some existing park properties and dedicated drainageways are not currently subject to the Open Space - Conservation Comprehensive Plan designation. **It is recommended that the Comprehensive Plan Map be changed to Open Space - Conservation for these areas.** Some City parks that are owned by the 509J School District are excluded from the proposed changes. The appropriate zoning for these parks can be evaluated as part of a future phase of the Land Development Code Update process.

To complement this proposed mapping change, the Text of the AG-OS Zone be changed to identify specific uses that would not be allowed for properties having a Comprehensive Plan Map designation of Open Space - Conservation. This is proposed as an interim measure until a future phase of the Land Development Code Update process; it is expected that as part of this process, the City will be evaluating options for creating a new Conservation - Open Space Zone which can be implemented for some areas designated with a Comprehensive Plan Map designation of Open Space - Conservation.

In most instances, the changes proposed here are from a residential Comprehensive Plan Map designation to the Open Space - Conservation Comprehensive Plan Designation. The properties under consideration are City-owned and their use provides a community benefit such as park land or drainageway. Although they provide these services to the residential lands around them, they are not truly residential in nature or available for residential development. As a result, their proper Comprehensive Plan Map designation should reflect these uses. The proposed changes will also assure their continued use as community facilities. There is a public need for these properties to be changed to the Open Space - Conservation Comprehensive Plan Map Designation to reflect their current community-wide importance and assure their continued such use. The proposed change is the best means of meeting the identified public need because the proposed designation is the only Corvallis Comprehensive Plan Map Designation that is appropriate for parks and drainageways. All others indicate some development potential not appropriate to the community-wide benefit these properties provide. The net benefit to the community is provided by the assurance into the future of the properties continued provision of their community-wide benefit as well as the removal of these properties from statistics that indicate land available for development (1.2.3, 3.2.7, 2.1.30.06).

6. **Comprehensive Plan Text Amendment:** The Comprehensive Plan Text that was adopted in December 1998 inadvertently excluded definitions for the following Comprehensive Plan land use designations: Limited Industrial - Office, Mixed Use Employment, Public Institutional, Open Space - Agriculture, Open Space - Conservation, Intensive Development Sector, Research Technology Center. A description of the Urban Growth Boundary also was excluded. These land use designation definitions were last published in the November 1998 (Draft 4) version of the Comprehensive Plan. Staff recommends that Article 40 of the Comprehensive Plan text be amended to reflect these definitions as shown in Draft 4 (see Attachment D). Each of the above land use designations has lands associated with it on the adopted Comprehensive Plan Map. In addition, the Urban Growth Boundary is a critical element in the City's Comprehensive Plan. For such mapping elements to have meaning or validity, definitions must be provided in the Comprehensive Plan. Each of these definitions existed in the previous Comprehensive Plan document, and their meanings have not been changed in the current iteration of the Comprehensive Plan. Their inclusion will provide the continuity between the two documents intended by the inclusion of the these land use designations on the Comprehensive Plan Map. The public need for these Comprehensive Plan Text Amendments is met by providing definition for existing land use designations, without which, their purpose cannot be determined. Inclusion of these definitions is the best means of meeting this need as they provide consistency between the previous and current versions of the Comprehensive Plan Map. The net benefit to the community results from correction to the confusion that exists due to the current lack of definition for these Comprehensive Plan Map Designations (1.2.3, 2.3.30.06).
7. **Compliance with Statewide Planning Goals:** Given the analysis presented in Attachment IV of this staff report, the proposed Comprehensive Plan Amendment complies with the applicable Statewide Planning Goals, identified as Goals 1-15.

PART III - DISTRICT (ZONING) MAP CHANGE

THE DISTRICT (ZONE) CHANGE PROCESS

The Land Development Code outlines procedures for legislative District Changes in Chapter 2.2. This Code Chapter states that these changes must be initiated by a majority vote of the Planning Commission or a majority vote by the City Council. This Code Chapter also states that a staff evaluation shall be provided and shall include an analysis to determine the effects on public facilities and services and to assure consistency with the purposes of Code Chapter 2.2, Policies of the Comprehensive Plan, and any other applicable Policies and standards adopted by the City Council. The Planning Commission is required to hold a public hearing regarding the District (Zoning) Map Change and develop a recommendation to the City Council.

ADDITIONAL BACKGROUND

As part of the Land Development Code Update process, the City has prepared proposed changes to the Zoning Map that implement the new Comprehensive Plan and Comprehensive Plan Map. Some limited changes to the Comprehensive Plan Map also are recommended and are discussed in Part II of this staff report. The proposed Map changes are intended to address the following objectives:

- Implement changes reflected in the 1998 adopted Comprehensive Plan Map on the Zoning Map;
- Implement subsequent mapping recommendations from the Commercial and Neighborhood Technical Review Groups and the Planning Commission;
- Correct existing inconsistencies with the Comprehensive Plan and/or Zoning Maps; and
- Address a Legal Issue Regarding Vacant Residential Lands.

The proposed Map changes, as recommended by the Technical Review Groups, were reviewed by the City Council and Planning Commission at a joint work session on June 8, 2000. Affected property owners were notified of the proposed changes and invited to public open houses on June 20, 2000 and 22, 2000. The Planning Commission reviewed the proposed Mapping changes again at a July 20, 2000 work session. Affected property owners were notified again of the proposed map changes through a legally-required public notice that was mailed on August 4, 2000. Throughout this process, individuals have been encouraged to submit any specific mapping requests to the Planning Commission for its consideration. To date, the City has received seven mapping requests from affected property owners (see Attachments K-1 through K-7). The locations of these mapping requests are highlighted with blue tags on the enclosed Draft Proposed Zoning & Comprehensive Plan Map Changes map.

The following maps are enclosed for your reference:

- Draft Proposed Zoning & Comprehensive Plan Map Changes - Proposed changes to the Zoning and Comprehensive Plan Maps;
- Comprehensive Plan Map - New Comprehensive Plan Map adopted in 1998; and
- Corvallis Land Development Code Districts - Existing Zoning Map.

On the Draft Proposed Zoning & Comprehensive Plan Map, Map changes are identified by color-coded tags to correspond to the following categories:

- White Tags: Proposed Changes to Implement the Comprehensive Plan, as Recommended by Technical Review Groups and/or Planning Commission.
- Yellow Tags: Proposed Corrections to Zoning Map and/or Comprehensive Plan Map Discrepancies.
- Red Tags: Other Recommended Zoning Map and/or Comprehensive Plan Map Changes.
- Green Tags: Proposed Agriculture-Open Space Zoning for City-owned Properties Subject to Open Space - Conservation Comprehensive Plan Designation.
- Blue Tags: Property Owner Mapping Requests.
- Purple Tags: Proposed Removal of Planned Development Overlays on Zoning Map.

APPLICANT'S PROPOSAL

It is requested that the Planning Commission do the following:

- I. Formally initiate the proposed District (Zoning) Map Change; and
- II. Recommend that the City Council approve the proposed District (Zoning) Map Change, based upon the information and evaluation contained within this staff report.

The proposal is to change the District (Zoning) Map for six basic purposes as described in **A - F** below.

- A. Zoning Map Changes Occurring in Response to Changes Made Using Existing Comprehensive Plan Map Designations:** The newly adopted Comprehensive Plan and Map modified the City's Comprehensive Plan land use designations on some properties, using existing Comprehensive Plan land use designations. These types of changes require that the Zoning Map designation on those properties be changed as well. Many of the proposed Zoning Map changes are as such. Included in these changes are the application of the land use designations identified in the West Corvallis-North Philomath Plan and the South Corvallis Area Plan, and application of the Agricultural-Open Space Zone to City-owned whole parcels that have a Comprehensive Plan Map designation of Open Space - Conservation.
- B. Zoning Map Changes Occurring in Response to Eliminated & New Comprehensive Plan Map Designations:** The newly adopted Comprehensive Plan and Map also eliminated some Comprehensive Plan land use designations and added some new ones. To implement these changes, all corresponding zoning designations must be eliminated and replaced by new designations, as are noted in the following chart:

Residential Zones	<i>New Mixed Use Residential (MUR) Zone (applied to one property in West Corvallis within the City limits)</i>
Commercial Zones Note: In many instances, an existing commercial zone that is being eliminated may be replaced by either NC, MUCS, or MUGC.	<p><u><i>Commercial Zones Proposed to be Eliminated:</i></u> <i>Eliminate Shopping Area (SA) Zone (May be replaced by NC, MUCS, or MUGC Zones)</i> <i>Eliminate Shopping Area - University (SA-U) Zone (Replaced by Minor NC Zone)</i> <i>Eliminate Special Shopping District (SSD) Zone (Replaced by MUCS Zone)</i> <i>Eliminate Community Shopping (CS) Zone (May be replaced by NC, MUCS & MUGC Zones)</i> <i>Eliminate Linear Commercial (LC) Zone (May be replaced by NC, MUCS, & MUGC Zones)</i> <i>Eliminate Mixed Use Commercial (MUC) Zone (May be replaced by NC, MUCS, & MUGC Zones)</i> <i>Eliminate Regional Shopping Center Zone (not replaced)</i></p> <p><u><i>Commercial Zones Proposed to Be Added:</i></u> <i>New Neighborhood Center (NC) Zone (applied as noted above)</i> <i>New Mixed Use Community Shopping (MUCS) Zone (applied as noted above)</i> <i>New Mixed Use General Commercial (MUGC) Zone (applied as noted above)</i> <i>New Riverfront (RF) Zone (applied downtown on the west side of First Street)</i></p>
Industrial Zones	<p><i>New Limited Industrial - Office (LI-O) Zone (applied in South Corvallis, west of Highway 99W)</i> <i>New Mixed Use Transitional (MUT) Zone (applied to Open Door & Evanite property)</i></p>

A table showing all Comprehensive Plan designations and corresponding Zones, including those designations and/or zones proposed to be deleted, are shown in Attachment E. Additional tables comparing the relative acreages for the existing and proposed zones are shown in Attachment F.

- C. Zoning Map Changes Occurring in Response to Direction from Comprehensive Plan Policies:** Some Comprehensive Plan Policies provide direction that Zoning Map changes occur. For example, Policy 9.5.15 directs the City to explore ways to increase density in the Low Density Residential zones and many Comprehensive Plan Policies require the City to increase housing mixtures and increase density throughout the City. In response to these Policies, Zoning Map changes are proposed for undeveloped Low Density Residential portions of the City. In general, undeveloped RS-3.5 lands greater than one acre will be rezoned to RS-5 and undeveloped RS-5 lands greater than one acre will be rezoned to RS-6.
- D. Zoning Map Changes Occurring in Response to Inconsistencies:** In completing the first two types of changes described above, staff discovered a number of discrepancies associated with past Mapping inconsistencies. Some of the proposed Mapping changes involve correcting

these Mapping inconsistencies, with the exception of some of the Timberhill area which will be the subject of a separate Map correction effort.

- E. Zoning Map Changes Occurring at the Request of Property Owners:** Some Zoning Map Change requests were received by property owners throughout the Land Development Code Update process. These requests are included in the discussion section of this report.
- F. Zoning Map Changes Occurring in Response to Legal Issue Regarding Vacant Residential Lands:** In order to address a legal issue regarding the availability of vacant residential land that may be developed with “clear and objective standards,” staff has been advised by the City Attorney’s Office that certain Planned Development Overlay Zones need to be removed (see Attachment J for a more detailed legal explanation). The Planned Development Overlay Zones existing vacant residential properties with active and approved Development Plans may continue because they were specifically requested by the owners of such properties. The remaining Planned Development Overlay Zones that exist on vacant residential lands need to be removed. The types of Planned Development Overlay zones that exist on vacant residential properties **without** active and approved Development Plans exist for two reasons: 1) the Planned Development Overlay Zone was applied to a particular residential property to add an additional level of review when the property developed, usually in response to significant natural features on the property; and/or 2) the Planned Development Overlay Zone was automatically applied with the approval of a Development Plan for a particular residential site, the Development Plan expired, and the Planned Development Overlay Zone remained. In any event, the Planned Development Overlay Zone needs to be removed from residential properties that do not have an active and approved Development Plan. The actual properties affected by this type of Zoning Map Change are shown with purple tags on the Draft Proposed Zoning and Comprehensive Plan Map in Attachment A.

CRITERIA, DISCUSSION, AND CONCLUSIONS

The relevant criteria and staff discussion are presented in the following evaluation. A recommendation is provided at the end of this District (Zoning) Map Change part (Part III).

Applicable Statewide Planning Goals:

The list of applicable Statewide Planning Goals includes Goals 1, 2, and 5 - 15. A summary of each applicable Statewide Planning Goal is contained within Part I (Legislative Amendment to the Land Development Code) of this staff report. Full Text of each Goal may be viewed on the Oregon Department of Land Conservation and Development web site (www.lcd.state.or.us/goalsrul.html).

Applicable Comprehensive Plan Policies:

- 3.2.7 All special developments, lot development options, intensifications, changes or modifications of nonconforming uses, Comprehensive Plan changes, and district changes shall be reviewed to assure compatibility with less intensive uses and potential uses on surrounding lands. Impacts of the following factors shall be considered:**
- A. Basic site design (i.e., the organization of uses on a site and its relationship to neighboring properties);**

- B. Visual elements (i.e., scale, structural design and form, materials, etc.);
- C. Noise attenuation;
- D. Odors and emissions;
- E. Lighting;
- F. Signage;
- G. Landscaping for buffering and screening;
- H. Transportation facilities; and
- I. Traffic and off-site parking impacts.

The remaining applicable Comprehensive Plan Policies will be referenced by Policy number throughout this discussion. Actual Text regarding these Comprehensive Plan Policies is contained within the City's Comprehensive Plan, which may be viewed on the City's web site (www.ci.corvallis.or.us/cd/pl/ldcupdate.html), at the Corvallis Public Library (located at 645 NW Monroe Avenue), and at the Corvallis Planning Division office (located on the upper floor at 501 SW Madison Avenue).

Applicable Land Development Code Sections:

Section 2.2.10 - BACKGROUND

The Development District Map is consistent with the adopted Comprehensive Plan, as amended, and as such it is a reflection of the City's land use planning goals. The Map has also been adopted as part of the Land Development Code. Frequent and piecemeal amendments to the Development District Map can threaten the integrity of the Comprehensive Plan and the likelihood of its successful implementation. Nevertheless, it may be necessary to amend the Development District Map from time to time to correct errors or to respond to changing conditions or unforeseen circumstances.

When a development district is amended there often must be a corresponding change to the Comprehensive Plan Map. There are, however, instances where more than one district matches the Comprehensive Plan designation. In these situations, the district can be amended without a Plan Map change. The table below illustrates the relationship between the Comprehensive Plan and the District Map designations in the City.

Development district changes are classified as legislative or quasi-judicial, depending on the number of properties involved. While only the City Council makes legislative decisions regarding district changes, quasi-judicial decisions may be made by the Planning Commission, Land Development Hearings Board, or upon appeal by the City Council, depending on the nature of proposed change. When a development district application is being reviewed along with a Comprehensive Plan Map amendment or other land use application, the Planning Commission approves or denies the request. However, when no other request is under consideration, the district change request is reviewed and approved or denied by the Land Development Hearings Board.

Section 2.2.30 - LEGISLATIVE CHANGE PROCEDURES

A district change is considered a legislative act if the change applies uniformly to all properties in the City or to a sufficiently large number of properties as determined by contemporary legal principles.

2.2.30.01 - Initiation

- a. A district change that is legislative in nature may be initiated by either a majority vote of the City Council or Planning Commission upon a finding that there is sufficient cause to initiate a change.
- b. Property owners may petition the Planning Commission to initiate a hearing through the following procedure:

1. A petition shall only be considered if it represents a majority (over 50 percent) of property owners within the area of the proposed district change.
 2. A petition shall include a description and Map of the area to be affected and information as may be necessary for an adequate review.
 3. If the Planning Commission makes a determination that there is sufficient cause, it shall initiate the district change in accordance with Chapter 2 - Public Hearings.
- c. Where a motion by either the City Council or Planning Commission involves a Planned Development designation, the motion by either body need not include a conceptual or detailed development plan.

2.2.30.02 - Staff Evaluation

A report shall be prepared by staff that evaluates whether the proposal complies with the review criteria below. The report should include a recommendation for approval or denial.

2.2.30.03 - Review Criteria

Legislative district changes shall be reviewed to determine the effects on City facilities and services and to assure consistency with the purposes of this Chapter, Policies of the Comprehensive Plan, and any other applicable Policies and standards adopted by the City Council.

The remaining applicable Land Development Code Sections will be referenced by Section number throughout this discussion. Actual Text regarding these Land Development Code Sections is contained within the City's existing Land Development Code, which may be viewed on the City's web site (www.ci.corvallis.or.us/cd/pl/ldcupdate.html), at the Corvallis Public Library (located at 645 NW Monroe Avenue), and at the Corvallis Planning Division office (located on the upper floor at 501 SW Madison Avenue).

The discussion presented below follows the same categories (A-F) that are presented in the Applicant's Proposal section above.

A. Zoning Map Changes Occurring in Response to Changes Made Using Existing Comprehensive Plan Map Designations: The newly adopted Comprehensive Plan and Map modified the City's Comprehensive Plan land use designations on some properties, using existing Comprehensive Plan land use designations. These types of changes require that the Zoning Map designation on those properties be changed as well. Many of the proposed Zoning Map changes are these types of changes. Included in these changes are the application of the land use designations identified in the West Corvallis-North Philomath Plan and the South Corvallis Area Plan (13.11.2 - 13.11.4, 13.11.10, 13.11.12-13.11.18, 13.12.1, 13.12.8).

1. **Central Park Neighborhood Association Area:** The land use designation for fifty-two properties within a five-block area between 7th and 11th Streets and Washington and Jefferson Avenues was changed from High Density Residential to Medium-High Density Residential on the Comprehensive Plan Map. To implement this change, staff recommends that these properties be subject to the RS-12 Medium-High Density Residential zone. The Planning Commission has received a request to consider reversing this change for two properties in this area (see Request 5).

2. **Cannery Mall Area:** Seven properties directly south of Cannery Mall on Ninth Street were redesignated from Medium-High Density Residential to Medium Density Residential on the Comprehensive Plan Map. Staff proposes to apply the RS-9 Medium Density Residential zone to these properties. These properties are subject to a Planned Development overlay, which will be retained.¹
3. **Agriculture - Open Space:** Also included in the proposed Zoning Map changes is the application of the Agricultural-Open Space Zone to City-owned whole parcels that have a Comprehensive Plan Map designation of Open Space - Conservation. At a June 8, 2000 joint work session, the Planning Commission and City Council directed staff to evaluate options for applying the Agriculture - Open Space (AG-OS) Zone to those areas designated Open Space - Conservation on the Comprehensive Plan Map. Specifically, it was recommended that the AG-OS Zone be applied to those areas under direct City control, such as City parks and dedicated drainageways. At a July 20, 2000, Planning Commission work session, a draft map was reviewed that showed the locations of City-owned properties and properties with the Open Space - Conservation Comprehensive Plan designation. At that July 20 meeting, the Planning Commission directed staff to apply the AG-OS Zone only to those City-owned properties that are entirely subject to the Open Space - Conservation designation. Other areas that are subject to split designations and/or other ownership patterns are proposed to be evaluated as part of a future phase of the Land Development Code Update process.

The Draft Proposed Zoning & Comprehensive Plan Map Changes Map shows City-owned properties that are proposed to be subject to the Agriculture - Open Space zoning. In a few instances, some existing park properties and dedicated drainageways are not currently subject to the Open Space - Conservation Comprehensive Plan designation. The Comprehensive Plan Map designation for these areas are recommended that be changed to Open Space - Conservation (as explained further in Part II of this staff report - Comprehensive Plan Amendment). Some City parks that are owned by the 509J School District are excluded from the proposed changes. The appropriate zoning for these parks can be evaluated as part of a future phase of the Land Development Code Update process.

To complement this proposed Zoning Map Change, the Text of the AG-OS zone will be changed (as explained in Part I of this staff report - Legislative Amendment to the Land Development Code) to identify specific uses that would not be allowed for properties having a Comprehensive Plan Map designation of Open Space - Conservation. This is proposed as an interim measure until a future phase of the Land Development Code Update process; it is expected that as part of this process, the City will be evaluating options for creating a new Conservation - Open Space Zone which can be implemented for areas designated with a Comprehensive Plan Map designation of Open Space - Conservation.

¹In general, staff recommends that existing Planned Development overlays be retained for nonresidential lands, even if the underlying zoning district is proposed to change. For example, a property may be redesignated from PD (CS) (Community Shopping) - to PD (MUGC) (Mixed Use General Commercial) on the Revised Zoning Map. With respect to residential lands, staff recommends that Planned Development overlays be retained only on those lands with active and approved Development Plans.

Conclusion Regarding Zoning Map Changes Occurring in Response to Changes Made Using Existing Comprehensive Plan Map Designations: The Comprehensive Plan has provided specific direction regarding the need for Development Districts (Zones) to be consistent with the Comprehensive Plan Map designations for properties within the City. In each of the above cases, Comprehensive Plan Map land use designations have been changed on properties through the Periodic Review process. The community has evaluated these Comprehensive Plan Map changes as part of the Periodic Review. The Zoning Map changes are an implementation of the Comprehensive Plan Map changes. Recent adoption of public facilities and transportation plans has also provided the City with appropriate tools for providing needed public services to the community as it is anticipated to develop over the next 20 years.

From the information presented above it is determined that the proposed Zoning Map Changes will properly implement existing Comprehensive Plan policies, provide consistency between Comprehensive Plan Map Designations, and have no adverse impact on the provision of public facilities (3.2.7, 2.2.10, 2.2.30.03).

B. Zoning Map Changes Occurring in Response to Eliminated & New Comprehensive Plan Map Designations: The newly adopted Comprehensive Plan and Map also eliminated some Comprehensive Plan land use designations and added some new ones. To implement these changes, all corresponding zoning designations must be eliminated and replaced by new designations. The changes to the zoning designations in this category are noted in the following chart:

Residential Zones	New Mixed Use Residential (MUR) Zone (applied to one property in West Corvallis)
<p>Commercial Zones</p> <p>Note: In many instances, an existing commercial zone that is being eliminated may be replaced by either NC, MUCS, or MUGC.</p>	<p><u>Commercial Zones Proposed to be Eliminated:</u> <i>Eliminate Shopping Area (SA) Zone (May be replaced by NC, MUCS, or MUGC Zones)</i> <i>Eliminate Shopping Area - University (SA-U) Zone (Replaced by Minor NC Zone)</i> <i>Eliminate Special Shopping District (SSD) Zone (Replaced by MUCS Zone)</i> <i>Eliminate Community Shopping (CS) Zone (May be replaced by NC, MUCS & MUGC Zones)</i> <i>Eliminate Linear Commercial (LC) Zone (May be replaced by NC, MUCS, & MUGC Zones)</i> <i>Eliminate Mixed Use Commercial (MUC) Zone (May be replaced by NC, MUCS, & MUGC Zones)</i> <i>Eliminate Regional Shopping Center Zone (not replaced)</i></p> <p><u>Commercial Zones Proposed to Be Added:</u> <i>New Neighborhood Center (NC) Zone (applied as noted above)</i> <i>New Mixed Use Community Shopping (MUCS) Zone (applied as noted above)</i> <i>New Mixed Use General Commercial (MUGC) Zone (applied as noted above)</i> <i>New Riverfront (RF) Zone (applied downtown on the west side of First Street)</i></p>

Industrial Zones	<p>New Limited Industrial - Office (LI-O) Zone (applied in South Corvallis, west of HWY 99W)</p> <p>New Mixed Use Transitional (MUT) Zone (applied to Open door & Evanite property)</p>
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A table showing all Comprehensive Plan designations and corresponding Zones, including those designations and/or zones proposed to be deleted, are shown in Attachment E. Additional tables comparing the relative acreages for the existing and proposed zones are shown in Attachment F.

1. ***New Locational Criteria for Mixed Use Residential:*** The only new residential land use designation on the Comprehensive Plan Map is Mixed Use Residential (MUR). The only properties mapped with a Comprehensive Plan Map designation of Mixed Use Residential are located in the West Corvallis area. These properties were mapped as part of the West Corvallis-North Philomath planning process and are located in the following general areas: the intersection of NW 53rd Street and NW Harrison Boulevard, the intersection of SW 53rd Street and SW West Hills Road, and west of the intersection of SW 35th Street and SW Western Boulevard. The MUR site mapped near the intersection of NW 53rd Street and NW Harrison Boulevard is completely outside the current City Limits. The other two MUR sites are mapped such that they are partially outside the current City Limits. The fact that the Comprehensive Plan Map only shows mapped MUR sites in west Corvallis does not prevent additional MUR sites from being mapped elsewhere.

The MUR designation was discussed and concerns were raised related to the amount of area designated MUR that could potentially be developed in commercial uses. It is recommended that the extent of the MUR zone be limited in order to direct the majority of commercial uses to the Neighborhood Centers, the Central Business zone, or other commercial zones. It is proposed that additional Mixed Use Residential (MUR) sites be established on the Zoning Map, rather than the Comprehensive Plan Map. It is proposed that these future MUR sites be required to be located on lands that have a Comprehensive Plan Map designation of Medium-High or High Density Residential, and that they be located on property that is immediately adjacent to land designated with a commercial designation on the Comprehensive Plan Map. Additionally, it is recommended that MUR sites be limited to within a 450-foot radius of commercially-designated properties.

After applying this criteria, only one property in the City Limits will be subject to the MUR designation. This property is located at the northwest intersection of 53rd and West Hills Road. It is recommended that other MUR-designated areas be changed to a Medium-High Density Residential designation on the Comprehensive Plan Map. Those lands within the City Limits are recommended to receive the corresponding RS-12 zoning designation. For the portion of the MUR site near the University, it is recommended that the Comprehensive Plan Map designation be changed to Public Institutional, with a zoning designation of Oregon State University (OSU).

2. ***Commercial Changes:***

- (a) **Identification of Major and Minor Neighborhood Centers:** The Comprehensive Plan Map identifies seven Major Neighborhood Centers (six in the City Limits) and

15 Minor Neighborhood Centers (eleven in the City Limits). The Comprehensive Plan Map also shows four Neighborhood Center study areas.

A new Neighborhood Center zone implements the Neighborhood Centers shown as circles on the Comprehensive Plan Map. The Draft Revised Zoning Map shows the proposed locations of the Major and Minor Neighborhood Centers, as recommended. All six Major Neighborhood Centers in the City Limits are implemented on the Zoning Map. The CTRG recommends that eight of the eleven Minor Neighborhood Centers located in the City Limits be implemented on the Zoning Map. As proposed, three Minor Neighborhood Centers along Ninth Street will not be implemented. These Minor Neighborhood Centers are located at the intersections of 9th Street and Walnut Boulevard, 9th Street and Garfield Avenue, and 9th Street and Reiman Avenue. The Minor Neighborhood Center located at the intersection of 53rd Street and West Hills Road is proposed to be reduced in size to three acres. The CTRG also proposes that the circles relating to the three Minor Neighborhood Center sites that will not be implemented on the Zoning Map be deleted from the Comprehensive Plan Map (see Draft Proposed Zoning & Comprehensive Plan Map Changes Map).

- (b) **Implementation of Mixed Use Commercial Designation:** The Comprehensive Plan Map changed all commercial designations except the Professional Office and the Central Business designations to a new Mixed Use Commercial designation. The Linear Commercial, Shopping Area, and Community Shopping land use designations were eliminated from the Comprehensive Plan Map. The new Mixed Use Commercial designation is proposed to be implemented by the following new commercial zones: Neighborhood Center - Major and Minor; Mixed Use Community Shopping; and Mixed Use General Commercial. The boundaries of the new commercial zones, as recommended, are shown on the Draft Proposed Zoning & Comprehensive Plan Map Changes Map. The existing Linear Commercial, Shopping Area, Shopping Area - University, Community Shopping, Special Shopping, Regional Shopping Center, and Mixed Use Commercial zones are proposed to be eliminated.
- (c) **Implementation of New Riverfront Zone:** A new Riverfront zone is proposed for properties along the riverfront in the downtown area. The location of this new zone is shown on the Draft Proposed Zoning & Comprehensive Plan Map Changes Map. The Agriculture - Open Space zone is proposed to apply to all publicly-owned properties on the east side of 1st Street that are subject to the Open Space-Conservation Comprehensive Plan designation. The properties proposed for the Riverfront zone are subject to the Central Business Comprehensive Plan designation.
3. **Implementation of New Industrial Districts:** The new Comprehensive Plan Map contains three new land use designations: Limited Industrial - Office (LI-O), Mixed Use Employment (MUE), and Mixed Use Transitional (MUT). These designations are all proposed to be implemented by corresponding zones. The new Limited Industrial - Office zone applies primarily to properties along the west side of Highway 99W in South Corvallis. The existing Mixed Use Employment zone is proposed to implement the new Mixed Use Employment Comprehensive Plan designation. The new Mixed Use Transitional zone applies to the Evanite/Open Door properties in South Corvallis.

Conclusion Regarding Zoning Map Changes Occurring in Response to to Eliminated & New Comprehensive Plan Map Designations: The Comprehensive Plan has provided specific direction regarding the need for Development Districts (Zones) to be consistent with the Comprehensive Plan Map designations for properties within the City. In each of the above cases, Comprehensive Plan Map land use designations have been developed and placed on properties through the Periodic Review process. As the community has evaluated the Comprehensive Plan Map and the Comprehensive Plan policies, appropriate new zones have been developed, and their placement on the Zoning Map is being proposed to reflect these documents as well. In a number of cases, the Comprehensive Plan Map Designation of property is being adjusted as a refinement to the earlier Comprehensive Plan adoption efforts. These refinements are intended to address compatibility issues or inconsistencies. Recent adoption of public facilities and transportation plans has also provided the City with appropriate tools for providing needed public services to the community as it is anticipated to develop over the next 20 years.

From the information presented above it is determined that the proposed Zoning Map Changes will properly implement existing Comprehensive Plan policies, provide consistency between Comprehensive Plan Map Designations, and had no adverse impact on the provision of public facilities (3.2.7, 2.2.10, 2.2.30.03).

C. Zoning Map Changes Occurring in Response to Direction from Comprehensive Plan Policies: Some Comprehensive Plan Policies provide direction that Zoning Map changes occur. For example, Policy 9.5.15 directs the City to explore ways to increase density in the Low Density Residential zones and many Comprehensive Plan Policies require the City to increase housing mixtures and increase density throughout the City. In response to these Policies, Zoning Map changes are proposed for undeveloped Low Density Residential portions of the City. These changes are described below.

Adjustments to Low Density Residential Lands: Some adjustments to the RS-3.5 and RS-5 Low Density Residential zones are recommended. These adjustments to the Low Density Residential zones are proposed to implement the new Comprehensive Plan policies related to housing. In general, these new policies require a variation of housing types, a reduction in lot sizes, a variation in lot sizes, more opportunities for pedestrian-oriented development, and increased densities. The State Department of Land Conservation and Development (DLCD) has also been strongly encouraging increased densities in the Low Density Residential zones.

In response to DLCD's direction, it is recommended that undeveloped and unplatted parcels of at least one acre in size in the RS-3.5 zone be changed to the RS-5 zone. Parcels meeting this same criteria in the RS-5 zone are proposed to be changed to the RS-6 Low Density Residential zone. For the purposes of this analysis, a property is considered "undeveloped" if it has an improvement value under \$10,000, based on the most current Benton County tax assessment data. Publicly-owned properties, common areas, and existing church and cemetery properties are excluded from the areas proposed to be adjusted. The Low Density Residential areas that are proposed to change based on these criteria are shown in the Draft Proposed Zoning & Comprehensive Plan Map Changes Map. In the future, it is recommended that the Low Density Residential Comprehensive Plan designation be implemented by the RS-6 zone. No new RS-3.5 or RS-5 land will be allowed.

These changes alter the zoning of properties within the Low Density Residential Comprehensive Plan Map Designation. In all cases, the zoning remains consistent with the Comprehensive Plan Map. As public facilities are planned and designed to accommodate the range of density allowed within the Comprehensive Plan Map Designations, the recently adopted public facilities and transportation plans have provided the City with appropriate tools for providing needed public services to the community as it is anticipated to develop over the next 20 years.

Conclusion Regarding Zoning Map Changes Occurring in Response Direction from Comprehensive Plan Policies: New Zoning of properties under this proposal remain consistent with the Comprehensive Plan Map designations and provide the increased densities required by Comprehensive Plan policy 9.5.15, while having no adverse impact on the City's ability to provide adequate public facilities and service (3.2.7, 2.2.10, 2.2.30.03).

D. Zoning Map Changes Occurring in Response to Inconsistencies: In completing the first two types of changes described above, staff discovered a number of discrepancies associated with past Mapping inconsistencies. Some of the proposed Mapping changes involve correcting these Mapping inconsistencies, with the exception of some of the Timberhill area which will be the subject of a separate Map correction effort.

By law, the Comprehensive Plan Map and the Zoning Map must be consistent with each other. It is recommended that these map discrepancies be corrected as part of this Land Development Code Map update process. The recommended corrections to the map discrepancies are highlighted on the Draft Proposed Zoning and Comprehensive Plan Map Changes Map with yellow tags. Case files and other sources of information were researched in order to determine appropriate means of correcting the discrepancies. Generally, the proposed corrections are intended to reflect existing development patterns.

Some additional proposed Zoning Map changes that are not associated with outstanding discrepancies are described below. These changes, plus the proposed mapping corrections, are shown on the Draft Proposed Zoning & Comprehensive Plan Map Changes Map as Areas A through T.

Note: The Draft Proposed Zoning & Comprehensive Plan Map Changes Map does not include any proposed changes to reconcile existing Comprehensive Plan and Zoning Map discrepancies for the Timberhill area. Per a March 6, 2000 City Council decision, the City has committed to a separate process from the Land Development Code Update process to evaluate and reconcile the Timberhill area map discrepancies (see Attachment G). As part of this effort, the City will evaluate any necessary adjustments to Low Density Residential lands for larger, undeveloped parcels consistent with the approach described above which is proposed to be implemented Citywide.

Area A - Glenridge Drive & Walnut Boulevard Area:	
Comprehensive Plan Designations:	Medium Density Residential (10 lots) Low Density Residential (1 lot)
Zoning:	RS-3.5 Medium Density Residential (all 11 lots)

<p>Proposed Changes:</p> <ul style="list-style-type: none"> • Comprehensive Plan • Zoning 	<p>Change zoning to RS-9 (Medium Density Residential) for all 11 lots. Change Comprehensive Plan designation for northernmost lot from Low Density Residential to Medium Density Residential.</p>
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Rationale:
 Of the eleven lots along Glenridge Drive between Walnut Boulevard and Queens Avenue, eight lots have existing duplexes. A Medium Density Residential Comprehensive Plan and zoning designation is considered to be more appropriate for the existing uses than a Low Density Residential designation. The corner lot at Glenridge and Queens contains a duplex and is subject to a Low Density Residential Comprehensive Plan designation and zoning. To be consistent with the proposed approach for the duplex properties directly to the south, it is recommended that this property be redesignated to a Medium Density Residential Comprehensive Plan designation and zoning.

<p>Area B - Feather Glen Subdivision:</p>	
<p>Comprehensive Plan Designation:</p>	<p>Medium Density Residential</p>
<p>Zoning:</p>	<p>PD(RS-12) Medium-High Density Residential with a Planned Development Overlay</p>
<p>Proposed Changes:</p> <ul style="list-style-type: none"> • Comprehensive Plan • Zoning 	<p>Apply Medium Density Residential Comprehensive Plan designation and associated RS-9 zoning to single-family portion of the subdivision. Apply Medium-High Density Residential Comprehensive Plan and retain existing RS-12 zoning to multi-dwelling portion of subdivision. The Planned Development Overlay will continue to apply to the entire subdivision.</p>
<p>Rationale: The Feather Glen subdivision was approved in 1995. The discrepancy between the zoning and Comprehensive Plan designations were not noted as part of this approval. The southern portion of the subdivision contains single-family attached and single-family detached units. The northern portion of the subdivision contains multi-dwelling apartment units. The proposed change is intended to reflect the existing development pattern.</p>	

<p>Area E - Conifer Boulevard:</p>	
<p>Comprehensive Plan Designations:</p>	<p>Medium Density Residential (12 lots) Low Density Residential (6 lots)</p>
<p>Zoning:</p>	<p>RS-12 Medium-High Density Residential (12 lots) RS-3.5 Low Density Residential (6 lots)</p>

<p>Proposed Changes:</p> <ul style="list-style-type: none"> • Comprehensive Plan • Zoning 	<p>Change zoning to RS-9 Medium Density Residential for 12 lots; change zoning and Comprehensive Plan designation to Medium Density Residential for 6 additional lots.</p>
<p>Rationale: Twelve properties along Conifer Boulevard are subject to a Medium Density Residential Comprehensive Plan designation and RS-12 Medium-High Density Residential zoning. All properties contain duplexes. Six additional properties extending north and existing contain a similar pattern of duplex development. These six properties are subject to a Low Density Residential Comprehensive Plan designation and RS-3.5 zoning. A Medium Density Residential designation is considered appropriate for the existing development. It is recommended that the zoning map be corrected to RS-9 for the first twelve properties. It is also recommended that the Medium Density Comprehensive Plan and associated RS-9 zoning be applied to the additional six properties.</p>	

<p>Area F - North Campus Area:</p>	
<p>Comprehensive Plan Designation:</p>	<p>Medium Density Residential</p>
<p>Zoning:</p>	<p>RS-9 Medium Density Residential (452 properties) PD(RS-9) Medium Density Residential (8 properties) RS-12(U) Medium-High Density Residential - University (20 properties)</p>
<p>Proposed Change:</p> <ul style="list-style-type: none"> • Zoning 	<p>Change zoning for all 480 properties to RS-9(U) (Medium Density Residential - University) to implement this zone per the North Campus Area Plan. Retain existing PD Overlay for 8 properties.</p>
<p>Rationale: Under the North Campus Area Plan approved in 1992, many properties north of Monroe Avenue were proposed to be subject to a RS-9(U) Medium Density Residential - University zone. While the RS-9(U) zone was developed as part of the North Campus Area Plan effort, this zone was never implemented on the Zoning Map. (In contrast, a Medium-High Density Residential zone for this area, RS-12(U) has been implemented.) It is proposed that the RS-9(U) zoning be applied at this time to fully implement the recommendations of the North Campus Area Plan. The RS-9(U) and RS-12(U) zones include some requirements for architectural compatibility between buildings. In addition, 20 properties located in the block bounded by Harrison Boulevard and Van Buren Avenue and 21st Street and Kings Boulevard are currently subject to the RS-12(U) zone. The RS-12(U) zone is inconsistent with the Medium Density Residential Comprehensive Plan designation for these properties and also does not reflect the approved North Campus Area Plan Map (see Attachment X). It is recommended that this inconsistency be corrected by applying the RS-9(U) zoning to these properties.</p>	

Area K - Union Pacific Property:	
Comprehensive Plan Designations:	General Industrial Medium Density Residential
Zoning:	GI General Industrial RS-9 Medium Density Residential
Proposed Change: • Zoning	Adjust alignment of GI and RS-9 zones to reflect associated designations on adopted Comprehensive Plan Map.
<p>Rationale: This property is owned by the Union Pacific railway company. The property is subject to split land use designations, although General Industrial is predominant. The zoning boundaries are intended to reflect a proposed railway spur that does not exist. It is proposed that the Zoning Map boundaries be adjusted slightly to reflect the Comprehensive Plan.</p>	

Area L - First Congregational Church:	
Comprehensive Plan Designations:	Medium Density Residential Medium-High Density Residential Open Space - Conservation
Zoning:	RS-3.5 Low Density Residential
Proposed Changes: • Comprehensive Plan • Zoning	Consolidate Medium and Medium-High Density Residential areas on the Comprehensive Plan Map to Medium Density Residential. Apply RS-9 zoning to entire parcel.
<p>Rationale: The First Congregational Church on West Hills Road is subject to a split Comprehensive Plan designation. The western portion of the property is subject to a Medium-High Density Residential designation. The eastern portion of the property is subject to the Medium Density Residential designation. A Squaw Creek drainage area extends along the northeast edge of the property and is subject to the Open Space - Conservation designation. The split residential designations originates from the West Corvallis - North Philomath Plan which envisioned a hierarchy of residential densities radiating from the proposed Neighborhood Center at the intersection of 53rd Street and West Hills Road. Because the property is already developed, it is recommended that a single residential designation apply to the residentially-designated portion of the property. The Medium Density Residential designation is considered more appropriate for this property. To implement this change, the zoning is proposed to change (for the entire parcel) from RS-3.5 to RS-9.</p>	

Area O - West Hills Road:	
Comprehensive Plan Designation:	Medium Density Residential
Zoning:	PD(RS-12) Medium-High Density Residential
Proposed Change: • Zoning	Change zoning to RS-9 Medium Density Residential.
<p>Rationale: A Comprehensive Plan Amendment for a 30-acre property south of West Hills Road was approved in 1991. This action changed approximately 11 acres of the property to Limited Industrial with the other 19 acres changed to Medium Density Residential. This property also was annexed to the City after the May 1991 election. A Planned Development for this property was approved in 1993. The Medium Density Residential Comprehensive Plan designation is inconsistent with the existing PD(RS-12) zoning. It is recommended that the Zoning Map be corrected to correspond with the Comprehensive Plan Map. As part of a general Citywide policy recommendation, it is also recommended that the Planned Development Overlay be removed from this property as the original Planned Development approval has expired.</p>	

Area P - Nypro:	
Comprehensive Plan Designations:	Mixed Use Commercial (northwest corner) Research Technology Center (remainder)
Zoning:	PD(CS) Community Shopping with a Planned Development Overlay (northern section) Research Technology Center
Proposed Changes: • Comprehensive Plan • Zoning	Apply Research Technology Center Comprehensive Plan and zoning to entire property.

Rationale:

The Research Technology Center (RTC) zoning was approved for this area in 1983 and was expanded to its current extent in 1984. The RTC designation did not apply to the northwest section of what is now the Nypro property; this remained subject to PD(CS) zoning. It appears that the commercial designation may have been retained for this area in order to provide for a restaurant or other commercial uses intended to serve Sunset Research Park. Such uses are allowed as accessory uses under the RTC zone. In the adopted Comprehensive Plan Map, the Mixed Use Commercial designation (changed from Community Shopping) applies to the northwest section of the property. The existing PD(CS) zoning applies to the northern section of the property. The expanded commercial area on the Zoning Map is not consistent with land use approvals dating back to the early to mid 1980s. Because the entire site is developed as a research technology facility, staff recommends that the entire property be subject to Research Technology Center Comprehensive Plan and zoning. Because the majority of the site has not been subject to a Planned Development Overlay, staff also recommends that the PD be eliminated. Nypro was contacted regarding these proposed map changes and supports this approach.

Area T - Bluejay Park Subdivision:	
Comprehensive Plan Designation:	Medium Density Residential
Zoning:	PD(RS-12) Medium-High Density Residential with a Planned Development Overlay
Proposed Change: • Zoning	Change zoning to PD(RS-9) consistent with subdivision approval.
Rationale: The Bluejay Park subdivision and planned development was approved in 1994. This approval allowed for the development of 16 single-family lots. The relevant zoning and Comprehensive Plan designations were noted as Medium Density Residential, RS-9. The PD(RS-12) zoning is a mapping error. It is recommended that this be corrected to PD(RS-9).	

Conclusion Regarding Zoning Map Changes Occurring in Response to Inconsistencies: In each of the above cases, zoning of property is being changed to provide consistency with the Comprehensive Plan Map Designation for the identified property. The inconsistencies are the result of mapping errors or varying development that has occurred over a period of time. The proposed changes will bring development into conformance with Comprehensive Plan Map Designations, including the Comprehensive Plan Amendments identified above. In each case, the change is also intended to provide consistency with the property's current development or development on adjacent properties. In each case as well, the proposed changes are insignificant enough so as to have minimal impact on the City's ability to provide appropriate public facilities. From the above information, it is determined that the proposed Zone Changes will provide consistency with

the policies and the land use designations of the Comprehensive Plan, and that appropriate public facilities can be provided (3.2.7, 2.2.10, 2.2.30.03).

- E. Zoning Map Changes Occurring at the Request of Property Owners:** Some Zoning Map Change requests were received by property owners throughout the Land Development Code Update process. These requests are included in the discussion section of this report.

To date, the City has received seven written mapping-related requests from affected property owners. The locations of these requests are indicated by blue tags on the Draft Proposed Zoning & Comprehensive Plan Map Changes Map and are described in more detail below. The Planning Commission reviewed six of the seven requests at a July 20, 2000 work session. Any changes recommended by the Planning Commission at this meeting have been applied to the Draft Proposed Zoning & Comprehensive Plan Map Changes Map.

Request 1 - Weber (see Attachment K-1)	
Location:	9 th Street and Conifer Boulevard
Request:	Change the zoning of three properties from RS-3.5 Low Density Residential to PD(P-AO) Professional and Administrative Office with a Planned Development Overlay. A corresponding Comprehensive Plan Map change from Low Density to Professional Office would be needed.
Planning Commission Recommendation:	Not recommended without opportunity to review more detailed information. A commercial designation would be expected to intensify traffic in the area. Traffic circulation already is difficult at this intersection. The Planning Commission would prefer to evaluate this request as part of a regular land use application.

Request 2 - Theis (see Attachment K-2)	
Location:	9 th Street and Sycamore Avenue
Request:	Change the zoning of two University Honda properties from the proposed Mixed Use Community Shopping to Mixed Use General Commercial.
Planning Commission Recommendation:	Not recommended. The existing uses will be allowed to continue as in under the proposed zoning. The Planning Commission did not favor expanding the MUGC zone to this area.

Request 3 - Pacheco, et al (see Attachment K-3)	
Location:	700, 750 and 785 Cornell Avenue, east of 9 th Street
Request:	Change the zoning of three properties currently utilized for auto repair, auto storage, and sheet metal fabrication from the proposed Mixed Use Community Shopping to Mixed Use General Commercial.
Planning Commission Recommendation:	Recommend this change. The Mixed Use General Commercial zone is more appropriate for the existing uses. Also, these properties are contiguous to an area that is already proposed to be zoned MUGC. Note: At the July 20 work session, it was suggested that the property owner for the parcel immediately west of 750 NW Cornell may also want to request a zone change to MUGC. The Planning Commission expressed general support for this change but recommended that staff contact the property owner to discuss further. Staff spoke with the property owner, Meyers Motels, on August 3. To date, the property owner has not submitted a zone change request, so the original proposed Mixed Use Community Shopping zone is retained.

Request 4 - Kimmel (see Attachment K-4)	
Location:	Cobblestone Square Area
Request:	Change the Comprehensive Plan and zoning for three properties from RS-20 High Density Residential to Minor Neighborhood Center. Two of the lots provide required parking, connected by an easement, to the Cobblestone Square properties fronting on Monroe Avenue. The property located at 120 NW 14 th is an existing home.
Planning Commission Recommendation:	Not yet evaluated by the Planning Commission. The City approved a Conditional Development for the development of the parking lot to support Cobblestone Square in 1986. Parking is an approved conditional use for these two lots. In general, it is recommended that parcels proposed for a zone change be directly contiguous to the other parcels having the desired zoning. In addition, the existing RS-20 zone appears to be more appropriate for the existing residential use located at 120 NW 14 th Street.

Request 5 - Snyder, et al (see Attachment K-5)	
Location:	404 and 410 SW 9 th Street
Request:	Change the Comprehensive Plan and zoning for two properties in the Central Park Neighborhood area from Medium-High Density to High Density Residential (RS-20 zoning). As described above, 52 properties in this area were redesignated from High Density Residential to Medium-High Density Residential in the adopted Comprehensive Plan Map.
Planning Commission Recommendation:	Notify affected property owners in the Central Park area of this request. Reconsider this request at the September 6 public hearing after the property owners have been notified. (See Attachment I). Note: The original proposed zone change to RS-12 is shown on the Draft Proposed Zoning & Comprehensive Plan Map Changes Map.

Request 6 - Holst (see Attachment K-6)	
Location:	South Corvallis Trailer Park, Twin Oaks Circle
Request:	Change the zoning of four properties in the trailer park from the proposed RS-9 Medium Density Residential to RS-20 High Density Residential. A corresponding Comprehensive Plan Map change to High Density Residential would be needed. This request was based on the understanding that the RS-20 zone would better reflect existing density and would also allow for the development of some additional spaces within the park.
Planning Commission Recommendation:	Not recommended. Staff noted at the July 20 work session that manufactured dwelling parks are not allowed in the RS-20 zone. This is because the State manufactured home park development standards are virtually impossible to achieve in the RS-20 zone. Applying the RS-20 zone also would not make the trailer park a conforming use. In addition, staff calculated the actual density at just over 11 units per acre (see Attachment X). Additional reasons for retaining the Medium Density designation include the fact that the park is located within the 100-year flood plain and traffic congestion (especially for those attempting to make a left turn from Twin Oak Circle to South 3 rd Street).

Request 7 - Timmons (see Attachment K-7)	
Location:	7185 SW Country Club Drive
Request:	Change the zoning of one property from RS-3.5 to RS-5. The property owner owns an additional property to the north that is proposed for this change.
Planning Commission Recommendation:	Recommend change. Several other properties in this area are proposed to be changed from RS-3.5 to RS-5 in accordance with a general Citywide policy to make some adjustments to the densities of Low Density Residential lands.

Conclusion Regarding Zoning Map Changes Occurring at the Request of Property Owners: Of these requested changes, only the request for the MUGC Zone placement on properties located in the vicinity of 9th Street and Cornell Avenue and the request for a change from RS-3.5 to RS-5 were found to be appropriate. Each of the others failed to make the case for public need required to allow the appropriate Comprehensive Plan Map Designation for the property. As a result, the requested zone would not be consistent with the existing Comprehensive Plan Map Designation.

The request for the MUGC Zone placement is an expansion of the MUGC Zone within the MUC Comprehensive Plan Designation on properties currently developed in uses more consistent with the MUGC Zone than the MUCS Zone the CTRG had proposed. Both are allowed within the MUC Comprehensive Plan Map Designation. The likely difference between these two zones as to impact on public facilities is minimal.

The request for a change from RS-3.5 to RS-5 is a change within the Low Density Residential Comprehensive Plan Map Designation and contiguous to other similar changes. Again, the likely difference between these two zones as to impact on public facilities is minimal.

As indicated in the discussion above, the request for the MUGC Zone placement on properties located in the vicinity of 9th Street and Cornell Avenue and the request for a change from RS-3.5 to RS-5 can be shown to be consistent with the land use designations and policies of the Comprehensive Plan, while having minimal impact on the City's ability to provide adequate public facilities (3.2.7, 2.2.10, 2.2.30.03).

- F. **Zoning Map Changes Occurring in Response to Legal Issue Regarding Vacant Residential Lands:** Staff has been advised by the City Attorney's Office to address some legal issues associated with the availability of vacant residential land that may be developed with "clear and objective standards" (Attachment J). Staff has identified a solution which is supported by the City Attorney's Office. This solution involves the removal of certain Planned Development Overlay Zones. The Planned Development Overlay Zones that exist on vacant residential properties with active and approved Development Plans may continue because they were specifically requested by the owners of such properties. The remaining Planned Development Overlay Zones that exist on vacant residential lands need to be removed. The types of Planned Development Overlay zones that exist on vacant residential

properties **without** active and approved Development Plans exist for two reasons: 1) the Planned Development Overlay Zone was applied to a particular residential property to add an additional level of review when the property developed, usually in response to significant natural features on the property; and/or 2) the Planned Development Overlay Zone was automatically applied with the approval of a Development Plan for a particular residential site, the Development Plan expired, and the Planned Development Overlay Zone remained. In any event, the Planned Development Overlay Zone needs to be removed from residential properties that do not have an active and approved Development Plan. The actual properties affected by this type of Zoning Map Change are shown with purple tags on the map in Attachment A.

Conclusions Regarding Zoning Map Changes Occurring in Response to Legal Issue Regarding Vacant Residential Lands: As indicated in the discussion above, the request to remove the Planned Development Overlay zoning from vacant residential lands that do not have an active Development Plan is in response to a legal issue. Removal of the Planned Development Overlays will have minimal or no impact on the City's ability to provide adequate public facilities (3.2.7, 2.2.10, 2.2.30.03).

Statewide Planning Goal Analysis:

An analysis of the proposed Legislative Amendment to the Land Development Code in relation to the applicable Statewide Planning Goals is contained in Part IV (Analysis of Statewide Planning Goals) of this staff report. The conclusions in Part IV (Analysis of Statewide Planning Goals) state that the proposal is in compliance with the applicable Statewide Planning Goals.

RECOMMENDATION ON DISTRICT (ZONING) MAP CHANGE

Based upon the criteria and conclusions discussed above, it is recommended that the Planning Commission do the following:

- I. **Formally initiate the proposed District (Zoning) Map Change; and**
- II. **Recommend that the City Council approve the proposed District (Zoning) Map Change (ZDC00-00009), as proposed in Attachment A, based upon the description and findings listed below:**

Description

- A. **Zoning Map Changes Occurring in Response to Changes Made Using Existing Comprehensive Plan Map Designations:** The newly adopted Comprehensive Plan and Map modified the City's Comprehensive Plan land use designations on some properties, using existing Comprehensive Plan land use designations. These types of changes require that the Zoning Map designation on those properties be changed as well. Many of the proposed Zoning Map changes are these types of changes. Included in these changes are the application of the land use designations identified in the West Corvallis-North Philomath Plan and the South Corvallis Area Plan, and application of the Agricultural-Open Space Zone to City-owned whole parcels that have a Comprehensive Plan Map designation of Open Space - Conservation.

B. Zoning Map Changes Occurring in Response to Eliminated & New Comprehensive Plan Map Designations: The newly adopted Comprehensive Plan and Map also eliminated some Comprehensive Plan land use designations and added some new ones. To implement these changes, all corresponding zoning designations must be eliminated and replaced by new designations. The changes to the zoning designations in this category are noted in the following chart:

Residential Zones	<i>New Mixed Use Residential (MUR) Zone (applied to some properties in West Corvallis)</i>
Commercial Zones Note: In many instances, an existing commercial zone that is being eliminated may be replaced by either NC, MUCS, or MUGC.	<p><u>Commercial Zones Proposed to be Eliminated:</u> <i>Eliminate Shopping Area (SA) Zone (May be replaced by NC, MUCS, or MUGC Zones)</i> <i>Eliminate Shopping Area - University (SA-U) Zone (Replaced by Minor NC Zone)</i> <i>Eliminate Special Shopping District (SSD) Zone (Replaced by MUCS Zone)</i> <i>Eliminate Community Shopping (CS) Zone (May be replaced by NC, MUCS & MUGC Zones)</i> <i>Eliminate Linear Commercial (LC) Zone (May be replaced by NC, MUCS, & MUGC Zones)</i> <i>Eliminate Mixed Use Commercial (MUC) Zone (May be replaced by NC, MUCS, & MUGC Zones)</i> <i>Eliminate Regional Shopping Center Zone (not replaced)</i></p> <p><u>Commercial Zones Proposed to Be Added:</u> <i>New Neighborhood Center (NC) Zone (applied as noted above)</i> <i>New Mixed Use Community Shopping (MUCS) Zone (applied as noted above)</i> <i>New Mixed Use General Commercial (MUGC) Zone (applied as noted above)</i> <i>New Riverfront (RF) Zone (applied downtown on the west side of First Street)</i></p>
Industrial Zones	<p><i>New Limited Industrial - Office (LI-O) Zone (applied in South Corvallis, west of HWY 99W)</i> <i>New Mixed Use Transitional (MUT) Zone (applied to Open door & Evanite property)</i></p>

A table showing all Comprehensive Plan designations and corresponding Zones, including those designations and/or zones proposed to be deleted, are shown in Attachment E. Additional tables comparing the relative acreages for the existing and proposed zones are shown in Attachment F.

C. Zoning Map Changes Occurring in Response to Direction from Comprehensive Plan Policies: Some Comprehensive Plan Policies provide direction that Zoning Map changes occur. For example, Policy 9.5.15 directs the City to explore ways to increase density in the Low Density Residential zones and many Comprehensive Plan Policies require the City to increase housing mixtures and increase density throughout the City. In response to these

Policies, Zoning Map changes are proposed for undeveloped Low Density Residential portions of the City. In general, undeveloped RS-3.5 lands greater than one acre will be rezoned to RS-5 and undeveloped RS-5 lands greater than one acre will be rezoned to RS-6.

- D. **Zoning Map Changes Occurring in Response to Inconsistencies:** In completing the first two types of changes described above, staff discovered a number of discrepancies associated with past Mapping inconsistencies. Some of the proposed Mapping changes involve correcting these Mapping inconsistencies, with the exception of some of the Timberhill area which will be the subject of a separate Map correction effort.
- E. **Zoning Map Changes Occurring at the Request of Property Owners:** Some Zoning Map Change requests were received by property owners throughout the Land Development Code Update process. These requests are included in the discussion section of this report.
- F. **Zoning Map Changes Occurring in Response to Legal Issue Regarding Vacant Residential Lands:** Staff has been advised by the City Attorney's Office to address a legal issue associated with the availability of vacant residential land that may be developed with "clear and objective standards." Staff has identified a solution that involves the removal of certain Planned Development Overlay Zones. The Planned Development Overlay Zones that exist on vacant residential properties with active and approved Development Plans may continue because they were specifically requested by the owners of such properties. The remaining Planned Development Overlay Zones that exist on vacant residential lands need to be removed. The types of Planned Development Overlay zones that exist on vacant residential properties **without** active and approved Development Plans exist for two reasons: 1) the Planned Development Overlay Zone was applied to a particular residential property to add an additional level of review when the property developed, usually in response to significant natural features on the property; and/or 2) the Planned Development Overlay Zone was automatically applied with the approval of a Development Plan for a particular residential site, the Development Plan expired, and the Planned Development Overlay Zone remained. In any event, the Planned Development Overlay Zone needs to be removed from residential properties that do not have an active and approved Development Plan. The actual properties affected by this type of Zoning Map Change are shown with purple tags on the map in Attachment A.

FINDINGS:

1. **Zoning Map Changes Occurring in Response to Changes Made Using Existing Comprehensive Plan Map Designations:** The newly adopted Comprehensive Plan and Map modified the City's Comprehensive Plan land use designations on some properties, using existing Comprehensive Plan land use designations. These types of changes require that the Zoning Map designation on those properties be changed as well. Many of the proposed Zoning Map changes are these types of changes. Included in these changes are the application of the land use designations identified in the West Corvallis-North Philomath Plan and the South Corvallis Area Plan (13.11.2 - 13.11.4, 13.11.10, 13.11.12-13.11.18, 13.12.1, 13.12.8).

The Comprehensive Plan has provided specific direction regarding the need for Development Districts (Zones) to be consistent with the Comprehensive Plan Map designations for properties within the City. In each of the above cases, Comprehensive Plan Map land use designations have been changed on properties through the Periodic Review process. The community has evaluated these Comprehensive Plan Map changes as part of the Periodic Review. The Zoning Map changes are an implementation of the Comprehensive Plan Map changes. Recent adoption of public facilities and transportation plans has also

provided the City with appropriate tools for providing needed public services to the community as it is anticipated to develop over the next 20 years.

From the information presented above it is determined that the proposed Zoning Map Changes will properly implement existing Comprehensive Plan policies, provide consistency between Comprehensive Plan Map Designations, and have no adverse impact on the provision of public facilities (3.2.7, 2.2.10, 2.2.30.03).

2. **Zoning Map Changes Occurring in Response to Eliminated & New Comprehensive Plan Map Designations:** The newly adopted Comprehensive Plan and Map also eliminated some Comprehensive Plan land use designations and added some new ones. To implement these changes, all corresponding zoning designations must be eliminated and replaced by new designations. The changes to the zoning designations in this category are noted in the following chart:

Residential Zones	New Mixed Use Residential (MUR) Zone (applied to some properties in West Corvallis)
<p>Commercial Zones</p> <p>Note: In many instances, an existing commercial zone that is being eliminated may be replaced by either NC, MUCS, or MUGC.</p>	<p><u>Commercial Zones Proposed to be Eliminated:</u> <i>Eliminate Shopping Area (SA) Zone (May be replaced by NC, MUCS, or MUGC Zones)</i> <i>Eliminate Shopping Area - University (SA-U) Zone (Replaced by Minor NC Zone)</i> <i>Eliminate Special Shopping District (SSD) Zone (Replaced by MUCS Zone)</i> <i>Eliminate Community Shopping (CS) Zone (May be replaced by NC, MUCS & MUGC Zones)</i> <i>Eliminate Linear Commercial (LC) Zone (May be replaced by NC, MUCS, & MUGC Zones)</i> <i>Eliminate Mixed Use Commercial (MUC) Zone (May be replaced by NC, MUCS, & MUGC Zones)</i> <i>Eliminate Regional Shopping Center Zone (not replaced)</i></p> <p><u>Commercial Zones Proposed to Be Added:</u> <i>New Neighborhood Center (NC) Zone (applied as noted above)</i> <i>New Mixed Use Community Shopping (MUCS) Zone (applied as noted above)</i> <i>New Mixed Use General Commercial (MUGC) Zone (applied as noted above)</i> <i>New Riverfront (RF) Zone (applied downtown on the west side of First Street)</i></p>
Industrial Zones	<p>New Limited Industrial - Office (LI-O) Zone (applied in South Corvallis, west of HWY 99W)</p> <p>New Mixed Use Transitional (MUT) Zone (applied to Open Door & Evanite property)</p>

The Comprehensive Plan has provided specific direction regarding the need for Development Districts (Zones) to be consistent with the Comprehensive Plan Map designations for properties within the City. In each of the above cases, Comprehensive Plan Map land use designations have been developed and placed on properties through the Periodic Review process. As the community has evaluated the Comprehensive Plan Map and the Comprehensive Plan policies, appropriate new zones have been developed, and their placement on the Zoning Map is being proposed to reflect these documents as well. In a number of cases, the Comprehensive Plan Map Designation of property is being adjusted as a refinement to the earlier Comprehensive Plan adoption efforts. These refinements are intended to address compatibility issues or inconsistencies. Recent adoption of public facilities and transportation plans has also provided the City with appropriate tools for providing needed public services to the community as it is anticipated to develop over the next 20 years.

From the information presented above it is determined that the proposed Zoning Map Changes will properly implement existing Comprehensive Plan policies, provide consistency between Comprehensive Plan Map Designations, and had no adverse impact on the provision of public facilities (3.2.7, 2.2.10, 2.2.30.03).

3. **Zoning Map Changes Occurring in Response to Direction from Comprehensive Plan Policies:** Some Comprehensive Plan Policies provide direction that Zoning Map changes occur. For example, Policy 9.5:15 directs the City to explore ways to increase density in the Low Density Residential zones and many Comprehensive Plan Policies require the City to increase housing mixtures and increase density throughout the City. In response to these Policies, Zoning Map changes are proposed for undeveloped Low Density Residential portions of the City. In general, undeveloped RS-3.5 lands greater than one acre will be rezoned to RS-5 and undeveloped RS-5 lands greater than one acre will be rezoned to RS-6.

These changes alter the zoning of properties within the Low Density Residential Comprehensive Plan Map Designation. In all cases, the zoning remains consistent with the Comprehensive Plan Map. As public facilities are planned and designed to accommodate the range of density allowed within the Comprehensive Plan Map Designations, the recently adopted public facilities and transportation plans have provided the City with appropriate tools for providing needed public services to the community as it is anticipated to develop over the next 20 years.

New Zoning of properties under this proposal remain consistent with the Comprehensive Plan Map designations and provide the increased densities required by Comprehensive Plan policy 9.5.15, while having no adverse impact on the City's ability to provide adequate public facilities and service (3.2.7, 2.2.10, 2.2.30.03).

4. **Zoning Map Changes Occurring in Response to Inconsistencies:** In completing the first two types of changes described above, staff discovered a number of discrepancies associated with past Mapping inconsistencies. Some of the proposed Mapping changes involve correcting these Mapping inconsistencies, with the exception of some of the Timberhill area which will be the subject of a separate Map correction effort.

By law, the Comprehensive Plan Map and the Zoning Map must be consistent with each other. It is recommended that these map discrepancies be corrected as part of this Land Development Code Map update process. The recommended corrections to the map discrepancies are highlighted on the Draft Proposed Zoning and Comprehensive Plan Map Changes Map with yellow tags. Case files and other sources of information were researched in order to determine appropriate means of correcting the discrepancies. Generally, the proposed corrections are intended to reflect existing development patterns.

Some additional proposed Zoning Map changes that are not associated with outstanding discrepancies are described below. These changes, plus the proposed mapping corrections, are shown on the Draft Proposed Zoning & Comprehensive Plan Map Changes Map as Areas A through S.

In each of the cases, zoning of property is being changed to provide consistency with the Comprehensive Plan Map Designation for the identified property. The inconsistencies are the result of mapping errors or varying development that has occurred over a period of time. The proposed changes will bring development into conformance with Comprehensive Plan Map Designations, including the Comprehensive Plan Amendments identified above. In each case, the change is also intended to provide consistency with the property's current development or development on adjacent properties. In each case as well, the proposed changes are insignificant enough so as to have minimal impact on the City's ability to provide appropriate public facilities. From the above information, it is determined that the proposed Zone Changes will provide consistency with the policies and the land use designations of the Comprehensive Plan, and that appropriate public facilities can be provided (3.2.7, 2.2.10, 2.2.30.03).

Note: The Draft Proposed Zoning & Comprehensive Plan Map Changes Map does not include any proposed changes to reconcile existing Comprehensive Plan and Zoning Map discrepancies for the Timberhill area. Per a March 6, 2000 City Council decision, the City has committed to a separate process from the Land Development Code Update process to evaluate and reconcile the Timberhill area map discrepancies (see Attachment G). As part of this effort, the City will evaluate any necessary adjustments to Low Density Residential lands for larger, undeveloped parcels consistent with the approach described above which is proposed to be implemented Citywide.

5. **Zoning Map Changes Occurring at the Request of Property Owners:** Some Zoning Map Change requests were received by property owners throughout the Land Development Code Update process. These requests are included in the discussion section of this report.

To date, the City has received seven written mapping-related requests from affected property owners. The locations of these requests are indicated by blue tags on the Draft Proposed Zoning & Comprehensive Plan Map Changes Map and are described in more detail below. The Planning Commission reviewed six of the seven requests at a July 20, 2000 work session. Any changes recommended by the Planning Commission at this meeting have been applied to the Draft Proposed Zoning & Comprehensive Plan Map Changes Map.

Of these requested changes, only the request for the MUGC Zone placement on properties located in the vicinity of 9th Street and Cornell Avenue and the request for a change from RS-3.5 to RS-5 were found to be appropriate. Each of the others failed to make the case for public need required to allow the appropriate Comprehensive Plan Map Designation for the property. As a result, the requested zone would not be consistent with the existing Comprehensive Plan Map Designation.

The request for the MUGC Zone placement is an expansion of the MUGC Zone within the MUC Comprehensive Plan Designation on properties currently developed in uses more consistent with the MUGC Zone than the MUCS Zone the CTRG had proposed. Both are allowed within the MUC Comprehensive Plan Map Designation. The likely difference between these two zones as to impact on public facilities is minimal.

The request for a change from RS-3.5 to RS-5 is a change within the Low Density Residential Comprehensive Plan Map Designation and contiguous to other similar changes. Again, the likely difference between these two zones as to impact on public facilities is minimal.

As indicated in the discussion above, the request for the MUGC Zone placement on properties located in the vicinity of 9th Street and Cornell Avenue and the request for a change from RS-3.5 to RS-5 can be shown to be consistent with the land use designations and policies of the Comprehensive Plan, while having minimal impact on the City's ability to provide adequate public facilities (3.2.7, 2.2.10, 2.2.30.03).

6. **Zoning Map Changes Occurring in Response to Legal Issue Regarding Vacant Residential Lands:** In order to comply with address a legal issue regarding the availability of vacant residential land that may be developed with "clear and objective standards," staff has been advised by the City Attorney's Office that certain Planned Development Overlay Zones need to be removed (see Attachment J for a more detailed legal explanation). The Planned Development Overlay Zones that exist on vacant residential properties with active and approved Development Plans may continue because they were specifically requested by the owners of such properties. The remaining Planned Development Overlay Zones that exist on vacant residential lands need to be removed. The types of Planned Development Overlay zones that exist on vacant residential properties **without** active and approved Development Plans exist for two reasons: 1) the Planned Development Overlay Zone was applied to a particular residential property to add an additional level of review when the property developed, usually in response to significant natural features on the property; and/or 2) the Planned Development Overlay Zone was automatically applied with the approval of a Development Plan for a particular residential site, the Development Plan expired, and the Planned Development Overlay Zone remained. In any event, the Planned Development Overlay Zone needs to be removed from residential properties that do not have an active and approved Development Plan. The actual properties affected by this type of Zoning Map Change are shown on the map in Attachment A.

As indicated in the discussion above, the request to remove the Planned Development overlay zoning from vacant residential lands that do not have an active Development Plan is in response to a legal issue. Removal of the Planned Development overlays will have minimal or no impact on the City's ability to provide adequate public facilities (3.2.7, 2.2.10, 2.2.30.03).

7. **Compliance with Statewide Planning Goals:** Given the analysis presented in Attachment IV of this staff report, the proposed District (Zoning) Map Change complies with the applicable Statewide Planning Goals, identified as Goals 1-15.

PART IV - STATEWIDE PLANNING GOAL ANALYSIS

Goal 1 - Citizen Involvement: The purpose behind Statewide Planning Goal 1 is “to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.” Goal 1 even mentions the need for governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning.

The Land Development Code Update Project, a 1½-year long public process that included review by two technical review groups (consisting of City Councilors, Planning Commissioners, and citizens), as well as review through numerous open houses, targeted stakeholder meetings, presentations to the City’s Committee for Citizen Involvement (CCI), and other public meetings, has developed new Zones intended to bring the Land Development Code into conformance with the current Comprehensive Plan, which has been acknowledged by the State Department of Land Conservation and Development. Information regarding the development of the proposed legislative amendments has been widely publicized over the last 1½ years via status reports within the City Newsletter, ads in the Gazette Times, information on the City’s web site (www.ci.corvallis.or.us/cd/pl/lcdcupdate.html), information at the Corvallis Public Library, information at the Corvallis Planning Division office, and mailed notices (including mailed notices to all property owners whose properties are proposed to receive a land use designation change).

In June, 2000, all owners of property proposed to receive a land use designation change were notified of two late June public workshops to discuss the land use changes. As a result of input from those meetings, several adjustments to the proposed land use map changes have been incorporated.

In July, 2000, the Planning Commission held five public workshops to further refine the draft changes and the recommendations from these work sessions are being brought forward in the form of the currently proposed draft changes (Draft “B” of the Land Development Code text, and the map changes outlined in Attachment A). The map changes include several modifications requested by property owners.

The proposed legislative amendments (LDT00-00002, CPA00-00007, & ZDC00=00009) are a result of the large public effort and processes described above. As mentioned, the purpose behind Statewide Planning Goal 1 is “to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.” Goal 1 even mentions the need for governments to have a Committee for Citizen Involvement (CCI) to monitor and encourage public participation in planning. Given that the City of Corvallis conducted the large public effort and processes described above for the proposed legislative amendments (LDT00-00002, CPA00-00007, & ZDC00=00009), the proposed legislative amendments (LDT00-00002, CPA00-00007, & ZDC00=00009) are consistent with Statewide Planning Goal 1.

Goal 2 - Land Use Planning: The purpose behind Statewide Planning Goal 2 is “to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.” Goal 2 outlines the basic procedures of Oregon’s Statewide Planning Program. It states that land use decisions are to be made in accordance with a Comprehensive Plan, and that suitable “implementation ordinances” are to put the Plan’s policies into effect must be adopted. It requires

that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to Statewide Planning Goals and Guidelines. An exception may be taken when a Statewide Planning Goal cannot or should not be applied to a particular area or situation.

The primary issue associated with the proposed legislative amendments (LDT00-00002, CPA00-00007, & ZDC00=00009) is the requirement of Statewide Planning Goal 2 that "*suitable implementation ordinances*" are to put the Plan's policies into effect must be adopted." Currently, the Land Development Code is not in conformance with the Comprehensive Plan. The reason the Code is not in conformance is that the Comprehensive Plan's new and modified policies, and new zones and standards, have not been implemented into the Land Development Code. As mentioned, the Comprehensive Plan is a revised document developed and adopted through the City's Periodic Review process and is a very different document than the previous Comprehensive Plan. The proposed legislative amendments (LDT00-00002, CPA00-00007, & ZDC00=00009) will put the Comprehensive Plan's policies into effect. The exact manner in which the proposed legislative amendments will accomplish putting the Comprehensive Plan's policies into effect is presented in each of the detailed "Criteria, Discussion, and Conclusion" sections of each part (Parts I - III) of this staff report. Given the above, the proposed legislative amendments (LDT00-00002, CPA00-00007, & ZDC00=00009) are consistent with Statewide Planning Goal 2.

Goal 5 - Open Spaces, Scenic, and Historic Areas, and Natural Resources: The purpose behind Statewide Planning Goal 5 is "**to protect natural resources and conserve scenic and historic areas and open spaces.**" Goal 5 encompasses 12 different types of resources, including riparian corridors, wildlife habitats, mineral resources, wetlands, and waterways. It also establishes a process through which resources must be inventoried and evaluated.

With acknowledgment by the Oregon Land Conservation and Development Commission, it has been determined that the Corvallis Comprehensive Plan adopted by the City in December, 1998 is in compliance with this statewide goal in regard to the Goal 5 planning and policy framework. LCDC also approved a work program addition that establishes a policy for completion of inventories and other implementation actions. The next step in this process is to continue the City's compliance with Goal 5 by placing appropriate zones on properties within the City and to adopt other appropriate implementation mechanisms to carry out the direction of the Comprehensive Plan.

The proposed legislative amendments are proposed to address Goal 5 subject matter in several ways, including:

- Chapter 2.1 of the Land Development Code (the chapter pertaining to Comprehensive Plan Amendments) is proposed to be revised to include a different set of review criteria for Comprehensive Plan Map Amendments to Open Space - Conservation or Public Institutional, when these requests are part of an Annexation request. These review criteria will be much less "onerous" than other Comprehensive Plan Map Amendment requests such that these types of Comprehensive Plan Map Amendments can be encouraged and will result in the retention of lands for parks, schools, and open space in advance and as an integral part of urban development.

- The application requirements throughout the Land Development Code Chapters for planning procedures that require a public hearing (Chapter 2.1 - Comprehensive Plan Amendment, Chapter 2.2 - Zone Changes, Chapter 2.3 - conditional Development, Chapter 2.4 - Subdivisions and Major Replats, Chapter 2.5 - Planned Development, and Chapter 2.6 - Annexation) are proposed to be modified to provide consistency and ensure that adequate significant natural feature information is provided. Detailed information will be required regarding watercourses, flood plains, wetlands, riparian areas, significant vegetation, plants and animals that are listed as threatened or endangered with either the United States Fish and Wildlife Service or the Oregon National Heritage Database, archaeological sites recorded by the State Historic Preservation Office (SHPO), slope analyses, topographic contours, grading plans, and information demonstrating that to the maximum extent practicable, grading (cuts and fills) has been minimized.
- The review criteria of these same Code Chapters are proposed to be supplemented to address utility infrastructure, the preservation and/or protection of significant natural features and wildlife habitat, as well as the minimization of grading (cuts and fills). The Planned Development Chapter (Chapter 2.5) will also be modified to require that compensating benefits be provided for any variations requested from development standards.
- Other planning procedure chapters of the Land Development Code (2.7 - Extension of Services Outside the City Limits, 2.8 - Vacating of Public Lands and Plats, 2.9 Historic Preservation, 2.12 - Lot Development Option, and 2.13 - Plan Compatibility Review) are proposed to be supplemented to address the preservation and/or protection of significant natural features and wildlife habitat.
- An additional review criteria will be added to Code Chapter 2.6 - Annexations. This criteria requires that if an annexation proposal includes areas planned for open space, general community use, or public or semi-public ownership, the annexation request shall be accompanied by a Comprehensive Plan Map Amendment to either Open Space - Conservation or Public Institutional.
- Land Development Code Chapter 4.2 (the Code's landscaping chapter) will contain much more specific provisions for the preservation of significant natural vegetation and minimum landscaping requirements. Additionally, gateway landscaping and fencing requirements along South Third Street will be included.
- Chapter 4.5 - Flood Control and Drainageway provisions have long provided Corvallis' regulations regarding the protection of drainageways and their associated wetland and riparian areas. These provisions have met the requirements of Goal 5 to date and require protection (via dedications and/or easements) in excess of the safe harbor provisions. These provisions of Chapter 4.5 will remain in force as part of the Land Development Code.
- The proposed Zoning & Comprehensive Plan Map revisions will change the land use designations for City-owned drainageway and park parcels to a Comprehensive Plan Map designation of Open Space - Conservation and a Zoning Map designation of Agriculture - Open Space. To complement this proposed mapping change, the Text of the AG-OS Zone is proposed to be changed to identify specific uses that would not be allowed for properties having a Comprehensive Plan Map designation of Open Space - Conservation. Asterisks

will be placed by uses that would be in conflict with the description for the Comprehensive Plan land use designation of Open Space - Conservation (Comprehensive Plan Policy 40.4.3). Only the AG-OS uses without asterisks will be allowed on lands with a Comprehensive Plan Map designation of Open Space - Conservation. Until a Conservation - Open Space (C-OS) Zone is developed, the AG-OS Zone will continue to be applied to lands with Comprehensive Plan designations of Open Space - Agriculture and Open Space - Conservation.

- Chapter 2.9 - Historic Preservation provisions have long provided Corvallis' regulations regarding the preservation of historic resources. This chapter is in the process of being updated to modify and provide new review procedures and criteria for establishing Historic Preservation Overlay designations for both individual properties and for groups of properties forming Historic Districts. The revisions have been approved by the Planning Commission and will be subject to a September, 2000 public hearing before the City Council.

Given that the Comprehensive Plan's policies regarding the protection of natural resources and the conservation of scenic and historic areas and open spaces have been acknowledged by the State as conforming with Goal 5, and given that the provisions explained above implement those Policies, the proposed legislative amendments comply with Goal 5.

Goal 6 - Air, Water, and Land Resources Quality: The purpose behind Statewide Planning Goal 6 is **“to maintain and improve the quality of the air, water, and land resources of the State.”** Goal 6 requires local Comprehensive Plans and implementing measures to be consistent with State and Federal regulations relative to air, water, and land resources.

The Corvallis Comprehensive Plan, adopted by the City in December, 1998, was created with a strong focus on mixed use development and the development of “Comprehensive Neighborhoods,” as well as a strong focus on maintaining and improving the quality of air, water, and land resources through the use of development regulations that required development with an emphasis toward alternate modes of transportation and the preservation of significant natural features (including wetlands, drainageways, and other water resources). The proposed legislative amendments implement these policies through mapping designations and development regulations (for a complete listing of legislative changes that involve the preservation of water and land resources, see specific provisions described above for Goal 5). The mix of uses is intended to provide opportunities for people to live, work, and shop within an area accessible by foot, bike, and transit, as conveniently as by automobile, thus reducing working toward maintaining and improving the quality of air. In addition to the allowance of a mix of use, the proposed Land Development Code requires development to meet specific “human-scale” standards, including those contained in Land Development Code Chapter 4.10- Pedestrian Oriented Design Standards. These standards are intended to make pedestrian travel a safe, convenient alternative to the auto.

The development standards being proposed are sometimes referred to as “neo-traditional” development. This type of development has been successful throughout the country in places such as Portland, Oregon, and Fort Collins, Colorado.

As the proposed legislative changes promote land use and development standards intended to reduce the reliance on the automobile, make a more efficient use of land, and preserve water and land resources, adoption of the proposed Land Development Code and Zoning Map will ensure the City's compliance with Goal 6.

Goal 7 - Areas Subject to Natural Disasters and Hazards: The purpose behind Statewide Planning Goal 7 is “to protect life and property from natural disasters and hazards.” For Corvallis, this is directed primarily at areas subject to periodic flooding. With regard to this goal, the City is required to:

Address development in places subject to natural hazards such as floods or landslides. Requires that jurisdictions apply "appropriate safeguards" (flood plain zoning, for example) when planning for development there.

Chapter 4.5 - Flood Control and Drainageway Provisions and Chapter 1.6 -Definitions from the Land Development Code have long provided Corvallis’ response to the Federal Emergency Management Administration mandates regarding areas in the community within the floodways and 100-year floodplains of the streams and rivers in Corvallis. These provisions have met the requirements of Goal 7 to date.

Only minor changes are proposed to these provisions in this update of the Land Development Code. The new provisions are not mandatory but address the Increased Cost of Compliance (ICC) coverage issues of the National Flood Insurance Program (NFIP). The provisions require habitable areas to be reconstructed to an elevation one foot above the 100-year floodplain when they are “substantially damaged,” which term includes recurrent flood damage within a 10-year period. Although these provisions are not mandatory, they do provide additional “appropriate safeguards” to the existing provisions and, therefore, reenforce the compliance with Goal 7 of the existing provisions of the Land Development Code.

Goal 8 - Recreation Needs: The purpose behind Statewide Planning Goal 8 is “to satisfy the recreational needs of the citizens of the State and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.” Goal 8 calls for each community to evaluate its areas and facilities for recreation and develop plans to address the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

As mentioned within the discussion above for Goal 5, the proposed Zoning & Comprehensive Plan Map revisions will change the land use designations for City-owned drainageway and park parcels to a Comprehensive Plan Map designation of Open Space - Conservation and a Zoning Map designation of Agriculture - Open Space. These changes will assist in satisfying the recreational needs of Corvallis citizens. Although these provisions are not mandatory, they do provide additional protection of these park areas and, therefore, reinforce the City’s compliance with Goal 8.

Goal 9 - Economy of the State: The purpose behind Statewide Planning Goal 9 is “to provide adequate opportunities throughout the State for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.” Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

With acknowledgment by the Oregon Land Conservation and Development Commission, it has been determined that the Corvallis Comprehensive Plan adopted by the City in December, 1998 is in compliance with this statewide goal regarding “planning” to meet the commercial and industrial needs of the community for the planning horizon. LCDC also directed the City to conduct an

assessment of the relationship between incomes of jobs in the community and housing supply. The City must now finalize compliance with Goal 9 by placing appropriate zones on properties within the City and to adopt other appropriate implementation mechanisms to carry out the direction of the Comprehensive Plan.

A number of existing zones are proposed to be continued with the adoption of the revised Land Development Code and Zoning Map (P-AO, CB, CBF, LI, GI, and II). These zones continue to provide for the types of uses necessary to meet the commercial and industrial needs of the City. These zones continue to exist on lands appropriately designated on the Comprehensive Plan Map.

Through the creation of mixed use commercial and industrial zones (MUCS, NC, MUGC, MUT, LI-O) and their placement on lands appropriately designated on the Comprehensive Plan Map, the City has provided for a diversity of development options on these lands. By allowing a mix of uses, therefore making a broader choice of development scenarios available to developers, the proposed zoning will also help to improve the economy.

A number of safeguards have been established in the MUCS, NC, and MUE Zones to ensure their continued use for commercial or industrial development. These zones have a minimum floor area ratio (FAR) of 0.25. As there are currently no FAR requirements for development on sites that are to receive the MUCS and NC Zones, these standards increase the City's protection of the commercial and industrial supplies of land within the City. For the MUCS and NC Zones, no more than fifty percent of the ground floor area per building (or per development site if the project has gone through the Planned Development process) may be residential. For the NC and RF the Zones, only commercial development may front on the "shopping street" (or in the case of the RF Zone, 1st Street). The MUGC Zone allows only one residence per parcel, which must be developed following or concurrently with the commercial use for the site. For the MUT Zone, although there is no FAR minimum specified, most of the allowed uses that are not residential are permitted outright, while residential uses must go through the Conditional Development Process. Each of these safeguards helps to ensure that an adequate supply of commercial and industrial lands within the City of Corvallis will be maintained.

A second method of ensuring an adequate supply of commercial/industrial lands is to ensure that lands so zoned may be developed through application of clear and objective standards. The simplest way to do this is to permit outright commercial or industrial uses that will have minimal or reasonable impact on surrounding properties or on other potential uses within the zone. In the NC Zone, more than half of the allowed uses are permitted outright. In the RF Zone, forty-five of the forty-eight uses are allowed outright. In the CB and CBF Zones, sixty-two of the seventy-one uses are permitted outright. In the MUCS Zone, thirty of ninety uses (some based on size limitations greater than or less than 3,000 ft²) are permitted outright. In the MUGC Zone, thirty of thirty-three uses are permitted outright. In the MUT Zone, forty-eight of the sixty-seven allowed uses are permitted outright. In the LI-O Zone, twenty of twenty-two allowed uses are permitted outright. In the LI Zone, fourteen of twenty-three allowed uses are permitted outright. In the GI Zone, twenty-nine of thirty-seven allowed uses are permitted outright. In the II Zone, thirty-one of thirty-nine allowed uses are permitted outright. In the RTC Zone, twenty-four of thirty-two allowed uses are permitted outright. In the MUE Zone, forty-seven of sixty-six allowed uses are permitted outright. From these numbers it is clear, that for the majority of zones, far more than fifty percent of allowed uses are permitted outright, and all zones have many outright permitted uses available. This availability of allowed uses helps ensure that an adequate supply of commercial and industrial lands within the City of Corvallis will be maintained.

A final method of ensuring that adequate commercial/industrial lands are available is to apply zoning without the Planned Development Overlay to sufficient areas to allow development to occur. For commercial properties, 42.7 of 69.2 acres have been designated without a PD overlay. For industrial properties, there are 567.7 acres of land; however, 370 acres are in one ownership and intended to provide for industrial users requiring very large land area. The 1998 Buildable Land Inventory and Land Need Analysis for Corvallis identified a need for 152 acres of industrial during the twenty-year planning period. Of the available industrial land, eighty-three acres (again over fifty percent of the identified need) are available without a PD overlay.

Given the consistency of the proposed Land Development Code and Zoning Map with the policies and land use designations of the acknowledged Comprehensive Plan, the availability of adequate supplies of commercial and industrial lands to meet community needs, the plethora of uses permitted outright on these lands, and the safeguards ensuring commercial/industrial development is the primary use in the various mixed use zones, the proposed adoption of these documents will further the City's compliance with Goal 9.

Goal 10 - Housing: The purpose behind Statewide Planning Goal 10 is “**to provide for the housing needs of citizens of the State.**” Goal 10 requires each City to inventory its buildable residential lands and encourages the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.

With acknowledgment by the Oregon Land Conservation and Development Commission it has been determined that the Corvallis Comprehensive Plan adopted by the City in December, 1998 is in compliance with this statewide goal in regard to the Goal 10 planning and policy framework. The State found that the City has more than a sufficient residential land inventory to serve the projected needs through 2020. LCDC also directed the City to conduct additional analysis related to jobs, income, and housing types. The next step in this process related to Goal 10 is to place appropriate zones on properties within the City and to adopt other appropriate implementation mechanisms to carry out the direction of the Comprehensive Plan including any actions resulting from the additional housing analysis.

The proposed legislative changes are proposed to provide a comprehensive approach to the issue of providing needed housing. This comprehensive approach will involve substantial revisions to all existing residential zones to: introduce additional permitted housing types; reduce minimum lot sizes, lot widths and setbacks; increase allowed lot coverages; increase minimum densities in the Low Density Residential zones; modify the Low Density Residential zone strategy by requiring the more intensive Low Density Zone to become the primary Low Density Zone for the City; provide additional flexibility with regard to development standards to encourage innovative design; “upzone” undeveloped Low Density Residential properties in the community to the next more intensive Low Density Residential zone; and remove Planned Development zoning overlays from all vacant residential properties that do not have an active and approved Development Plan. The proposed changes will also create a new Mixed Use Residential Zone and substitute the bulk of the City's commercial zones with new mixed use commercial zones that allow for the development of residential dwellings. This comprehensive approach will also require a mixture of housing types for larger developments (greater than five acres) within all the existing residential zones and the new Mixed use Residential zone and will introduce Pedestrian Oriented Design Standards in the form of a new development standards chapter to encourage a variety of living environments.

The proposed changes to the existing residential zones will implement the new Comprehensive Plan Policies identified above by: including provisions for reduced setbacks, reduced minimum lot sizes, varied lot dimensions, and development that addresses alternate modes of transportation; by directing neighborhoods to have a mix of densities, lot sizes, and housing types, and an increase in densities that results in more compact urban development and more opportunity for the development of affordable housing; by providing clear and objective development standards for all vacant residential lands within the City except those vacant residential properties for which property owners have specifically requested and received approval for Planned Development Overlay zones in order to vary from development standards; and by increasing the density in Low Density Residential zones, consistent with the State Department of Land Conservation and Development direction which requires that the City increase the density in its Low Density Residential zones. Additionally, the proposed changes will provide for development for senior citizens and disadvantaged groups. Finally, the changes will result in a much increased opportunity for affordable housing to be developed because of more flexible development standards and the introduction of additional housing types throughout the zones.

Through the wholesale revision to the City's existing residential zones, the creation of a new Mixed Use Residential Zone, and the substitution of the bulk of the City's commercial zones with mixed use zones that allow for the development of residential dwellings, the City has greatly increased the opportunities for the development of varied housing types, affordable housing, and increased densities.

Given the consistency of the proposed Land Development Code and Zoning Map with the policies and land use designations of the acknowledged Comprehensive Plan, the proposed adoption of these documents will further the City's compliance with Goal 10.

Goal 11 - Public Facilities and Services: The purpose behind Statewide Planning Goal 11 is **"to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."** Goal 11 calls for efficient planning of public services such as sewers, water, storm drainage, law enforcement, and fire protection. This goal calls for efficient planning of public services such as sewers, water, storm drainage, law enforcement, and fire protection. The Goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs. Requirements for compliance with this goal are contained in Oregon Administrative Rule 660-011, administered by the Department of Land Conservation and Development (DLCD).

The Corvallis Comprehensive Plan, adopted by the City in December, 1998, identifies land uses for all areas within the Corvallis Urban Growth Boundary. Both goal 11 and OAR 660-011 require the City to develop and adopt public facilities plans for provision of the facilities and services identified above to areas within the Urban Growth Boundary. Corvallis has adopted Public Facilities plans that were developed based on the assumptions contained in the Comprehensive Plan regarding the range of intensity of development that may occur. The plans have been acknowledged by DLCD as addressing the required facilities adequately. In addition to public facilities plans, the Land Development Code identified the requirements and standards, based on the community's needs and capacities, for installation of these public facilities as properties develop.

The proposed Land Development Code and Zoning Map implement the policies and land use designations of the acknowledged Comprehensive Plan. Among these policies are requirements for development to pay for the costs associated with development and to install public facilities consistent with adopted facility plans. Given the City's acknowledged public facilities plans, the conformance of the proposed Zoning Map with the land use designations of the Comprehensive Plan Map upon which the assumptions of the public facilities plans are based, and the requirements and standards in the proposed Land Development Code that ensure development will pay the costs associated with its impact, the proposed Land Development Code and Zoning Map are in compliance with Goal 11.

Goal 12 - Transportation: Goal 12 - Transportation of the Oregon Statewide Planning Goals and Guidelines requires cities and counties, **“To provide and encourage a safe, convenient, and economic transportation system.”** The Transportation Planning Rule (TPR), OAR 660-012 provides direction on how communities are to accomplish this goal. The TPR requires a transportation plan to:

- (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle, and pedestrian;**
- (2) be based upon an inventory of local, regional, and State transportation needs;**
- (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes;**
- (4) avoid principal reliance upon any one mode of transportation;**
- (5) minimize adverse social, economic, and environmental impacts and costs;**
- (6) conserve energy;**
- (7) meet the needs of the transportation disadvantaged by improving transportation services;**
- (8) facilitate the flow of goods and services so as to strengthen the local and regional economy;** and
- (9) conform with local and regional comprehensive land use plans.**

In August, 1996, after a five-year development process, the City of Corvallis adopted the Corvallis Transportation Plan, which addressed most of the requirements of the Transportation Planning Rule (TPR). In December, 1998, the City adopted Chapter 11 - Transportation Alternative Analysis (TAA), as a supplement to the Corvallis Transportation Plan. This chapter evaluated, based on the requirements of the TPR, the transportation implications of the revised Comprehensive Plan, and identified significant improvements to all modes of the transportation system. The analysis was based upon an inventory of local, regional, and State transportation needs. It considered all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle, and pedestrian, and considered the differences in social consequences that would result from utilizing differing combinations of transportation modes. It determined that the proposed set of transportation improvements, intended to foster the development of Corvallis in conformance with the policies and land use designations of the Comprehensive Plan, would minimize adverse social, economic, and environmental impacts and costs of community development; conserve energy; meet the needs of the transportation disadvantaged by improving transportation services; and facilitate the flow of goods and services so as to strengthen the local and regional economy. Adoption of the TAA and the Comprehensive Plan gave direction for this Land Development Code update to provide the means to help the citizens of Corvallis avoid principal reliance upon any one mode of transportation by proposing policies and land use designations that enhance the pedestrian, and bicycling environments, and mandated development of mixed use zones to further foster the use of these modes. With acknowledgment of the TAA, the Corvallis Transportation Plan was deemed in compliance with the TPR.

This update to the Land Development Code, Comprehensive Plan Map, and Zoning Map implements most of the requirements of the Comprehensive Plan, and as a result, also implements the direction from the Corvallis Transportation Plan and the TAA supplement. The creation of new mixed use zoning, and requirements that development comply with the Pedestrian Oriented Design Standards of Land Development Code Chapter 4.10 thus ensure the City is in compliance with Goal 12 and its intent to provide and encourage a safe, convenient, and economic transportation system.

Goal 13 - Energy: The purpose of Statewide Planning Goal 13 is “**to conserve energy.**” Goal 13 declares that “land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.”

The Corvallis Comprehensive Plan, adopted by the City in December, 1998, was created with a strong focus on mixed use development and the development of “Comprehensive Neighborhoods.” The proposed Land Development Code and Zoning Map implement these policies and land use designations. The mix of uses is intended to provide opportunities for people to live, work, and shop within an area accessible by foot, bike, and transit, as conveniently as by automobile. In addition to the allowance of a mix of use, the proposed Land Development Code requires development to meet specific “human-scale” standards, including those contained in Land Development Code Chapter 4.10 - Pedestrian Oriented Design Standards. These standards are intended to make pedestrian travel a safe, convenient alternative to the auto. According to the National Energy Information Center (NEIC) transportation is the greatest single source of energy consumption in the world. As the personal vehicle is the single greatest user of energy individual citizens have access to, reduction of auto use has the greatest potential impact for energy savings.

The development standards being proposed are sometimes referred to as “neo-traditional” development. This type of development has been successful throughout the country in places such as Portland, Oregon, and Fort Collins, Colorado.

As the proposed Land Development Code and Zoning Map promote land use and development standards intended to reduce the reliance on the automobile, the single greatest source of energy consumption in the world, adoption of the proposed Land Development Code and Zoning Map will ensure the City’s compliance with Goal 13.

Goal 14 - Urbanization: The purpose of Statewide Planning Goal 14 is “**to provide for an orderly and efficient transition from rural to urban land use.**” Goal 14 requires establishment of Urban Growth Boundaries “to identify and separate urbanizable land from rural land.” It requires all cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It specifies seven factors that must be considered in establishing an Urban Growth Boundary. It also lists four criteria to be applied when undeveloped land within an Urban Growth Boundary is to be converted to urban uses.

With acknowledgment by the Oregon Land Conservation and Development Commission, it has been determined that the Corvallis Comprehensive Plan adopted by the City in December, 1998 is in compliance with this statewide goal as regards providing for an orderly and efficient transition from rural to urban land uses for the community for the planning horizon. This Comprehensive Plan compliance with Goal 14 also includes the location of the City’s Urban Growth Boundary. What is left in this process is to finalize the City’s compliance with Goal 14 by placing appropriate zones on

properties within the City and adopting other appropriate implementation mechanisms to carry out the direction of the Comprehensive Plan.

As part of the proposed legislative amendments, revisions are proposed for Chapter 2.6 - Annexations. Review criteria will mirror the Comprehensive Plan Policies regarding the evaluation of livability indicators and benchmarks (14.3.5, 14.3.6, 1.1.7, 1.1.8, and 1.1.9). Additionally, Chapter 2.6 will be amended to include a detailed explanation of the methodologies involved with responding to annexation criteria and an additional review criteria will be added to the chapter. This criteria will require that if an annexation proposal includes areas planned for open space, general community use, or public or semi-public ownership, the annexation request shall be accompanied by a Comprehensive Plan Map Amendment to either Open Space - Conservation or Public Institutional. This criteria will ensure that these Open Space - Conservation and Public institutional lands are provided to meet the community's recreational, educational, and resource protection needs.

As the proposed legislative changes will implement the acknowledged Comprehensive Plan, their proposed adoption will complete the City's compliance with Goal 14.

Goal 15 - Willamette Greenway: The purpose of Statewide Planning Goal 15 is “to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the Willamette River Greenway.” Goal 15 sets forth procedures for administering the 300 miles of greenway that protect the Willamette River.

Chapter 3.30 - Willamette River Greenway District Overlay from the Land Development Code has long provided Corvallis' response to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River. These provisions have met the requirements of Goal 15 to date.

Chapter 3.30 of the Code is proposed to be retained and, as part of the proposed Zone Change, the Agriculture - Open Space Zone will be applied to all publicly-owned properties on the east side of First Street, within the City's riverfront area that is within the Willamette River Greenway. Although this zoning change is not mandatory, it does provide additional protection for this portion of the Willamette river Greenway and, therefore, reenforce the compliance with Goal 15 of the existing provisions of the Land Development Code.

DRAFT PROPOSED ZONING & COMPREHENSIVE PLAN MAP CHANGES

(Includes Planning Commission Recommendations)

Last Revised 9-28-2000

ATTACHMENT A

Neighborhood Centers:
 The Major and Minor Neighborhood Center Circles on the Comprehensive Plan Map will be centered on the areas zoned Neighborhood Center (Major or Minor) on the Zoning Map.
 A Comprehensive Plan Text Amendment is recommended to include the following definition for Neighborhood Center Study Area:
 "Areas of the City that are more than 1/4-mile from an existing Neighborhood Center (Major or Minor), with density sufficient to support a Neighborhood Center."

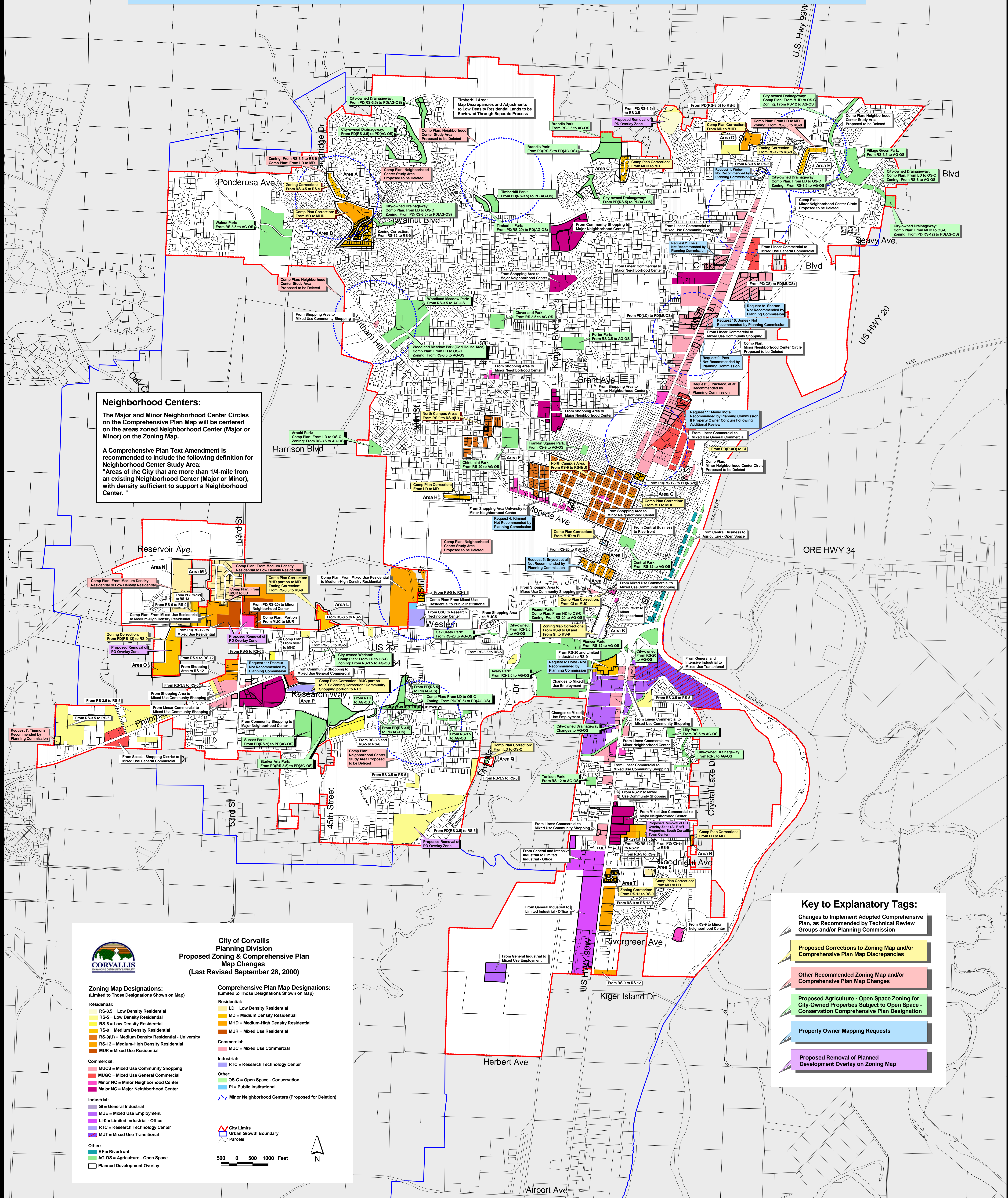


City of Corvallis
 Planning Division
 Proposed Zoning & Comprehensive Plan
 Map Changes
 (Last Revised September 28, 2000)

Zoning Map Designations: (Limited to Those Designations Shown on Map)	Comprehensive Plan Map Designations: (Limited to Those Designations Shown on Map)
Residential:	Residential:
RS-3.5 = Low Density Residential	LD = Low Density Residential
RS-5 = Low Density Residential	MD = Medium Density Residential
RS-6 = Low Density Residential	MHD = Medium-High Density Residential
RS-9 = Medium Density Residential	MUR = Mixed Use Residential
RS-9(U) = Medium Density Residential - University	Commercial:
RS-12 = Medium-High Density Residential	MUC = Mixed Use Commercial
MUR = Mixed Use Residential	Industrial:
Commercial:	GI = General Industrial
MUCS = Mixed Use Community Shopping	MUE = Mixed Use Employment
MUGC = Mixed Use General Commercial	LI-O = Limited Industrial - Office
Minor NC = Minor Neighborhood Center	RTC = Research Technology Center
Major NC = Major Neighborhood Center	Other:
	OS-C = Open Space - Conservation
	PI = Public Institutional
	Minor Neighborhood Centers (Proposed for Deletion)
	City Limits
	Urban Growth Boundary
	Parcels
	500 0 500 1000 Feet
	Other:
	RF = Riverfront
	AG-OS = Agriculture - Open Space
	Planned Development Overlay

Key to Explanatory Tags:

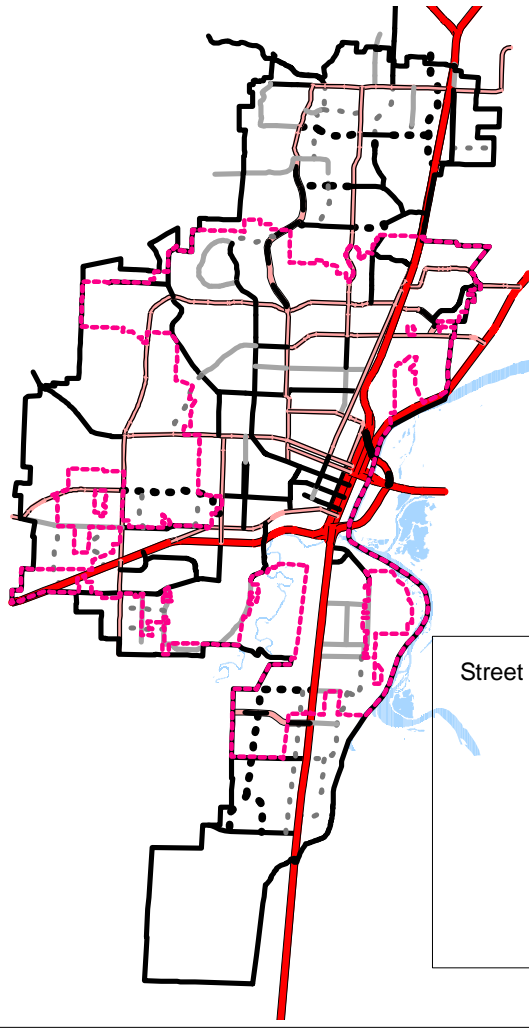
- Changes to Implement Adopted Comprehensive Plan, as Recommended by Technical Review Groups and/or Planning Commission
- Proposed Corrections to Zoning Map and/or Comprehensive Plan Map Discrepancies
- Other Recommended Zoning Map and/or Comprehensive Plan Map Changes
- Proposed Agriculture - Open Space Zoning for City-Owned Properties Subject to Open Space Conservation Comprehensive Plan Designation
- Property Owner Mapping Requests
- Proposed Removal of Planned Development Overlay on Zoning Map



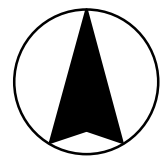


Corvallis Comprehensive Plan

Street Functional Classification System



- Street Functional Classification System**
- Neighborhood Collector
 - - - Future Neighborhood Collector
 - Collector
 - - - Future Collector
 - Arterial Street
 - - - Future Arterial Street
 - Arterial Highway
 - - - Future Arterial Highway



NEIGHBORHOOD CENTER DEFINITION:

(From Section 40.10 of the Comprehensive Plan)

The Neighborhood Centers denote commercial areas that are designed with a pedestrian orientation and serve the general community and/or surrounding neighborhood. Neighborhood centers may be designed to incorporate a mixture of uses. The dots denote the conceptual location of the Neighborhood Centers and the circles represent a quarter-mile distance from the Centers, which is considered to be a comfortable walking distance. Additional proposed Neighborhood Center Study Areas are depicted with a dotted outline. Future land use proposals that enhance the visibility of Neighborhood Centers as pedestrian-oriented commercial areas will be encouraged.



The Corvallis Comprehensive Plan Map was adopted by the City Council on December 21, 1998. It was acknowledged by the Land Conservation and Development Commission on June 21, 2000. Further amendments have been made intermittently, with the major changes coming through adoption of the North Corvallis Area Plan on January 28, 2002.

City of Corvallis
Community Development Department
Planning Division
Revised: March, 2004

- South and West Corvallis Plans Boundaries
- City Limits
- Urban Growth Boundary
- Parcel Boundaries
- School

Transportation Plan Functional Classification System:
(Approximate Locations)

- Existing Collectors, Arterials, and Arterial Highways
- Proposed Collectors, Arterials, and Arterial Highways

Neighborhood Centers:
NOTE: Circles represent a 1/4-mile distance from Centers. Location of Centers is approximate only.

- Proposed Minor Neighborhood Center
- Proposed Major Neighborhood Center
- Proposed Neighborhood Center Study Area

- Residential - Low Density
- Residential - Medium Density
- Residential - Medium - High Density
- Residential - High Density
- Mixed Use Residential
- Central Business District
- Professional Office
- Mixed Use Commercial
- Limited Industrial
- Limited Industrial - Office
- Mixed Use Employment
- General Industrial
- General Industrial - Office
- Intensive Industrial
- Mixed Use Transitional
- Research Technology
- Public Institutional
- Open Space - Agriculture
- Open Space - Conservation
- Probable Wetland Overlay
- Significant Stream Corridor Overlay

Drainageways:
Some drainageways have Open Space - Conservation buffers that are identified on the Comprehensive Plan Map. The actual buffer width for these and other drainageways that will be required at the time of development may vary. The actual width will be determined through a formula in the Land Development Code.

All data has been made to provide accurate information. However, errors may exist. It is not intended to be a warranty. Users should refer to the Official Development Order Map on the City of Corvallis Community Development Department website.

This map is periodically revised. Please contact the City of Corvallis Planning Division at 1-541-766-6909 for the current version. Planning related information can also be obtained from the City website (<http://www.corvallis.or.us>).

Parcel boundaries shown outside of city limits have been provided by Benton and Lim Counties.

1000 0 1000 2000 Feet

PROPOSED CORRECTIONS:

Article 40. Comprehensive Plan Map Legend

40.1 Residential Use Designations¹

40.1.1 Low Density Residential: 2 to 6 units per acre

These areas will provide low density residences and necessary urban services to maintain stable residential neighborhoods.

40.1.2 Medium Density Residential: 6 to 12 units per acre

These areas will provide medium density residences under various ownerships and necessary urban services to maintain stable residential neighborhoods.

40.1.3 Medium-High Density Residential: 12 to 20 units per acre

These areas will provide for family and group residences at a medium-high density and act as a transition between lower density residential housing and more intensive land uses.

40.1.4 High Density Residential: Over 20 units per acre

These areas will provide for family and group residences at a high density and other closely related uses.

40.1.5 Mixed Use Residential

These areas will provide for primarily residential uses but also will allow for some civic, commercial, and industrial uses that are compatible with the predominant residential uses.

¹In certain instances existing lots of record and existing development patterns may exceed Comprehensive Plan densities. In all residential areas accessory and conditional uses as specifically defined in the Land Development Code will be permitted.

40.2 Commercial Use Designations

40.2.1 Central Business District

The downtown commercial area which also allows residences, government offices, and other basic services.

40.2.2 Mixed Use Commercial

These areas will provide for primarily commercial uses but also will allow for some civic, industrial, and residential uses that are compatible with the predominant commercial uses, while maintaining the City's supply of commercially-designated lands.

40.2.3 Professional Office

Business and professional offices and related uses.

40.3 Industrial Use Designations

40.3.1 Limited Industrial

Intended to create and preserve areas where limited manufacturing and related use types may locate. Limited manufacturing uses evidence few, if any nuisance characteristics. Accessory nonindustrial uses that support the primary use activity and are compatible are permitted - specifically administrative, sales, and service uses.

40.3.2 Limited Industrial - Office

Refers to establishments primarily engaged in the on-site production of goods by hand manufacturing, which involves only the use of hand tools or light mechanical equipment, and the incidental direct sale to consumers of only those goods produced on-site with no outside open storage permitted, and compatible accessory activities. Impacts on neighboring properties resulting from limited industrial operations are expected to be minimal.

40.3.3 Mixed Use Employment

These areas will provide for a variety of employment opportunities by allowing for primarily industrial uses but also will allow for some commercial, civic, and residential uses that are compatible with the predominant industrial uses, while maintaining the City's supply of industrially-designated lands.

40.3.4 General Industrial

Intended to provide appropriate locations for a variety of general industrial uses including manufacturing and related activities with few, if any, nuisance characteristics.

40.3.5 Intensive Industrial

Intended to provide appropriate locations for intensive manufacturing activities which are characterized by their potential conflicts with residential and other land uses.

40.3.6 Mixed Use Transitional

Intended to provide a mechanism for existing general and intensive industrial uses to transition over time to less intensive uses including residential, commercial, limited industrial, parks, and open space.

40.4 Other Use Designations

40.4.1 Public/Institutional

Lands in public or semi-public ownership such as the Oregon State University Campus, existing and known future District 509J school sites, City reservoirs, Linn Benton Community College, Good Samaritan Hospital and portions of the Corvallis Municipal Airport.

40.4.2 Open Space - Agriculture

All predominantly agricultural lands within the Urban Growth Boundary, including areas in food production, tree farms, animal husbandry, and agricultural and forestry research.

40.4.3 Open Space - Conservation

All predominantly open spaces reserved for general community use, including parks, preserves, and general drainageway corridors. Under the Open Space - Conservation designation, limited development may be permitted on private lands provided that the the development does not create a hazard or interfere with the drainage function of the streams.

**COMPREHENSIVE PLAN & CORRESPONDING ZONING MAP DESIGNATIONS
(From Revised Chapter 2.2 - Development Zone Changes)**

IF THE COMPREHENSIVE PLAN DESIGNATION IS:	THE ZONING MAP DESIGNATION SHALL BE:
RESIDENTIAL	RESIDENTIAL
Low Density (2-6 units/acre)	RS-3.5 Low RS-5 Low RS-6 Low
Medium Density (6-12 units/acre)	RS-9 & 9(U) Medium
Medium High Density (12-20 units/acre)	RS-12 & 12(U) Medium-High, & Mixed Use Residential (MUR)
High Density (over 20 units/acre)	RS-20 High, & Mixed Use Residential (MUR)
Mixed Use Residential (over 12 units/acre)	Mixed Use Residential (MUR)
OFFICE/COMMERCIAL	COMMERCIAL
Professional Offices	Professional and Administrative Office (P-AO)
Shopping Area Mixed Use Commercial	Shopping Area (SA) Shopping Area-University (SA-U) Special Shopping District (SSD) Community Shopping (CS) Minor & Major Neighborhood Center Mixed Use Community Shopping (MUCS) Mixed Use General Commercial (MUGC)
Linear Commercial	Linear Commercial (LC)
Central Business Zone	Central Business Zone (CB) Central Business Fringe (CBF) Riverfront
Regional Shopping Center	Regional Shopping Center (RSC)
INDUSTRIAL	INDUSTRIAL
Limited	Limited Industrial (LI)
Limited Industrial - Office	Limited Industrial - Office (LI-O)
Mixed Use Employment	Mixed Use Employment (MUE)
General	General (GI) & Mixed Use Employment (MUE)
Intensive	Intensive (II) & Mixed Use Employment (MUE)
Research Technology Center	Research Technology Center (RTC)
Mixed Use Transitional	Mixed Use Transitional (MUT)

ATTACHMENT E

IF THE COMPREHENSIVE PLAN DESIGNATION IS:	THE ZONING MAP DESIGNATION SHALL BE:
OTHERS	OTHERS
Public-Institutional	Oregon State University (OSU) and in any other zone for government and public facility uses.
Open Space - Agriculture/Conservation	Agriculture/Open Space (AG-OS)
Open Space - Conservation	Agriculture/Open Space (AG-OS) Riverfront

PROPOSED ZONE CHANGES (ACRES)				
RESIDENTIAL ZONES:				
	EXISTING ACREAGE	NEW ACREAGE	CHANGING (DELETED) ACREAGE	REVISED ACREAGE
Low Density Residential:				
RS-3.5	2081.0	0.0	261.6	1819.4
PD(RS-3.5)	540.8	0.0	79.5	461.3
RS-5	381.8	86.3	13.3	454.9
PD(RS-5)	227.0	26.8	2.8	251.0
RS-6	109.7	7.9	11.4	106.2
PD(RS-6)	255.8	2.4	0.0	258.2
Subtotal:	3596.1	123.5	368.7	3350.9
Medium Density Residential:				
RS-9	493.5	28.3	84.4	437.3
PD(RS-9)	277.4	35.1	21.8	290.7
RS-9(U)	0.0	64.9	0.0	64.9
PD(RS-9(U))	0.0	0.5	0.0	0.5
Subtotal:	770.9	128.7	106.3	793.4
Medium-High Density Residential:				
RS-12	201.8	29.5	29.8	201.4
PD(RS-12)	175.2	0.0	59.0	116.2
RS-12(U)	13.6	0.0	2.4	11.2
PD(RS-12(U))	0.8	0.0	0.0	0.8
Subtotal:	391.4	29.5	91.2	329.6
High Density Residential:				
RS-20	223.5	0.0	18.7	204.8
PD(RS-20)	53.7	0.0	5.5	48.2
Subtotal:	277.2	0.0	24.1	253.1
New Zone:				
PD(MUR)	0.0	18.7	0.0	18.7
SUBTOTAL FOR ALL RESIDENTIAL:	5035.6	300.4	590.3	4745.7
COMMERCIAL ZONES: * = zones proposed to be deleted				
	EXISTING	ADD	SUBTRACT	NET
CB	86.0	0.0	19.3	66.7
CBF	16.2	0.0	0.0	16.2
LC*	179.5	0.0	178.7	0.8
PD(LC)*	19.9	0.0	19.9	0.0
CS*	5.0	0.0	5.0	0.0
PD(CS)*	68.4	0.0	68.4	0.0
SA*	32.8	0.0	32.8	0.0
PD(SA)*	6.4	0.0	6.4	0.0
SAU*	6.3	0.0	6.3	0.0
P-AO	36.2	0.0	0.0	36.2
PD(P-AO)	36.2	6.6	0.0	42.8
MUC*	1.4	0.0	1.5	-0.1
PD(MUC)*	16.1	0.0	16.1	0.0
SSD*	7.5	0.0	7.5	0.0

ATTACHMENT F

COMMERCIAL ZONES, CONTINUED:				
New Zones:				
MUCS	0.0	138.2	0.0	138.2
PD(MUCS)	0.0	41.0	0.0	41.0
MUGC	0.0	48.5	0.0	48.5
PD(MUGC)	0.0	0.0	0.0	0.0
MINOR NC	0.0	16.4	0.0	16.4
PD(MINOR NC)	0.0	6.3	0.0	6.3
MAJOR NC	0.0	29.3	0.0	29.3
PD(MAJOR NC)	0.0	65.8	0.0	65.8
RF	0.0	9.8	0.0	9.8
SUBTOTAL FOR ALL COMMERCIAL:	517.9	362.0	361.9	518.0
INDUSTRIAL ZONES:				
	EXISTING	ADD	SUBTRACT	NET
LI	27.1	0.0	27.1	0.0
PD(LI)	11.3	0.0	0.0	11.3
GI	276.3	0.4	76.7	200.0
PD(GI)	628.9	0.0	51.4	577.5
II	14.0	0.0	21.6	-7.6
PD(II)	78.8	0.0	0.0	78.8
RTC	82.7	10.4	0.1	93.0
PD(RTC)	20.7	0.0	0.0	20.7
MUE	2.9	54.7	0.0	57.6
PD(MUE)	6.1	9.0	0.0	15.1
New Zones:				
LI-O	0.0	21.4	0.0	21.4
PD(LI-O)	0.0	42.4	0.0	42.4
MUT	0.0	42.0	0.0	42.0
PD(MUT)	0.0	0.0	0.0	0.0
SUBTOTAL FOR ALL INDUSTRIAL:	1148.8	180.4	176.9	1152.3
OTHER:				
	EXISTING	ADD	SUBTRACT	NET
AG-OS	295.5	230.3	0.0	525.8
PD(AG-OS)	20.8	62.5	0.0	83.3
OSU	484.3	0.0	6.4	477.9
SUBTOTAL FOR ALL OTHER:	800.6	292.8	6.4	1087.0
TOTALS BY CATEGORY:				
	EXISTING	% OF TOTAL	REVISED	% OF TOTAL
RESIDENTIAL	5035.6	67.1%	4745.7	63.3%
COMMERCIAL	517.9	6.9%	518.0	6.9%
INDUSTRIAL	1148.8	15.3%	1152.3	15.4%
OTHER	800.6	10.7%	1087.0	14.5%
	7502.9	100.0%	7503.0	100.0%
Notes: Numbers may not add up to 100% due to rounding.				
Acreages do not include streets and other public right-of-way areas.				

ZONING MAP CHANGES, SORTED BY SIZE

FROM	TO	ACRES
RS-3.5	AG-OS	165.651
LC	MUCS	123.033
RS-3.5	RS-5	86.346
RS-9	RS-9(U)	62.422
PD(CS)	PD(MAJOR NC)	43.287
PD(GI)	PD(LI-O)	42.417
PD(RS-3.5)	PD(AG-OS)	40.565
LC	MUGC	38.114
PD(RS-12)	PD(RS-9)	33.646
GI	MUE	32.024
GI	MUT	28.301
PD(RS-3.5)	PD(RS-5)	26.849
RS-12	AG-OS	24.229
LI	MUE	21.305
PD(CS)	PD(MUCS)	21.074
PD(LC)	PD(MUCS)	19.941
RS-9	RS-12	19.778
PD(RS-12)	PD(MUR)	18.706
PD(RS-9)	PD(AG-OS)	18.578
PD(MUC)	PD(MAJOR NC)	16.148
SA	MAJOR NC	15.396
II	MUT	13.700
GI	LI-O	13.525
LC	MAJOR NC	11.885
SA	MUCS	10.136
CB	RF	9.838
PD(RS-3.5)	AG-OS	9.736
RS-3.5	RS-9	9.614
CB	AG-OS	9.468
PG(GI)	PD(MUE)	9.017
RS-20	AG-OS	8.674
RS-6	RS-9	8.308
II	LI-O	7.912
RS-5	RS-6	7.912
SSD	MUGC	7.467
RS-20	RS-12	6.677
PD(RS-12)	PD(P-AO)	6.636
OSU	RTC	6.429
PD(SA)	PD(MAJOR NC)	6.353
SAU	MINOR NC	6.260
SA	MINOR NC	5.361
LI	RS-9	4.970
RS-5	AG-OS	4.765

ZONING MAP CHANGES, SORTED BY SIZE		
FROM	TO	ACRES
PD(CS)	RTC	4.009
LC	MINOR NC	3.748
PD(RS-20)	PD(MINOR NC)	3.512
CS	MUGC	2.950
RS-12	MUCS	2.803
RS-20	RS-9	2.789
PD(RS-9)	PD(MINOR NC)	2.751
RS-6	AG-OS	2.600
RS-12	RS-9	2.464
RS-12(U)	RS-9(U)	2.435
PD(RS-3.5)	PD(RS-6)	2.368
CS	MAJOR NC	2.054
SA	RS-12	1.950
PD(RS-20)	PD(AG-OS)	1.945
RS-9	AG-OS	1.850
PD(RS-5)	PD(RS-9)	1.449
GI	MUCS	1.396
PD(RS-5)	PD(AG-OS)	1.385
GI	AG-OS	1.369
LC	AG-OS	0.965
LC	MUE	0.963
MUC	MUCS	0.844
LI	AG-OS	0.788
MUC	MINOR NC	0.679
RS-6	RS-12	0.540
RS-5	RS-12	0.518
PD(RS-9)	PD(RS-9(U))	0.492
RS-20	MUE	0.430
RS-9	GI	0.358
RS-12	MINOR NC	0.320
RTC	AG-OS	0.131
RS-20	AG-OS	0.090
RS-5	RS-9	0.088
GI	RS-9	0.054
RS-9	MINOR NC	0.033
PD(P-AO)	GI	0.015
AG-OS	MUT	0.002
	TOTAL ACREAGE:	1135.590

F-4



CORVALLIS CITY COUNCIL

NOTICE OF DISPOSITION

ORDER 2000-15

TOPIC **COMPREHENSIVE PLAN MAP AMENDMENT**

CASE **TIMBERHILL AREA MAPPING CORRECTIONS (CPA-99-00003)**

REQUEST To correct inadvertent mapping errors made to the Comprehensive Plan Map adopted by the City Council in December 1998. The adopted Comprehensive Plan Map erroneously changed the Comprehensive Plan land use designation of 23 properties in the vicinity of the northern intersection of Arrowood Circle and 29th Street from Low Density Residential to Medium Density Residential. The City is proposing to reinstate the Low Density Residential designation, consistent with the existing zoning for these parcels. For an additional 11 properties, the adopted Comprehensive Plan Map erroneously excluded 1978 and 1985 Comprehensive Plan Map Amendment approvals for the Timberhill area. The City is proposing to correct the Comprehensive Plan Map to reflect these previous approvals.

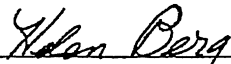
At the February 2, 2000 Planning Commission public hearing, the Planning Commission recommended that the City Council initiate a separate land use process to reconcile discrepancies between the Comprehensive Plan land use designations and Land Development Code District Map land use designations for a 16-acre area directly north of the northern intersection of Arrowood Circle and 29th Street.

APPLICANT	Initiated by City of Corvallis	OWNER	34 Properties (2 Publicly Owned)
LOCATION	Generally north of Walnut Boulevard and east of 29 th Street; also several properties located at the northern intersection of Arrowood Circle and 29 th Street. These parcels are located at: 2725 NW Walnut Boulevard; 4401, 4404, 4411, 4418, 4422, 4425, 4428, 4432, 4437, 4442, 4445, 4460, 4469, 4476, 4487, and 4498 NW Snowbrush Drive; 4421, 4424, 4440, 4474, 4481 and 4494 NW Crocus Place; and 4685 Arrowood Circle (Benton County Assessor Map 11-5-21, Tax Lots 200, 217; Map 11-5-22, Lots 100, 400, 600, 603, 609, 611; Map 11-5-22B, Lots 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200; Map 11-5-22BC, Lots 4100, 4200, 4300, 4400, 4500, 4600, 4700, 4800, 4900, 5000, 5100, 5200, and 5300).		

The Corvallis City Council conducted a hearing and held deliberations on the proposed Comprehensive Plan Amendment on March 6, 2000. The Council upheld the Planning Commission's recommendation made on February 2, 2000. The City Council decision was based on findings outlined in the staff report dated February 28, 2000, and the minutes dated March 6, 2000.

The proposal, staff report, hearing minutes, and Findings and Conclusions may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

If you wish to appeal this decision, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of the decision.



Mayor Helen Berg
City of Corvallis

Dated: 3/6/00
Ordinance #2000-

ATTACHMENT G

ORDINANCE 2000- 03

AN ORDINANCE relating to a Comprehensive Plan Map Amendment in the Timberhill area, modifying Ordinance 90-52, as amended.

The Planning Commission, after holding a duly advertised public hearing, has forwarded its recommendation to the City Council concerning a request for a Comprehensive Plan Map Amendment regarding the Timberhill area as shown in Exhibit A. After proper legal notice, a public hearing before the City Council, concerning the proposed change, was held on March 6, 2000; and interested persons and the general public were given an opportunity to be heard. The City Council held deliberations concerning the proposed change on March 6, 2000, and the Council has reviewed the recommendations of the Planning Commission and staff.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

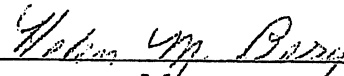
Section 1) The findings of fact prepared by staff and contained in Exhibit A (which consist of the complete staff report to the City Council, including attachments and dated February 25, 2000; as well as the Minutes of the March 6, 2000, City Council meeting) are by reference incorporated herein, and are hereby adopted by the City Council.

Section 2) The Comprehensive Plan Map is amended to reflect previous land use approvals for the Timberhill area, as illustrated in Exhibit B.

PASSED by the Council this 6th Day of March, 2000.


APPROVED by the Mayor this 6th Day of March, 2000.

Effective this 16th Day of March, 2000.



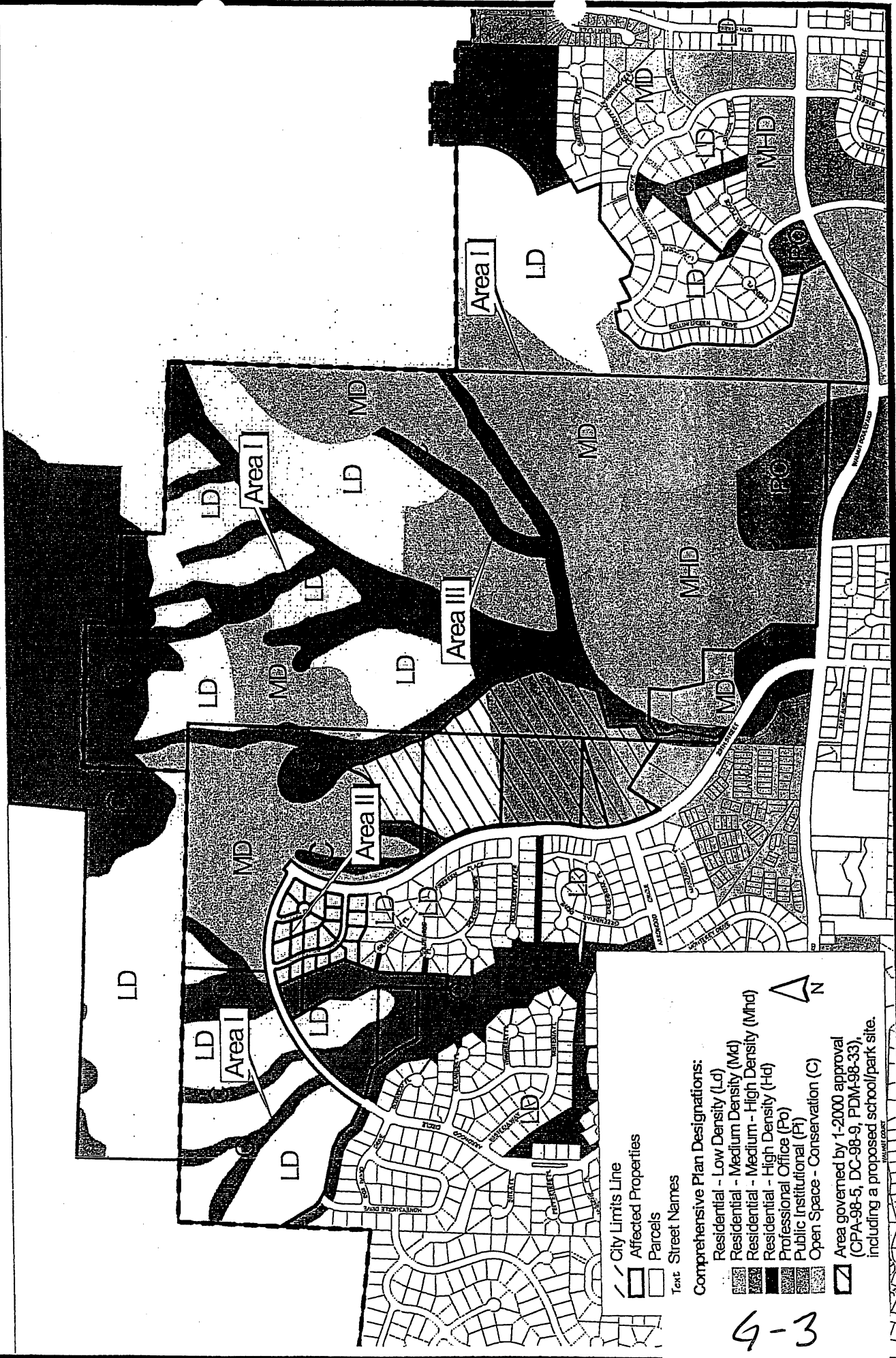
Mayor

ATTEST:



City Recorder

CPA-99-00003
 Proposed Comprehensive Plan Amendment: Timberhill Area -
 As Recommended by Planning Commission



- City Limits Line
 - Affected Properties
 - Parcels
 - Text: Street Names
- Comprehensive Plan Designations:**
- Residential - Low Density (Ld)
 - Residential - Medium Density (Md)
 - Residential - Medium - High Density (Mhd)
 - Residential - High Density (Hd)
 - Professional Office (Po)
 - Public Institutional (Pi)
 - Open Space - Conservation (C)
 - Area governed by 1-2000 approval (CPA-98-5, DC-98-9, PDM-98-33), including a proposed school/park site.

4-3

NOTE TO THE FILE

FROM: Kathy Seeburger
Associate Planner



DATE: May 1, 2000

Clarification to the Notice of Disposition for the Timberhill Area Mapping Corrections:

The City Council Notice of Disposition for the Timberhill Area Mapping Corrections (CPA-99-00003) indicates that the City Council upheld the Planning Commission's recommendation to reconcile discrepancies between the Comprehensive Plan and Land Development Code land use designations for a 16-acre area directly north of the northern intersection of Arrowood Circle and 29th Street. The City Council actually recommended that the City initiate a separate process to reconcile **all** instances of mapping discrepancies for a larger Timberhill area encompassing approximately 70 acres (see March 6, 2000 Council Minutes, Pages 157 - 158). The 70 acre area is shown in the attached map; this map was provided in the staff report to the City Council dated February 25, 2000 as Exhibit III.

4-4

VII. PUBLIC HEARINGS

1. A public hearing to consider a Comprehensive Plan Map Amendment (CPA-99-00003 - Timberhill)

Mayor Berg reviewed the order of proceedings and opened the public hearing.

Declaration of Conflicts of Interest - None.

Staff Report

Associate Planner Seeburger noted that the Council was evaluating a proposed Comprehensive Plan Map (CPM) amendment to make corrections to the CPM adopted during December 1998. She explained that staff discovered discrepancies in the CPM after its adoption through review of a land use application. In response to those discoveries, the Council initiated a CPM amendment January 2, 2000, which must be reviewed by the Planning Commission (PC) and the Council during separate public hearings. She noted that the PC hearing was held February 2nd, with recommendations forwarded to the Council for tonight's public hearing. She explained that the amendment was intended to make the necessary corrections. She reviewed the four bases for the proposed mapping corrections: 1) the 1978 Timberhill Master Plan which established the general land uses for the area; 2) the 1980 Comprehensive Plan, which was intended to reflect the 1978 Master Plan; 3) a 1985 Comprehensive Plan amendment for the area north of NW Walnut Boulevard (Walnut) and NW Kings Boulevard (Kings); and 4) the 1993 Timberhill Fourth Addition Phase 3 Subdivision approval. She said the corrected map also was considered to include the January 2000 approval of the area east of NW 29th Street (29th) involving a proposed school/park site.

Ms. Seeburger noted that many of the corrections in Area I, which includes the general Timberhill area but excludes the proposed school/park site, applied to drainage areas. Area II, which includes 23 lots at the northern intersection of 29th and NW Arrowood Circle (Arrowood), would be corrected to reflect a "Low Density Residential" designation, as approved with the 1993 subdivision plan. Area III involves a proposed drainageway extension.

Ms. Seeburger reviewed additional PC findings that were intended to correct previous errors. Three additional components were not specifically the subject of the proposed mapping corrections but were clarified to give a correct map of Timberhill. She reported that the PC and staff recommended that two City-owned tracts (depicted as Area IV in the staff report) continue to be subject to an Open Space-Conservation designation. Another Open Space-Conservation area is located at the northern edge of Timberhill; this is aligned along the limit of water service at the 560-foot elevation. The PC and staff recommended that this area also remain subject to an Open Space-Conservation designation.

Ms. Seeburger stated that the PC and staff recommended Council approval of the CPM amendment to address the 23 lots located south of the northern intersection of Arrowood and 29th (change Comprehensive Plan designation from "Medium Density Residential" to

"Low Density Residential"), the broader Timberhill area be amended to reflect the 1978 Timberhill Master Plan as amended during 1985, and the drainageway be reconnected. It was also recommended that the Council make the additional findings noted by the PC.

Ms Seeburger said the PC made an additional recommendation during the February 2nd hearing concerning the map discrepancies involving the CPM and the Zone District Map (ZDM). For an approximately 16-acre area north of the intersection of Arrowood Circle and 29th Street, the CPM showed a "Medium Density Residential" designation, but the ZDM showed a "Low Density Residential" designation. The discrepancy appeared to have occurred in approximately 1980 for an unknown reason. Public testimony received by the PC involved residents' reliance upon the ZDM when making investment decisions and concerns about the impacts of Medium Density Residential development on the neighborhood and property values.

Since the PC hearing, staff performed additional analysis and found additional discrepancies between the CPM and the ZDM involving density designations. The area in question represents approximately 70 acres. Staff agreed with the PC that the maps must be reconciled. She reviewed the four options for reconciling the maps and which options were recommended by the PC and by staff, noting that staff recommended addressing all mapping inconsistencies at once, rather than the PC's recommendation of addressing only the 16-acre area north of Arrowood Circle and 29th Street.

In response to Councilor Peters' request, Ms. Seeburger clarified the PC's and staff's respective recommendations.

Public Testimony in Support - None.

Testimony in Opposition

Carolyn A. H. Miller, 4474 NW Crocus Place, summarized the two recommendations before the Council: 1) mapping corrections, and 2) initiation of a second process to make additional mapping corrections. She said she supported CPM Change A (amend CPM designation for 23 properties from "Medium Density Residential" to "Low Density Residential") and CPM Change C (amend CPM designation to extend drainageway subject to "Open Space-Conservation" designation), but she could not support CPM Change B (amend CPM for 11 properties to reflect 1978 Timberhill Master Plan as amended by 1985 Comprehensive Plan Amendment) and begin a new process because it encompasses 408.7 acres, essentially asking the Council to accept the Timberhill Master Plan map "as is." She said she believed the PC corrected some areas of the CPM and believed there were discrepancies between the PC's approval and the requests to Council. She opposed the proposed CPM Change B as it is written.

Ms. Miller said the Uplands at Timberhill Homeowners Association (UTHA) supported the proposed mapping changes but did not feel that all of the proposed changes include all the mapping errors and discrepancies. She said the UTHA supported initiating a separate action to clarify and correct the remaining mapping discrepancies as described in Option 2. For at least 20 years, the Land Development Code (LDC) Map indicated "Low Density

Residential” on the property south of Arrowood. She reported that the LDC Map was the document routinely distributed to the public by staff and that Timberhill Development Corporation was “surprised” to recently learn of the discrepancies. The streets in the area were plotted for specific density levels, and people relied upon the accuracy of the documents when they purchased their properties. She said she supported clarifying the reasons for the errors, correcting and reconciling the maps so they would be consistent with a 20-year practice, and conducting a separate process focused on the Timberhill area to resolve the issue as efficiently as possible. She opined there seemed to be an uncertain relationship between the Comprehensive Plan and the LDC. She stated that the City must have consistent Zoning and Comprehensive Plans before either could be effective. She reported that the UTHA prepared two documents, one of which was attached to the staff report, and the other to the PC report.

Norene Nordby, 4481 NW Crocus Place, identified herself as a member of the UTHA. When she and her husband purchased land during 1994 with the intention of building a home, the maps indicated that the adjacent property was zoned “Low Density Residential.” She expressed concern about traffic and the possible impact on housing values if the property north of the existing houses were developed to the proposed “Medium Density Residential” designation. She opined that what she was shown when she purchased the property should match the current maps. She said it was important that the City correct the maps and make them consistent with what the purchasers were shown.

Linda Blazek, 4685 NW Arrowood Circle, said she supported Ms. Miller in favoring map Changes A and C and opposing map Change B concerning a “Medium Density Residential” designation in the area of 29th and Arrowood. She suggested reviewing the area as a separate process.

Richard Lee, 3363 NW Silktassel Drive, said he favored designating Area II as “Low Density Residential” and expressed concern about effects on property values in the area if the zoning were changed.

Mayor Berg summarized that the issue involved correcting the CPM to coincide with decisions previously made. She noted that other areas being considered involved State requirements and regulations.

Request for Continuance - None.

Request to Hold Record Open - None.

Mayor Berg closed the public hearing.

Questions of Staff

Councilor Griffiths said she understood the issues involving the 23 properties and the drainageway. She expressed uncertainty concerning the area north of Walnut and Kings, stating that no specific recommendations were given for a designation. She asked Ms. Seeburger to identify the properties in question and the recommended corrections. Ms.

Seeburger explained that the 408.7 acres represents the total acreage in Timberhill subject to the proposed mapping changes, only portions of which are proposed for correction. In response to Councilor Griffiths' inquiry, she stated that the corrections applied to portions of 11 parcels within the 408.7-acre area.

Councilor Peters questioned the discrepancy of ten tax lots listed for 11 properties. Ms. Seeburger said she believed, and would verify, that one tax lot applied to two properties.

Mr. Nelson stated that the same information and package were presented to the PC; Ms. Seeburger confirmed.

Councilor Tomlinson stated that the opposition testimony involved "Medium Density Residential" zoning in the area north of 29th and Arrowood. He noted that the Comprehensive Plan indicated "Medium Density Residential" for the area, but the LDC did not. Ms. Seeburger stated she was unsure if separate action would be required to correct the discrepancy or if the problem resulted from a wording misconception. Councilor Tomlinson noted that approving CPM Change B would essentially affirm that the area was zoned "Medium Density Residential," and Ms. Seeburger confirmed. Councilor Tomlinson surmised that the Council would then proceed with another process that could revert the zoning to "Low Density Residential." He questioned the appropriateness of the Council affirming "Medium Density Residential" now and later initiating a process to revert the designation to "Low Density Residential." Community Development Director Gibb explained that the process would allow re-evaluation of the zoning designations and would correct the CPM.

Councilor Howell speculated that citizens were concerned that the Council might pre-judge future decisions concerning "Medium Density Residential" areas. He opined that the Council must decide issues of discrepancy; Mr. Gibb confirmed.

Councilor Peters inquired whether lack of Council action could impact development options during the ensuing year. Mr. Gibb responded that the City Attorney's Office advised that the discrepancy must be corrected before the City proceeds with a "Low Density Residential" or "Medium Density Residential" scenario. City Attorney Fewel explained that the implementing code designated the property as "Low Density Residential." The Comprehensive Plan indicated "Low Density Residential;" however, a discrepancy was found. He said staff and the PC are only asking that the errors be corrected, which would leave the Comprehensive Plan designation as "Medium Density Residential" but implemented as "Low Density Residential." The property could only be developed according to the Zoning District Map and not the Comprehensive Plan. He stated that a developer could request a zoning change, arguing that it was consistent with the Comprehensive Plan designation. This request would be presented to the Council.

Mayor Berg cautioned that future development was not adding to the urgency of the immediate discussion, but she opined that the prospect of resolving inconsistencies when addressing development applications was not "attractive."

Councilor Howell expressed concern about the drainageways. He said he assumed that the drainageways on the western portion of the area did not really end at the boundary of the

Councilor Howell stated that another drainageway was indicated in the Timberhill Master Plan but was not shown as Open Space-Conservation on the map. He inquired whether the drainageway along Arrowood is a City-dedicated drainageway and would be included in the ordinance. Mr. Gibb explained that staff would need specific Council direction to pursue this inquiry. Councilor Howell amended the motion to direct that staff confirm the existence of a dedicated drainageway area and that Council also initiate a Comprehensive Plan review and ZDM designation review before the PC for the subject property.

Councilor Griffiths inquired whether the process would be incorporated into the 70 acres in question, rather than conducting a separate process for the drainageway. Mr. Fewel said he anticipated that individual hearings would be held concerning potential Comprehensive Plan designation changes and potential Zoning District changes. Councilor Howell said he would let staff determine whether to incorporate the process into the 70 acres.

The amendment passed unanimously.

Mayor Berg explained that the Council had before it a motion to pursue Option B in initiating a process to reconcile the land use designation for the area above 29th and Arrowood. The motion passed unanimously.

Councilor Howell said he anticipated amending the LDC and that it would be awkward to decide on appropriate District designations after the LDC Update. Mr. Gibb confirmed and stated that staff must work through the process, along with mapping issues and the LDC.

Mayor Berg recessed the meeting from 8:55 pm until 9:05 pm.

2. A public hearing to consider a Comprehensive Plan Map Amendment (CPA-99-00004 – South Corvallis South Third Street)

Mayor Berg reviewed the order of proceedings and opened the public hearing.

Declaration of Conflicts of Interest – None.

Staff Report

Ms. Seeburger reported that the proposed map changes would correct the CPM. The Council was asked to evaluate the CPM amendment for 11 properties near SW Third Street (Third) and SW Tunison Avenue (Tunison). She reviewed the land use designations of the affected properties, all of which were designated as “Medium-High Density Residential” in the 1980 CPM, which is consistent with the ZDM designation of “RS 12,” which applies to all of the properties.

Ms. Seeburger stated that the area was evaluated for proposed map changes in conjunction with the South Corvallis Area Refinement Plan (SCARP) process. From that process, a new South Corvallis Plan Map (SCPM) was adopted with designation changes from “Medium-High Density Residential” to “Mixed Use Commercial” for ten of the 11 properties; the designation of the eleventh property was changed to “Medium Density Residential.” The

Timberhill Master Plan. Ms. Seeburger explained that staff was attempting to be consistent with historical records. She explained that the changes were intended to reflect the Master Plan.

Mayor Berg summarized that the issue concerned correcting the CPM to be consistent with previous Council decisions and opined that the map should reflect previous decisions.

Deliberations

Mayor Berg reviewed the proposed changes affecting Areas I, II, and III. Mr. Fewel noted that the findings were contained in the ordinance, which would adopt the findings, including the additional findings submitted by staff tonight, and change the CPM to be consistent with the last official Council action. He continued, stating that the Council could then initiate, at the PC level, a district change and other map changes that might be required for the areas listed in CPM, Change B.

Mr. Fewel read an ordinance relating to a Comprehensive Plan Map Amendment in the Timberhill area, modifying Ordinance 90-52, as amended. He explained that the ordinance would adopt the findings and make the necessary Comprehensive Plan Map corrections.

Councilor Griffiths requested clarification of CPM Change B and additional wording to clarify the area affected by the change and additional wording to indicate that the Council was taking two different actions to correct the difference between the Comprehensive Plan and the LDC. She opined that CPM Change B seemed to imply a correction of mapping errors. She said the Council was not changing the LDC and was only correcting mapping errors. Mayor Berg clarified that Changes A, B, and C were not included in the ordinance and stated that the ordinance referred to amending the map.

Mr. Gibb explained that all three CPM changes reflected correcting the Comprehensive Plan and not changing the LDC. He stated that the second action would involve reconciling discrepancies between the Comprehensive Plan and the LDC.

Final Decision

ORDINANCE 2000-03 passed unanimously.

Appeal Process

Mayor Berg announced that any participant not satisfied with the Council's decision may appeal to the State Land Use Board of Appeals (LUBA) within 21 days of the date of the Council's decision.

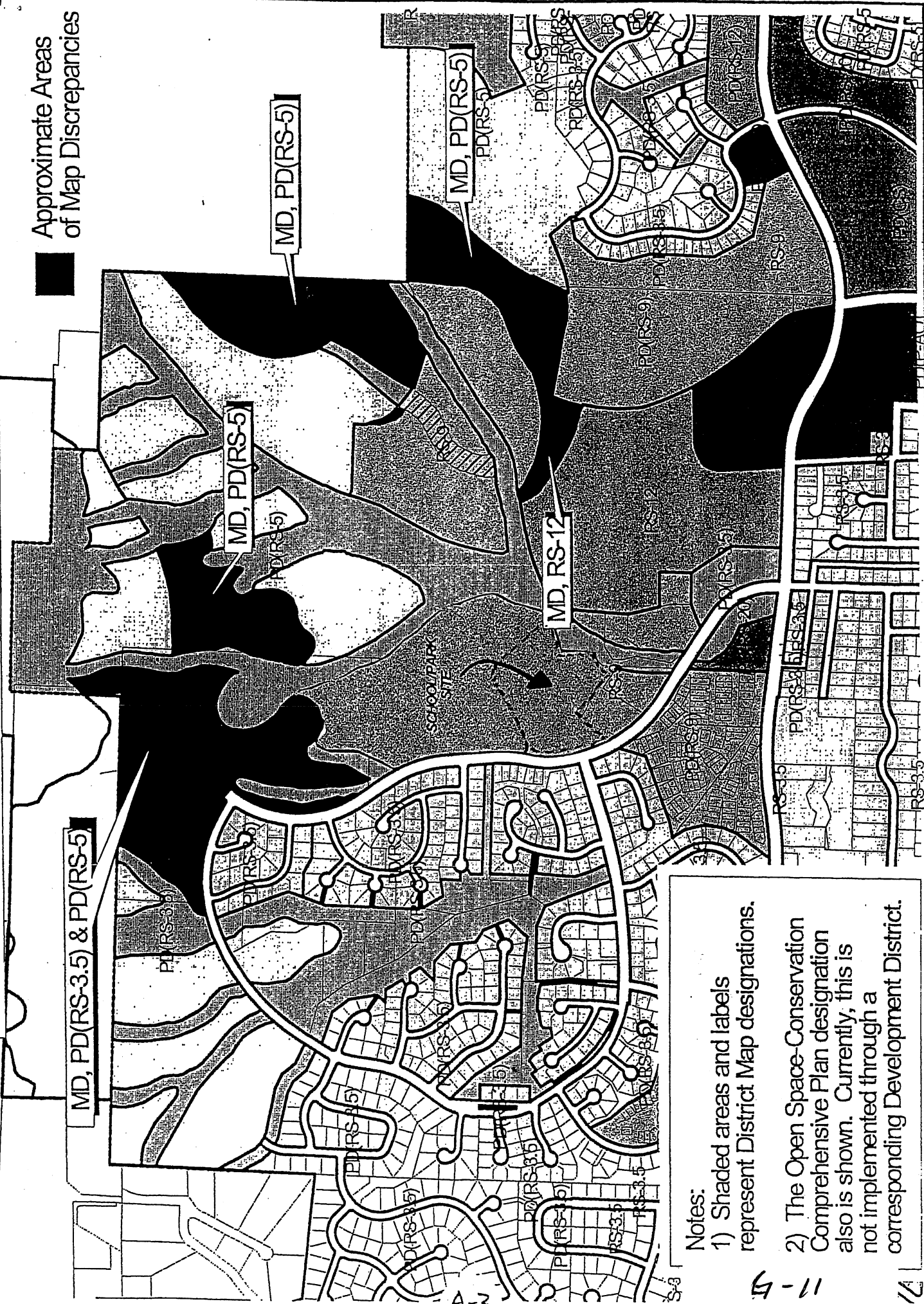
Mayor Berg reviewed the Council's four options for reconciling the map discrepancies.

It was moved and seconded to pursue Option 2 (expand separate mapping reconciliation process for the general Timberhill area, to address the approximately 70 acres for which there are discrepancies between the CPM and ZDM).

TIMBERHILL AREA:

District Map and Comprehensive Plan Map Discrepancies for the Broader Timberhill Area

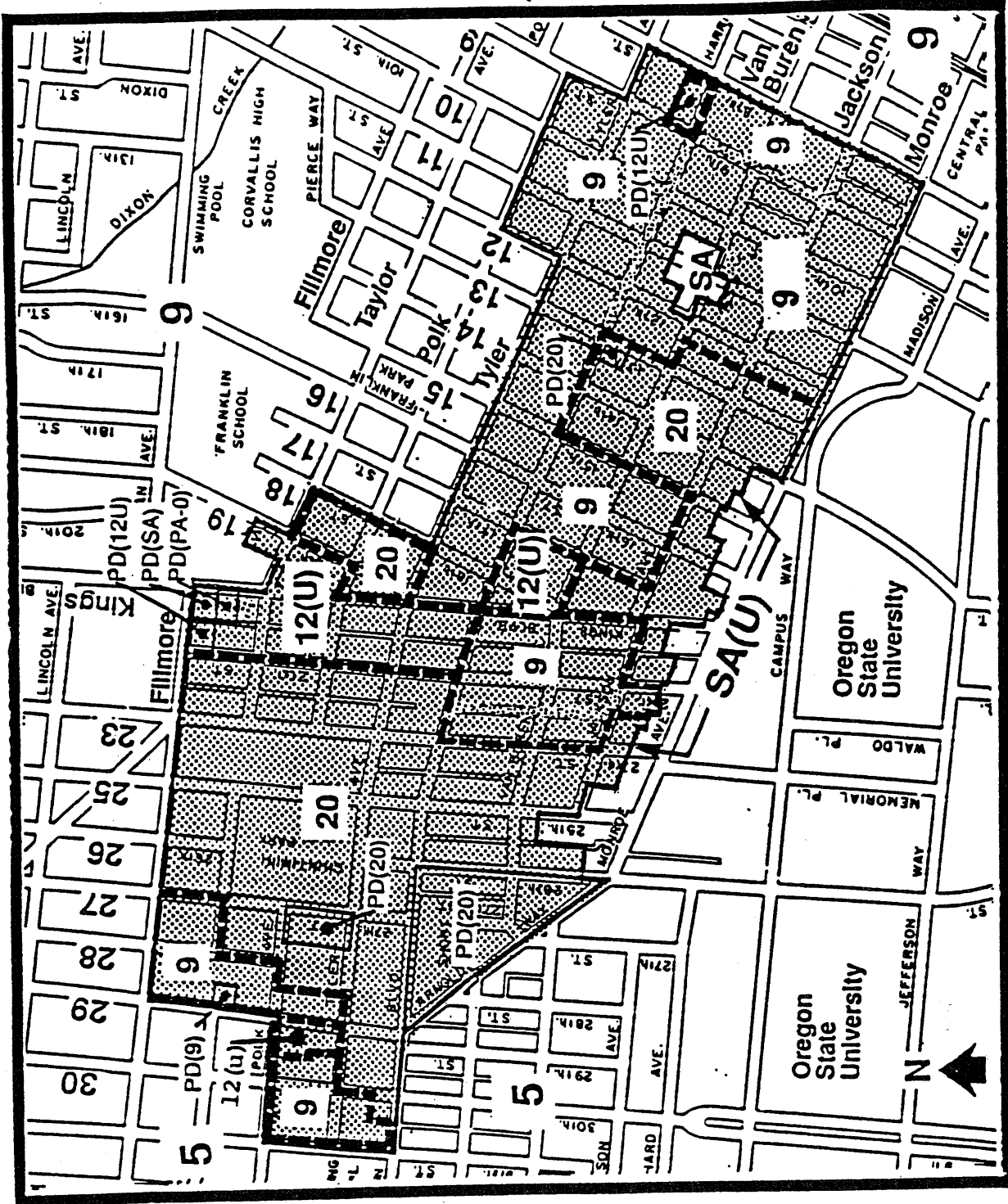
Approximate Areas of Map Discrepancies



- Notes:
- 1) Shaded areas and labels represent District Map designations.
 - 2) The Open Space-Conservation Comprehensive Plan designation also is shown. Currently, this is not implemented through a corresponding Development District.

NORTH CAMPUS AREA PLAN MAP

NORTH CAMPUS AREA

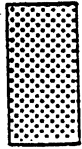


PROPOSED DISTRICT DESIGNATIONS 7/1/92

0 800 FT



SUBJECT AREA



ATTACHMENT H

EXHIBIT
A - 20400



Community Development
Housing Office
501 SW Madison
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 757-6944
FAX (541) 757-6936

August 3, 2000

Property Owner:

The City of Corvallis is currently involved in updating the Land Development Code for consistency with the recently acknowledged 1998 Corvallis Comprehensive Plan. This includes both text amendments and Zoning Map amendments. You have been identified as the owner of property in an area between 7th and 11th Streets and between Jefferson and Washington Avenues that was changed on the Comprehensive Plan Map from High Density Residential (HDR) to Medium High Density Residential (MDHR). This was done at the request of the Central Park Neighborhood Association (see attachments). With this change to the Comprehensive Plan Map designation, the rezoning of the property from RS-20 to RS-12 is necessary.

On July 20, 2000, the Corvallis Planning Commission reviewed the mapping changes being considered during this process. The Planning Commission also considered a number of additional changes suggested Corvallis citizens for properties they owned. Among these latter, was a request by Thompson and Janet Snyder to revert the lots identified as 404 and 410 SW 9th Street to their original Comprehensive Plan Map designation of HDR, allowing them to remain zoned as RS-20 (see attached map). The Planning Commission made no specific recommendation regarding this request, but directed staff to notify the property owners in the newly designated MDHR area of the request and to inform them that the question would be considered at the September 6, 2000, Planning Commission Public Hearing regarding the Land Development Code Update. The hearing will be held in the Downtown Fire Station, 400 NW Harrison Boulevard, beginning at 7:00 p.m. You will have an opportunity to testify regarding this matter during the public hearing if you so wish.

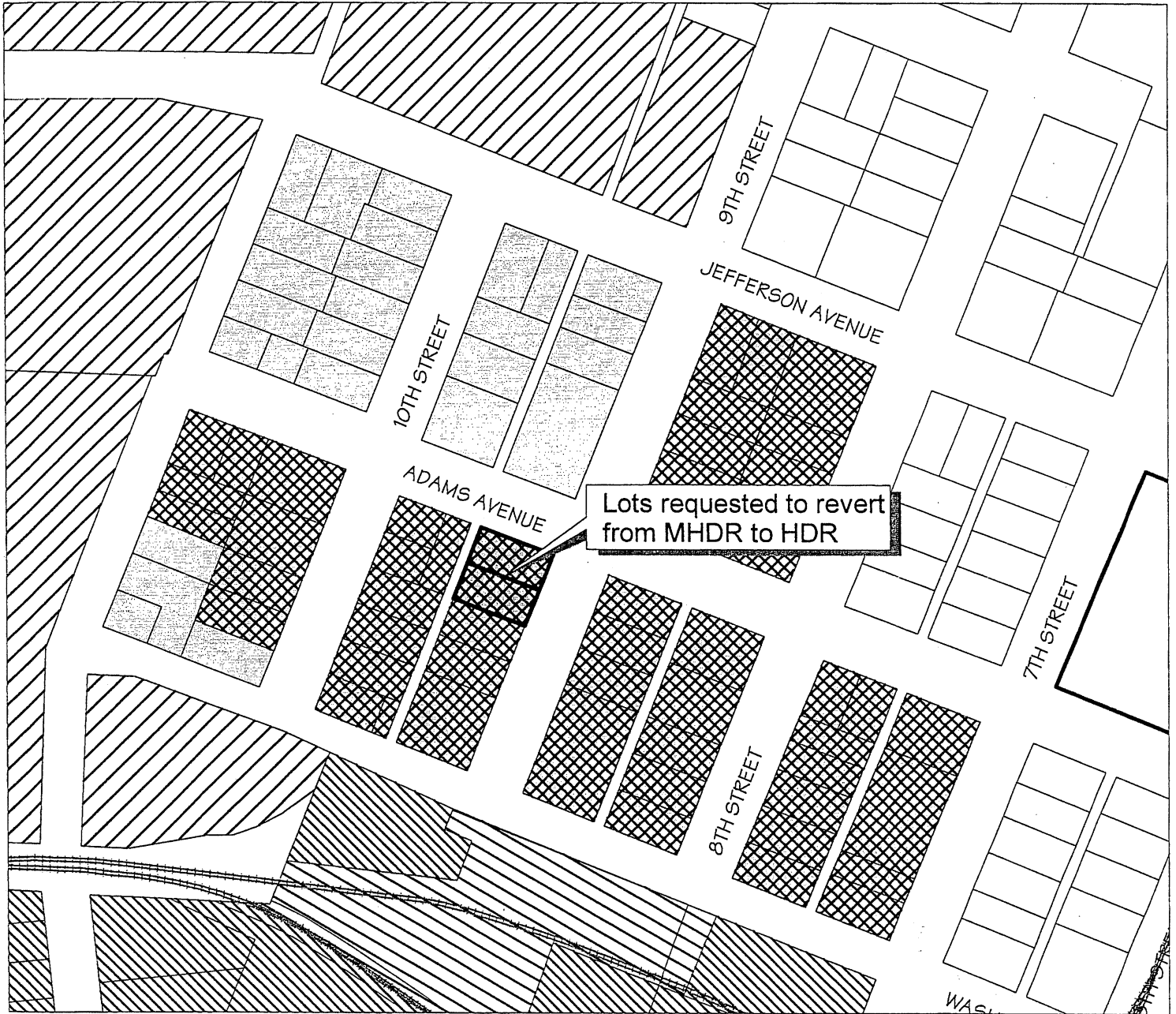
In addition to this letter, you soon will be receiving a legal notice regarding the Land Development Code Update. The legal notice explaining more fully the actions involved regarding Land Development Code text changes and mapping changes. If you have any questions regarding the issues raised in this letter or the legal notice, feel free to call me, Fred Towne, or Kathy Seeburger, or Kelly Schlesener at (541)766-6908.

Sincerely,

Fred Towne
Associate Planner

ATTACHMENT I

Request for Comprehensive Plan Map Reversion to HDR from MHDR for Two Lots in Central Park Neighborhood Association Sub-area



Central Park Neighborhood - area changed on the Comprehensive Plan Map from High Density Residential (HDR) to Medium High Density Residential (MHDR) and requiring a Zone Change from RS-20 to RS-12



Lots requested to be changed back to HDR and left as RS-20

Development Districts



RS-12



PD(RS-12)



RS-20



MUE



GI



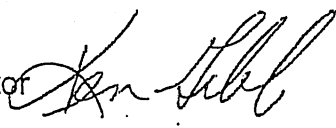
OSU

100 0 100 200 Feet



I-1

MEMORANDUM

TO: Mayor & City Council
FROM: Ken Gibb, Community Development Director 
DATE: December 1, 1998
RE: Summary of Proposed Comprehensive Plan Map Changes

The following tables summarize proposed changes to the Comprehensive Plan Map. The first table lists changes that have been incorporated into the Draft Comprehensive Plan Map. The second table summarizes some additional proposed changes that were considered by the Mapping Committee, Planning Commission, and/or City Council but were not recommended to be added to the Map. The third table lists proposed changes for which final decisions have not yet been made.

RECOMMENDED COMPREHENSIVE PLAN MAP CHANGES

PROPERTY	EXISTING DESIGNATION	PROPOSED DESIGNATION	COMMENTS
Five blocks between 7th & 11th and Washington & Jefferson Avenue	High Density Residential	Medium-High Density Residential	Raised by the Central Park Neighborhood Association and Washington-Adams-Jefferson Restoration Committee. This change was recommended by the Mapping Committee on September 10, and the Planning Commission on October 1.
11th Street & Van Buren commercial properties	Shopping Area	Mixed Use Commercial	At the November 2 work session, the City Council recommended that the boundary of the proposed Mixed Use Commercial designation be changed to encompass only those properties with existing commercial uses. Council also recommended that the Mixed Use Commercial Comprehensive Plan and associated zoning district boundary be extended to include the property located at the corner of 11th & Van Buren; currently this property is subject to the Medium Density Residential designation.

community, she said, and should be included in the planning process rather than left to a random process. She cited difficulties encountered during the Madison Avenue Task Force's acquisition of art for City Hall, and said she believes the process would have gone more smoothly if policy 5.4.12 had been applied.

In response to inquiry from the Commission, Mr. Dodson stated that staff researched this following previous public testimony and found that, other than a special fund which was established when the Library was built, there has not been a history of setting aside a percentage of building costs for art.

Corby Stonebreaker, 700 SW Madison, stated that she is Executive Director of the Corvallis Arts Center/Linn-Benton Council for the Arts, a member of the Civic Beautification Commission, Co-Chair of the Corvallis Public Art Selection Committee, and a member of the Madison Avenue Task Force. She stated that the Human Services Committee is scheduled to consider a proposal regarding the creation of a Public Art Commission and a policy regarding selection of public art. She urged the Commission to recommend that Policy 5.4.12 not be deleted, but rather that it be effectively implemented. Art is important to the community, she said, and a small percentage set aside by the City could be used as a foundation for raising additional funds.

Commissioner Lampton recalled previous discussion by the Planning Commission, during which it was suggested that it may be more appropriate for this to be considered as a Council policy than to include it in the Comprehensive Plan. Ms. Stonebreaker responded that she believes the policy would be appropriate for inclusion in the Comp Plan as well as Council policies.

Hong Y. Liner, 3930 Witham Hill Drive, Apt. 222, said she is an OSU University Planner. She reviewed concerns and requests relating to the current Comp Plan Draft on behalf of OSU as follows: that the historic district boundary line on 11th Street be shifted eastward to the backyard fence line; that the zoning to the east and north of Walnut Boulevard be zoned Agriculture Open Space rather than Low Density Residential; that the drainage way dedications on OSU land would be considered a public taking per the decision on the City of Tigard vs. Dolan; and, if an arborest is required on 4.6.3, that the language be changed to "certified arborest or urban forester."

Commissioner Bailey noted that the historic district process is separate from the Comp Plan process. Commissioner Daniels questioned the comment that drainage way dedications would be considered a public taking, noting that there is a very clear public benefit. Commissioner Lampton noted that drainageway dedications are typically related to development. Commissioner Bailey asked that staff review and advise whether the Dolan case is applicable in this instance.

Stan Elliott, 1355 NW Forest Drive, stated that he owns a historic property at the corner of Ninth and Washington. He referred to previous requests by the Washington, Adams and Jefferson Restoration Committee that a five block area be down zoned. He stated that he believes the majority of residents in this area are not aware of this down zoning request and that 50% to 60% of the existing properties would be nonconforming. If a zoning change is desired, he said, it would make

more sense to establish a historic district, similar to that in Albany, which would afford architectural controls.

In response to inquiry from the Commission, Mr. Forest said he received a letter from the Restoration Committee, which was addressed to someone else, but he has spoken with other property owners who have not been notified of this request.

Elaine Cull, 400 SW 7th, said she is a sponsor of the proposal referred to by Mr. Forest. She said she does not concur with his testimony that 50%-60% of the properties would not conform to the zoning change requested. The group deliberately decided against requesting a historic district, she said, because those requirements are much more stringent than desired. The group is attempting to accommodate the area as it actually exists, she said, and to make the area compatible with the RS-12 designations which surround it. She stated that every effort was made to notify all property owners of the group's intentions.

Stella Coakley, 3839 NW Jackson, referred to her written testimony, previously submitted, and requested that language be added to Section 5.5 which guides the City to take a proactive role in preserving space within the UGB to ensure that OSU research functions are not threatened.

Linda Modrell, 24497 Penland Drive, Philomath, stated that she is a County resident living outside of the City limits. She requested that Policy 5.4.12, regarding the percent for arts funding, be reinstated in the Comp Plan. Art contributes to the quality of life, she said, enhances the community, provides education, and is a force in economic development.

Robert Mason, 3635 NW Jackson, said he is a grass seed farmer. He spoke in support of OSU's request that the property east and north of Walnut Boulevard be zoned Open Space Agricultural rather than Low Density Residential.

Laura Evenson, 3855 NW VanBuren, spoke in support of Mr. Mason's testimony. She said OSU and many of the neighbors in this area were surprised by the proposed Low Density Residential zoning. She stated that OSU's long term plan is to continue to utilize this property for agricultural research and she requested that it be zoned accordingly.

It was moved, seconded and carried unanimously to close the public hearing 7:52 p.m.

Deliberations:

Discussion followed regarding whether to begin deliberations this evening or to defer until the September 29 meeting. Commissioner Daniels noted that Chair Wirth has extensive notes and ideas on how to proceed through the deliberations. It was determined to begin discussions this evening, focusing on relatively straightforward issues, and to allow Commissioner Wirth or Commissioner Buckman to reopen any issue for which they wish to provide additional input. Commissioner Gerke

MEMORANDUM

TO: Planning Commission
FROM: David Dodson
DATE: September 22, 1998
RE: Periodic Review Written Testimony

The Planning Staff have compiled the written testimony that has been submitted following the August 11, 1998 Planning Commission Work Session through 5 p.m. today. The table below provides a reference to the testimony.

Reference Letter	Submitted by	Date
A	Illustrations by staff	9-22-98
B	Benton County - Curt Schneider	9-11-98
C	Memo from Planning Staff	9-4-98
D	Denis White	9-8-98
E	Tony Howell	9-21-98
F	Staff - Revised Article 40	9-22-98
G	Don Herbert	8-24-98
H	Corby Stonebraker	9-21-98
I	OSU - Hong Liner	9-22-98
J	Stella Melugin Coakley	9-22-98
K	DLCD - Mark Radabaugh	9-15-98
L	ICCI Board of Directors	9-10-98
M	Mario L. Solazzi	8-24-98
N	Trish Daniels	9-15-98
O	ICCI Board of Directors	9-1-98
P	League of Women Voters	9-1-98
Q	Ed Radke	8-1-98

R	Washington-Adams-Jefferson Restoration Committee	9-10-98
S	Hugh Richard White	9-14-98
T	Tara Nierenberg	9-16-98
U	Susan Johnson	9-14-98
V	George W. Moore	9-1-98
W	Richard Sumner	9-20-98
X	Peggy Lunch	8-31-98
Y	John W. Foster	9-1-98
Z	Douglas C. Sweetland	8-24-98
ZZ	Comments from Library Display	9-22-98

SEP 15 1998

Planning Commission
Corvallis, OR

September 10, 1998 Comm Dev Admin

We request that the Planning Commission confirm the recommendation of the mapping committee to downzone the area delineated in the enclosed map. As residents or property owners of this neighborhood, we believe it should be rezoned from RS20 (High Density) to RS12U (Medium/High Density). When this area was designated high density residential in the 1960s, the expectation was that most of the properties would convert from single family to multi-unit structures. This has not been the case. Most properties remain as one- or two-story houses, and the multi-unit structures that were built are below RS20 height allowances. Many homes and rentals have been maintained and rehabilitated at great expense to owners. The economic value of all current properties would suffer should properties of RS20 scope be erected within our area. A number of other reasons can be outlined for downzoning:

- | | |
|----------------------------|---|
| (1) Historic Value | The area delineated for rezoning is composed of uniquely historic homes and is considered one of the oldest neighborhoods in Corvallis. Many of the properties in this area are of similar historic character and value as those properties in the adjacent proposed National Historic Register District. There is growing community awareness that older neighborhoods are endangered and should be preserved for their inherent qualities and as visible link to our past. |
| (2) Neighborhood Zoning | Many adjacent blocks are of similar character and are zoned RS12 and RS9. Differential zoning can break up neighborhoods and create artificial boundaries that historically did not exist. |
| (3) Structural Attributes | Most current building heights, set-backs, lot site coverages, lot widths, and areas conform to standards established for RS9 or RS12. The RS20 designation simply does not describe the neighborhood as it exists. |
| (4) Neighborhood Stability | Stability of owner-occupied houses within this area would be enhanced with downzoning. Many residents have renovated or restored their houses with the expectation that the neighborhood would be maintained or restored. This neighborhood evolved with an intimate connection with downtown Corvallis. We value this connection, and consider that a stable, attractive, and quiet neighborhood benefits the downtown, enhances community activities at Central Park, and more adequately represents the historical connection this neighborhood had with the town. |

Please review this request and enclosed petitions. Thank you for your attention!

The Washington-Adams-Jefferson Restoration Committee
(A subcommittee of the Central Park Neighborhood Association)

Elaine Cull

Elaine Cull
400 SW 7th Street
753-9939

Elizabeth Groner

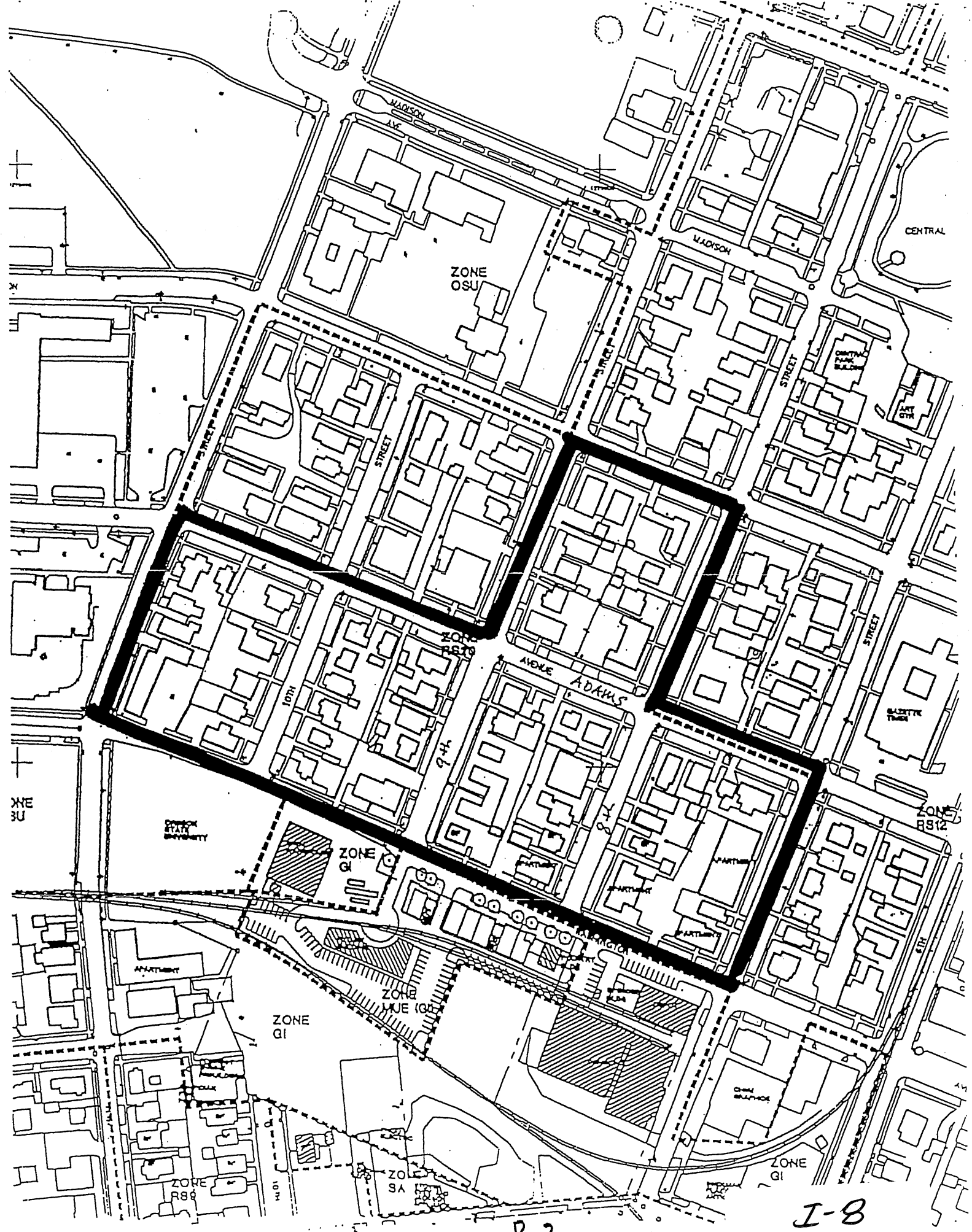
Elizabeth Groner
411 SW 9th Street
754-5734

Michael Pope

Michael Pope
410 SW 6th Street
753-0445

R-1

I-7



P-2

I-8

PETITION

As owners or renters of the affected area, shown on the enclosed map, we support the enclosed letter and request that the Planning Commission and the City Council rezone our neighborhood from RS20 to RS12U. Thank you for your consideration.

Signature	Printed Name	Address	Owner or Renter
<i>Elaine Cull</i>	ELAINE CULL	400 SW 7TH	OWNER
<i>Paul Cull</i>	PAUL CULL	400 SW 7th St	OWNER
<i>Matt Carpenter</i>	Matt Carpenter	430 SW 7th St	Renter
<i>Maria Zumhoff</i>	Maria Zumhoff	430 SW 7th St	Rent
<i>George F. Rohmann</i>	George F. ROHMANN	760 SW Adams 419 SW 8th St 421, 423, 431 SW 8th	owner
<i>Louise Meadows</i>	LOUISE MEADOWS	419 SW 9th	owner
<i>Kathie Hodge</i>	KATHIE HODGE	431 SW 8th	renter
<i>Leo Z. Bachmann</i>	Leo Z. Bachmann	775 SW WASHINGTON	RENTER
<i>Philip Gafken</i>	Philip Gafken	775 SW Washington #4	Rent
<i>Richard MAY</i>	Richard MAY	438 SW 7th	owner
<i>Jill Shinkawa</i>	JILL SHINKAWA	752 SW ADAMS AVE	owner
<i>Elizabeth A. Gerson</i>	Elizabeth A. Gerson	760 SW Adams	renter
<i>Dionisio Morales</i>	Dionisio Morales	762 SW Adams	renter
<i>Stepan Seiter</i>	Stepan Seiter	762 SW Adams	renter
<i>GARY ANGELO</i>	GARY ANGELO	320 SW 8th St.	owner
<i>Jennifer Goodenough</i>	Jennifer Goodenough	321 SW 9th St	renter
<i>Randy Schmidt</i>	Randy Schmidt	861 SW Adams	renter

Contact person: Elaine Cull, Washington-Adam-Jefferson Restoration Committee,
400 SW 7th, Corvallis, OR 97333, 753-9939 (evenings)

PETITION

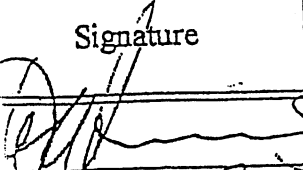
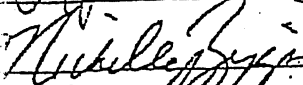
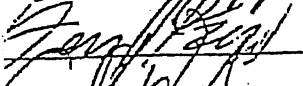
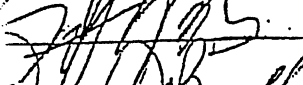
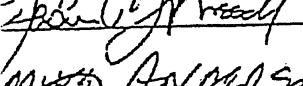
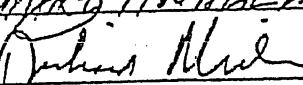
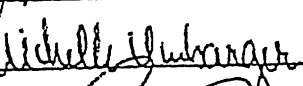

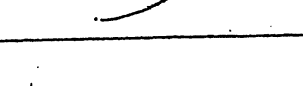
As owners or renters of the affected area, shown on the enclosed map, we support the enclosed letter and request that the Planning Commission and the City Council rezone our neighborhood from RS20 to RS12U. Thank you for your consideration.

Signature	Printed Name	Address	Owner or Renter
	Elizabeth Groner	411 SW 9th Street	Owner
	Karla Alderman	961 SW Washington	Owner
	Stephen Alderman	961 SW Washington	owner
	Jan Zetler	415 SW 10th	owner
	[unclear]	415 SW 11th	owner
	"	421 SW 11th	Owner
	"	950 SW Adams	Owner
	Jill Snyder	404 SW 9th	owner
	Priscilla Licht	420 SW 9th	renter
	Boulder Reid	402 SW 10th	owner
	LOREN D. REID	402 SW 10th	owner
	Frank F. Annew	421 SW 9th	Renter
	Shanna East	802 SW Adams	Renter
	Tracie Weidman	420 SW 8th	Renter
	Kevin Fry	420 SW 8th	Renter
	[unclear]	420 SW 8th	Renter
	[unclear]	415 SW 10th	Owner

Contact person: Elaine Cull, Washington-Adam-Jefferson Restoration Committee,
400 SW 7th, Corvallis, OR 97333, 753-9939 (evenings)

PETITION

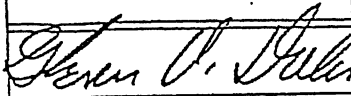
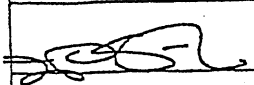

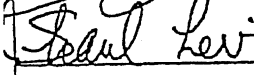
owners or renters of the affected area, shown on the enclosed map, we support the enclosed letter and request the Planning Commission and the City Council rezone our neighborhood from RS20 to RS12U. Thank you for your consideration.

Signature	Printed Name	Address	Owner or Renter
	David W. Ruffen	411 SW 9th St	Owner
	Michelle Zipperman	410 SW 9th, Corvallis	Renter
	David Kozol	804 SW Adams #1	Renter
	GEOFF WIEBE	802 ADAMS	RENTER
	Jason Russell	802 ADAMS	RENTER
	Mil	950 SW ADAMS	RENTER
	Richard Meilan	420 SW 9th St.	Renter
	Michelle Unbringer	962 SW Adams Ave	Renter
	Jason Hicks	" "	"

Contact person: Elaine Cull, Washington-Adam-Jefferson Restoration Committee, 400 SW 7th, Corvallis, OR 97333, 753-9939 (evenings)

PETITION

As owners or renters of the affected area, shown on the enclosed map, we support the enclosed letter and request that the Planning Commission and the City Council rezone our neighborhood from RS20 to RS12U. Thank you for your consideration.

Signature	Printed Name	Address	Owner or Renter
	GLENN D. DALINE	326 S.W. 8th St.	OWNER
	Justine P. Staelin Lefsky	337 SW 9th St.	Renter
	CHRIS SWANSTON	710 SW ADAMS AVE	RENTER
	SHAUL LEVI	329 SW 8th St.	OWNER

HIS NAME BELONGS ON THE "SURROUNDING AREAS" PETITION. Contact person: Elaine Cull, Washington-Adam-Jefferson Restoration Committee, 400 SW 7th, Corvallis, OR 97333, 753-9939 (evenings).

R-6

I-12

PETITION

As owners or renters of property surrounding the area being considered for downzoning, shown on this map, we support the enclosed letter and we request that the Planning Commission and the City Council rezone this neighborhood from RS20 to RW12U. Thank you for your consideration.

Signature	Printed Name	Address	Owner or Renter
<i>Lee Wilder Snider</i>	LEE WILDER SNIDER	227 SW 7	owner
<i>Craig B. Snider</i>	Craig B. Snider	227 SW 7th	"
<i>Ann Staley</i>	ANN STALEY	227 SW 8th	owner
<i>Courtney Cloyd</i>	Courtney Cloyd	227 SW 8th	owner
<i>C. J. Boots</i>	C. J. BOOTS	321 SW 8th	OWNER
<i>Catherine Levi</i>	CATHERINE LEVI	329 S.W. 8th	OWNER
<i>Michael Pope</i>	Michael Pope	410 SW 6th	owner
<i>Dorothy Pyatt</i>	Dorothy Pyatt	251 SW 9th	owner
<i>Richard G. Mckelley Jr.</i>	Richard G. Mckelley Jr.	221 S.W. 9th St.	owner
<i>Joanna Wilson</i>	Joanna Wilson	202 SW Ninth	owner
<i>Robert F. Wilson</i>	ROBERT F. WILSON	202 SW 9th	owner
<i>Robert F. Still</i>	ROBERT F. STILL	343 SW 8th	OWNER
<i>Claire Still</i>	Claire Still	343 SW 8th	owner

PETITION

As owners or renters of property surrounding the area being considered for downzoning, shown on this map, we support the enclosed letter and we request that the Planning Commission and the City Council rezone this neighborhood from RS20 to RW12U. Thank you for your consideration.

Signature	Printed Name	Address	Owner or Renter
<i>Ashani A. Stricker</i>	Ashani A. Stricker	404 SW 6 th Corvallis, OR	owner
<i>David Brauner</i>	DAVID BRAUNER	404 SW 6 th CORVALLIS OR	owner
<i>Jeffery D. Connor</i>	Jeffery D. Connor	429 SW 7 th Corvallis, OR	"
<i>Jaqueline Fizenschat</i>	Jaqueline Fizenschat	429 SW 7 th " "	"
<i>Rebecca S. Lemon</i>	REBECCA S. LEMON	410 SW 6 th CORVALLIS OR	owner
<i>Brad L. Hupy</i>	BRAD L. HUPY	430 SW 6 th CORVALLIS OR	owner
<i>Dee L. Hupy</i>	Dee L. Hupy	430 SW 6 th Corvallis OR	owner
<i>Douglas B. Eaton</i>	DOUG B. EATON	344 SW 7 Corvallis OR	owner

MEMORANDUM

TO: City and County Planning Commissions
FROM: Kathy Seeburger, Associate Planner
RE: Comprehensive Plan Public Testimony
DATE: September 1, 1998

Attached please find written testimony on the draft Comprehensive Plan and/or Comprehensive Plan Map prepared by the following individuals:

- A-1 John W. Foster
- A-2 Mario F. Solazzi
- A-3 Douglas C. Sweetland
- A-4 Don Herbert
- A-5 Elaine Cull
- A-6 Stephenie Coon van Hecke
- A-7 Christina Kennedy
- A-8 Stuart O. Kendall
- A-9 Kenneth Roth
- A-10 Hilary E. Berkman (8-5-98)
- A-11 Hilary E. Berkman (7-21-98)

Fred Towne
Planning Department
Comprehensive Plan Mapping Committee
Corvallis, OR 97333

Dear Fred,

We request that the mapping committee re-zone the area delineated in the enclosed map. As residents of this neighborhood we believe this area deserves consideration for down zoning from RS20 (High Density) to RS12 or RS12U (Medium Density) under these criteria:

- 1) this area is primarily single family houses,
- 2) most of the houses in this neighborhood are historic and of a characteristic architecture,
- 3) many residents have renovated or restored their houses,
- 4) adjacent blocks of a similar character are zoned RS12,
- 5) there has been no construction of multi-unit structures in >20 years, and
- 6) stability of owner-occupied houses within this area would be enhanced with a change in zoning.

This area is composed of uniquely historic homes and is considered one of the oldest neighborhoods in Corvallis. The construction of additional multi-unit structures within this neighborhood would further degrade the historic character and value of this area. Thank for your considerations and we would appreciate any information on the best method of presenting additional material to the mapping committee. We look forward to talking with you in the future!

Sincerely,

Elaine M. Cull

Elaine Cull

Central Park Neighborhood Association

Washington-Adams-Jefferson Restoration Committee

753-9939

Paul Cull 400 SW 7th St.

Lizbeth Jones 411 SW 9th St.

Beverly Reed 402 SW 10th St.

Loren D. Reed 40 25th 10th

Collin Dwyer 415 SW 10th
David W. 411 SW 9th

I-16 A-5

Fred Towne
Planning Department
Comprehensive Plan Mapping Committee
Corvallis, OR 97333

Dear Fred,

We request that the mapping committee re-zone the area delineated in the enclosed map. As residents of this neighborhood we believe this area deserves consideration for down zoning from RS20 (High Density) to RS12 or RS12U (Medium Density) under these criteria:

- 1) this area is primarily single family houses,
- 2) most of the houses in this neighborhood are historic and of a characteristic architecture,
- 3) many residents have renovated or restored their houses,
- 4) adjacent blocks of a similar character are zoned RS12,
- 5) there has been no construction of multi-unit structures in >20 years, and
- 6) stability of owner-occupied houses within this area would be enhanced with a change in zoning.

This area is composed of uniquely historic homes and is considered one of the oldest neighborhoods in Corvallis. The construction of additional multi-unit structures within this neighborhood would further degrade the historic character and value of this area. Thank for your considerations and we would appreciate any information on the best method of presenting additional material to the mapping committee. We look forward to talking with you in the future!

Sincerely,

Elaine M. Cull

Elaine Cull

Central Park Neighborhood Association

Washington-Adams-Jefferson Restoration Committee

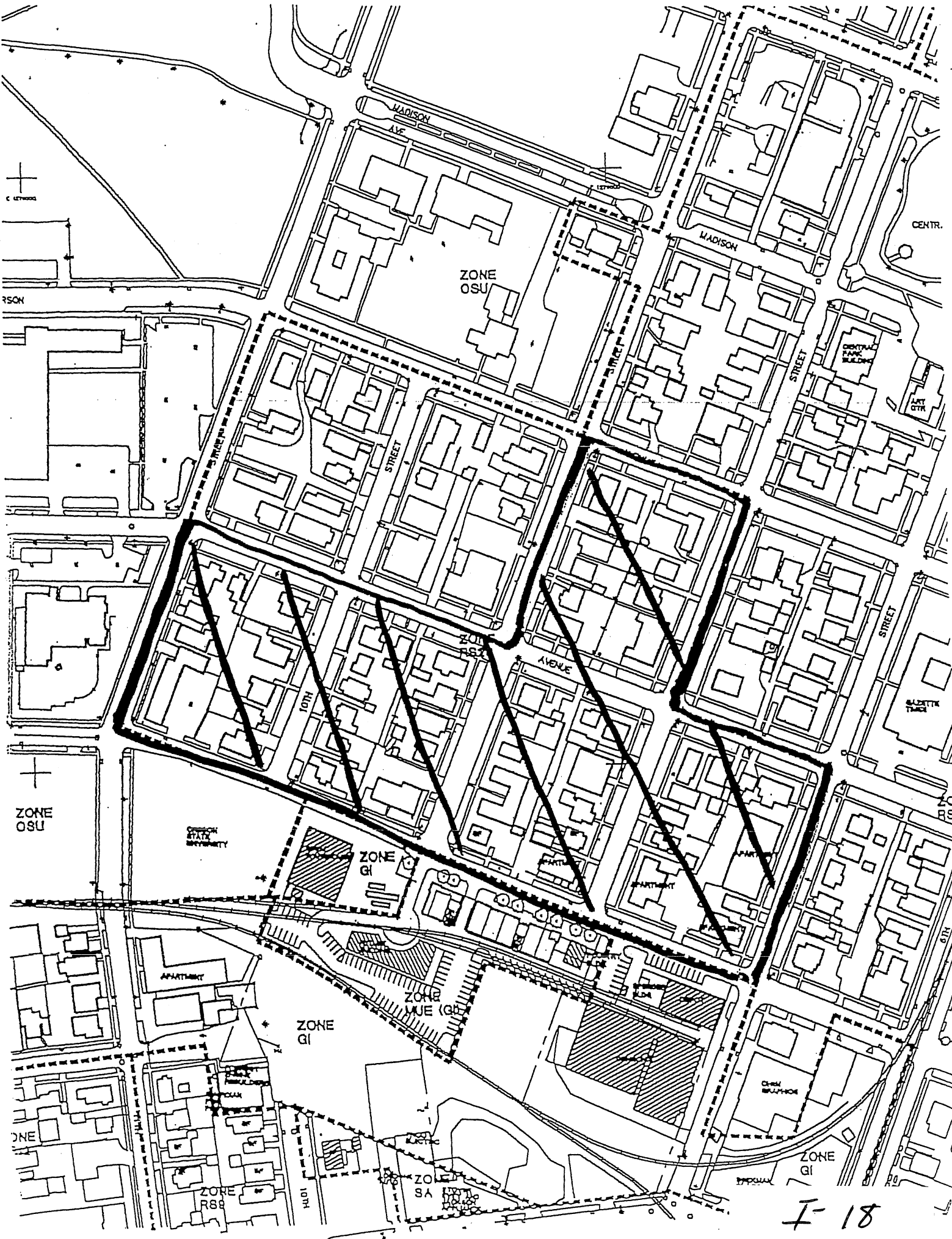
753-9939

Paul Cull 400 SW 7TH ST.
419 SW 8TH

J. A. [Signature]

William D. [Signature] 752 SW ADAMS

I-17



F-18

MINUTES

Periodic Review Mapping Committee
September 10, 1998
City Hall, Conference Room D, 6:00-7:30 PM

Members Present: Kirk Bailey, Trish Daniels, John Evans, Tony Howell, Lynn Nordhausen, Bruce Osen, Denis White

Staff Present: Kathy Seeburger, Fred Towne

Visitors: Elaine Cull, Elizabeth Groner, Michael Pope

I. REVIEW OF AGENDA:

The agenda was approved with no changes.

II. VISITORS PROPOSITIONS:

Elaine Cull reaffirmed the Central Park Neighborhood Association's support for changing the Comprehensive Plan designation from High-Density Residential to Medium-High Density Residential for a five-block area between Washington and Jefferson Streets and 7th and 11th Streets. The Association is in the process of collecting signatures in support of this change. The Association is also organizing a slide show presentation which will be presented at a Planning Commission public hearing on September 15. This issue was discussed by the Committee later in the meeting (see below).

III. REVIEW OF STAFF-IDENTIFIED MAP ITEMS:

Staff raised the following seven issues for the Mapping Committee to consider. The Committee's responses follow the description of each item.

- A. *LI Property in West Corvallis (Alberti Property)? This was designated as LI through a process that included a Planned Development. The time limit for this PD was passed, so is the designation still appropriate?*

Based on past experience, the Committee concluded that the property owner may be receptive to a Comprehensive Plan designation change to Mixed Use Employment. The Committee suggested that staff contact the property owner to discuss this, and to bring back any recommendations to the full Planning Commission. It was also recommended that the West Hills Neighborhood Association be advised of this possible map change.

- B. *Shawala Park Property (Marys and Willamette River confluence). Should this be changed from Central Business to Conservation Open Space?*

The Committee discussed how this area relates to the planned Riverfront Park, what uses would be allowed with an Open Space-Conservation designation, and whether any part of Shawala Park could be developable. The Committee asked staff to contact the Parks & Recreation Department regarding the proposed park boundary and land uses, and to forward this information to the Planning Commission.

- C. *Reevaluate treatment for the Central Park RS-20 area? This was the subject of several committee discussions and e-mails.*

At its meeting on August 20, the Committee recommended that the Central Park area map change be incorporated in the Draft Comprehensive Plan Map. Subsequently, some Committee members indicated that they thought this decision should be re-evaluated on procedural grounds, to determine whether the proposed map change should be reviewed in conjunction with the final buildable lands inventory analysis.

In reevaluating the August 20 decision, the Committee members continued to express support for the new Medium-High Density Residential designation. The Committee concluded that this change should remain on the Draft Comprehensive Plan but that the Mapping's Committee's recommendation would be highlighted to the full Planning Commission at a future Planning Commission meeting.

- D. *Should District Boundaries be designated to the center of the roadways where different districts abut? Currently each is different. It is easier technologically to consider the centerline the boundary (use of a database to draw boundaries rather than by hand).*

The Committee did not support applying a single criteria for district boundaries. Different approaches have been utilized in order to address compatibility impacts between uses (for example, between general industrial and residential uses). The Code could be changed to indicated that the centerline would generally be considered the district boundary, but that exceptions may occur. The Committee recommended that Comprehensive Plan policies affirm the criteria that should be utilized when establishing district boundaries.

- E. *A method for showing transportation information on the plan (Functional Classification System). Several people have indicated the need for this information to be on the map, but including it directly on the Comprehensive Plan map could be confusing. (We will provide an example.)*

The Committee recommended that the small map insert be retained in the upper left section of the Comprehensive Plan Map. The Committee also recommended that the major existing and proposed roads be shown on the main portion of the map. All roads will be black, and proposed roads will be depicted with a dashed

MEMORANDUM

TO: City and County Planning Commissions

FROM: Kathy Seeburger, Associate Planner *Kathy Seeburger*

RE: Summary of Proposed Comprehensive Plan Map Changes

DATE: August 31, 1998

The Mapping Committee has met five times since July 9 to develop and evaluate proposed changes to the Comprehensive Plan Map. The Committee also held an Open House on August 6 to receive public input on the proposed map changes. The draft revised Comprehensive Plan Map reflects the Mapping Committee's understanding of proposed Comprehensive Plan policy changes, public comments, and the direction provided by the 2020 Vision Document. The Mapping Committee also recommends that the revised Comprehensive Plan Map be accompanied by an advisory natural resources 'Constraints' Map.

HIGHLIGHTS OF PROPOSED CHANGES

1. Incorporation of West Corvallis and South Corvallis Plan Changes:

The Mapping Committee supports the incorporation of the recommended Comprehensive Plan land use designation changes shown in the West Corvallis and South Corvallis Plans as these Plans were approved by the Corvallis Planning Commission. Proposed Neighborhood Village Centers (from the West Corvallis Plan) and mixed use commercial nodes (from South Corvallis, including the Town Center) are shown with a new Mixed Use Commercial designation, surrounded by Medium-High and/or Medium-Density Residential areas. In West Corvallis, a new Mixed Use Residential designation surrounds the proposed Mixed Use Commercial Centers. The Mapping Committee acknowledges that the Land Development Code will need to be revised to implement the proposed new Mixed Use Residential designation and that some changes to the Mixed Use Commercial district (or perhaps a new district) will be required to accommodate the community's commercial needs. A new Limited Industrial-Office designation is also proposed, in accordance with the South Corvallis Plan. The Committee recommends that the boundaries of the area plans be clearly shown on the Comprehensive Plan Map to alert readers to review the detailed recommendations contained in those plans and adopted into the Comprehensive Plan.

2. Conversion of Commercial Designations to Mixed Use:

Areas that are currently designated Linear Commercial or Shopping Area are proposed to be changed to Mixed Use Commercial, to allow opportunities for the integration of residential and industrial uses in commercial areas. The existing Central Business

IDS-designated areas.

- The Central Park Neighborhood Association and Washington-Adams-Jefferson Restoration Committee requested that an area encompassing five blocks between 7th and 11th Streets and Washington and Jefferson Avenues be changed from a current High Density Residential designation (currently RS-20 zoning) to a Medium-High Density designation (proposed RS-12 zoning). The Committee recommended that this change be added to the revised Comprehensive Plan Map, although some members subsequently indicated that they would like to re-evaluate this proposal when the final buildable lands inventory information is available.
- The boundary of a residential portion of the Kendall Farms property in South Corvallis was incorrectly shown on the proposed map. This has been corrected to correspond to the South Corvallis Plan map.
- At the Open House, the Committee asked whether the northernmost portion of South Corvallis' General Industrial lands should be redesignated to Research Technology Center. Public comments did not support this. Instead, the Committee recommends that Research Technology Center uses be allowed in all areas with industrial designations in the Comprehensive Plan.
- The location of the proposed Rivergreen Estates Mixed Use Center in Southeast Corvallis has been shifted slightly from the conceptual location noted in the South Corvallis Plan, in accordance with the property owners' long-term development plans.
- The Mapping Committee received some letters and comments to support changing the functional classification of a roadway within the Stoneybrook Retirement Community from neighborhood collector to local. The Committee recommends that the street classification be evaluated when modeling is undertaken later this year to evaluate the transportation impacts of the Comprehensive Plan changes.
- The owner of a property on Country Club Drive (near the Stoneybrook Retirement Community, the Sunset Meadows subdivision, and the Creekside Apartments) requested that her property be changed from a current Medium-High Density Residential designation (current (PD) RS-9 zoning) to High-Density (proposed (PD) RS-12 zoning). The Committee recommended that this be evaluated once the final buildable lands inventory information is available.
- Since the Mapping Committee held its last meeting, the City received a suggestion that the Shawala Point area be changed from the current Central Business District designation to Open Space-Conservation. This proposal needs to be discussed.

ATTACHMENTS

- A-1 Mapping Committee Response to August 6 Open House Comments
- A-2 List of Highlighted Issues on the Draft Map (From Open House)




CORVALLIS CITY ATTORNEY
456 SW Monroe, #101
Corvallis, OR 97330-4734
Telephone: (541) 757-6906
Fax: (541) 752-7532

CITY ATTORNEY'S OFFICE

MEMORANDUM

To: Planning Commission

From: Jim Brewer, Deputy City Attorney 

Date: August 25, 2000

Subject: Land Development Code Update: Goal 9/Needed Housing Issues

In a letter to Community Development Director Ken Gibb dated June 30, 2000, Attorney Bill Kloos, representing Century Properties, LLC, raises two concerns related to the proposed Land Development Code update. First, he raises a concern that requiring Conditional Development or Planned Development (PD) review processes for commercial and industrial lands within PD overlay zones (or that are subject to other types of conditional review processes) reduces the supply of commercial and industrial lands required to meet the City's needs. Second, he raises a concern that residential development standards need to be clear and objective.

First, because the proposed LDC amendments would change the zoning for commercial and industrial lands, Goal 9 requires the City to demonstrate that, notwithstanding any discretionary review processes, there is an adequate supply of commercial and industrial land to meet the needs stated in the plan documents. It is not quite correct to make a blanket statement that lands subject to discretionary review are not available and do not count toward the inventory. Instead, in Opus Development, LUBA noted that:

Quasi-judicial changes to acknowledged comprehensive plans or land use regulations that reduce a local government's supply of industrially designated land must be supported by findings demonstrating the remaining industrially designated land is adequate to satisfy the requirements of Goal 9. Neste Resins, supra, 23 Or LUBA at 64; Hummel v. City of Brookings, 16 Or LUBA 1, 5 (1987). The same is true for legislative changes, except that Goal 9 compliance may be demonstrated either by findings adopted in support of the decision, argument based on plan provisions, code provisions and evidence in the record, or both. Redland/Viola/Fischer's Mill v. Clackamas County, supra; see Gruber v. Lincoln County, supra.
Opus Development Corp. v. City of Eugene, 28 Or LUBA 670 at 691 (1995)

In my opinion it would be wise to adopt appropriate findings that discuss the relevant facts,

ATTACHMENT J

arguments and evidence that support the proposed amendments, especially as they are related to commercial and industrial lands, in the light of Goal 9. Both LUBA and the Court of Appeals have made it clear that such a Goal 9 analysis should not be limited to undeveloped land, but should also include the relationship between vacant undeveloped land and occupied land that could be redeveloped (in other words, any consideration of changes in uses or regulations for vacant undeveloped land need to take into account the effect of those changes on abutting developed commercial and industrial lands).

The second issue concerns the state laws and recent cases related to "needed housing." The statutes related to "needed housing" have been on the books in one form or another since the early 1980s. Recent cases at LUBA and the Court of Appeals (and amendments to the statutes in legislative response to the decisions in those recent cases) make it clear that the requirements from ORS 197.303 and ORS 197.307 for "clear and objective approval standards" (and/or special conditions) are much broader than previously expected.

In addition to "Needed Housing" (which will include any housing type at the price ranges or rent levels that the job, income, and housing types analysis determines are "needed" within the urban growth boundary), the restriction allowing only "clear and objective approval standards" also applies to regulations that are wholly or partially concerned with appearance or aesthetics related to permits "for residential development."

These statutory requirements limit the ability of the City to impose mandatory discretionary review processes on most residential developments. As you review the proposed Land Development Code update, I would suggest that you look at the standards for residential development, and make certain that they are clear and objective. In my review, it appears that the TRG's, staff, and consultants have already done this, but there are many standards, and this is an important issue. Keep in mind, however, that these "clear and objective" standards do not need to be simple.

I would also suggest that you review the Planned Development overlay zones that currently are connected to residential lands. If there is not an approved "active" Planned Development Conceptual Plan or Detailed Development Plan related to these lands, it may be wise to remove the PD overlays. A residential developer that chooses to deviate from the clear and objective standards of the underlying zone would need to apply voluntarily for the appropriate type of discretionary review. Removing these overlays is a departure from the City's past practices. However, the state appears to have left us with very little choice, short of annexing more land without PD overlays.

If you have questions or further concerns about this issue, please feel free to call me at 757-6906.

J-1

July 17, 2000

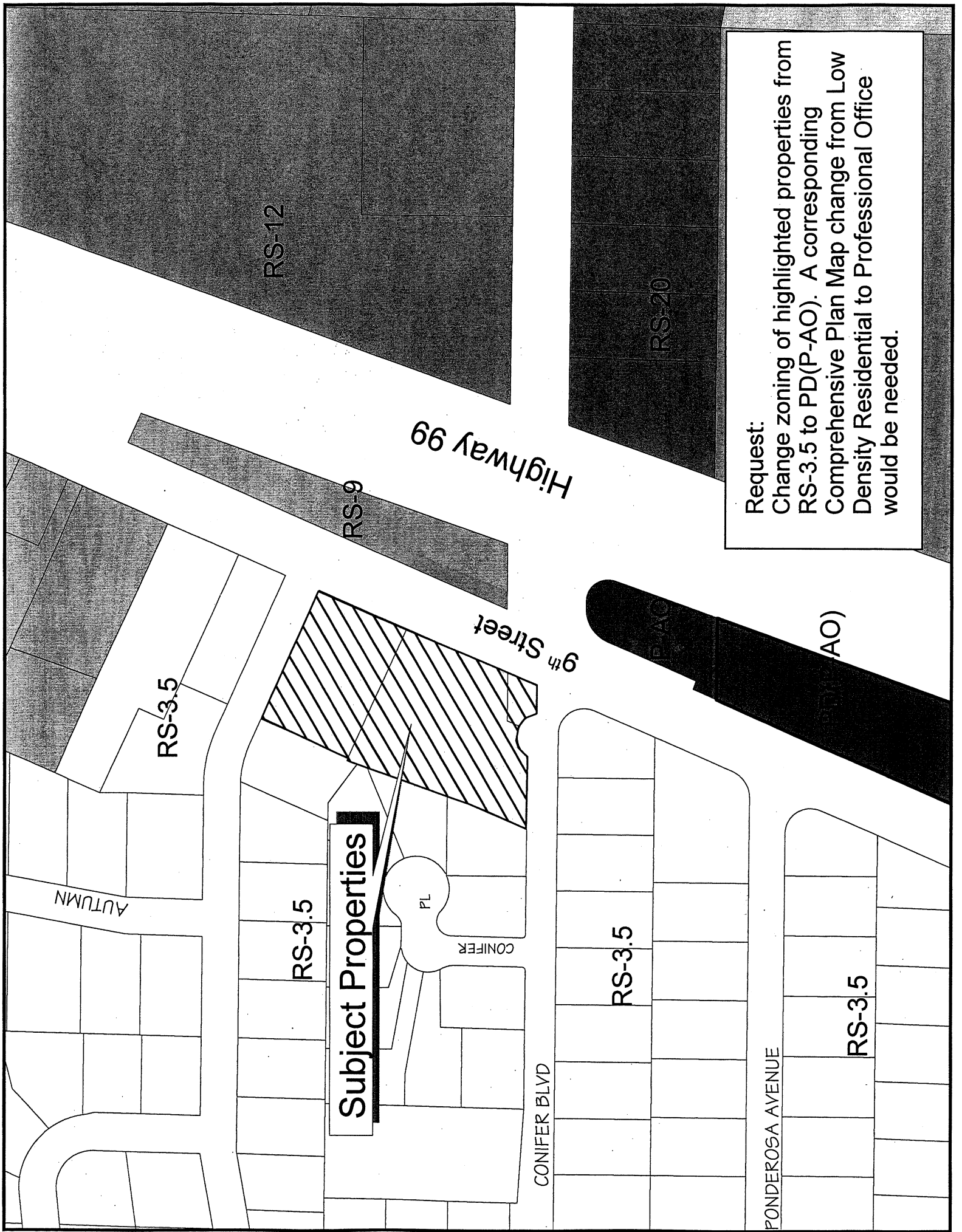
Councilors and Commissioners, Planning Commission
PO Box 1038
Corvallis, OR 97339-1083

My home is located on the three City lots identified on Benton County Assessor's Map 11-5-24-CB as Tax Lots 1000, 1200, and 1300, with frontage on NW 9th Street, Conifer and Maxine Streets. Each street frontage has two wide driveway entrances, six in total. When we purchased our home thirty some years ago, it was "out in the country". Buck deer, does and fawns, coveys of quail, rabbits, racoons and other country "residents" lived happily at the edge of the city, and at that time "single family" was a very appropriate zoning for the area. We looked east to Fairplay School; Maxine and Conifer Streets west of 9th Street did not exist and 9th Street did not have sidewalks or traffic lights. Development of the area was very costly for us and we took out Bancroft loans and gave up land for Maxine, Conifer and 9th Street.

Today we face acres of apartments and commercial development to the east and a heavy traffic count in the immediate vicinity, plus a "blind" and dangerous corner with frequent traffic snarls.

It is our considered opinion that this property consisting of three lots facing NW 9th Street, between Conifer and Maxine, is no longer appropriate or desirable for single family zoning. For some time we have given much thought about a more appropriate zoning; giving consideration to the location, area neighborhood and "hospital hill". This property is approximately 200 feet deep west of 9th Street and could provide a huffer. In our view, the steep hill gives the homes to the west sufficient separation and protection, providing no commercial zoning was applied to these lots. It is our wish to keep a quiet, non-disturbing aspect for the residential neighbors.

ATTACHMENT K-1



RS-12

RS-20

Highway 99

RS-9

RS-3.5

9th Street

AUTUMN

RS-3.5

Subject Properties

PL

CONIFER

CONIFER BLVD

RS-3.5

PONDEROSA AVENUE

RS-3.5

AO

Request:
Change zoning of highlighted properties from RS-3.5 to PD(P-AO). A corresponding Comprehensive Plan Map change from Low Density Residential to Professional Office would be needed.



RECEIVED
"The Other University in Corvallis"

JUL 17 2000
Comm Dev Admin

Mr. Fred Towne
Community Development
Planning Division
501 SW Madison
Corvallis, Or. 97339-1083

July 14, 2000

Dear Fred, Members of the Planning Commission and City Council Members:

I am writing you after having attended a June 22nd Land Development Code meeting. I am requesting that my business, University Honda, RO901-11526AA-05500 and RO901-11526AA-06000 be changed from the proposed classification of MUCS to MUGC. The classification of MUGC is much more compatible with the current use, past use and future use of the property. I have used the property for an automobile dealership for 14 years with no plans to change.

My newest neighbor to the south, Auto Zone, has just been constructed and will stay in its current form as an auto parts business indefinitely. Their use of the property also suggests MUGC.

I am asking that you consider this change, as it best reflects the uses of the property.

Sincerely,

Ronald D. Theis
Owner, University Honda

ATTACHMENT K-2

Request:

Change zoning for University Honda properties from Mixed Use Community Shopping to Mixed Use General Commercial (MUGC).

May also want to consider applying the MUGC zone to the Autozone property to the south.

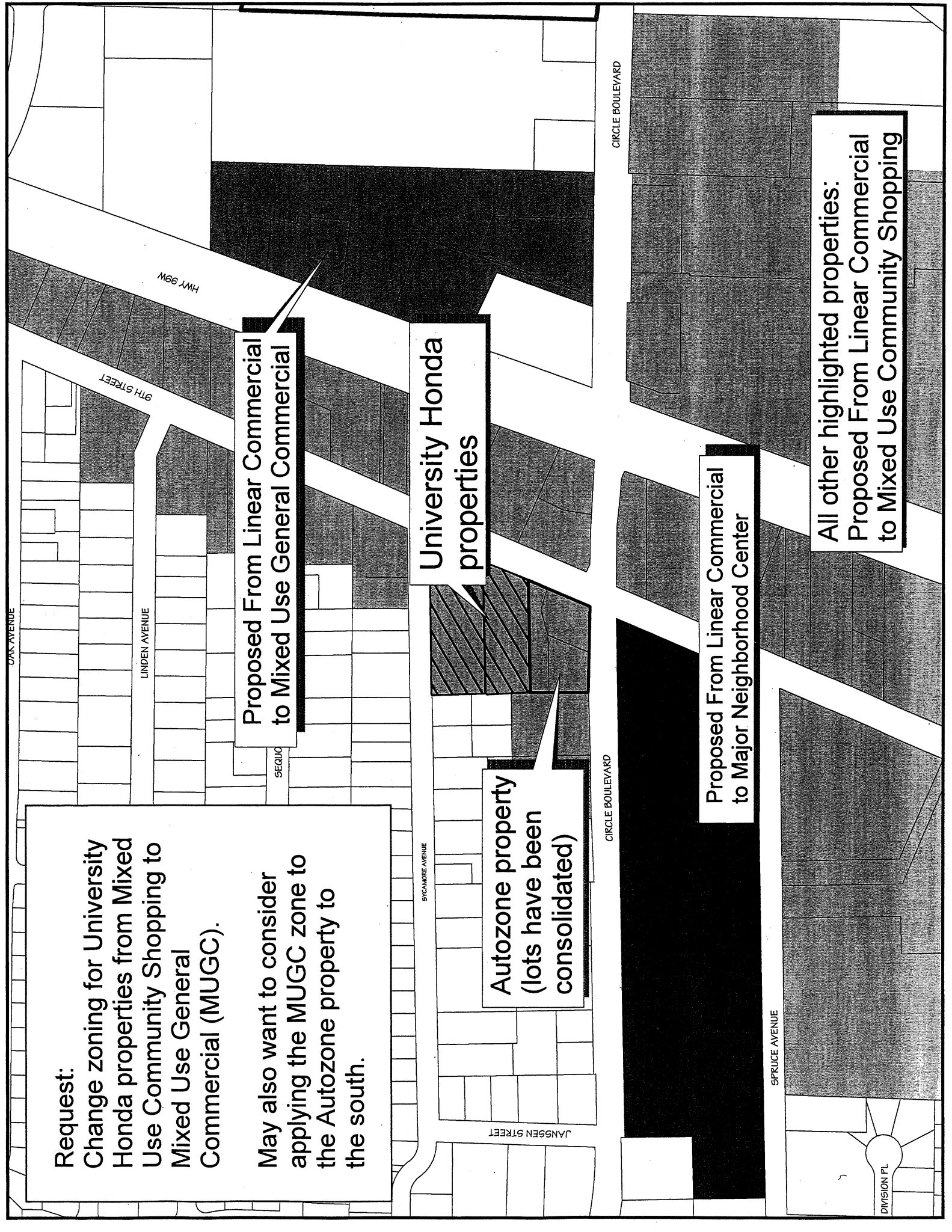
Autozone property (lots have been consolidated)

Proposed From Linear Commercial to Mixed Use General Commercial

University Honda properties

Proposed From Linear Commercial to Major Neighborhood Center

All other highlighted properties: Proposed From Linear Commercial to Mixed Use Community Shopping



OAK AVENUE

LINDEN AVENUE

SEQUOIA AVENUE

BYCAMORE AVENUE

JANSEN STREET

CIRCLE BOULEVARD

CIRCLE BOULEVARD

SPRUCE AVENUE

DIVISION PL

9TH STREET

HMY 99W

RECEIVED

JUN 15 2000

Comm Dev Admin

June 14, 2000
To: City of Corvallis Planning Commission

We the owners of adjoining properties contingent to property proposed to be zoned Mixed Use General Commercial, request that our property also be zoned General Use Mixed Commercial.

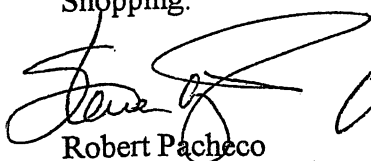
The present uses are as follows:

Tax Lot 11-5-26 DC5400 Auto repair and auto storage-785 NW Cornell

Tax Lot 11-5-35 AB00102 Auto repair shop-700 NW Cornell

Tax Lot 11-5-35 AB00100 Sheet metal fabrication.-750 NW Cornell

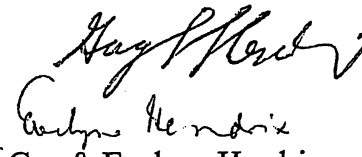
These uses are not compatible with your proposed zoning of Mixed Use Commercial Shopping.



Robert Pacheco
785 NW Cornell
(signed by Leasee
Steve Wylie)

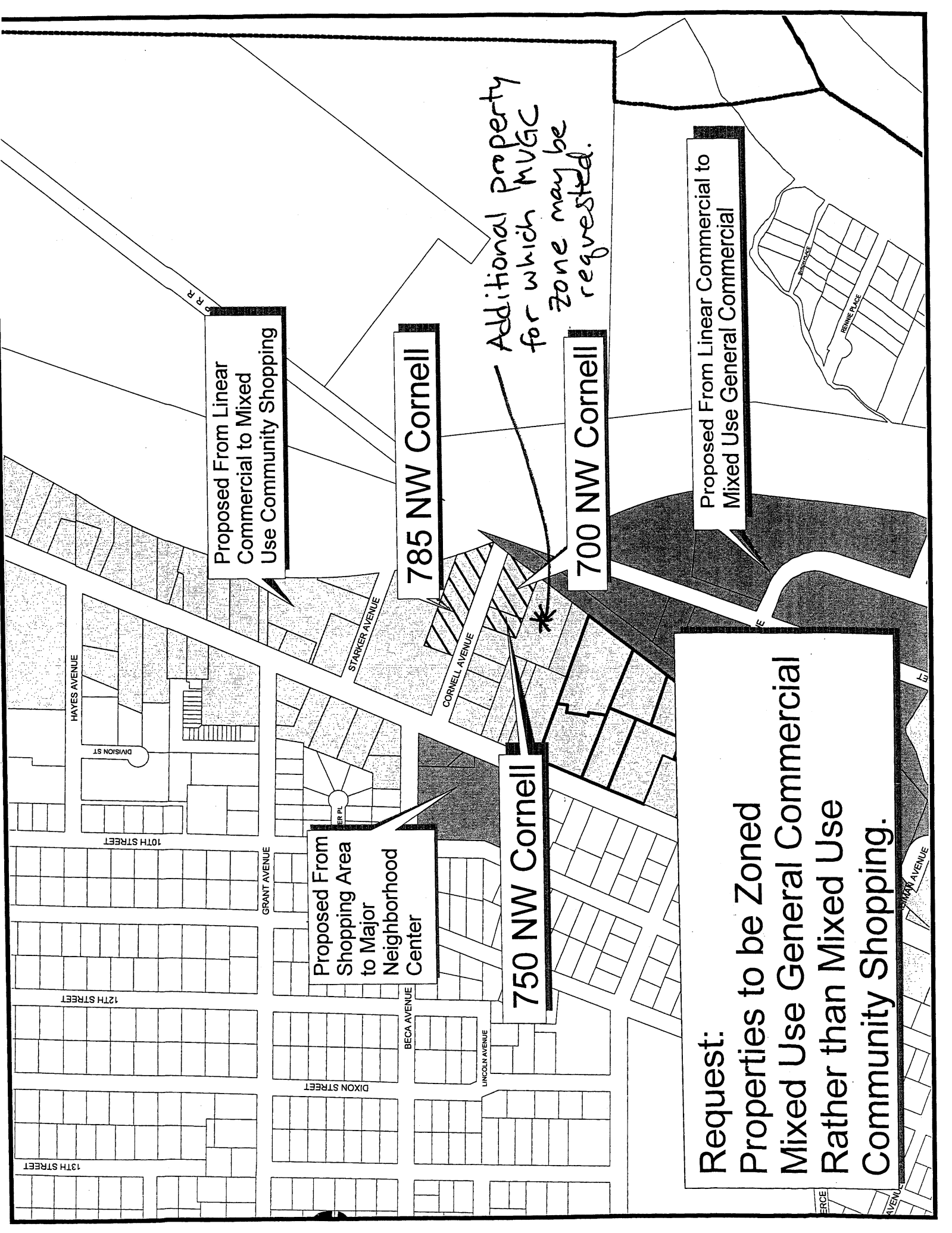


Walter Malone
700 NW Cornell



Guy & Evelyne Hendrix
1515 NW Hillcrest Dr.

ATTACHMENT K-3



Proposed From Linear Commercial to Mixed Use Community Shopping

785 NW Cornell

Additional Property for which MUGC zone may be requested.

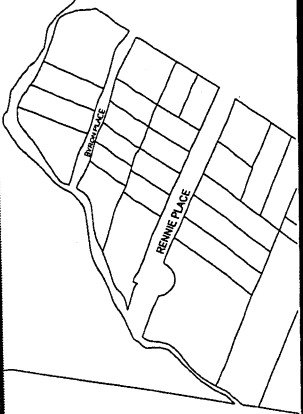
700 NW Cornell

Proposed From Linear Commercial to Mixed Use General Commercial

Proposed From Shopping Area to Major Neighborhood Center

750 NW Cornell

Request: Properties to be Zoned Mixed Use General Commercial Rather than Mixed Use Community Shopping.



13TH STREET

12TH STREET

10TH STREET

HAYES AVENUE

DIVISION ST

GRANT AVENUE

DIXON STREET

BECA AVENUE

LINCOLN AVENUE

STARKER AVENUE

CORNELL AVENUE

MAX AVENUE

PERCE

AVENUE

Testimony #2

Jeri Kimmel

Cobblestone Square & Apartment Rentals

1425 NW Monroe, Suite KA
Corvallis, OR 97330

July 24, 2000

RECEIVED

AUG 1 2000

Comm Dev Admin

Corvallis Planning Commission
City of Corvallis
PO Box 1083
Corvallis OR 97339

Dear Planning Commission Members,

First, I would like to commend you for changing the comprehensive plan and zoning ordinances to more closely represent what currently exists in the area. I was pleased to see it reflecting reality and promoting better usage of our resources.

Since June 1, 1999, I have owned Cobblestone Square at 1425 NW Monroe Street. There are two parking lots extending from 15th and Jackson to the middle of the block on the South side of Jackson which is customer parking for Cobblestone Square. I am requesting a Comprehensive Plan designation change as well as a zone change to Minor Neighborhood Shopping Center for the parking lots as they are permanently attached to Cobblestone as required parking. Following are the Tax Lot numbers for Cobblestone Square: Tax Lots 8100, 8600, 8800, and 9200 on Map 11-5-34-DA.

I also own the house right next to Cobblestone Square at 120 NW 14th Street. This house has easements on the south and west sides and subsequently has a usable lot size of 60' x 67'. The rear 12 feet (easement) is only usable for Apperson Arms Apartments. The South property line has an easement for Cobblestone Square which is part of our customer parking. It is identified as Tax Lot 8200 on Map 11-5-34-DA. See photos.

I am requesting both properties be included in the City's comp plan update and zone changes.

Thank you for considering this request.

Yours truly,



Jeri Kimmel

Enc.

ATTACHMENT K-4

Mailing Address: Jeri Kimmel, PMB 246, P. O. Box 3004, Corvallis, OR 97339
Phone (541) 754-3032 Fax (541) 754-2921 email: jkimmel@peak.org

NW 15TH

10312 (407.67)

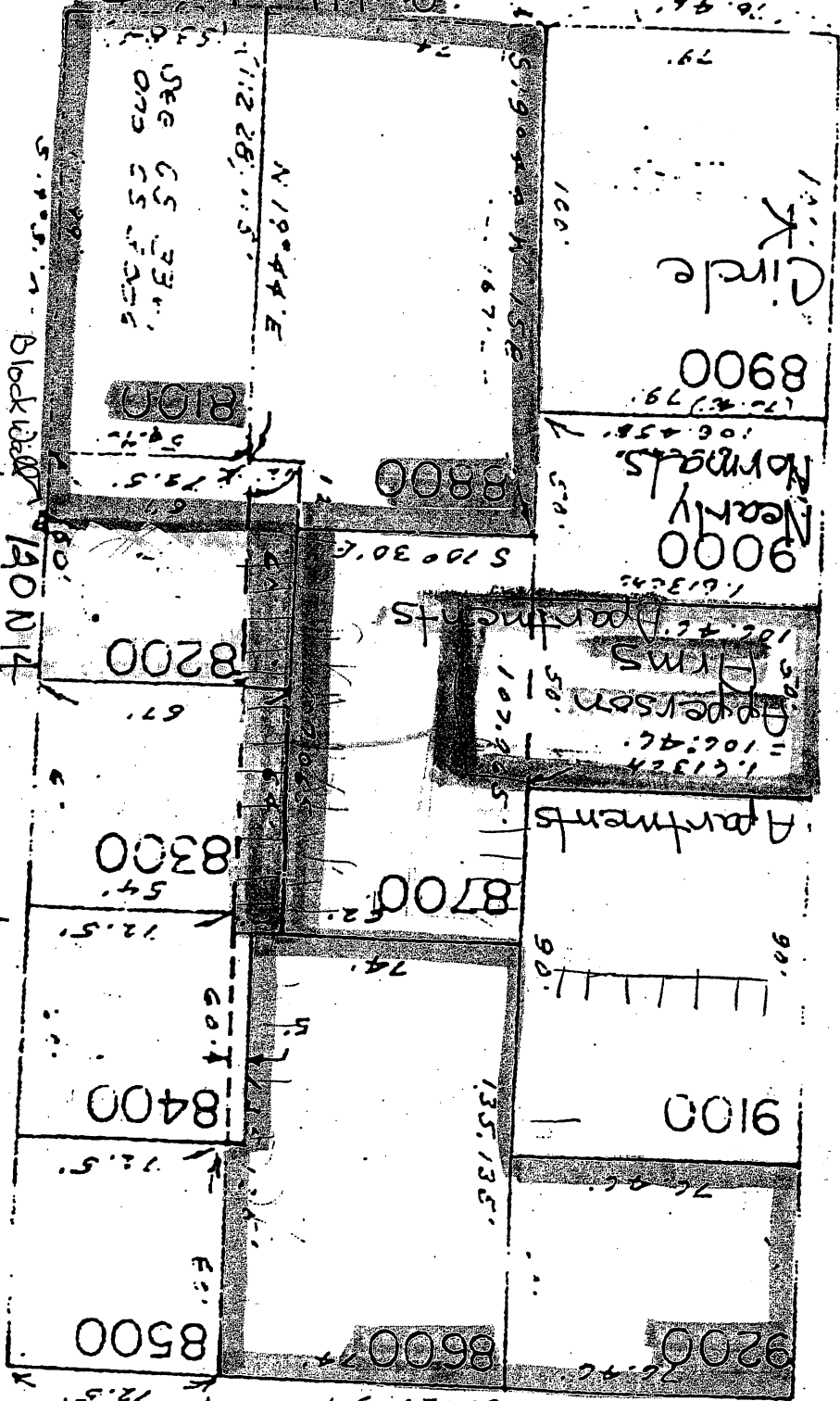
NW 14TH

By C.S. 13A (407.55)

AVENUE

AVENUE

JACKSON



Cobble Stone Square 1435 NW Morse

262.6 Co. 261.98

101.3

112

101.3

50.61

DV 122

60

DV 127-94
DV 127-94

12.5

12.5

67

5.7

11.5

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DV 127-94

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12.5

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5.7

11.5

11.5

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DV 127-319

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DV 127-319

135.135

76.46

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DV 127-319

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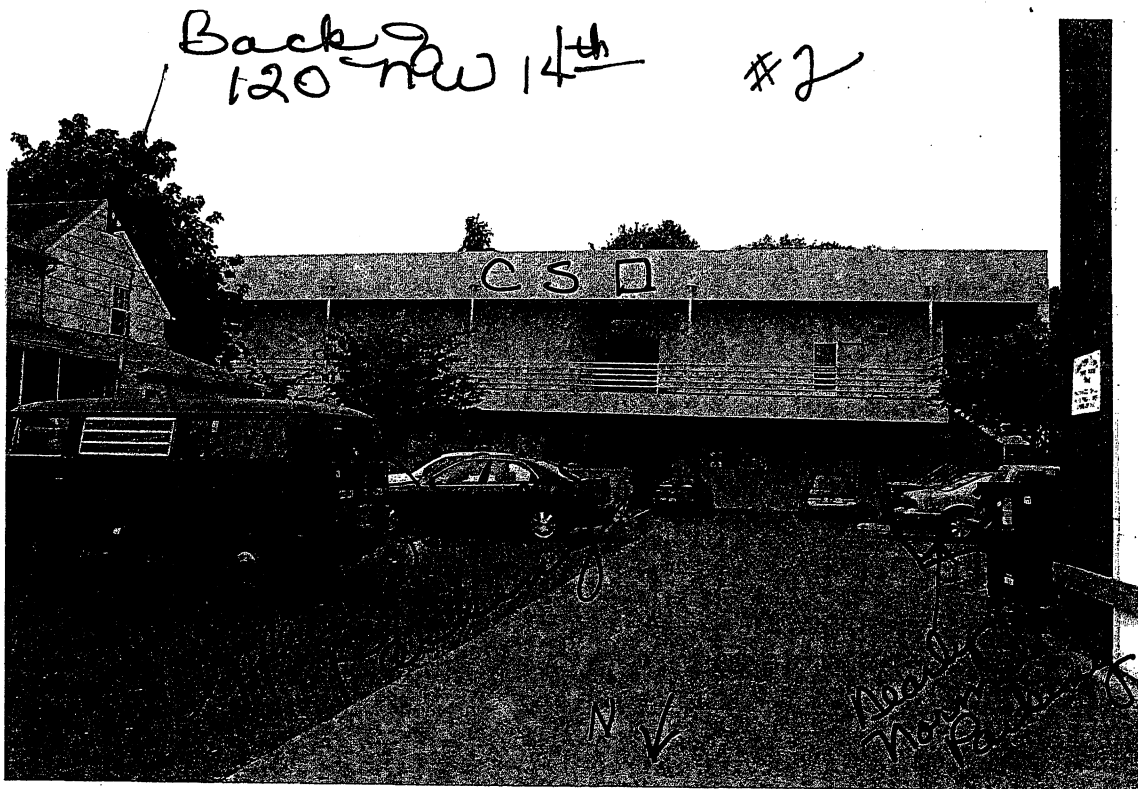
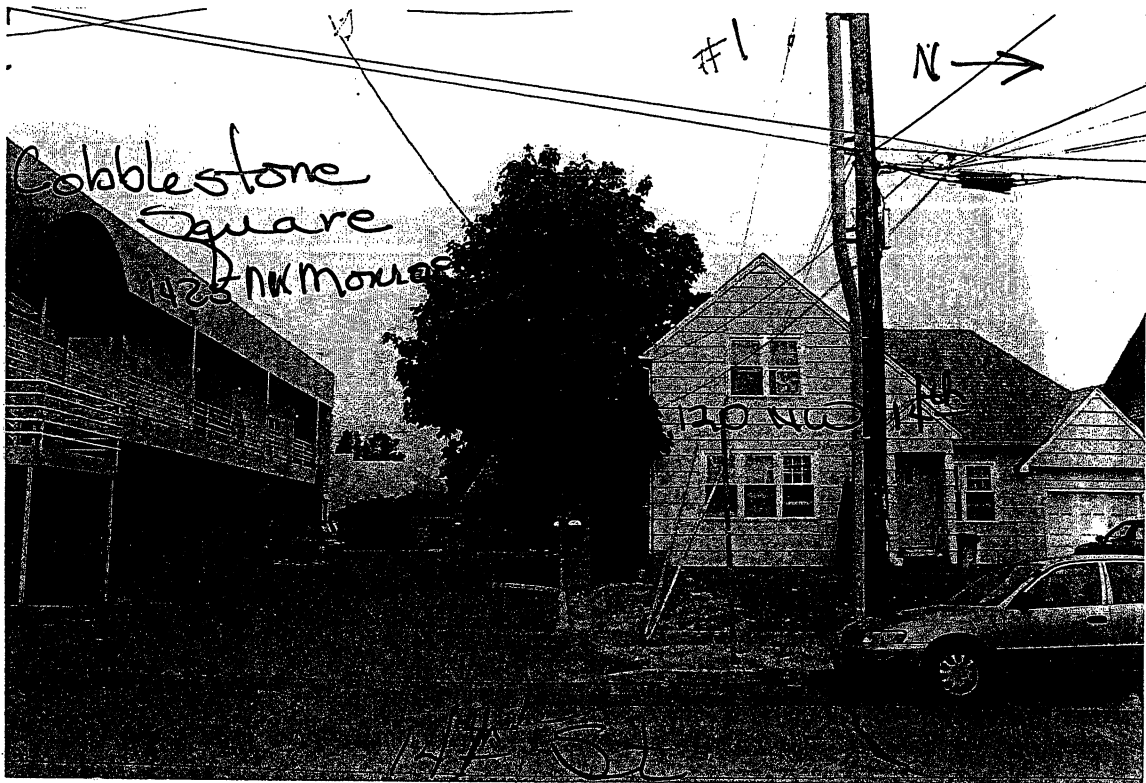
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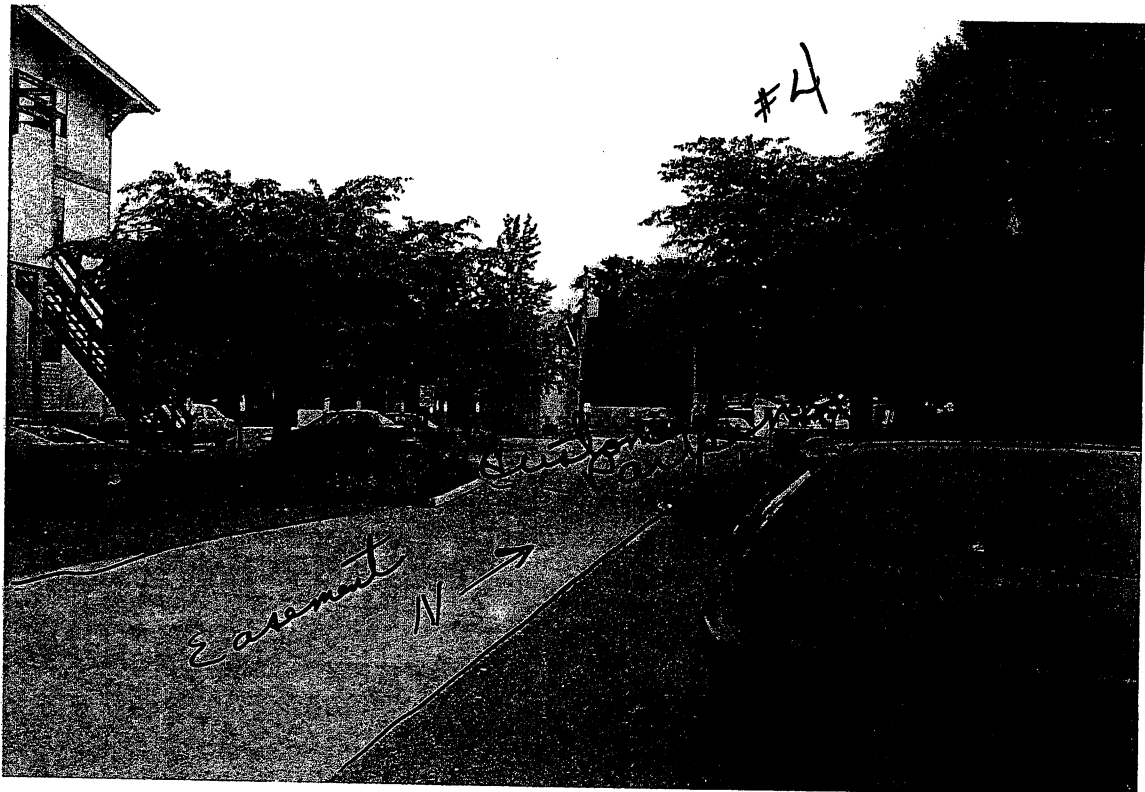
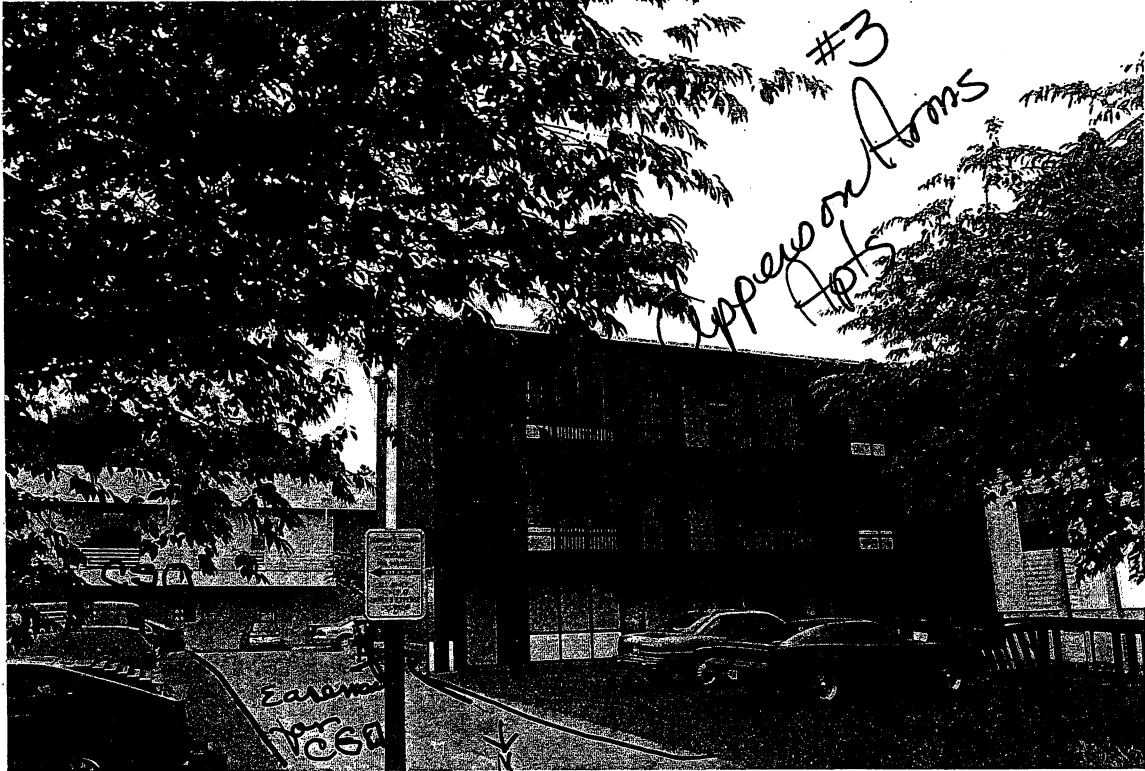
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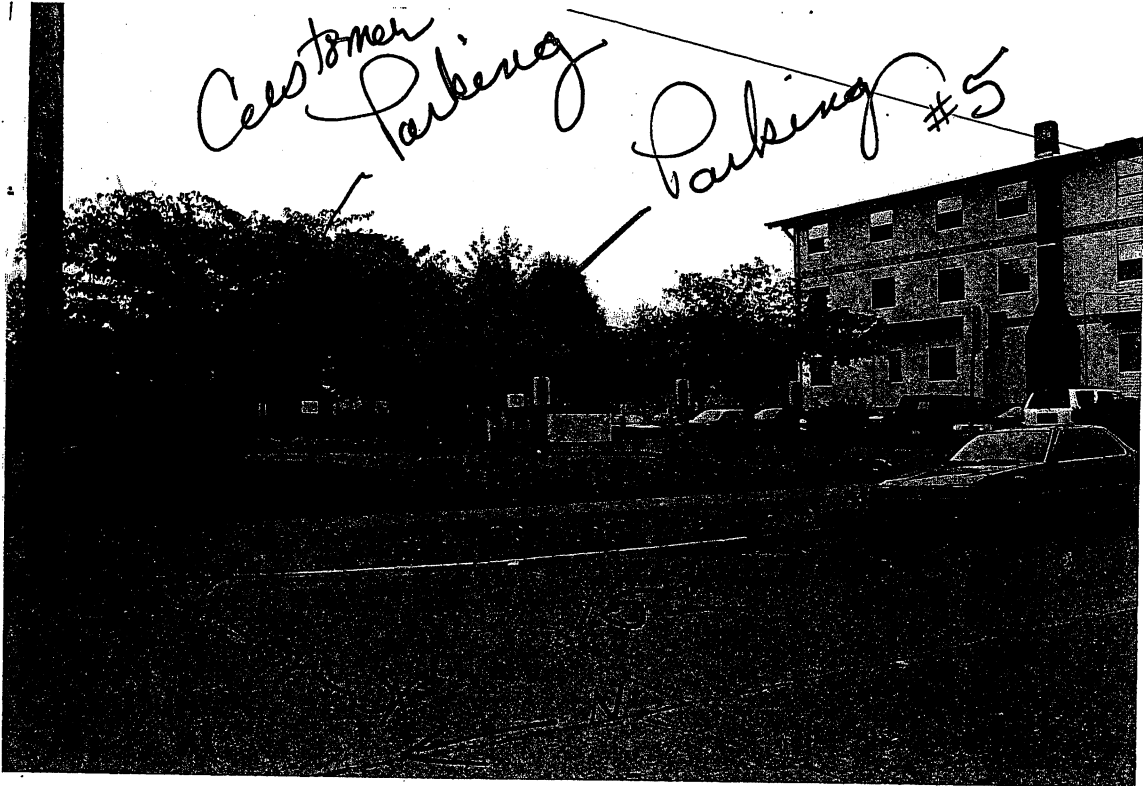
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Customer
Parking

Parking #5

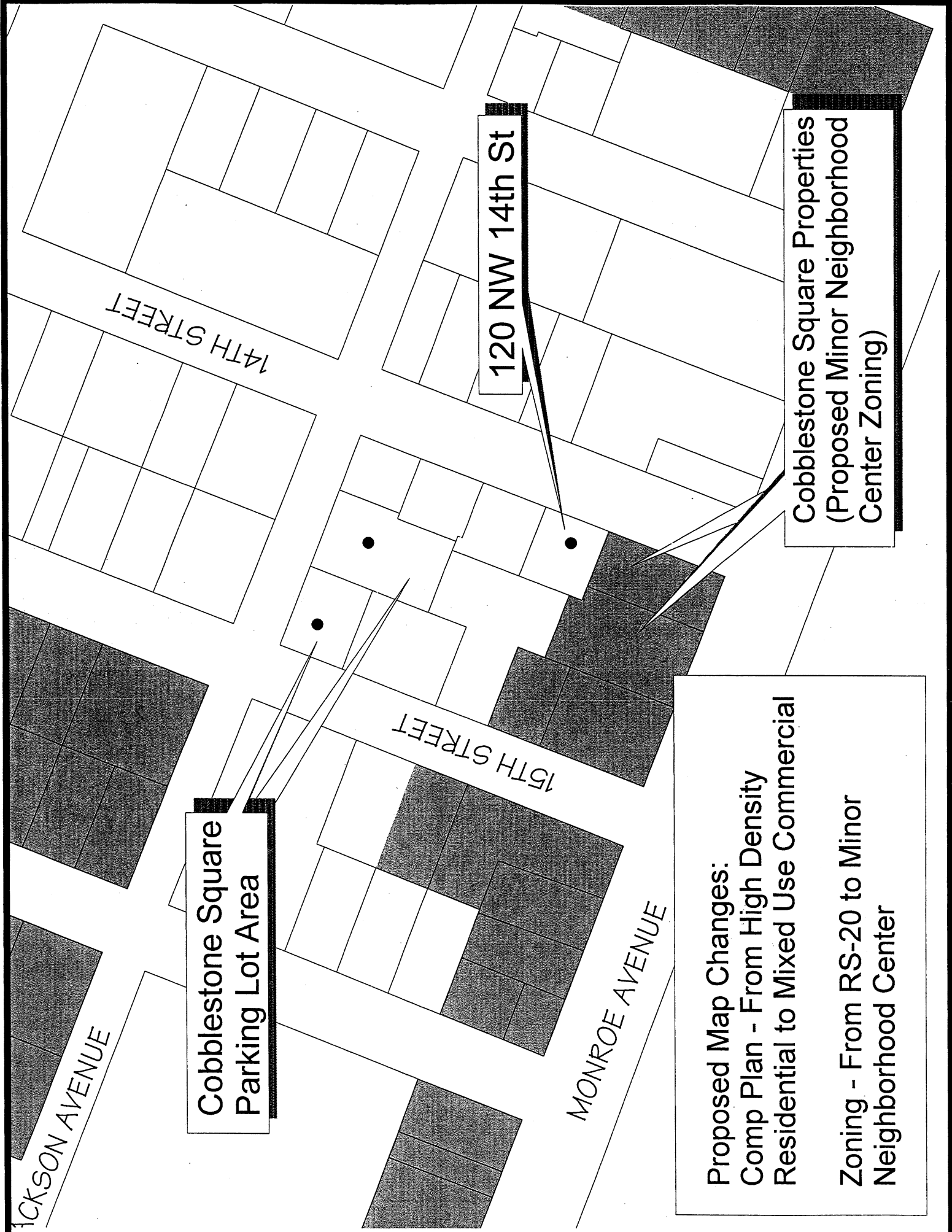


**Cobblestone Square
Parking Lot Area**

120 NW 14th St

**Cobblestone Square Properties
(Proposed Minor Neighborhood
Center Zoning)**

**Proposed Map Changes:
Comp Plan - From High Density
Residential to Mixed Use Commercial
Zoning - From RS-20 to Minor
Neighborhood Center**



Thompson Snyder
3175 NW Greenwood Av
Corvallis, OR 97330

Telephone: (541) 754-0696
Fax: (541) 754-0696
E-Mail: Tomandjan@proaxis.com

June 21, 2000

City Council
City of Corvallis
501 SW Madison St
Corvallis, OR 97330

Re: RS 20 Zoning of 404 SW 9th St
Tax Account No.: 138218
Map: RO90112502BB 04800

Dear Council:

I understand that the City Council is making some zoning map changes pursuant to the revised comprehensive plan, which make some changes in density of property. Until recently, I was not aware of the changes in density affecting the property at 404 SW 9th St which were made as a part of the comprehensive plan revisions. I am also aware that as part of the zoning map change process a few select comprehensive plan changes are being proposed.

I request that the city change the use of the JSS Trust property at 404 SW 9th St, Tax Account No. 138218, back to High Density Residential on the comprehensive plan map so the trust can retain RS 20 zoning on 404 SW 9th St.

My reasons for this request are based upon the following:

1. The property has been zoned RS 20 for more than 31 years.
2. No significant change has occurred in the area in the past 31 years which would warrant downzoning of the property.
3. The downzoning conflicts with the State of Oregon mandate that density be increased.
4. No notice was given to the property owners that their

ATTACHMENT K-5

City Council
City of Corvallis
June 21, 2000
Page 2
Re: 404 SW 9th zoning

property would be downzoned in the comprehensive plan.

5. The property was purchased as RS 20 property and property taxes have been paid on the land as RS 20 zoned land for more than 31 years. While a change in zoning might reduce property taxes, it would also reduce flexibility.
6. Property around 404 SW 9th St. is developed as RS 20 property.
 - a. The property immediately to the north on Adams from 9th to 10th is zoned RS 20 and is developed in accordance with that zoning. (two apartment complexes).
 - b. The property across the intersection on the northeast corner of 9th and Adams was zoned as RS 20 and is developed in accordance with that zoning. The new zoning would change that to RS 12, but it would still be a a three story apartment house.
 - c. Property to the west at 10th & 11th and Washington is developed as apartment houses and would remain apartment houses although only one is scheduled to be zoned as RS 20 in the new zoning.
 - d. Property across the street and to the South on 9th St. is developed at a higher density than RS 12.
 - e. Property to the south at 9th & Washington (Washington Yard) is currently zoned some form of industrial, but it is my understanding that the owners plan to develop it with a density greater than RS 12.
7. The property at 404 SW 9th is approximately 94 years old. It may have to be torn down in the future. Downzoning reduces the economic choices for replacement and diminishes the property value.

City Council
City of Corvallis
June 21, 2000
Page 3
Re: 404 SW 9th zoning

By a separate letter, the owners of the adjacent property at 410 SW 9th St also are joining in this request.

Thank you for your attention to this matter.

Yours truly,



Thompson Snyder, Trustee
of the JSS Trust U/A 11/20/87

M26:Zone404

Thompson Snyder
3175 NW Greenwood Av
Corvallis, OR 97330

Telephone: (541) 754-0696
Fax: (541) 754-0696
E-Mail: Tomandjan@proaxis.com

RECEIVED
JUN 22 2000
Comm Dev Admin

June 21, 2000

City Council
City of Corvallis
501 SW Madison St
Corvallis, OR 97330

Re: RS 20 Zoning of 410 SW 9th St
Tax Account No.:: 138200
Map: R090112502BB 04700

Dear Council:

We understand that the City Council is making some zoning map changes pursuant to the revised comprehensive plan, which make some changes in density of property. Until recently, we were not aware of the changes in density affecting our property at 410 SW 9th St which were made as a part of the comprehensive plan revisions. We are also aware that as part of the zoning map change process a few select comprehensive plan changes are being proposed.

We request that the city change the use of our property at 410 SW 9th St, Tax Account No. 138200, back to High Density Residential on the comprehensive plan map so we can retain RS 20 zoning on 410 SW 9th St.

Our reasons for this request are based upon the following:

1. The property has been zoned RS 20 for more than 31 years.
2. No significant change has occurred in the area in the past 31 years which would warrant downzoning of the property.
3. The downzoning conflicts with the State of Oregon mandate that density be increased.
4. No notice was given to the property owners that their

City Council
City of Corvallis
June 21, 2000
Page 2
Re: 410 SW 9th zoning

property would be downzoned in the comprehensive plan.

5. The property was purchased as RS 20 property and property taxes have been paid on the land as RS 20 zoned land for more than 28 years. While a change in zoning might reduce property taxes, it would also reduce flexibility.
6. Property around our property is developed as RS 20 property.
 - a. The property immediately to the north on Adams from 9th to 10th is zoned RS 20 and is developed in accordance with that zoning. (two apartment complexes).
 - b. The property across the intersection on the northeast corner of 9th and Adams was zoned as RS 20 and is developed in accordance with that zoning. The new zoning would change that to RS 12, but it would still be a a three story apartment house.
 - c. Property to the west at 10th & 11th and Washington is developed as apartment houses and would remain apartment houses although only one is scheduled to be zoned as RS 20 in the new zoning.
 - d. Property across the street and to the South on 9th St. is developed at a higher density than RS 12.
 - e. Property to the south at 9th & Washington (Washington Yard) is currently zoned some form of industrial, but it is our understanding that the owners plan to develop it with a density greater than RS 12.
7. The property at 410 SW 9th is approximately 125 years old. It is near the end of its useful life, and it probably will have to be torn down in the future. Downzoning reduces the economic choices for replacement and diminishes the property value.

City Council
City of Corvallis
June 21, 2000
Page 3
Re: 410 SW 9th zoning

By a separate letter, the owner of the adjacent property at 404 SW 9th St also is joining in this request.

Thank you for your attention to this matter.

Yours truly,

V. Thompson Snyder, Trustee

V. Thompson Snyder, Trustee
of the Snyder Trust U/A 3/6/95

Janet L. Snyder, Trustee

Janet L. Snyder, Trustee of the
Janet L. Snyder Trust U/A
7/20/94

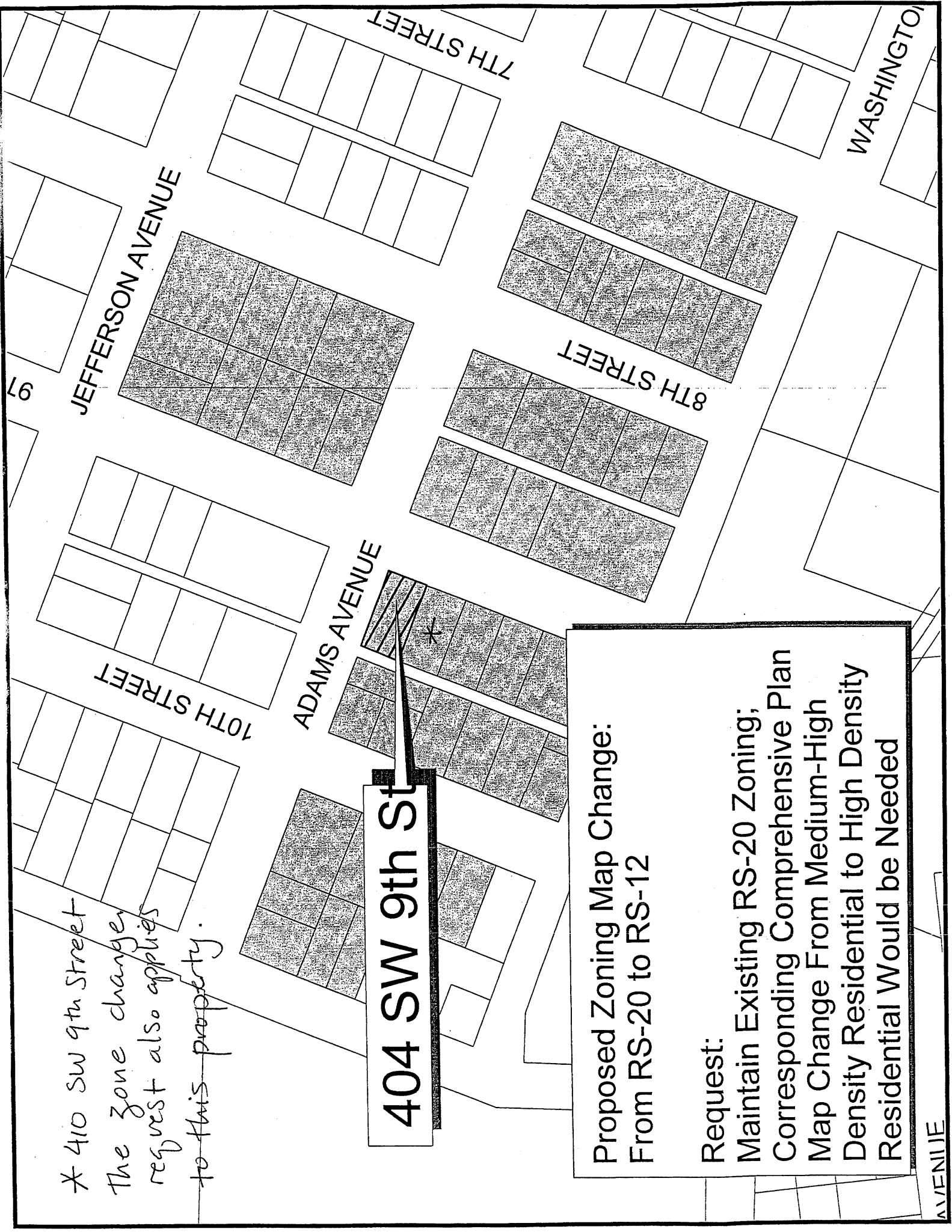
M26:Zone410

* 410 SW 9th Street
The zone change
request also applies
to this property.

404 SW 9th St

Proposed Zoning Map Change:
From RS-20 to RS-12

Request:
Maintain Existing RS-20 Zoning;
Corresponding Comprehensive Plan
Map Change From Medium-High
Density Residential to High Density
Residential Would be Needed



RECEIVED
JUL 12 2000
Comm Dev Admin

7-8-00

City Of Corvallis
Planning Division
501 SW Madison Ave.

Planning Commission,

Hello my name is Jeremy Holst and I've recently purchased a piece of property located within the city limits of Corvallis commonly known as South Corvallis Trailer Park. My current intent is to leave the property as it is and only make improvements to the park to make it a cleaner, safer, and more livable community for the existing tenants and future tenants.

The property is currently zoned RS-20/ LIMITED INDUSTRIAL and my use is non-conforming. In attending the recent public informational meeting I learned that there is a proposed zoning change. The proposed change would rezone my property to RS-9. This would result in the property still being non-conforming due to the fact that currently there are approximately 15 dwellings per acre. The proposed re-zoning would not allow me to add approx. 6 spaces that could be developed on currently bare unused land.

I would ask that you consider amending the proposed zoning map and the comprehensive map to reflect a zoning status of RS-20. This would then make the property a conforming use status and also allow for some possible additional spaces. This would also allow for other uses of the property in the future such as duplexes, town houses, or row houses to help accommodate the growth and expansion of the Corvallis area.

I would encourage you to visit the property to help understand this request. Please contact me at (541) 753-3334 or by mail at 245 SW Twin Oaks Circle Corvallis, OR 97333.

I look forward to hearing from you on this matter.

Regards,


Jeremy Holst

ATTACHMENT K-6

● Properties Owned by Jeremy Holst

Existing RS-20 Zone

Remaining Properties:
Existing Limited Industrial Zone

TWIN OAKS CIRCLE

Shaded Area = Medium Density Comprehensive Plan Designation

Request:
 Retain existing RS-20 zoning for northernmost parcel. Apply RS-20 zoning to other identified parcels (change from Limited Industrial zone).
 A corresponding Comprehensive Plan Map Amendment from Medium Density Residential to High Density Residential would be needed.

STAFF COMMENTS, ATTACHMENT K-6

TOTAL SPACES = 61
TOTAL AREA = 5.48 acres
DENSITY (SPACES/ACREAGE) = 11.13

● Properties Owned by Jeremy Holst

Existing RS-20 Zone

EXISTING & PROPOSED
RS-20 ZONE DOES NOT
ALLOW MANUFACTURED
DWELLING PARKS

Remaining Properties:
Existing Limited Industrial Zone

2.78 acres

29 spaces

0.77 acres

1.79 acres

32 spaces

0.14 acres

TWIN OAKS CIRCLE

Shaded Area = Medium Density Comprehensive Plan Designation

Request:
Retain existing RS-20 zoning for northernmost parcel. Apply RS-20 zoning to other identified parcels (change from Limited Industrial zone). A corresponding Comprehensive Plan Map Amendment from Medium Density Residential to High Density Residential would be needed.

Mr. And Mrs. L.M. Timmons
4809 - 116th Ave. S.E.
Bellevue, WA 98006

June 12, 2000

Kelly Schlesener
Associate Planner, City of Corvallis
Planning Division City Hall
501 S.W. Madison Ave.
Corvallis, OR 97339

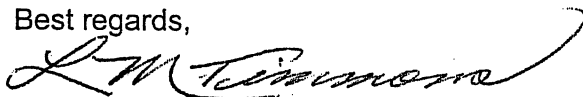
Subject: Proposed Zoning Map Changes and Public Meetings.

Dear Kelly,

Thank you for the detail information sheet sent to all of the property owners concerning the proposed rezoning action. We notice that one of our properties at 7185 S.W. Country Club Drive (Tax lot 12507A-600) was excluded from the proposed rezone action. We believe that this was excluded since the lot is .89 AC instead of the 1.0 AC minimum set for the rezone process. Since we also own a two AC parcel on 72nd, and are in discussions with the adjacent property owner, the size of the combined properties is six AC. Therefore, it only makes sense that the entire parcel has the same zoning.

We request that tax lot 12507A-600 be included in the rezoning action now being considered by the planning commission. Please forward this request to the planning commission on our behalf. If there is any problem with the planning commission accepting this change, please let me know at the earliest possible time.

Best regards,



L.M. Timmons

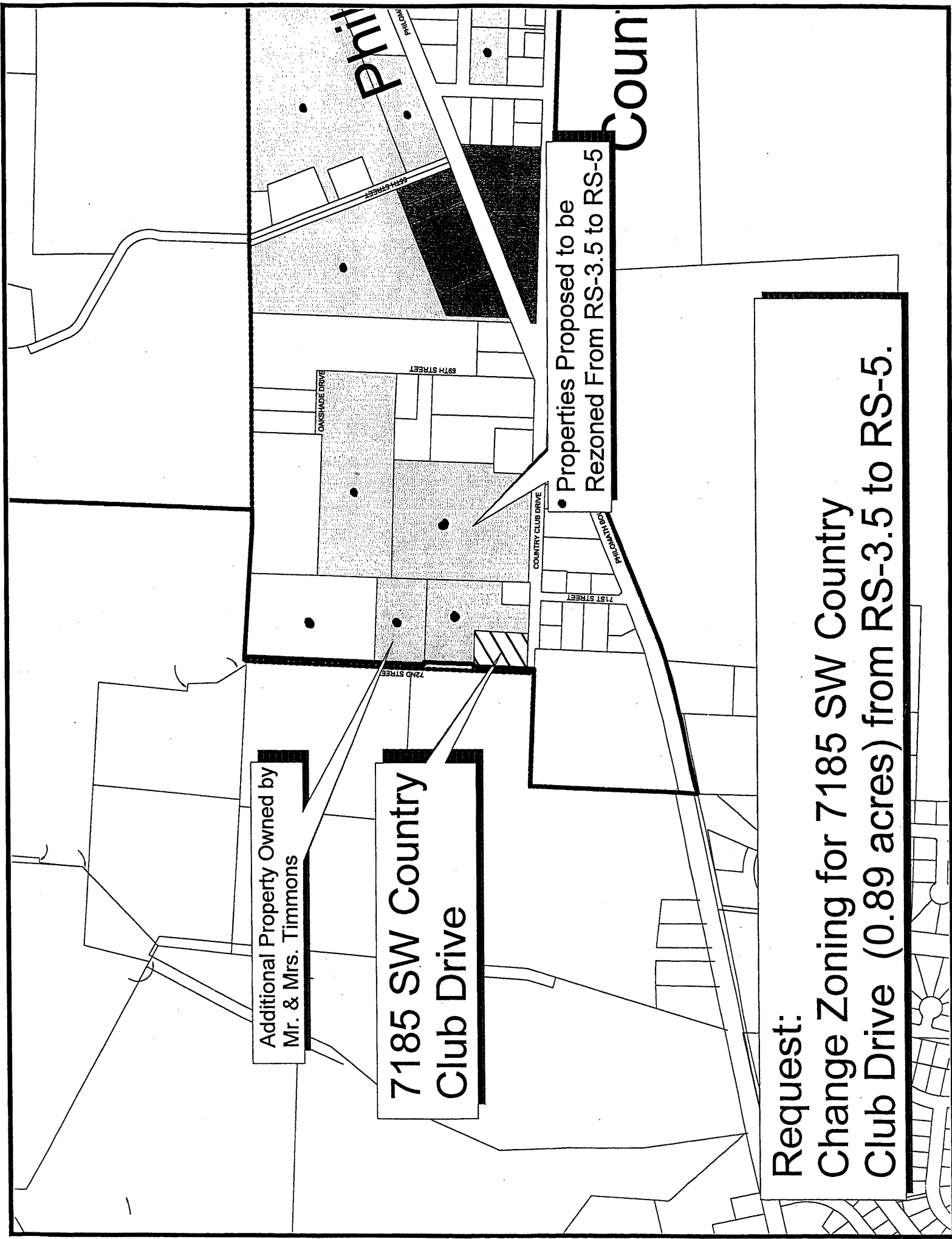
ATTACHMENT K-7

Additional Property Owned by
Mr. & Mrs. Timmons

7185 SW Country
Club Drive

Properties Proposed to be
Rezoned From RS-3.5 to RS-5

Request:
Change Zoning for 7185 SW Country
Club Drive (0.89 acres) from RS-3.5 to RS-5.



Testimony #1 for PIC

W I L L A M E T T E V A L L E Y P L A N N I N G

August 3, 2000

Kelly Schlesener, Planning Manager
Corvallis Planning Commission
501 SW Madison Avenue
Corvallis, OR 97330

RECEIVED
AUG 3 2000
Comm Dev Admin

Dear Planning Commission:

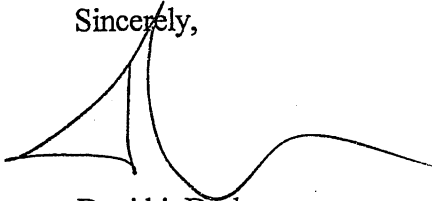
My wife and I are interested in constructing a guest house behind our existing home in downtown Corvallis. We live in a 1928 bungalow on a 5,000 square foot lot at 545 NW 4th Street at the northern end of the Central Business District. Our desire is to build a two bedroom unit above a garage that is in keeping with the historical integrity of our existing home and the surrounding neighborhood.

When we went to the City for building permits, we were shocked to learn that we were not allowed to build a guest house on our property. We looked at adding a covered walk between the existing home and the guest house to create a duplex, but as before, learned that it too was not allowed. The Central Business District standards only allow us to build a triplex or denser on the property, which would require us to tear down our existing historical home and replace it with an apartment. Interestingly enough, the property across the street is zoned Central Business Fringe which allows for this type of infill.

Having been intimately involved in the update of the Comprehensive Plan, I had assumed that residential infill in the downtown was desirable. I want to bring this to your attention, because the Central Business District standards appear to be written for the core of the downtown, but fail to recognize the existing residences in the fringe. If the City hopes to retain existing historical residential structures in the fringe of downtown and encourage infill, then I would suggest the new Central Business District standards be amended to allow both single detached, duplex, and attached residential building types on lots with existing residential uses.

Thank you for considering this issue.

Sincerely,



David j. Dodson
Principal

ATTACHMENT L-1

1115 S.E. Crystal Lake Drive
Post Office Box E
Corvallis, Oregon
97339-0598

(541) 753-0343 Fax
(541) 753-1211 Phone



RECEIVED
JUL 26 2000
Comm Dev Admin

July 26, 2000

Planning Commission
City of Corvallis
501 SW Madison Ave.
Corvallis, OR 97333

Dear Planning Commission Members:

Evanite has participated in each phase of the process leading to the development of the Mixed Use Transitional (MUT) district language approved by the Commercial Technical Review Group (CTRG). The language approved by CTRG and now proposed for your review by City staff represents the language that Evanite supports for this New Mixed Use concept.

The MUT zone proposal approved by the CTRG is the product of extensive conversation, collaboration and compromise on the part of City staff, Councilor Howell, other community members and the representatives of Evanite Fiber and Open Door, the two landowners impacted by this zone change. Evanite supports the language of the staff proposal before you tonight.

Specifically, the new zone standards:

- a. require rigorous Conditional Development process review of all efforts to modify existing or proposed new manufacturing activities at the site
- b. require Conditional Development review when the landowner seeks to re-intensify an operation after an attempt to de-intensify an operation has been unsuccessful
- c. ensure that Evanite and Open Door are guaranteed due process through the Conditional Development approval process

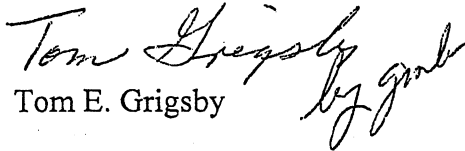
ATTACHMENT L-2

- d. ensure that Evanite and Open Door are treated in the same manner as other commercial/technical entities in the community
- e. ensure that Evanite will be allowed to explore less intensive business applications without penalty for its effort
- f. ensure clear policies and procedures for development, rather than vague guidelines open to future interpretation

We believe that the MUT zone standards support the intent of the original MUT concept to incent the exploration and, ultimately, the implementation of a broad scope of activities that are less intense in nature and that help to reduce conflict between and among existing users in this area.

We appreciate the efforts of everyone involved in this process. We look forward to your approval of the proposal without amendment.

Respectfully,


Tom E. Grigsby

July 18, 2000

3635 NW Jackson Avenue
Corvallis, OR 97330

RECEIVED
JUL 18 2000
Comm Dev Admin

Kelly Schlesener, Planning Manager
Community Development
501 SW Madison Avenue
PO Box 1083
Corvallis, OR 97339

RE: Addition to proposed Land Development Code

I've reviewed Section 3.37.50 concerning the special buffering of Agricultural Research (AG-OS) Lands and have noted the proposed establishment of a 100-foot minimum setback for adjacent new development.

This certainly is an improvement over the present code but I think requires an additional condition to protect the management of agricultural research operations as well as the interests of new residents. No mention is made of the incursion of residential yards into the 100-foot setback. I think that only a maximum 50-foot yard incursion into the setback should be permitted. This would allow an adequate safety margin from chemical sprays or other research operations from drifting into the yards of new residents. You might check with the Agricultural Experiment Station at the University on this point.

I am particularly mindful of the need for agriculture to have some safety margin in its ability to raise crops and livestock. As an owner of a grass seed farm, we have adopted a 50-foot safety buffer for our property that has satisfied adjoining neighbors and allows us to continue our farming practices without conflict. The addition of a similar buffer for AG-OS lands should help reduce potential conflicts between new residents and agricultural research operations.

Thank you for the opportunity to present this testimony.

Sincerely yours,



Robert Mason

ATTACHMENT L-3



RECEIVED
JUL 26 2000
Comm Dev Admin

To: Kelly Schlesener and
All Neighborhood Technician Review Group Members

From: Dennis Pahlisch, Pahlisch Homes

Request for another review of section 4.10.50.2

Thank you for all your patience working with us to develop these new design guidelines that will work best for the future. After the meeting on May 18th, my partners, Scott Houck and Mark Nielsen and I would like to give you one more alternative or second choice for Section 4.10.50.2.

4.10.50.2 Garage and Carport Ratio to Street Façade, Placement and Materials

Lots \geq 50 Feet in Width:

For dwellings with front-loaded garages (garages that are attached and have an entrance facing the same street that serves the entrance to the dwelling), the length of the garage width (not just the doors) facing the street shall be no more than 50% of the length of the street-facing façade of the dwelling; or in the case of a three car garage, third bay is recessed by 2 feet from largest bay or the home has a separate walkway from front sidewalk to front door (4 feet wide), or garage drive will be tapered from full width at garage front down to 24 feet at back side of city sidewalk. If two or more of the above items apply, garage wall length could be 60% of the length of the street facing façade of the dwelling.

THANK YOU
Dennis Pahlisch
7-25-00

ATTACHMENT L-4

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

Comm Dev Admin

RECEIVED

JUL 05 2000

RECEIVED

JUL 11 2000

Comm Dev Admin

June 30, 2000

576 OLIVE STREET, SUITE 300
EUGENE, OR 97401
PO BOX 11906
EUGENE, OR 97440
TEL (541) 343-8596
FAX (541) 343-8702
E-MAIL BILLKLOOS@CONTINET.COM

Lilly c Ken Fred

Mr. Ken Gibb
Corvallis Community Development
501 SW Madison Street
PO Box 1083
Corvallis, OR 97339-1083

Re: Periodic Review; Comments on Land Development Code update

Dear Mr. Gibb:

I have been following the Corvallis Land Development Code update process on behalf of Century Properties, LLC, primarily via your informative web pages dedicated to this issue. In tracking the progress of the drafting of the various code revisions, it occurred to me that this would be a useful time to inject some specific comments into the deliberations of staff and the various advisory committees the city is using.

The comments below relate generally to how changes to the residential, commercial and industrial provisions in the code are drafted. These comments are prompted by my review of the proposed redrafts of various sections of the LDC, as they are currently posted on the website. I have organized these comments in the form of general rules that I think should guide the code drafting. As the draft language of the code amendments firms up in the upcoming hearing process before the Planning Commission and the City Council, I will be able to make more detailed comments about specific sections. The points I make below are a general reaction to the proposal and what should be done to ensure that the drafting is in compliance with the Statewide Planning Goals and applicable statutes.

1. **The draft LDC burdens many industrial and commercial sites with discretionary overlays, such as Planned Development, and limits uses allowed in the zone by imposing discretionary review processes, such as "Conditional Development" and "Plan Compatibility Review." The city has the burden to show, in the LDC amendment process, that notwithstanding these discretionary limitations, there remains an adequate supply of commercial and industrial lands to meet the needs stated in the plan documents. Lands subject to these discretionary reviews are not available and don't count toward the inventory.**

Part 3 of Goal 9 (Economic Development) requires an adequate supply of vacant land be available for commercial and economic development. More specifically, this part of Goal 9 requires:

ATTACHMENT L-5

3. *Provide for at least an adequate supply of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.*

Commercial and Industrial sites that are encumbered with the Planned Development overlay zone are not available for commercial and industrial development. The PD zone imposes discretionary standards on any development proposal. Any specific development proposal, therefore, requires discretionary review. The city may say "yes." It may say "yes, with conditions." Or it may say "no." As such, any Commercial or Industrial land with a PD overlay is not truly available for such development. It may be available or it may not.

Similarly, many kinds of commercial and industrial uses are not permitted outright in particular commercial and industrial zones, but rather require discretionary review to be approved, either as a Conditional Development or as a Plan Compatibility Review type of use. For the same reason as stated above, specific uses listed as allowed in a zone only under one of these discretionary processes cannot be considered to be allowed or accommodated by that zone.

The discretionary PD overlay zone, and discretionary listing of uses as CD or CPR in the respective zones, means that lands and uses subject to these restrictions are not available or allowed, respectively. The city's obligation under Goal 9 is to demonstrate that it has enough land available in its inventory to meet projected needs for a variety of commercial and industrial uses. The city can take two approaches to doing this. It can strip the discretionary PD overlay off enough land, and remove the discretionary CD and PCR listing for specific uses, to the extent needed to boost the supply of available land for a variety of uses to a level needed to meet the needs established in the plan. Or it add more land to the inventory of commercial and industrial inventory that is not encumbered with the discretionary overlays and limitations.

For a discussion of why discretionary overlays on commercial and industrial land mean that such land may not be counted toward the required plan inventory of land available to meet the need for commercial and industrial uses, see Opus Development Corp. v. City of Eugene (Opus I), 28 Or App 670, 689-91 (1995).

2. **The Needed Housing Statute, ORS 197.303, .307, requires that all standards for "needed housing," as that term is defined by statute, be clear and objective.**

ORS 197.303(1) defines "needed housing." Once a City starts its periodic review, which Corvallis has, the definition of "needed housing" includes, but is not limited to: attached and detached single and multi-family, government assisted housing, mobile home and manufactured dwelling parks, and manufactured homes on individual lots in areas zoned for single-family use. This definition casts a very broad net to include just about all kinds of housing.

There are a range of useful provisions in the needed housing statute, including provisions

that cut through and apply directly to individual land use decisions for specific projects. However, the final section of the statute, ORS 197.307(6) applies to cities when they are adopting their zoning regulations, which Corvallis is doing now. It states:

Any approval standards, special conditions and the procedures for approval adopted by a local government shall be clear and objective and shall not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

To comply with this standard, the city's standards for housing approval at the conclusion of the LDC update process will have to be clear and objective. Under the current code there is very little about the housing approval standards that is clear and objective. For example, any residentially zoned land that must be developed under a Planned Development overlay would fail to meet the statutory standard because all of the current PD standards are discretionary. To be clear and objective, the standards have to remove discretion from the decision making. Terms like "compatibility" and "reduce negative impacts to the extent practicable," and include "attractive landscaping" can't be used. For examples of cases that address what standards are clear and objective and what are not, see: Rogue Valley Association of Realtors v. City of Ashland, __ Or LUBA __ (LUBA Nos. 97-260, Sept. 24, 1998), slip op 20-21, aff'd 158 Or App 1, 970 P2d 685 (1999) ("clear and objective" standards for purposes of the needed housing statutes include numerical and similar clear standards, but do not include standards that require subjective, value-laden analyses designed to balance or mitigate impacts of the development on the property to be developed or the adjoining properties or community); Multi-Tech Engineering Services, Inc. v. Josephine County, __ Or LUBA 338, 339 and n 2 (LUBA No. 99-049, Dec. 15, 1999)(finding conditional use standards for a manufactured home part to be not clear and objective).

There is one escape hatch for cities from the statutory requirement for clear and objective standards above. Cities may have a discretionary or non-clear and objective track for housing approvals if they also have one that is clear and objective. This is provided for in ORS 197.307(3)(d), which states:

In addition to an approval process based on clear and objective standards as provided in paragraph (b) of this subsection, a local government may adopt an alternative approval process for residential applications and permits based on approval criteria that are not clear and objective provided the applicant retains the option of proceeding under the clear and objective standards or the alternative process and the approval criteria for the alternative process comply with all applicable land use planning goals and rules.

Paraphrased a bit, this language means that any amendments a local government makes to its zoning code for needed housing must create clear and objective standards for housing

Mr. Ken Gibb
June 30, 2000
Page 4

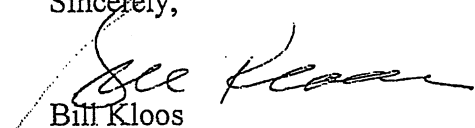
approval. If the city also wants a subjective or discretionary track for housing approval it can have one, but it must give applicants the choice of proceeding either under the clear and objective or the discretionary track.

Corvallis does not have two tracks for needed housing approval in its current code, and it does not appear headed in that direction with its code update. Having a two-track approach for needed housing is really the only approach that Corvallis can follow if it wants to have the option of discretionary review over needed housing development. A single-track approach must be clear and objective. If the City opts for the two-track approach, then the City may create a discretionary approval track and try to attract housing developers into it. This is the approach that the City of Eugene is pursuing now in its *Land Use Code Update* ("LUCU"). Eugene recently held its last public hearing on a wholesale redrafting of its zoning code. The latest draft of LUCU takes the two-track approach for each potential approach for residential development: partitions, subdivisions, conditional use permits, planned unit developments, and site reviews. A residential developer wanting any of these approvals has two separate tracks to choose from – the standard track, which has the usual discretionary, subjective criteria, or the Needed Housing track, which has only clear and objective standards. The latest version of Eugene's draft LUCU can be found on the web at www.ci.eugene.or.us/zoneproj.

I hope these comments are found to be useful and constructive. I am already on the periodic review notice list as representing several other persons. On behalf of Century Properties, LLC I request written notice of the final adoption of the Land Development Code updates.

Thank you for your consideration.

Sincerely,


Bill Kloos

cc: Century Properties, LLC
Rick Frame, Slayden Construction
Chuck Kingsley, Jackson Cooper & Associates.

96slaydenc

Aug 10, 2000
Testimony #3

G-T-Editor
Corvallis 97330

Sirs:

I received the Planning Commission's Notice of Public Hearing for Land Development Code for Sept 6.

Why isn't this written in language that the average person can understand ~~it~~ instead of in wordy, obscure legalese?

Don't they work for us, the Dreaded Public?

Jane Sivetz

3635 NW Elmwood
Corv-
753-8339

ATTACHMENT M



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol St. NE, Suite 200

Salem, Oregon 97301-2540

Phone (503) 373-0050

Director's Fax (503) 378-5518

Main Fax (503) 378-6033

Rural/Coastal Fax (503) 378-5518

TGM/Urban Fax (503) 378-2687

Web Address: <http://www.lcd.state.or.us>

June 21, 2000

The Honorable Helen Berg, Mayor
City of Corvallis
P. O. Box 1083
Corvallis, Oregon 97339-1083



The Honorable Bob Speaker, Chair
Benton County Board of Commissioners
Benton County Courthouse
408 S.W. Monroe Avenue, Suite 111
Corvallis, Oregon 97333

Dear Mayor Berg and Chair Adams:

Enclosed is a copy of the Land Conservation and Development Commission's (LCDC) order approving the City of Corvallis' periodic review Work Tasks Nos. 1 through 8. Also included in the order is a modification of the city's periodic review work program.

On behalf of the Commission, I would like to extend our appreciation to the City of Corvallis and its citizens for all the hard work and active participation which lead to a comprehensive revision of your comprehensive plan. We are confident that your current work to update your land development code will provide the means to implement your excellent comprehensive plan work.

I have instructed Mark Radabaugh, your periodic review team leader to work closely with you and your staff as you complete your next periodic review work tasks. If you or your staff have any questions, please call Mark at 503/373-0050 ext. 224.

Sincerely,

Richard P. Benner
Director

ATTACHMENT N

Corvallis Periodic Review
Order No. 001-223
Page 2

Attachment: LCDC Periodic Review Order No. 001-223

- c: Jon Nelson, Corvallis City Manager
- Ken Gibb, Corvallis Community Development Director
- Peter Idema, Benton County Community Development Director
- Stuart O. Kendall, objector
- Mike Sivetz, objector
- Mei Stewart, objector
- Edward B. Radke, objector
- Anne C. Davies, objector
- Rana Foster, objector

N-2

BEFORE THE
LAND CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF OREGON

IN THE MATTER OF THE PERIODIC) COMMISSION'S
REVIEW OF THE CITY OF CORVALLIS') PERIODIC REVIEW
COMPREHENSIVE PLAN AND) ORDER NO. 001-223
LAND USE REGULATIONS)

This matter came before the Land Conservation and Development Commission (Commission) on June 9, 2000 as a final periodic review order pursuant to ORS 197.644, Oregon Laws 1991, Chapter 612, Section 8(1) and OAR 660, Division 19. The Commission, having fully considered the City of Corvallis' periodic review order, comments and objections of interested parties and the report of the Director of the Department of Land Conservation and Development, now enters its:

Findings of Fact

1. On May 1, 1981, the Land Conservation and Development Commission acknowledged the City of Corvallis' comprehensive plan and land use regulations to be in compliance with the Statewide Planning Goals (Exhibit A).
2. On May 31, 1996, the department notified the city of requirements under periodic review and initiated the periodic review process (Exhibit B).
3. On July 28, 1997, the department ordered approval of the City of Corvallis' periodic review work program (Exhibit C).
4. On , January 29, 1999, the City of Corvallis submitted its final decision on periodic review work tasks 1 through 8 to the department for review (Exhibit D). Referenced city submittals include the following plan documents under separate covers:
 - a. Corvallis Comprehensive Plan, December 21, 1998.
 - b. Buildable Land Inventory and Land Need Analysis for Corvallis, June, 1998.

N-3

- c. West Corvallis – North Philomath Area Plan, 1996.
- d. South Corvallis Area Plan, 1997.
- e. Transportation Alternatives Analysis Plan, 1998.
5. By February 19, 1999, the department received timely objections to the city's plan submittals.
6. As required by OAR 660-025-0140(6), the department prepared a Director's report which recommended that the Commission approve the city's submitted work tasks and modify the city's work program as authorized under OAR 660-025-0170(1)(b) (Exhibit E). The Director's report provides the department's conclusions and recommendation regarding each of the city's eight work task submittals and to each valid objection. The department mailed copies of the Director's report to the city, County of Benton, objectors, and persons who requested a copy of the report. The department notified persons of the opportunity to file a written exception to the Director's report before the commission's hearing on June 9, 2000 (Exhibit F).
7. The department received one written exception to the Director's report by which the department found to be invalid (Exhibit G).
8. The Commission held a public hearing on the city's periodic review submittal on June 9, 2000 to consider the conclusions and recommendations found in the Director's report. The Commission approved the City of Corvallis' January 29, 1999 periodic review submittals as fulfillment of work tasks 1 through 8 and modified the city's work program by adding three new work tasks.
9. As part of the Commission's decision to modify the city's work program, it was found that, pursuant to OAR 660-023-0250(7), there are insufficient resources from both the local government and state agencies to complete remaining inventories for riparian corridors and wetlands in a timely manner under periodic review.

N-4

Conclusion

Based on the foregoing findings and the Director's report, the Commission concludes that the City of Corvallis' periodic review work tasks 1 through 8 meet statutory and rule requirements for periodic review and can be sustained pursuant to OAR 660-025-0160(6)(a).

~~THEREFORE, IT IS ORDERED THAT:~~

1. The City of Corvallis' periodic review work tasks 1 through 8 are hereby approved.
2. The City of Corvallis' periodic review work program is modified to include the following additional work tasks:

- a. Work Task No. 11: Addendum related to implementation of Goal 9 - Economic Development

This work task will include assessment of income ranges resulting from the city's employment base as found in its inventory of commercial and industrial lands. This task then will devise ways to provide a balance between the city's forecast of employment characteristics and housing needs. As present, Corvallis has a significant disparity between the incomes of jobs being created and the cost and local availability of housing being produced. The city will examine the relationship between the incomes of the jobs being generated and the relationship to household character both within the city and in surrounding communities. As the city works to balance its employment and housing opportunities, it will clearly demonstrate how it intends to bring the nature of its housing supply and economic base into balance during the planning period. This link between balanced housing and employment will occur by adopting a number of related land use strategies and tools, which directly link housing and economic development policy.

The city will utilize results of the economic opportunities analysis found in the Linn-Benton Regional Housing and Economic Development Study (1999) to assist in its assessment of how best to demonstrate how it intends to bring the nature of its housing supply and economic base into balance during the planning period.

Product: An adopted economic opportunities analysis update. Adopted strategies for balancing housing need (as determined in Work Task No. 12) with the city's job base during the planning period.

Submittal date: One year following commission modification.

b. Work Task No. 12: Addendum related to implementation of Goal 10 - Housing

The city has identified a shortfall in balancing its housing needs with household, income and employment characteristics found in the community. In order to correct this community imbalance, the city will evaluate the nature of its existing housing balance shortfall as it conducts a buildable lands inventory pursuant ORS 197.296 (HB 2709). This evaluation will direct what steps need to be taken to provide for housing needs as the city aligns its population and employment forecast with its residential, commercial and industrial land inventory. The HB 2709 inventory will also provide a baseline upon which to develop comprehensive plan policies which support a land use strategy to bring about a fair share housing strategy which has balanced housing supply, type and cost with income levels of the city's employment and economic base.

Two particular concerns are the primary focus in solving the city's housing imbalance. First, the city must balance opportunities for affordable housing for very low-, low- and moderate-income needs based on the income levels of the city's employment and economic base. City codes will be revised to encourage that a full range of housing types and densities are permitted outright throughout the community and that development ordinances will not hinder the development of affordable housing.

Second, the city must develop housing strategies which cause housing types to be balanced with household size characteristics as well as income. City and regional trend towards smaller household size have not received corresponding response as new home stocks are constructed. This is due, in part, because city policy does not adequately address this aspect of demographic change, and development codes do not readily encourage a market response to meet demand and trends which are resulting from smaller household characteristics.

The city will evaluate these relationships between jobs, income and housing type through a housing needs analysis. If the results of this analysis suggest a shortfall of housing supply, type or affordability, then the city will develop policies and programs to address these shortfalls. Tools for solving shortfalls include, but are not limited to enabling of mixed use communities which cause housing type mix throughout the community, requirement of an appropriate share of smaller lot sizes to be mixed with detached and attached housing throughout the community, and other strategic use of small lots and reduced building foot prints to meet housing affordability, land use and transportation system efficiency goals.

The results of the city's Goal 10 housing needs analysis will be applied to assess need to implement the following acknowledged plan Policies: 9.5.1, 9.5.2, 9.5.3, 9.5.4, 9.5.6, 9.5.11, and 9.5.15. The same results will be used to assess need to change the following policies to better address housing affordability: Policies 9.5.4, 9.5.6 and 9.5.15. Finally, the results of Goal 10 housing needs analysis shall be evaluated against Policy 9.5.15, which calls for evaluating increasing minimum density in the low density residential designation.

N-6

Product: Based on an adopted housing needs analysis, amended comprehensive plan text and polices, including amendments to the land use diagram's residential land use designations.

Submittal date: One year following Commission modification.

c. Work Task No. 13: Addendum related to Goal 5 – Natural Resources

The purpose of this task is to provide a policy framework for the City of Corvallis to complete inventories for riparian corridors and wetlands resources within the urban growth boundary pursuant to OAR 660-023 in a timely manner. The city will develop and approve policy language that includes schedules, budgets and enforceable provisions which ensure timely completion of remaining natural resource inventories within four (4) years following local adoption of such provisions in the comprehensive plan and land use ordinance. Land use ordinances that are developed as interim measures before resource inventories are completed pursuant to OAR 660-023-030 through OAR 660-023-050 would "sunset", or be repealed, as the city meets its obligations to protect riparian and wetland resources. Federally approved programmatic protection of a riparian corridor as a result of the federal Endangered Species Act may also serve to meet Goal 5, if based on a federally listed anadromous fish species, and if Goal 5 compliance is demonstrated. The above work and the city's Natural Resource Inventory Scoping Project shall be coordinated with DLCD and applicable state natural resource agencies.

Product: 1) An adopted comprehensive policy for completing inventories for riparian corridors and wetland resources, including schedules, budgets and enforceable provisions. 2) An adopted ordinance provision that complies with OAR 660-023-100(4) and applicable to areas where Local Wetland Inventories have been completed. 3) An adopted land use ordinance that provides a "safe harbor" for riparian corridors, or demonstration that other adopted ordinance provisions provide equal or superior protection to riparian resources.

Submittal date: Within one year following Commission modification.

DATED THIS 21ST DAY OF JUNE 2000.

FOR THE COMMISSION:



Richard P. Benner, Director
Department of Land
Conservation and Development

NOTE: You are entitled to judicial review of this order. Judicial review may be obtained by filing a petition for review within 60 days from the service of this final order. Judicial review is pursuant to the provision of ORS 183.482 and 197.650.

** Copies of all exhibits are available for review at the Department's office in Salem.

j:\pr\city\corvallis\order____.pr

July 28, 1997

The Honorable Helen Berg
Mayor, City of Corvallis
P.O. Box 1083
Corvallis, Oregon 97339-1083

JUL 28 1997
Camm Dev Admin

PERIODIC REVIEW WORK PROGRAM APPROVAL (ORDER #00806)

Dear Mayor Berg:

I am pleased to inform you that the Department of Land Conservation and Development (DLCD) has approved the city's periodic review work program. The final date in the work program for completing all tasks related to periodic review is **June 30, 1999**.

Approval of the work program represents the department's official concurrence with the proposed work tasks, time lines and anticipated actions to assure your continued compliance with the statewide planning goals.

The statute requires local governments to submit finished periodic review work tasks to our department for review. The enclosed work program summary has been prepared to identify the specific dates when the completed tasks are to be sent to the DLCD Salem office.

No valid objections to the work program were received in response to your public notice. Therefore, this order approving your work program is final and cannot be appealed.

In closing, our department views the approved periodic review work program as the principal intergovernmental agreement between the department, the local government and affected state agencies, special districts and interest groups for keeping acknowledged plans in compliance with the goals.

John A. Kitzhaber
Governor



N-9

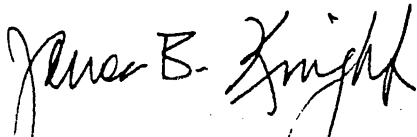
July 28, 1997

Periodic review is and will remain one of our department's top priorities. For this reason, I have instructed our field staff to cooperate closely with their local and state agency counterparts in order to monitor progress and provide assistance to help you complete your work program tasks on schedule.

I appreciate the efforts of city officials and staff in preparing your periodic review work program. The department looks forward to participating with you in updating your acknowledged comprehensive plan and land use regulations.

Mark Radabaugh, your periodic review team leader, is already working with your staff as you begin to address your work program tasks. Please feel free to speak with Mark at 503-373-0062, if you have any questions or need further information.

Sincerely,



James B. Knight, Manager
Community Assistance and Review Division

JBK/MSR:bh

<j:\pr\lcity>

Enclosure: Corvallis Periodic Review Work Program Summary

cc: Periodic Review Assistance Team
Jerry Davis, Benton County Community Development Director
Ken Gibb, Corvallis Community Development Director
Linda Sarnoff, Corvallis Planning Division Manager
Mark Radabaugh, Willamette Valley Urban Representative

dist: Butts, Hallmark

CITY OF CORVALLIS

PERIODIC REVIEW WORK PROGRAM SUMMARY

DLCD Contact: Mark Radabaugh, Willamette Valley Urban Representative
Phone: 503/373-0062, Fax: 503/362-6705

City Contact Person: Linda Sarnoff, Planning Division Manager
Phone: 541/757-6908, Fax: 541-757-6936

Benton County Community Development Director: Jerry Davis
Phone: 541/757-6819, Fax: 541-757-6891

Date Work Program Approved by DLCD: July 28, 1997

Final Work Program Completion Date: **June 30, 1999**

Future DLCD Orders #'s pertaining to the Work Program summary:

Order #00806, Original Work Program Approval, July 25, 1997.

Note: This Work Program Summary contains an addendum to the work program which was approved by the Corvallis City Council on January 16, 1997. Work Program task which are subject of the addendum are marked by an asterisk (*) for purposes of cross reference. The work program number found in the City's January, 1997 submittal is noted in each addendum heading for purposes of cross reference.

Major Work Tasks Subject to Public Notice and DLCD Review
(See OAR 660-25-130)

<i>Task</i>	<i>Action/Product</i>	<i>Submittal Date</i>
Phase I Inventory		
1*	<p><i>Prepare buildable land inventory pursuant to ORS 197.296 including housing and land use and analysis.</i></p> <p><i>1.a. - Address requirements of ORS 197.296 which requires the city to update its buildable land inventories and determine the density/mix of housing development since the last periodic review.</i></p> <p><i>1.b. - Develop a 20-year population and employment projection to determine the potential demand for residential, commercial and industrial land within the UGB which is coordinated with the county.</i></p> <p><i>1.c. - Update the city's Buildable Lands Inventory (comparing the 20-year supply of buildable residential, commercial and industrial land with the land need for housing, commerce and industry).</i></p> <p><i>1.d. - Prepare a Housing Needs Analysis which includes looking at the mix of housing types, densities, costs and affordability within the entire UGB.</i></p> <p><i>1.e. - Compare actual density and housing mix in the past with the density and mix in the Housing Needs Analysis. Compare actual use trends with future use trends in commercial and industrial sectors and determine adequacy of supply. If need is greater than actual, propose measures to address identified needs (e.g. increase the densities and urban land use efficiency - Goal 14, factor 4) and provide an appropriate mix, change in designations to provide appropriate balance between residential, commercial and industrial lands.</i></p>	12/31/97
Phase II Policy Issues & Development		
2*	<p><i>Updated Goal 5 inventories, text and policies.</i></p> <p><i>2.a. - Review new Statewide Planning Goal 5 and Administrative Rule OAR 660-23 to determine whether to use the methodology in the old rule or the revised rule.</i></p>	3/31/98

<i>Task</i>	<i>Action/Product</i>	<i>Submittal Date</i>
	<p>2.b. - Assess existing wetland inventories and the need and strategy for future inventories to determine if they comply with the new state requirements.</p> <p>2.c. - Review setbacks (buffer areas) from significant wetlands to determine if existing drainage way dedication requirements comply with the Oregon Department of fish and wildlife recommendations and Goal 5 and OAR 660-23 requirements.</p> <p>2.d.- Formulate hillside development policies and standards to minimize disturbance and erosion of sensitive hillside areas.</p> <p>2.e.- Evaluate Goal 5 issues such as open space to maximize protection of significant resource areas and historic preservation program to determine if it complies with the new state requirements. Consider open space implementation strategies (e.g. open space acquisition program, historic preservation program, revisions to Comprehensive Plan or Land Development Code, etc.)</p>	
3*	<p>Evaluate Goal 9 issues and ensure coordination of population and employment projections and balance with analysis of buildable lands inventories.</p>	12/31/97
4*	<p>Review Statewide Planning Goal 10 and other state laws to determine if policies are in compliance, incorporate the results of the buildable lands analysis and make necessary amendments to ensure compliance (e.g. revisions to the Comprehensive Plan Map, revised policies, new programs and implementing ordinances, etc).</p> <p>4.a. - Analyze Comprehensive Plan policies related to residential land and housing and determine if incentives are necessary to encourage needed types of residential development.</p>	12/31/97
5*	<p>Review Statewide Planning Goal 11 and other state laws to determine if policies are in compliance.</p>	12/31/97

<i>Task</i>	<i>Action/Product</i>	<i>Submittal Date</i>
6	<p><i>Update Transportation System Plan.</i></p> <p><i>6.a. - Evaluate Transportation planning efforts to ensure consistency with provisions of Goal 12 and OAR 660-12.</i></p> <p><i>6.b. - Address policy implications that may result from Transportation Demand Management Plan.</i></p> <p><i>6.c. - Evaluate results of Transportation Alternatives analysis to determine if existing policies need to be changed.</i></p> <p><i>6.d. - Evaluate existing land uses and proposed transit stops within the Urban Growth Boundary to ensure the transit system and nearby land uses provide efficiency and convenience.</i></p>	6/30/98
7	<p><i>Based on the results of Task 1, analyze need to amend residential, commercial and industrial land use map designations and policy. Prepare revised land use policies and maps.</i></p> <p><i>7.a. - Prepare map amendments for residential, industrial and commercial lands.</i></p> <p><i>7.b. - Prepare policy amendments for residential, industrial and commercial lands. Adopt efficiency measures, as necessary to provide for needed housing and other land uses and avoid expansion of the UGB.</i></p>	6/30/98
<i>Phase III Plan Consistency & Coordination</i>		
8*	<p><i>Planning consistency and coordination with on-going projects.</i></p> <p><i>8.a. - Ensure that any new policy recommendations resulting from the Transit Master Plan are incorporated into the Comprehensive Plan.</i></p> <p><i>8.b. - Incorporate policy and map changes that result from the final recommendations of the West Corvallis Plan, the South Corvallis Refinement Plan and updated facility master plans.</i></p> <p><i>8.c. - Revise the Comprehensive Plan to incorporate policies that result from the update to the Sewer Master Plan and Combined Sewer Overflow project (CSO).</i></p>	3/31/98

<i>Task</i>	<i>Action/Product</i>	<i>Submittal Date</i>
8	<p><i>Planning consistency and coordination with on-going projects. Continued</i></p> <p><i>The following Comprehensive Plan Policies should be reviewed to see if they need amending.</i></p> <p><i>8.d. - Policy 8.3.2- review 'protect, maintain and improve established neighborhoods'. Does this policy need to be more specific?</i></p> <p><i>8.e.- Policy 8.1.6 & 13.1.7 - should these policies clearly identify density transfer in all residential zones to encourage preservation of natural resources?</i></p> <p><i>8.f. - Policy 10.1.2 - review 'reduce existing traffic congestion'. Does the policy need to be more specific?</i></p> <p><i>8.g. - Update existing code language to define 'expedited land use decisions' including application requirements and review procedures.</i></p> <p><i>8.h.* - Revise, if necessary, the Transportation System Plan to include coordination of land use and transportation planning due to changes resulting from changes made as part of the buildable lands analysis.</i></p>	3/31/98
PHASE IV LAND USE ORDINANCE		
9	<p><i>Prepare and update land use ordinances. Citizen Involvement Work Groups propose amendments to the Comprehensive Plan text and map and to the City's Land Development Code, consistent with the findings of this study.</i></p> <p><i>9.a.- Amend land use ordinances to reflect any plan policy changes proposed in Tasks 2 through 8.</i></p>	12/31/98
10	<i>Prepare revised Comprehensive Plan and map for printing.</i>	6/30/99

See inserted addendum pertaining to Periodic Review Work Tasks 1 & 4.

City of Corvallis

Addendum to Periodic Review Work Task I (II.D in submitted plan) and Task 4 (II.E in submitted plan) Related to implementation of Goal 10 - Housing

The city has identified a shortfall in balancing its housing needs with household, income and employment characteristics found in the community. In order to correct this community imbalance, the city will evaluate the nature of its existing housing balance shortfall as it conducts a buildable lands inventory pursuant ORS 197.296 (HB 2709). This evaluation will direct what steps need to be taken to provide for housing needs as the city aligns its population and employment forecast with its residential, commercial and industrial land inventory. The HB 2709 inventory will also provide a baseline upon which to develop comprehensive plan policies which support a land use strategy to bring about a fair share housing strategy which has balanced housing supply, type and cost with income levels of the city's employment and economic base.

Two particular concerns are the primary focus in solving the city's housing imbalance. First, the city must balance opportunities for affordable housing for very low-, low- and moderate-income needs based on the income levels of the city's employment and economic base. City codes will be revised to encourage that a full range of housing types and densities are permitted outright throughout the community and that development ordinances will not hinder the development of affordable housing.

Second, the city must develop housing strategies which cause housing types to be balanced with household size characteristics as well as income. City and regional trend towards smaller household size have not received corresponding response as new home stocks are constructed. This is due, in part, because city policy does not adequately address this aspect of demographic change, and development codes do not readily encourage a market response to meet demand and trends which are resulting from smaller household characteristics.

The city will evaluate these relationships between jobs, income and housing type through a housing needs analysis. If the results of this analysis suggest a shortfall of housing supply, type or affordability, then the city will develop policies and programs to address these shortfalls. Tools for solving shortfalls include, but are not limited to enabling of mixed use communities which cause housing type mix throughout the community, requirement of an appropriate share of smaller lot sizes to be mixed with detached and

attached housing throughout the community, and other strategic use of small lots and reduced building foot prints to meet housing affordability, land use and transportation system efficiency goals.

**Addendum to Periodic Review Work Task 2 (II.2A in submitted plan)
Related to implementation of Goal 5**

The city will assess and determine the adequacy of its riparian and wildlife habitat inventories and provided additional and/or updated information as needed. The city will also assess and determine if any revisions are needed to its comprehensive plan or land use ordinances concerning protection of its riparian and wildlife habitat resources, pursuant Goal 5 and OAR 660-23-090 and OAR 660-23-110.

**Addendum to Periodic Review Work Task 3 (II.D in submitted plan)
Related to implementation of Goal 9 - Economic Development**

This work task will include assessment of income ranges resulting from the city's employment base as found in its inventory of commercial and industrial lands. This task then will devise ways to provide a balance between the city's forecast of employment characteristics and housing needs. As present, Corvallis has a significant disparity between the incomes of jobs being created and the cost and local availability of housing being produced. The city will examine the relationship between the incomes of the jobs being generated and the relationship to household character both within the city and in surrounding communities. As the city works to balance its employment and housing opportunities, it will clearly demonstrate how it intends to bring the nature of its housing supply and economic base into balance during the planning period. This link between balanced housing and employment will occur by adopting a number of related land use strategies and tools which directly link housing and economic development policy.

**Addendum to Periodic Review Work Task 5 (II.F in submitted plan)
Related to implementation of Goal 11**

The city will assess opportunities to develop amendments to its public facilities plan and strategy which promote balance between citywide housing affordability and supply with its employment base.

**Addendum to Periodic Review Work Subtask 8.h (III.F in submitted plan)
Related to implementation of Goal 12**

In addition to, or as part of Task 6, the city will compare and update its adopted Transportation System Plan with proposed land use changes resulting from incorporation of Tasks 1 and Task 7 and demonstrate compliance with OAR 660-12-045 and OAR 660-12-060.

**Addendum to Periodic Review Work Program
Addition of Work Task to Review and Update
Intergovernmental Coordination Agreement**

The city, in conjunction with Benton County and the City of Philomath, will coordinate review and provide necessary update of the intergovernmental coordination agreement(s) and look for opportunities to manage and provide additional assurance that territory within respective urban growth boundaries are not developed to preclude urbanizable lands from being efficiently developed or redeveloped. This work task is included in Task 8 - Plan Consistency and Coordination and shall be due by December 31, 1998.

Additional Comments:

The dates located on pages 2 through 5, under the column named "Submittal Date" are established for the city to submit completed work tasks to DLCDC.

Interested persons or agencies are advised to contact Linda Sarnoff, 541-757-6908, if you are uncertain as to how you will be notified and involved at the local level. The city will provide you with notice of public hearings for those work tasks affecting your agency. However, agencies and other interested persons are advised to monitor subtasks related to that work task, particularly the adoption of needed amendments to the city's comprehensive plan and land use regulations. LCDC rules requires that an objecting party participate at the local level orally or in writing during the local review process.

Interested Agencies Participating in the Review:

Agency/Interested Groups	Contact	Tasks #'s
Dept. of Fish and Wildlife (ODFW)	Patty Snow	2, 7, 8, 9
Division of State Lands (DSL)	John Lilly Dana Fields	2, 7, 8, 9
Economic Development Dept. (EDD)	Arthur Fish Lynn Beaton	1, 3, 4, 5, 7, 8, 9
Department of Transportation (ODOT)	Akin Owosekum	1, 3, 6, 7, 8, 9
State Historic Preservation Office (SHPO)	Dave Skilton	2, 8, 9
Department of Water Resources (WRD)	Rebecca Geisen	2, 5, 7, 8, 9
Dept. of Environmental Quality (DEQ)	Roberta Young	2, 5, 7, 8, 9
Parks and Recreation Department (OPRD)	Steve Williams	2, 5, 7, 8, 9
Housing and Community Services	Dave Foster	1, 4, 7, 8, 9

NOTE: Enclosed for city's information and use are:

- 1) a copy of the current periodic review rule;
- 2) a sample "completed work task" notice to be sent by the local government to persons (if any) who participated at the local level or who requested notice; and,
- 3) copies (yellow) of "Notice of Periodic Work Task" forms to be sent by local government to DLCD with each completed work task.

Please contact Brenda Hallmark 503/373-0080 if you have questions or need additional copies.

<j:\pr\lcity\corvallis>

USE TABLE

ZONING DISTRICT	RS-3.5	RS-5	RS-6	RS-9	RS-9 (U)	RS-12	RS-12(U)	RS-20	MUR	P-AO	NC minor	NC major	RF	CB	CBF	MUCS	MUGC	MUT	LI-O	LI	GI	II	RTC	MUE	OSU	AG/O S				
USE																														
Residential Use Types																														
Family residential																														
Single detached	P	P	P	P	P	P	P	P						P*	P***	PC*									P*	P				
Single detached zero lot line		P	P	P	P	P	P	P						P*	P***											P				
Single attached - zero lot line- 2 units		P	P	P	P	P	P	P						P*	P***										P	P				
Attached townhouse-3 units		P				P	P	P	P		PC1	P		P	P	PC***									P	P				
Attached townhouse 3-5 units			P	P	P	P	P	P			PC1	P		P	P	PC***									P	P				
Duplex		P	P	P	P	P	P	P						P*	P***										P*	P				
Multi-dwelling triplex only		P				P	P	P			PC1	P	P***												P	P				
Multi-dwelling - triplex and 4-plex only			P	P/P***	P/P***	P	P	P			PC1	P	P***												P	P				
Multi-dwelling				P	P*	P	P	P	P***		PC1	P	P***	P***	P***	PC***									P	P				
Group Residential																														
12 or less	CD	CD	P	P	P	P	P	P	P		P1	P	P			PC									P	P				
Greater than 12	CD	CD	CD	P* CD	P* CD	P	P	P	P		P1	P	P			PC									P	P				
Group Residential / Group Care																														
12 or less			P	P	P	P	P	P	P		P1	P	P			PC									P	P				
Greater than 12			CD	P* CD	P* CD	P	P	P	P		P1	P	P			PC									P	P				
Fraternity and Sorority Houses																														
Home Business	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC	P1	P	AC	AC		P									AC	AC				
Residential Care Facility																														
12 or less			P	P	P	P	P	P	P		P1	P	P			PC									P					
Greater than 12			CD	CD	CD	P	P	P	P		P1	P	P			PC									P					
Accessory Dwelling Unit																														
Model Dwelling Unit	AC	AC	AC	AC	AC					P						PC***									P	PC				
Manufactured Dwelling Park																														
				P	P	P																								
Civic Use Types																														
Administrative Services										P		P1	P	P										P	P	P				
Community Recreation	P	P	P	P	P	P	P	P	P		CD	PC	P	P		PC									CD	P	CD			
Cultural Exhibits and Libraries	CD	CD	CD	CD	CD	CD	CD			P1		P1	P	P											P	P				
Essential Services	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC		P1	AC	AC		P/P***	P/AC***	P	P** AC***	AC	AC	AC	AC	AC	AC	AC	AC			
Lodge, Fraternal, Civic Assembly	CD	CD	CD	CD	CD	CD	CD	P			CD1	PC	P	P		CD	P	P							P	P				
Schools	CD	CD	CD	CD	CD	CD	CD	P	CD				P***																	
Major Svcs and Utilities	CD	CD	CD	CD	CD	CD	CD	CD	CD***	CD	CD1	CD		CD		PC	P	CD***						P/PC	P	CD	AC	PC		
Minor Utilities	CD	CD	CD	CD	CD	CD	CD	CD			PC1	PC	PC			PC	P	PC***	PC***	PC	P***	P***			PC	AC***	PC***			
Parking Services - Public Parking										P		CD	P***	P		PC	P	P							P	P				
Postal Services	P	P	P	P	P	P	P	P		P	P1	P	P	P									P***		P	P				
Public Safety	P	P	P	P	P	P	P	P		P	P1	P	P	P		PC	P	P	P					P	P	P				
Religious Assembly	CD	CD	CD	CD	CD	P	P	P	CD***		CD1	PC	P	P		CD									P	P				
Social Service Facilities						P	P	P	P				P***	P												P				
University Services and Facilities											PC1	PC					P								P	P				
Wireless Telecommunication Facilities																	PC													
Colocated / attached wireless telecom. facility	AC*** CD***	AC*** CD***	AC** * CD** *	AC*** CD***	AC*** CD***	AC*** CD***	AC*** CD***	AC*** CD***	AC*** CD***	AC*** CD***	P1***	P***	AC*** CD***			P***	P	P***						CD*** AC***	AC*** CD***	AC** * /CD** *	AC*** CD***	AC*** CD***	AC*** CD***	
Freestanding wireless telecom. facility	CD	CD	CD	CD	CD	CD	CD	CD	CD***			PC***		CD***		PC	P	P/CD PC/***						P/ CD***	CD***	P*** CD** *	P*** CD***	P*** CD***	P*** CD***	P*** CD***
Commercial Use Types																														
Agricultural Sales												CD		P	P/ PC	P1/ PC1									P	P	P			
Agricultural Services																									P	P				
Animal Sales and Services																														
Auctioning																									P	P				
Grooming										CD	P1	P	P	P	P/ PC	P1/ PC1	P	P						P***	P***		P			
Horse Stables																											CD***			
Kennels											P***1	P		P	P/ PC	P1/ PC1	P	P***							P	P	P	P***	CD***	
Stockyards																											CD***			
Veterinary (Large Animals)															P	P/ PC	PC1/ CD1	P						P	P***	P		P	AC CD***	
Veterinary (Small Animals)										CD	P1	P	P	P	P/ PC	P1/ PC1	P	P					P	P***	P		P	AC CD***		
Automotive and Equipment																														
Car Wash												CD		P	P/ PC	PC1/ PC1											CD			
Fleet Storage														P	P/ PC												CD			

USE TABLE

ZONING DISTRICT	RS-3.5	RS-5	RS-6	RS-9	RS-9 (U)	RS-12	RS-12(U)	RS-20	MUR	P-AO	NC minor	NC major	RF	CB	CBF	MUCS	MUGC	MUT	LI-O	LI	GI	II	RTC	MUE	OSU	AG/O S
Parking Services only													P	P	P/PC			CD						CD		
Heavy Equipment Repairs																		CD			P	P		CD		
Light Equipment Repairs						CD*/***						CD		P	P/PC			CD						CD		
Farm Equipment Sales/Rentals														P	P/PC						P	P				
Heavy Equipment Sales/Rentals														P	P/PC						P	P				
Light Equipment Sales/Rentals						CD***						CD		P	P/PC	PC1/CD1						CD				
Storage of Nonoperating Vehicles																										
Storage of Recreational Vehicles and Boats																										
Building Maintenance Svcs												CD1/P		P	P/PC	P1/PC1		P	P		P	P		P		
Business Equipment Sales and Services												P1/P	P	P	P/PC	P1/PC1		P					P***	P		
Business Support Services									P1	P		P1/P	P	P	P/PC	P1/PC1		P					P***	P		
Communications Service Establishments												CD1/P	P	P	P/PC	P1/PC1	P	P	P				P	P	P	
Construction Sales and Services				CD								CD1/P1		P	P/PC	P1/PC1	P	P	P		P	P		P		
Convenience Sales and Personal Svcs									P1			P1/P	P	P	P/PC	PC1/CD1		P					P***	P		
Day Care, Commercial Facility	CD	CD	CD	CD	CD	CD	CD	CD	P1	AC		CD1/P	P			CD1/P1	AC	P					P***	P		
Day Care, Family	AC	AC	AC	AC	AC	AC	AC	AC	AC	AC			AC	AC	AC/PC		AC								AC	AC
Drive-through facilities												CD				CD1		CD							CD	
Eating and Drinking Establishments																										
Fast Order Food												P1/P	P	P	P/PC	PC1/CD1										
Fast Order Food Drive-through														P	P/PC											
Eating - Sit Down														P	P/PC								P***			
15 seats or less									P1			P1/P	P	P	P/PC	PC1/CD1		P						P		
15 - 30 seats									CD		P1	P	P	P	P/PC	PC1/CD1		P						P		
Over 30 seats											P1	P						CD						CD		
Explosive Storage																						PC				
Financial, Insurance and Real Estate Services									P1	P	P1	P	P	P	P/PC	P1/PC1		P	P***				P***	P		
Food and Beverage Retail Sales									P1		P1	P	P	P	P/PC	PC1/CD1	P***	P	P***					P		
Funeral and Interment Svcs																										
Cremating												CD				PC1/CD1	P	P								
Interring	CD	CD	CD	CD	CD	CD	CD	CD																P		
Undertaking														P	P/PC	PC1/CD1	P	P								
Cemetaries	CD	CD	CD	CD	CD	CD	CD	CD																P		
Fuel Sales												CD		P	P/PC	PC1/PC1										
Laundry Services									P1		P1	P		P	P/PC	P1/PC1	P***	P	P***		P	P		P		
Lodging Services																										
Campground																	CD	P								CD***
Hotels/Motels												CD	P	P	P/PC	P1/C1		P								
Bed & Breakfast Facilities							P	P	P1	CD***			P	P	P/PC			P								
Medical Services									CD1	P	P1	P	P	P	P/PC	PC1/CD1		P								
Parking Lot Kiosk																										
Pedestrian oriented																P1/CD1	P***	P***	P***							
Auto-oriented									P1			P1				CD1	P***	P***								
Participant Sports and Recreation																							P***			
Indoor	CD	CD	CD	CD	CD	CD	CD	CD			P1	P	P	P	P/PC	PC1/CD1	P	P						P***		
Outdoor	CD	CD	CD	CD	CD	CD	CD	CD				CD	P	P	P/PC		P	P								CD***
Professional and Administrative Svcs				P*		P*	P*	P*	P1					P	P	P/PC	P1/PC1	P***					P	P	P	
Conversion of structure to Prof. and Admin. Svcs				CD*	CD	CD	CD	CD		P								P	P***				P***			
Regional Shopping Center																										
Repair Services, Consumer										P1	P	P	P	P	P/PC	P1/PC1		P	P					P		
Research Services										P	PC1	P	P	P	P/PC	P1/PC1		P	P		P	P	P	P	P	P***
Retail Sales										P1	P							P						P		
General														P	P	P/PC	P1/PC1									
University																	P1/PC1									

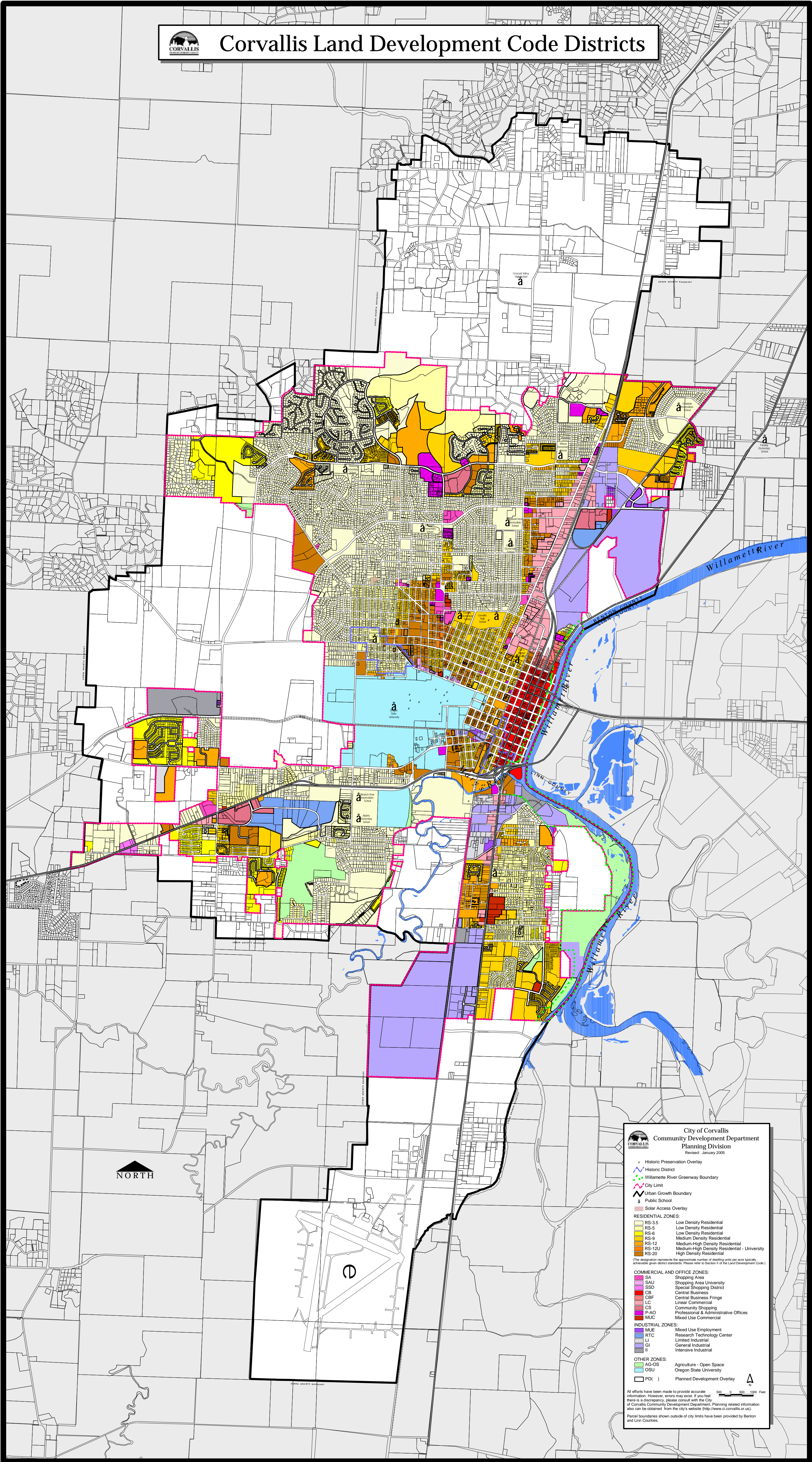
USE TABLE

ZONING DISTRICT	RS-3.5	RS-5	RS-6	RS-9	RS-9 (U)	RS-12	RS-12(U)	RS-20	MUR	P-AO	NC minor	NC major	RF	CB	CBF	MUCS	MUGC	MUT	LI-O	LI	GI	II	RTC	MUE	OSU	AG/O S	
Scrap Operations																					P	P					
Spectator Sports and Entertainment																								CD***			
Limited											CD1	PC	P	P	P/PC	PC1/C1		P									
Other												CD						CD***									
Swap Meets																PC1/CD1											
Temporary Outdoor Markets										P	CD1			P	P/PC	PC1/CD1				P	P	P	P***	P	P		
Wholesale, Storage and Distribution																								P			
Mini-warehouse														P	P/PC		P	P			P	P		P			
Light														P	P/PC			P		P	P	P	P	P			
Heavy																		P				P		P			
Industrial Use Types																											
Limited Manufacturing														P	P	P/PC			P***	P	P***	P	P	P	P***	CD***	
Technological Production													P						P		P	P	P				
General Industrial																		CD***				P		P***			
Intensive Industrial																		CD***				CD					
Agricultural Use Types																											
Animal Husbandry																											P
Animal Waste Processing																						P					AC
Aquaculture																											P
Horticulture																											
Cultivation	AC**	AC**	AC**	AC**	AC**	AC**	AC**	AC**													P						P
Storage	AC**	AC**	AC**	AC**	AC**	AC**	AC**	AC**													P						P
Packing and Processing																											
Limited																					P						AC
General																											CD***
Row and Field Crops	AC**	AC**	AC**	AC**	AC**	AC**	AC**	AC**																			P
Tree Crops	AC**	AC**	AC**	AC**	AC**	AC**	AC**	AC**																			P
Extractive Use Types																											
Mining and Processing																											

P: Permitted Use AC: Accessory Use CD: Conditional Development PC: Plan Compatibility
 *: Existing prior to 12.31.2000 **: For personal Use ***: see specific requirement(s) of Zone in applicable chapter of LDC 1: use is subject to square footage limitations



Corvallis Land Development Code Districts



City of Corvallis
Community Development Department
Planning Division
Revised: January 2005

- Historic Preservation Overlay
- Historic District
- Willamette River Greenway Boundary
- City Limit
- Urban Growth Boundary
- Public School
- Solar Access Overlay

RESIDENTIAL ZONES:

- RS-3.5 Low Density Residential
- RS-5 Low Density Residential
- RS-6 Low Density Residential
- RS-9 Medium Density Residential
- RS-12 Medium-High Density Residential
- RS-12U Medium-High Density Residential - University
- RS-20 High Density Residential

(The designation represents the approximate number of dwelling units per acre that is achievable given district standards. Please refer to Section 9 of the Land Development Code.)

COMMERCIAL AND OFFICE ZONES:

- SA Shopping Area
- SAU Shopping Area University
- SSD Special Shopping District
- CB Central Business
- CBF Central Business Fringe
- LC Linear Commercial
- CS Community Shopping
- PAO Professional & Administrative Offices
- MUC Mixed Use Commercial

INDUSTRIAL ZONES:

- MUE Mixed Use Employment
- RTC Research Technology Center
- LI Limited Industrial
- GI General Industrial
- I Intensive Industrial

OTHER ZONES:

- AG-OS Agriculture - Open Space
- OSU Oregon State University
- PDI() Planned Development Overlay

All efforts have been made to provide accurate information. However, errors may exist. If you feel there is a discrepancy, please consult with the City of Corvallis Community Development Department. Planning related information also can be obtained from the city's website (<http://www.ci.corvallis.or.us>).

Parcel boundaries shown outside of city limits have been provided by Benton and Linn Counties.

0 500 1000 Feet

N

CHAPTER 1.0 INTRODUCTION

Section 1.0.10 - ADOPTION

This document shall be known as the Land Development Code, or the "Code." This Code is adopted pursuant to the authority found in the Oregon Constitution, Article XI, Section 4; Corvallis Charter Section 4; and Oregon Revised Statutes 227.215 *et seq.*

Section 1.0.20 - STATEMENT OF PURPOSES

- a. The land development regulations contained in this Code are in accordance with the Comprehensive Plan and are intended to ensure that development is of the proper type, design, and location; serviced by a proper range of public facilities and services; and in all other respects consistent with the goals and policies of the Corvallis Comprehensive Plan; and
- b. The development approval process shall not result in the exclusion of needed housing at densities permitted by the underlying zone designations or result in unreasonable cost or delay.

Section 1.0.30 - ORGANIZATION OF THIS CODE

The Code is organized as a reference document. Tables and graphics are used to summarize and illustrate information.

- a. The Code is divided into four articles:
 - 1. Article I - General Provisions
 - 2. Article II - Administrative Procedures
 - 3. Article III - Development Zones
 - 4. Article IV - Development Standards
- b. **Article I** describes the responsibilities of the City Council, Planning Commission, Land Development Hearings Board, and Community Development Director. It also provides basic information on the legal framework of the Code, definitions of uncommon words or words that have a specific meaning to the Code, and enforcement provisions.
- c. **Article II** contains administrative procedures and review criteria for land use actions that require some discretion in approval.

- d. **Article III** presents Use Type classifications and zones. Use types are divided into six general headings: Residential, Civic, Commercial, Industrial, Agricultural, and Extractive. Development zones authorize specific use types and approval processes, and contain zoning specifications for lot sizes, building setbacks, and building heights. All zones have been grouped into the following categories:
1. Residential
 2. Commercial/Office
 3. Industrial
 4. Overlay Zones
 5. Other Zones
- e. **Article IV** addresses provisions for new development or intensification of existing development, including standards for parking, landscaping, accessory development, land divisions, signs, and special requirements for certain use types.

CHAPTER 1.1 THE CITY COUNCIL, ITS AGENCIES, AND OFFICERS

Section 1.1.10 - THE CITY COUNCIL

1.1.10.01 - Authority and Responsibility

The State has delegated to the City Council responsibility for adopting land use plans and controls. The City has adopted this Code pursuant to its responsibilities to secure the health, safety, and welfare of its citizens and also pursuant to its home rule authority. The City Council has created a Planning Commission and Land Development Hearings Board to implement such plans and controls. In addition, the State has authorized the Council to act upon applications for development or to delegate its authority to act upon such applications.

1.1.10.02 - Powers and Duties

The City Council has the following powers and duties in addition to any others it may now have, be given, or confer upon itself. The City Council:

- a.** May adopt, amend, supplement, or repeal plans and policies for development of the community;
- b.** May adopt, amend, supplement, or repeal the text of any provisions or regulations of this Code or the boundaries of zones established on the Official Zoning Map;
- c.** Shall review decisions of the Planning Commission and Land Development Hearings Board upon appeal;
- d.** Shall appoint members of the Planning Commission; and
- e.** May establish a reasonable schedule of fees with respect to matters under this Code.

Section 1.1.20 - THE PLANNING COMMISSION

The Planning Commission, appointed in accordance with the Boards and Commissions Ordinance, shall have the powers and duties provided therein and provided by this Code.

Section 1.1.30 - LAND DEVELOPMENT HEARINGS BOARD

The Land Development Hearings Board shall hear and act on appeals resulting from alleged errors in orders, requirements, decisions, and interpretations of the Director or

designated administrative officers charged with the enforcement of this Code and other matters as required by this Code.

1.1.30.01 - Membership

- a.** All members of the Planning Commission are eligible to serve on the Land Development Hearings Board. The Land Development Hearings Board shall consist of three members appointed from the Planning Commission by the chair of the Planning Commission. One member shall be appointed to a 1-year term, one to a 2-year term, and one to a 3-year term. All succeeding appointments shall be 3-year terms or until the appointees are no longer members of the Planning Commission, whichever comes first.
- b.** Any vacancy on the Board shall be filled by an appointment by the Planning Commission chair for the unexpired portion of the term of the Board member whose office became vacant.
- c.** The members of the Land Development Hearings Board shall continue as voting members of the Planning Commission.
- d.** The chair of the Planning Commission may appoint alternates to serve in the absence of Board members.

1.1.30.02 - Quorum

Two members of the Land Development Hearings Board shall constitute a quorum. Any position in the Land Development Hearings Board may be filled, or a substitution made, to allow any members of the Planning Commission to serve for purposes of a quorum.

1.1.30.03 - Powers and Duties

The Land Development Hearings Board shall conduct hearings and prepare findings of fact in accordance with Chapter 2.0 - Public Hearings and take such actions concerning appeals as required by this Code.

Section 1.1.40 - COMMUNITY DEVELOPMENT DIRECTOR

1.1.40.01 - Position

The City Manager may delegate the powers and duties herein to the administrative officer of the City, defined as the Community Development Director, to supervise, organize, direct, and control activities defined under this Code. The Community Development Director shall be referred to as "Director" throughout the Code.

1.1.40.02 - Powers and Duties

The Director provides professional planning assistance to citizens, the City Council, Planning Commission, Land Development Hearings Board, and City Manager, and is authorized to interpret provisions of this Code and to perform other such duties in the Code's administration as are required herein. Such powers and duties may be accomplished by person(s) as designated by the Director.

Section 1.1.50 - CONFLICT OF INTEREST

A member of the hearing authority shall not participate in any proceedings or actions in which the member has a conflict of interest as defined by State law. Any actual or potential conflict of interest shall be disclosed at the meeting of the hearing authority where the action is being taken. Examples of conflict of interest include:

- a.** Member owns property within the area entitled to receive notice of the public hearing;
- b.** Member has a direct private interest in the proposal; or
- c.** For any other valid reason, the member has determined that participation in the hearing and decision cannot be impartial.

Section 1.1.60 - PARTICIPATION BY INTERESTED OFFICERS OR EMPLOYEES

No officer or employee of the City who has a financial interest in a land use decision shall participate in discussions with or give an official opinion to the hearing body without first declaring for the record the nature and extent of such interest.

CHAPTER 1.2 LEGAL FRAMEWORK

Section 1.2.10 - RULES OF CONSTRUCTION

This Code shall be construed liberally in order to achieve its purposes. Unless specifically prescribed otherwise in this Code, the following provisions shall govern its interpretation and construction:

- a. When consistent with the context, words in the present tense include the future, words in plural include the singular, and words in singular include the plural.
- b. Unless specified otherwise in this Code, any action authorized or required to be taken by the City may be accomplished by the Council or by an official or agent designated by the Council.

Section 1.2.20 - SEVERABILITY AND CONSTITUTIONALITY

If any section, subsection, sentence, clause, or phrase of this Code is for any reason held illegal, invalid, or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Council hereby declares that it would have passed this Code and each section, subsection, sentence, clause, and phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared illegal, invalid, or unconstitutional.

Section 1.2.30 - DESCRIPTIVE HEADINGS

The paragraph captions and headings in this Code are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of this Code.

Section 1.2.40 - CALCULATION OF TIME

Where the performance of any act, duty, matter, or payment is required and the period of time or duration for the performance is prescribed and fixed, the time shall be computed to exclude the first day and include the last day of the prescribed or fixed period or duration of time. When the last day of the period falls on a Saturday, Sunday, or a legal holiday, that day shall be omitted from the computation. The word "day" means calendar day unless specified otherwise.

Section 1.2.50 - SAVINGS CLAUSE

The amended Corvallis City Ordinance 93-20, which is repealed by the ordinance adopting this Code, shall remain in force to authorize the arrest, prosecution, conviction, and punishment of a person who violates Corvallis City Ordinance 93-20, as amended, prior to the effective date of this Code.

Section 1.2.60 - REVIVAL

The repeal of Corvallis City Ordinance 93-20, as amended, does not thereby revive any provision, ordinance, or section that was in effect prior to the adoption or amendment of Corvallis City Ordinance 93-20 as amended. This repeal does not affect any punishment, penalty, or fine incurred before the repeal took place or any prosecution or proceeding begun or pending prior to the adoption of this Code.

Section 1.2.70 - NONDISCRIMINATION

The City shall not discriminate on the basis of race, religion, national origin, age, color, gender, sexual orientation, or physical disability in the administration or enforcement of this Code.

Section 1.2.80 - TEXT AMENDMENTS

1.2.80.01 - Background

This Code may be amended whenever the public necessity, convenience, and general welfare require such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable policies.

1.2.80.02 - Initiation

An amendment may be initiated through one of the following methods:

- a. Majority vote of the City Council; or
- b. Majority vote of the Planning Commission.

1.2.80.03 - Review of Text Amendments

The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings.

Section 1.2.90 - THE OFFICIAL ZONING MAP

Zone boundaries established by this Code are shown on the Official Zoning Map, which is on file in the Community Development office. The City's Official Zoning Map shall be the City's geographic information system (GIS) version of the Zoning Map, as retained by the City's Mapping and GIS Services Division, and as adopted on December 31, 2000 and amended from time to time. The Official Zoning Map and all amendments and other matters entered on the Official Zoning Map are a part of this Code and have the same legal effect as if fully set out herein.

1.2.90.01 - Amendments

Amendments to the Official Zoning Map shall be adopted as provided in Chapter 2.2 - Zone Changes. After adoption of an amendment, the Director shall alter the Official Zoning Map to indicate the amendment.

1.2.90.02 - Interpretation of Zone Boundaries

Zone boundaries shown on the Official Zoning Map shall be located as described in the ordinance or order establishing and amending such zone boundaries. Public streets and highways shall not be zoned, nor shall private streets be zoned unless specifically included within a particular zone. If uncertainty exists as to the boundaries of the zones and the uncertainty is not resolved by the ordinance or orders that establish and amend such boundaries, the following rules shall apply:

- a. Boundaries indicated as approximately following property lines shall be construed as following such lines;
- b. Boundaries indicated as approximately following railroad lines shall be construed as midway between the main track or tracks;
- c. Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices;
- d. Boundaries indicated as parallel to, or extensions of natural or human-made features indicated in "a" through "c" above shall be so construed as following these features;
- e. Where a boundary between zones is present on a lot or parcel, the portions of the lot within the given zone shall be subject to the applicable uses and development standards of that zone. If a boundary between zones is present on a lot or parcel and neither portion of the lot or parcel is developable under the applicable zone, then a property owner may petition the Land Development Hearings Board to apply one or the other zone to the entire lot or parcel. Such a petition shall follow the procedures and review criteria established for a zone change in Chapter 2.2 - Zone Changes; and
- f. Boundaries indicated as approximately following the center lines of alleys, streams, rivers, lakes, or other bodies of water shall be construed as following such center lines.

Where uncertainties continue to exist after application of the above rules, the Land Development Hearings Board shall determine the location of such boundaries.

Section 1.2.100 - DEVELOPMENT REVIEW FEES

1.2.100.01 - Required Fees

The Director is authorized to charge and collect fees for the provision of municipal services outlined in this Code. The City Council shall set fees in accordance with the Council's financial policies and shall charge no more than the actual or average cost of providing planning and development review services in accordance with ORS 227.175(1). The Director shall maintain a current schedule of fees for public review.

1.2.100.02 - Annual Review

Development review fees shall be reviewed annually and revised to reflect the change in costs to the City for wages and benefits of appropriate represented employees in the current fiscal year. The annual adjustment of fees shall be effective January 1 of each year.

Section 1.2.110 - DEVELOPMENT REVIEW PROCESS

1.2.110.01 - Ministerial Development

Ministerial Development includes nondiscretionary development activities that are permitted outright, subject to compliance with the criteria and standards of this Code. Those uses that are listed in the zones in Article III as "Permitted Uses" are Ministerial Development activities. These uses require staff review upon application for a building permit and are subject to zoning standards and other development provisions of the Code and applicable City ordinances and requirements, including all City-adopted plans such as the Transportation Plan, the public facilities master plans, the Parks Master Plan, etc. Additionally, these uses are subject to all applicable Federal and State standards and regulations, such as the Uniform Building and Fire Codes, regulations by the State Department of Environmental Quality (DEQ), the Division of State Lands (DSL), etc. Review of building permits shall be accomplished according to ministerial procedures.

1.2.110.02 - General Development

General Development includes development activities that require at least some discretion. General Development requires less discretion than Special Development and involves review and approval by staff without a public hearing. General Development requires public notice prior to a staff decision. A notice of disposition is provided to persons who respond in writing to the public notice. Appeals are made to the Land Development Hearings Board and City Council in accordance with Chapter 2.19 - Appeals. As with Ministerial Development, approval of a General Development use is subject to zoning standards and other development provisions of the Code and City ordinances and requirements.

General Development activities that may be approved by staff without a public hearing are described in the following sections of Article II - Administrative Procedures:

- Chapter 2.5 - Expedited Land Division, section 2.5.100.
- Chapter 2.9 - Historic Preservation Provisions (excluding the activities identified in Chapter 2.9 as needing a public hearing, such as in section 2.9.30), sections 2.9.40 - 2.9.100.
- Chapter 2.12 - Lot Development Option, section 2.12.30.
- Chapter 2.13 - Plan Compatibility Review, section 2.13.30.
- Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments, sections 2.14.30 - 2.14.80.
- Chapter 2.15 - Hillside Development and Density Transfer, section 2.15.40.
- Chapter 2.16 - Request for Interpretations, section 2.16.30.
- Chapter 2.18 - Solar Access Permits, section 2.18.40.

1.2.110.03 - Special Development

Special Development includes development activities that require considerable discretion. It involves a public hearing, in accordance with the provisions of Chapter 2.0, as well as approval by an established hearing authority. As with Ministerial Development, approval of a Special Development use is subject to zoning standards and other development provisions of the Code and City ordinances and requirements.

Special development activities are described in the following sections of Article II - Administrative Procedures:

- Chapter 2.1 - Comprehensive Plan Amendments, section 2.1.30.
- Chapter 2.2 - Zone Changes, sections 2.2.30 and 2.2.40.
- Chapter 2.3 - Conditional Development, section 2.3.30.
- Chapter 2.4 - Subdivisions and Major Replats, sections 2.4.30 - 2.4.80.
- Chapter 2.5 - Planned Developments and Refinement Plans, sections 2.5.40 - 2.5.90.
- Chapter 2.6 - Annexations, section 2.6.30.
- Chapter 2.7 - Extension of City Services Outside the City Limits, section 2.7.50.
- Chapter 2.8 - Vacating of Public Lands and Plats, section 2.8.40.
- Chapter 2.9 - Historic Preservation Provisions (excluding the activities identified in Chapter 2.9 that do not involve a public hearing), section 2.9.30.

1.2.110.04 - Conditions of Approval

Conditions of approval placed on developments shall be based upon Comprehensive Plan and Code criteria.

Section 1.2.120 - ROUGH PROPORTIONALITY

If an applicant intends to assert that he/she cannot legally be required, as a condition of building permit or development approval, to provide easements, dedications, or improvements at the level otherwise required by this Code, the building permit or site plan review application shall include a "rough proportionality" report submitted by the applicant and prepared by a qualified civil or traffic engineer (or qualified professional in the field of the issue in question), as appropriate, showing:

- a.** The estimated extent, on a quantitative basis, to which the improvements will be used by persons served by the building or development, whether the use is for safety or convenience;
- b.** The estimated level, on a quantitative basis, of improvements needed to meet the estimated extent of use by persons served by the building or development;
- c.** The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements will be a part; and
- d.** The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system.

For building permits that do not involve any City planning processes, the applicant shall submit the report outlined above at the time of its related appeal period. For building permits that do involve City planning processes, the applicant shall submit the report either during the period following the staff review committee (SRC) meeting and prior to the mailing of the public notice, or during the regular appeal period associated with such planning applications. Appeal processes are outlined in Chapter 2.19 - Appeals of this Code.

CHAPTER 1.3 ENFORCEMENT

Section 1.3.10 - RESPONSIBLE OFFICER

This Code shall be administered and enforced by the Director.

Section 1.3.20 - BUILDING PERMIT

No building permit shall be issued by the Building Official for any development unless the Director has determined the following:

- a. Proposed development complies with the provisions of this Code, including any conditions of approval (established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, or otherwise authorized by this Code, City Ordinances, or State law);
- b. Proposed development complies with all applicable City ordinances and requirements (including all City-adopted plans such as the Transportation Plan, the public facilities master plans, the Park and Recreation Facilities Plan, etc.);
- c. Proposed development complies with the Uniform Building and Fire Codes; and
- d. Required special or general development permit(s) have been issued.

It is the applicant's responsibility to ensure that building permit applications are consistent with applicable Federal and State standards and regulations, such as those by the State Department of Environmental Quality (DEQ), the Division of State Lands (DSL), etc., that are not regulated by the City through this Code, City ordinances and requirements, and/or conditions of approval.

Section 1.3.30 - CERTIFICATE OF OCCUPANCY

No certificate of occupancy shall be issued by the Building Official for any development unless all requirements of this Code have been met, including any conditions of approval (established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, or otherwise authorized by this Code, City Ordinances, or State law), or until the applicant has provided some written form of assurance acceptable to the Director guaranteeing the completion of all requirements.

Section 1.3.40 - NONCOMPLIANCE WITH THE APPROVED DEVELOPMENT PLANS

If the Director determines that a development substantially differs from the approved plans or the provisions of this Code, including any conditions of approval (established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, or otherwise authorized by this Code, City Ordinances, or State law), the Director

shall notify the developer and Building Official in writing. Thereafter, the Building Official may issue orders to the developer as are within the range of authority available to the Building Official, and upon continued noncompliance may withhold site development and/or building permits for further construction or revoke those permits previously issued until compliance is achieved.

Section 1.3.50 - STOP WORK ORDER

Whenever any work is done contrary to the provisions of this Code, including any conditions of approval (established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, or otherwise authorized by this Code, City Ordinances, or State law), the Director may order the work stopped by notice in writing served on any persons engaged in the work, and any such persons shall immediately stop such work until authorized by the Director to proceed.

Section 1.3.60 - VIOLATIONS

Use of land in the City of Corvallis not in accordance with the provisions of this Code, including any conditions of approval (established by the authority of the City Council, the Planning Commission, the Land Development Hearings Board, or otherwise authorized by this Code, City Ordinances, or State law), constitutes a violation. Upon receiving information concerning a violation of this Code, the Director may conduct an investigation to determine whether a violation exists. The Director may request the assistance of other City agencies and officers in the conducting of such investigations.

The Director may prepare and deliver to the City Attorney a request for prosecution indicating the location and nature of the suspected violation, applicable Code sections, and other information provided by the staff.

1.3.60.01 - Notice of Violation

After receiving a report of an alleged violation from the Director, the City Attorney shall, if he/she determines that probable cause exists, promptly give notice of the alleged violation by certified first-class mail, return receipt requested, or by personal service to the owner of record for tax purposes and to the person in charge of the property. Such a notice shall indicate the following:

- a. Location and nature of the violation;
- b. Provision or provisions of this Code allegedly violated;
- c. Whether immediate enforcement shall be sought or if 15 days shall be allowed to correct or remove the violation. Immediate enforcement shall be sought in a situation involving a health hazard or other nuisance that clearly exists and that poses an imminent danger to human life or property; and

- d. The date when the notice was personally served or, if the notice was sent by first-class mail, the date three days after mailing. A defect in the notice of violation with respect to this notice delivery provision shall not prevent enforcement of this Code.

1.3.60.02 - City Attorney to Pursue Enforcement

When the compliance deadline expires, the City Attorney shall proceed with any legal or equitable action deemed appropriate unless:

- a. It has been demonstrated to the City Attorney that the violation has been corrected, removed, or will not be committed; or
- b. A court of competent jurisdiction has halted enforcement pending the outcome of a proceeding concerning the violation.

1.3.60.03 - Penalties

Code violations may be subject to criminal, civil, or other sanctions authorized under ordinance of the City.

- a. **Criminal Penalties** - Unless specified otherwise, every violation of the terms of this Code is a Class A infraction, punishable by a fine of up to \$500.00. Each day such violation continues shall be considered a separate offense. (Sign Code violations are addressed in Chapter 4.7 - Sign Regulations.)
- b. **Civil Penalties and Remedies** - In addition to, or in lieu of, criminal actions, a violation of this Code or a permit issued hereunder may be the subject of a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement. (Sign Code violations are addressed in Chapter 4.7 - Sign Regulations.)
 - 1. The Director is authorized to impose a civil penalty of up to \$1,000.00 for any violation of this Code.
 - 2. In imposing a penalty amount pursuant to the schedule authorized by this section, the Director shall consider the following factors:
 - (a) The history of the person incurring a penalty in taking all feasible steps or procedures necessary or appropriate to correct any violation;
 - (b) Any prior violations of statutes, rules, orders, and permits pertaining to development regulations;

- (c) The economic and financial conditions of the person incurring a penalty;
 - (d) The gravity and magnitude of the violation;
 - (e) Whether the violation was repeated or continuous; and
 - (f) Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act.
3. Imposition and enforcement of civil penalties is not an exclusive remedy, but shall be in addition to any other procedures or remedies provided by law. Imposition or payment of a civil penalty under this section shall not bar any criminal proceeding authorized under this ordinance.
4. A civil penalty shall be imposed under this section by issuance of a notice of penalty. A civil penalty may be imposed for each 30 days the condition continues. The notice of penalty shall be provided in the manner as described under "5" below.
5. Any civil penalty imposed under this section shall become due and payable when the notice of penalty is served upon the person incurring the penalty. Service shall be by personal service or by certified mail, return receipt requested, to the last known address of the person incurring the penalty. The notice of penalty shall include the following:
- (a) Reference to the particular provision or law violated;
 - (b) Statement of the matters asserted or charged;
 - (c) Statement of the amount of the penalty or penalties imposed;
 - (d) Statement of the owner's right to appeal the penalty; and
 - (e) Statement that if the penalty is not paid within the time required under "10" below, the penalty and any costs of service and recording fees shall be recorded by the City Recorder in the City Lien Docket and shall become a lien on the property of the person incurring the penalty.
6. If the notice of penalty is returned to the City without service upon the named person, the Director shall post a notice of penalty on the premises where the violation has occurred. The notice shall be posted so as to be visible from the public right-of-way and shall be

delivered to a person, if any, occupying the premises. The posted notice shall be affixed to the premises and shall also indicate that tampering or removal of the notice shall constitute a misdemeanor.

7. The person to whom the notice of penalty is issued shall have 20 days from the date of service of the notice in which to appeal the penalty before the municipal judge, after which time the notice of penalty becomes a final order. The appeal shall be as provided in "8" and "9" below.
8. Any appeal shall be in writing and signed by the person against whom the penalty has been assessed or the attorney for that person. The appeal shall state the grounds of the appeal. The appeal shall be accompanied by a deposit in the amount of the civil penalty assessed and an appeal fee of \$50.00. The appeal shall be filed with the municipal court and served upon the City Attorney. Failure to comply with these provisions shall result in the appeal's dismissal.
9. The only issues to be decided by the municipal judge are determinations of whether the condition of the property was as alleged in the notice of penalty and if so, whether that condition violated this Code. If the judge finds that the alleged condition existed at the time and date specified on the notice of penalty, and that the condition violated this Code, the municipal judge shall issue an order affirming the penalty. The order shall contain a provision for court costs to be paid by the violator in the amount of \$100.00. If the judge finds that the condition alleged in the notice of penalty did not exist at the time and date specified on the notice, the municipal judge shall void the notice of penalty. The order voiding the notice of penalty shall provide for return of the deposit, including the appeal fee. The judge's order is final.
10. Unless the amount of penalty imposed under this section is paid within 10 days after the notice of penalty or the order becomes final by operation of law or after appeal, the order shall constitute a lien on the owner's subject property and shall be recorded in the City Lien Docket. Where the service has been made by certified mail or other means providing a receipt, the returned receipt shall be attached to and made a part of the recorded order. The penalty and any added costs imposed by the order become a lien upon the real property. That lien shall have priority over all other liens and encumbrances of any form. The lien shall accrue interest at the rate applicable for municipal assessment liens from the date of docketing until clearance. The lien may be foreclosed on and the property sold as may be necessary to discharge the lien in the manner specified in ORS 223.505 through 223.650.

11. Any lien for a civil penalty shall be released when the full amount determined to be due has been paid to the City. The owner or person making such payment shall receive a receipt stating that the full amount of penalties, interest, recording fees, and service costs have been paid, and that the lien is thereby released and the record of the lien satisfied.

1.3.60.04 - Tampering with Official Notice

- a. No person shall remove or tamper with a notice posted on property pursuant to the provisions of this chapter unless authorized by the Director.
- b. A violation of this provision shall be a Class "C" misdemeanor.

CHAPTER 1.4 NONCONFORMING DEVELOPMENT

Section 1.4.10 - BACKGROUND

As used in the Code, nonconforming development includes nonconforming structures and nonconforming uses. A *nonconforming structure* does not fully comply with zoning provisions for setbacks, building height, and/or off-street parking, or does not fully comply with some other standard of the zone. A *nonconforming use* is not permitted outright or has not received conditional approval in the zone in which it exists.

Within the zones established by this Code, development may exist that was lawful at the time it began, but would be nonconforming and prohibited in the future under the terms of this Code or future amendments.

In order to avoid undue hardship to developers, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried out diligently. Construction is considered to have started if excavation, demolition, or removal of an existing building has begun in preparation for rebuilding, and a building permit has been acquired, prior to the effective date of adoption or amendment of this Code.

Section 1.4.20 - PURPOSES

- a. Permit nonconforming development to continue, but not to encourage its perpetuation.
- b. Ultimately bring development into conformance with this Code and the Comprehensive Plan.

Section 1.4.30 - NONCONFORMING STRUCTURES

1.4.30.01 - Alteration of a Nonconforming Structure

Where the use of a structure is permitted by the applicable zone but the structure is nonconforming, an alteration, expansion, or relocation may be ministerially approved if the improvement, evaluated separately from the existing structure, would be in compliance, and is not within a vision clearance area as defined in Chapter 1.6 - Definitions and/or determined by the City Engineer.

For structures in existence prior to December 31, 2000, reconstruction of structures (both residential and nonresidential) may occur consistent with how the structures previously existed in their nonconforming state, **except for the following:**

- a. Any substantial improvement to a nonconforming structure located within the 100-year flood plain shall be accompanied by raising the finished grade of any nonhabitable space to an elevation at or above the base flood elevation, and raising the lowest floor of any habitable space to an elevation 1 ft. above the base flood elevation. This requirement for raising the lowest floor of a nonconforming structure applies to all nonconforming structures within the 100-year flood plain, regardless of when the structure was originally constructed. Note: Pursuant to section 4.5.70 of Chapter 4.5 - Flood Control and Drainageway Provisions, new construction, substantial improvements, and encroachments are prohibited within the 0.2-ft.-rise floodway; and
- b. Where a structure is designated as historic, any alteration, expansion, enlargement, extension, reconstruction, relocation, or demolition shall be consistent with the provisions in Chapter 2.9 - Historic Preservation Provisions.

1.4.30.02 - Damage to a Nonconforming Structure within the 100-Year Flood Plain

If a nonconforming structure within the 100-year flood plain is substantially damaged, the finished grade of any nonhabitable space shall be raised to an elevation at or above the base flood elevation and the lowest floor of any habitable space shall be raised to an elevation 1 ft. above the base flood elevation. Refer to Chapter 1.6 for a definition of "substantial damage to structures within the 100-year flood plain." Note: Pursuant to section 4.5.70 of Chapter 4.5 - Flood Control and Drainageway Provisions, new construction, substantial improvements, and encroachments are prohibited within the 0.2-ft.-rise floodway.

Section 1.4.40 - NONCONFORMING USES

1.4.40.01 - Alterations of a Nonconforming Use (within a structure or on land)

No building, structure, or land area devoted to a nonconforming use shall be expanded. Reconstruction, relocation, or structural alteration shall conform to the provisions of this Code. Nothing in this chapter shall be construed as prohibiting normal repair, maintenance, and nonstructural alterations to such development, nor the alteration, strengthening, or restoration to safe condition as may be required by law.

1.4.40.02 - Continuance of a Nonconforming Use

A nonconforming use shall not be expanded or relocated to a different or greater area of land, buildings, or structures than it occupied at the time it became nonconforming. Additionally, where a nonconforming use exists on a site, its use type may continue to exist, provided it is in accordance with the provisions of this Code.

1.4.40.03 - Discontinuance of a Nonconforming Use

Whenever a nonconforming use is discontinued for more than one year, further use shall conform with the provisions of this Code. For purposes of this Code, rental payments or lease payments and taxes shall not be considered a continued use. "Discontinued" shall mean non-use and shall not require a determination of the voluntary or involuntary nature of the discontinuance or the intent to resume the nonconforming use.

1.4.40.04 - Damage to a Nonconforming Use

If a structure containing a nonconforming use is substantially damaged, any future development on the site shall use a land use type conforming to those allowed within the applicable zone in which it is located. Refer to Chapter 1.6 for a definition of "substantial damage to structures containing nonconforming uses."

1.4.40.05 - Reclassification to Conditional Development

Whenever a nonconforming use is permitted conditionally, it shall be reclassified as conforming upon receipt of an approved Conditional Development application in accordance with Chapter 2.3 - Conditional Development.

Section 1.4.50 - EXCEPTIONS

1.4.50.01 - Commercial Uses in RS-12 Zone along SW Third, SW Fifth, and SW Sixth Streets

- a. Specific commercial use types in existence on individual sites as of December 31, 2000, in the RS-12 Zone along SW Fifth and SW Sixth Streets from SW Adams Avenue to SW Western Boulevard, shall not be classified as nonconforming development.
- b. Specific commercial use types in existence on individual sites as of December 31, 2000 (e.g., Automotive and Equipment - Light Equipment Repairs), in the Mixed Use Community Shopping Zone at 2220 SW Third Street (Assessor's Map #12-5-11BC, Tax Lot 700 and 701), shall not be classified as nonconforming development. Upon further development, perimeter buffers shall be established consistent with Mixed Use Community Shopping Zone standards.

1.4.50.02 - Existing Uses

Uses that were permitted by the underlying zone prior to a subject property's rezoning via ZDC00-00009 (the zoning map changes related to the Code Update Project), shall not be classified as nonconforming development unless the uses on

the subject property have been discontinued for a period of more than 18 months (in which case section 1.4.40.03 shall apply).

1.4.50.03 - Office Uses in the RS-9, RS-9(U), RS-12, RS-12(U), and RS-20 Zones

Office uses (defined in Chapter 1.6) in existence as of December 31, 2000, in the RS-9, RS-9(U), RS-12, RS-12(U) and RS-20 zones shall not be classified as nonconforming development.

1.4.50.04 - North Campus Area (defined in Chapter 1.6)

- a. Multi-dwellings in existence as of December 31, 2000, shall not be classified as nonconforming development. However, redevelopment or expansion requires compliance with current parking standards contained in Chapter 4.1 - Parking, Loading, and Access Requirements.
- b. Office uses (defined in Chapter 1.6) in existence as of December 31, 2000, shall not be classified as nonconforming development. However, redevelopment or expansion requires compliance with current parking standards contained in Chapter 4.1 - Parking, Loading, and Access Requirements.

1.4.50.05 - Nonconforming Lots of Record

A lot of record may not meet the lot size requirements of the zone in which it is located. Such a lot may be occupied by a use permitted in the zone. If, however, the lot is smaller than the size required in its zone, residential use shall be limited to one dwelling unit or to the number of dwelling units consistent with density requirements of the zone.

1.4.50.06 - Street and Drainageway Dedications

The act of conveyance to or appropriation by the City for street or drainage purposes shall not in itself render as nonconforming the use of land, structure, or other improvement maintained upon a lot.

1.4.50.07 - Nonconforming Duplexes

Where a duplex fails to meet the building type requirements in the zone in which it is located and has been damaged as described in 1.4.40.04 above, it may be reconstructed provided such reconstruction commences within one year of the damage and complies with required development standards.

1.4.50.08 - Residential Uses

Any residential building type permitted prior to December 31, 2000, but which is no longer allowed as a new use, may be modified, enlarged, or rebuilt, provided it complies with required development standards of the zone.

CHAPTER 1.6 DEFINITIONS

Section 1.6.10 - GENERAL MEANING OF WORDS

All words and terms assume their dictionary definitions unless they are specifically defined in this Code or the context in which they are used clearly indicates to the contrary.

Section 1.6.20 - COMMON WORDS

- a. All words in present tense include the future tense.
- b. All words in plural include the singular, and all words in singular include the plural unless the context clearly indicates to the contrary.
- c. The word "shall" is mandatory and the word "may" is permissive.
- d. The word "building" includes the word "structure."
- e. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- f. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.
- g. The words "lot" and "parcel" are used interchangeably unless the context clearly indicates to the contrary.

Section 1.6.30 - SPECIFIC WORDS AND TERMS

Abutting Lots - Two or more lots joined by a common boundary line or point.

Access - Place, means, or way by which ingress and egress are provided (see also definition for "Solar Access").

Accessory Structure - Structure customarily incidental and subordinate to the main use of property and located on the same lot as the main use; freestanding and structurally separated from the main use.

Accessory Use - Use customarily incidental and subordinate to the main use of a property and located on the same lot or site as the main use.

Accessway - Narrow strip of land connecting a parcel to a public street right-of-way or a private street located within its own separate tract. The accessway ensures access to the parcel. Actual pavement widths within an accessway are in accordance with the City's Off-

Street Parking and Access Standards established by and available through the City Engineer and amended over time.

Acre - Unit of land equal to 43,560 sq. ft.

Actual Construction - Permanent placing and fastening of construction materials.

Affordable Housing - Housing for which ownership costs (mortgage loan principal, interest, property taxes, and insurance) or rental costs (unit rent and utilities) require no more than 30 percent of the gross monthly income of a household that has income at or below 80 percent of the Corvallis area median. The Corvallis area median is calculated annually by the U.S. Department of Housing and Urban Development (HUD) and applied based on household size. *Note: These numbers are updated annually by HUD and are on file in the City's Housing Division.*

Agriculture - Nursery, horticulture, and similar activities for the cultivation of commercial crops; pasturing, breeding, dairying, and similar uses of animals; and poultry farming for commercial use. Does not include processing, slaughtering, large-scale poultry farming, or forestation.

Alley - Public or private right-of-way designed and intended to serve as secondary access to the side or rear of those properties having a street as primary access.

Alteration - Change, addition, or modification in construction or occupancy of a building or structure.

Apartment - Dwelling unit located within a multi-dwelling, but excluding condominiums. ("Multi-Dwelling" is defined under "Building Types.")

Application - Materials submitted or to be submitted.

Area, Gross - Total area of a parcel or site, usually expressed in acres.

Area, Net - Total area of a parcel or site, usually expressed in acres and excluding existing public street rights-of-way and, if a developer desires, excluding public parks, significant natural feature areas dedicated to the public, and/or other areas permanently precluded from development due to development constraints or conservation easements. Planned streets shall not be excluded from the net area.

Average Setback - The formula for determining Average Setback is as follows:

$$AS = (y_1 \times SD_1) + (y_2 \times SD_2)$$

where:

AS = Average Setback

y = Percent of wall length at a particular distance from property line
SD₁ = Farthest Setback Distance (actual distance from property line)
SD₂ = Closest Setback Distance (actual distance from property line)

Example: Average Setback = 50 ft.

y₁ = 0.33 (33%)
SD₁ = 90 ft.
y₂ = 0.67 (67%)
SD₂ = 30 ft.

$(0.33 \times 90) + (0.67 \times 30) = 50\text{-ft. average setback}$

Base Flood Event - Flood event during periods of higher than normal stream flow that has a 1 percent chance of being equaled or exceeded in any given year. A base flood event affects the relatively flat area lying adjacent to a river or stream that is covered by water when the river or stream overflows its banks. This flat area is commonly referred to as the 100-year flood plain. See "Flood Plain."

Block - Tract of land bound by a street or a combination of streets and public parks, cemeteries, railroad rights-of-way, drainageways, pedestrian connections, or unsubdivided land.

Bond - Form of security in an amount and form satisfactory to the City. See "Performance Guarantee" in section 2.4.40.08.01.

Buffer - Area designed to provide space or distance, obstruct undesirable views, serve as an acoustic barrier, or generally reduce impacts of adjacent development.

Building - Structure having a roof supported by columns or walls and used or intended for the shelter, housing, or enclosure of any individuals, animals, processes, equipment, goods, or materials of any kind.

Building Envelope - Portion of a lot or development site exclusive of the areas required for front, side, and rear yards and other required open spaces; and which is available for siting and constructing a building or buildings.

Building Height - See "Height of Buildings."

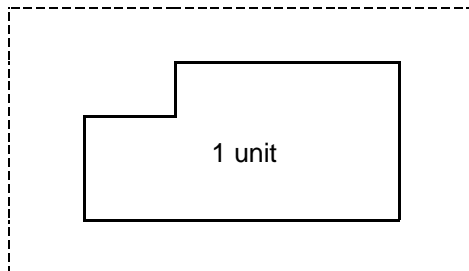
Building Line - Line on a plat indicating the limit beyond which buildings or structures may not be erected, or the minimum distance as prescribed by this Code between the property line abutting a street and the closest point of the foundation of any related building or structure.

Building Official - Development Services Manager.

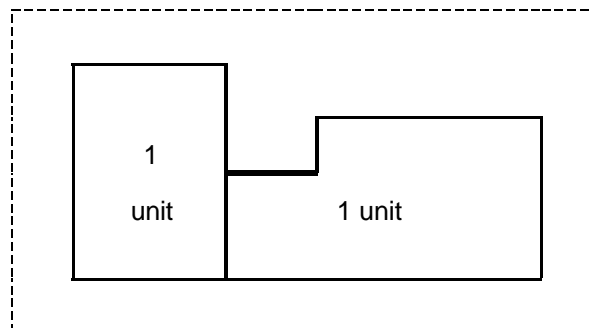
Building Types

a. **Nonresidential** - Group of building types comprising the following:

1. **Detached** - One main building, freestanding and structurally separated from other buildings.

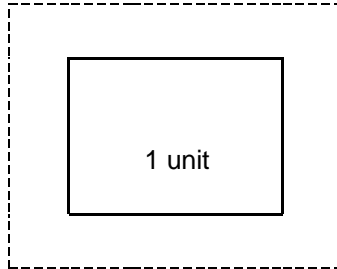


2. **Attached** - Two or more main buildings placed side by side so that some building walls are in common for a minimum length of 5 ft. Fences, trellises, etc. attached between buildings do not create "attached" structures.

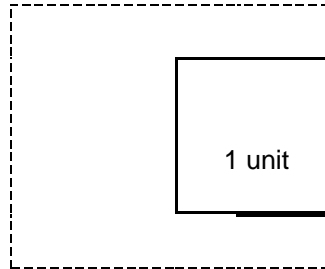


b. Residential - Group of building types comprising the following:

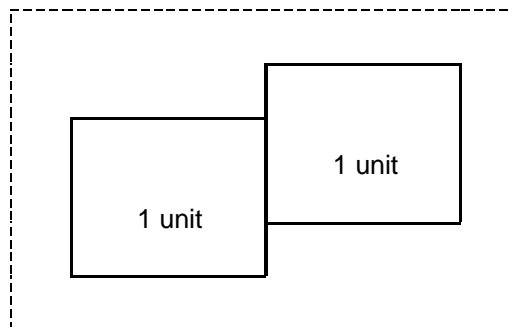
1. **Single Detached** - One dwelling unit, freestanding and structurally separated from other dwelling units or buildings, located on a lot or development site. Includes manufactured homes.



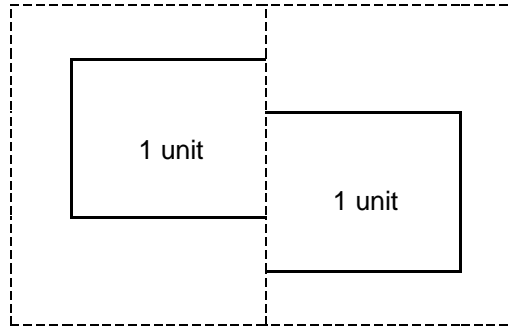
2. **Single Detached (Zero Lot Line)** - One dwelling unit, freestanding and structurally separated from other buildings, with no setback from one lot line.



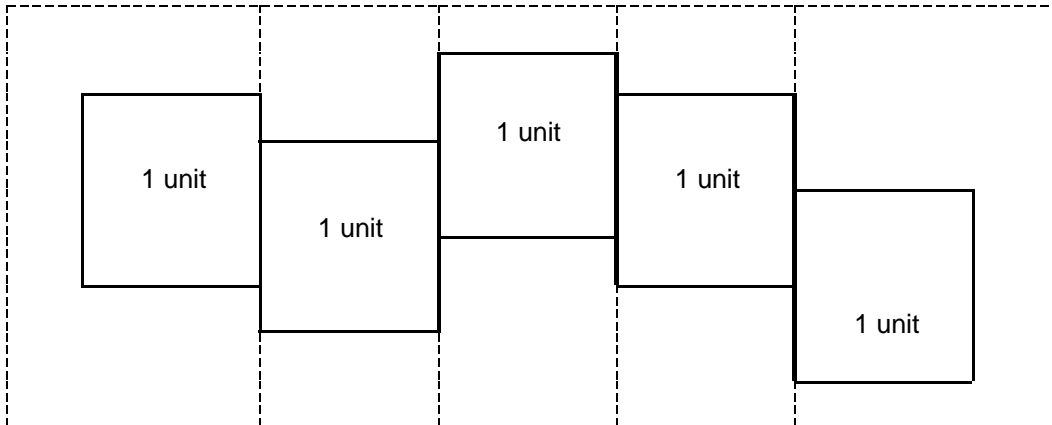
3. **Duplex** - Two dwelling units on a single lot placed side by side so that some building walls are in common for a minimum length of 5 ft. Fences, trellises, etc. attached between buildings do not create "attached" units. "Stacked" duplex units (where one unit is on top of another) are acceptable.



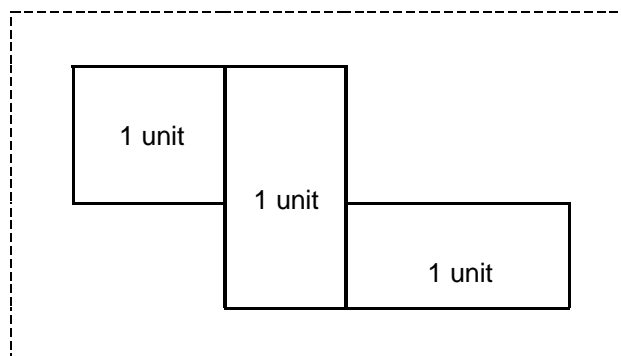
4. **Single Attached (Zero Lot Line)** - Two dwelling units on separate lots but placed side by side so that some building walls are in common for a minimum length of 5 ft. at a common property line. Fences, trellises, etc. attached between buildings do not create “attached” structures.



5. **Attached** - Three or more dwelling units on separate lots, but placed side by side so that some building walls are in common for a minimum length of 5 ft. at a common property line. Fences, trellises, etc. attached between buildings do not create “attached” structures.



6. **Multi-Dwelling** - Three or more dwelling units in any vertical or horizontal arrangement, located on one lot or development site, and where some building walls are in common for a minimum length of 5 ft. Fences, trellises, etc. attached between buildings do not create “attached” units.



7. **Manufactured Dwelling Facility** - A facility where four or more manufactured or mobile homes are within 500 ft. of one another on a lot, tract, or parcel of land under the same ownership. The primary purpose of the facility is to rent spaces for manufactured or mobile homes. The applicable Oregon Revised Statutes that pertain to manufactured dwellings and facilities are ORS 197.314, ORS 197.307(5), ORS 197.475 through 197.490, and ORS 446.003 through 446.285.
 8. **Accessory Dwelling Unit** - One dwelling unit, either detached or structurally attached, located on the same lot as at least one other dwelling unit. Provisions for accessory dwelling units require that the owner of the lot occupy either the principal residence or the accessory unit. Refer to section 4.9.40 of Chapter 4.9 - Additional Provisions for additional development standards.
- c. The following terms are **not** considered building types for purposes of this Code, but some are considered housing types for the purposes of meeting Code requirements for housing type variations. See "Housing Types."
1. **Cluster** - Dwelling units arranged to retain open space areas equal to or greater than the cumulative total open space areas normally required under the applicable zone; the permitted gross density of a site is maintained.
 2. **Condominium** - Form of ownership where the owner has a deed to a volume of space; governed by the provisions of ORS Chapter 100.
 3. **Townhouse** - Three or more attached dwelling units, each on a separate lot, often with two stories and with ground floor access.
 4. **Rowhouse** - Three or more attached dwelling units, each on a separate lot.
 5. **Triplex, Fourplex, Fiveplex, Sixplex, etc.** - Multi-dwelling with three or more attached dwelling units on the same lot.
 6. **Apartment House** - Multi-dwelling building or portion thereof designed, built, rented, leased, let, or hired out to be occupied; or the residence of three or more families living independently of one another.

Carport - Roofed structure or a portion of a building open on two or more sides; used primarily for parking of motor vehicles.

Cemetery - Land used or intended to be used for burial of the dead and related cemetery activities, including columbarium, crematoriums, mausoleums, and mortuaries, when operated in conjunction with and within the boundary of the cemetery.

Church - Permanently located, fully enclosed building used primarily for religious worship.

City - City of Corvallis, a municipal corporation of the State of Oregon, involved in activities in either its governmental or its corporate capacity; otherwise, that officer, department, or agency of the City indicated by the context; or City Manager where the context does not clearly indicate a specific officer, department, or agency.

Comprehensive Neighborhood - A primarily residential area that offers a range of uses to provide for the daily needs and activities of residents within easy walking distance of residences. Comprehensive neighborhoods contain a variety of housing opportunities, at overall densities that can support appropriately scaled commercial development and viable public transportation. The core of a comprehensive neighborhood contains a Major Neighborhood Center that serves community-wide shopping and office needs. The design of a comprehensive neighborhood fosters a sense of community with safe, vital public areas, while working to ensure compatibility and effective transitions between diverse uses.

Conservation Easement - Nonpossessory interest of a holder in real property imposing limitations or affirmative obligations, the purposes of which include retaining or protecting natural, scenic, or open space values of real property; ensuring its availability for agricultural, forest, recreational, or open space use; protecting natural resources; maintaining or enhancing air or water quality; or preserving the historical, architectural, archaeological, or cultural aspects of real property. Also defined in ORS 215.715.

Consolidation - Elimination of property line(s) of unplatted land to create a single unit of land.

Contiguous - Same as "abutting," except that properties separated by a street may also be considered contiguous.

Cupola - Small dome or tower-like structure on a roof.

Day(s) - Calendar days unless working days are specified.

Day Care, Commercial Facility - Institution, establishment, or place that commonly receives at one time more than 12 persons, for a period not to exceed 12 hours per day. The facility provides the persons with board, care, or training apart from their parents or guardians for compensation or reward in accordance with ORS 657A.250-440. Refer to section 4.9.70 of Chapter 4.9 - Additional Provisions for additional development standards (area per child and buffering).

Day Care, Family - "Babysitting," care of 12 or fewer children, including resident family members, as accessory to any residential use. Family day care is not subject to the definition of "Home Business."

Density Calculation - Density is calculated as either gross density or net density. The minimum density for a site is net density and the maximum density is gross density.

- a. **Density, Gross** - Number of dwelling units per gross area, in acres. Gross acreage refers to all acreage in a development site. Additionally, in calculating gross density for a Minor Land Partition site, applicants may include in their acreage calculation 50 percent of the area of any street rights-of-way that front the subject site (for the distance the streets front the subject site).
- b. **Density, Net** - Number of dwelling units per net area, in acres. Net acreage refers to all acreage in a development site minus (excluding) public parks, publicly dedicated significant natural feature areas, and/or other areas permanently precluded from development due to development constraints and/or conservation easements. Note: Planned streets shall not be excluded from net acreage.

Density Transfer - Permits residential density on a single tax lot or adjoining tax lots under a single development application to be shifted from one part of a site to another part of the same site. Density transfer does not permit a net increase in density for the entire site; however, it can specify that more intense residential building types are permitted within the area of the site that is to receive the density transfer.

Developer - Any person, including a governmental agency, undertaking development.

Development - Making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, changing the land use designation, or creating or terminating a right of access. Where appropriate to the context, development refers to the act of developing or the result of development.

Development Constraints - Conditions that preclude development of an area such as location within a 4th-level water service area, geologic hazards, or significant natural feature areas that require preservation or are permanently preserved via a conservation easement.

Development, Intensity of - Relative measure of development impact as defined by characteristics such as the number of dwelling units per acre, amount of traffic generated, and amount of site coverage.

Development Site - Legally established lots or parcels of land occupied or capable of being occupied by a building or group of buildings including accessory structures and accessory uses, together with yards or open spaces, setback areas, and access as required by this Code.

Director - Community Development Director of the City of Corvallis, or the Director's official designee, with responsibility for administration of this Code.

Discontinued Use - Non-use; a use that has ceased to be active. Shall not require a determination of the voluntary or involuntary nature of the discontinuance or intent to resume the use. Rental payments or lease payments and taxes are not considered a continued use.

Downtown Pedestrian Core Area - Area bound by the Willamette River on the east, Fifth Street on the west, Jackson Avenue on the north (excluding the Benton County Courthouse), and Jefferson Avenue on the south (including Adams Avenue between Second and Third Streets).

Downtown Residential Neighborhood - Area generally bound by Sixth Street on the east, Ninth Street on the west, Fillmore Avenue on the north, and Mary's River on the south. This area is intended to provide housing in close proximity to the Central Business Zone and is identified by the map following Comprehensive Plan Finding 13.5.n.

Drainageway - Natural or artificial watercourse, including adjacent riparian vegetation, that transmits natural stream or stormwater runoff from a higher elevation to a lower elevation.

Drive-Through Facilities - Facilities that provide services directly to patrons in motor vehicles. Typically, these types of facilities rely on a long driveway or lane that provides adequate room for vehicle stacking at a drive-up service window.

Dwelling Unit - One or more rooms, with bathroom and kitchen facilities (limited to one kitchen only), designed for occupancy by one family. See "Family."

Easement - Right that a person has to use another's land for a specific purpose, such as for access or for utilities.

Effects of Buoyancy - Uplift force of water on a submerged or partially submerged object.

Excavation - Process of mechanically altering the natural grade by stripping or cutting the earth. See "Grading."

Family - An individual or two or more persons related by blood, adoption, or marriage, or a group of not more than five adults unrelated by blood or marriage, living together in a dwelling unit. As used in this Code, "family" also refers to not more than five unrelated physically or mentally handicapped, elderly, or drug- or alcohol-dependent persons receiving treatment, and any number of resident staff persons engaged in their care. The relevant Oregon Revised Statutes that pertain to this definition include ORS 197.660(2) and ORS 197.665.

Family Day Care - See "Day Care, Family."

FAR - See "Floor Area Ratio."

Final Plat - Final recorded version of a subdivision plat, replat, or partition plat.

Final Plat, Partition - Final recorded map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, provisions, easements, dedications, and information concerning a partition.

Final Plat, Subdivision - Final recorded map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, easements, dedications, and information concerning a subdivision.

Flag Lot - Lot not meeting the minimum street frontage requirements and that gains access to the nearest public or private street (private street must be within a separate tract) by means of a narrow strip of land.

Flood Insurance Rate Map (FIRM) - Official map on which the Federal Insurance Administration has delineated areas of special flood hazards and the risk premium zones applicable to portions of the community.

Flood Plain - The relatively flat area lying adjacent to a river or stream that is covered by water when the river or stream overflows its banks because of a base flood event. See "Base Flood Event." A flood plain consists of two parts:

- a. **Floodway** - River channel or other watercourse and the adjacent land areas that accommodate a base flood event without cumulatively rising to a water surface elevation of more than 0.2 ft.
- b. **Floodway Fringe** - Area of the flood plain lying outside of the floodway.

Floor Area Ratio (FAR) - Gross floor area of all buildings on a lot or development site divided by the net area (see "Area, Net") of a lot or development site on which the buildings are located. In cases where outdoor areas are directly related to the subject land use(s) (e.g., outdoor storage areas; planting areas for nurseries, tree farms, and agricultural businesses; portions of parking lots used for storage and circulation of moving vans associated with moving businesses; etc.), these outdoor areas may be included in the floor area ratio square footage calculation. However, unless specified otherwise, in no case shall standard parking and circulation areas, landscaping, etc., be included in the floor area ratio square footage calculation.

Frontage - Portion of a development site that abuts a public or private street.

Full-Line Department Store - Store that provides a depth and variety of general merchandise, apparel, furniture, appliance, and home furnishings.

General Development Decision - Development decision that requires some discretion in applying the criteria and standards of this Code. Requires review and approval by staff without a public hearing; public notice prior to the staff decision; and the mailing of a notice of disposition to persons who responded in writing to the public notice. Appeals are made to the Land Development Hearings Board and City Council in accordance with Chapter 2.19 - Appeals.

Grade - Average elevation of the land; the percent of rise or descent of a sloping surface. Usually described as finished or natural, and measured in feet above sea level.

Grade, Finished - Final elevation of the ground level after development.

Grade, Natural - Elevation of the ground level in its natural state, before construction, filling, or excavation.

Grading - Stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new grades.

Green Area - Includes a site's landscaping, private preservation areas, and/or pedestrian amenities such as sidewalks, plazas, multi-use paths, unenclosed patios, and decks. Does not include areas covered by buildings, covered structures enclosed on one or more sides, parking areas, or vehicle circulation areas.

Habitable Floor - Floor usable for living purposes, which includes working, sleeping, eating, cooking, or recreation, or a combination of these.

Height of Buildings - Vertical distance above a reference datum measured to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

- a. Elevation of the highest adjoining sidewalk or ground surface within a 5-ft. horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 ft. above lowest grade.
- b. Elevation 10 ft. higher than the lowest grade when the sidewalk or ground surface described in "a" is more than 10 ft. above lowest grade.

Hearing Authority - City Council or an agency or officer of the Council designated by this Code to conduct public hearings regarding applications for development.

Home Business - Lawful commercial activity commonly conducted within a dwelling by members of the family occupying the dwelling, with up to one additional employee not to exceed 40 hours per week. The residential character of the dwelling shall be maintained and the activity conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term. The activity also does not infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. Garage sales are considered to be home businesses. Bed and breakfast businesses that rent up to two bedrooms within owner-occupied dwellings are also considered to be home businesses. To be considered a home business, the use must comply with all of the following:

- a. No display shall indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling, except that signage consistent with section 4.7.90.01 of Chapter 4.7 - Sign Regulations is allowed. Garage sales are exempt from this provision.

- b. No outside storage of merchandise or materials. Garage sales are exempt from this provision.
- c. The amount of commercial activity is less intensive than activities permitted in a commercial zone.
- d. The use will not cause excessive or unusual traffic in the vicinity because of deliveries, pick-ups, parking, sales, or other activities.
- e. Noise, smoke, or odors do not exceed those created by normal residential use.
- f. Each garage sale is limited in duration to two consecutive days. No more than six garage sales in one calendar year may be conducted at a residence.

Home Occupation - See "Home Business."

Homeowners' Association - Private, incorporated, nonprofit organization operating under recorded land agreements through which each lot owner of a Planned Development or other described land area is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property. Homeowners' associations are authorized by ORS Chapter 94 and are not City government organizations.

Household - Domestic establishment including a member or members of a family and/or others living under the same roof.

Housing Types - Residential housing types comprising the following:

- a. **Single Detached # 1,200 sq. ft.** - Same as Building Type "Single Detached," but containing a total footage less than or equal to 1,200 sq. ft.
- b. **Single Detached , 1,200 sq. ft.** - Same as Building Type "Single Detached," but containing a total footage greater than 1,200 sq. ft.
- c. **Single Detached (Zero Lot Line) # 1,200 sq. ft.** - Same as Building Type "Single Detached (Zero Lot Line)," but containing a total footage less than or equal to 1,200 sq. ft.
- d. **Single Detached (Zero Lot Line) , 1,200 sq. ft.** - Same as Building Type "Single Detached (Zero Lot Line)," but containing a total footage greater than 1,200 sq. ft.
- e. **Accessory Dwelling Unit** - Same as Building Type "Accessory Dwelling Unit."
- f. **Single Attached (2 units)** - Same as Building Type "Single Attached (Zero Lot Line)."

- g. **Duplex** - Same as Building Type “Duplex.”
- h. **Attached (3 - 5 units)** - Same as Building Type “Attached,” but containing three to five dwelling units. Can include such housing types as townhouses, rowhouses, flats, and condominiums.
- i. **Attached (, 5 units)** - Same as Building Type “Attached,” but containing greater than five dwelling units. Can include such housing types as townhouses, rowhouses, flats, and condominiums.
- j. **Triplex** - Same as Building Type “Multi-Dwelling,” but containing three dwelling units.
- k. **Fourplex** - Same as Building Type “Multi-Dwelling,” but containing four dwelling units.
- l. **Apartment Buildings** - Same as Building Type “Multi-Dwelling,” but containing greater than four dwelling units.

Human Occupancy - Consistent with the definition for Habitable Space (Room) from section 209-H of the 1998 Oregon Structural Specialty Code. Refers to space in a structure for living, sleeping, eating, or cooking. Does not include bathrooms, toilet compartments, closets, halls, storage and utility spaces, and similar areas.

Human Scale - A synonym of pedestrian scale, human scale is an informal and relative standard. It suggests that the relationship between a person and the environment, whether natural or human-made, is comfortable, intimate, and contributes to the person’s sense of accessibility. Additionally, human scale refers to the proportional relationship of a particular building, structure, or streetscape element to the human form and function.

Hydrodynamic Load - Force of water in motion.

Hydrostatic Load - Force of water at rest.

Improvement Plan - Maps or drawings showing the layout of improvements to be installed as a condition of approval for development.

Irrigation System - Manual or mechanically controlled method of supplying water to an area that needs it.

Kitchen - Any room used, intended, or designed for preparation of food and storage of food, including any room with a sink and either a 3/4-in. gas opening or provision for a range or stove.

Land Area, Net - See “Area, Net.”

Land Division - Land divided to create legally separate areas in one of the following ways:

- a. **Partition** - Division of land that creates three or fewer parcels within a calendar year when such parcels exist as a unit or contiguous units of land under single ownership at the beginning of the year. See also "Replat, Minor."

A partition does not include division of land resulting from any of the following:

1. Establishment or modification of a "tax lot" by the County Assessor;
2. A lien foreclosure, foreclosure of a recorded contract for the sale of real property, or creation of cemetery lots;
3. An adjustment of a property line where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zone criteria established by this Code; or
4. Sale or grant by a person to a public agency or public body for state highway, county road, city street, or other right-of-way purposes provided that such road or right-of-way complies with the applicable Comprehensive Plan policies and ORS 215.213 (2)(q)-(s) and 215.283 (2)(p)-(r). See "Lot Line Adjustment."

- b. **Subdivision** - Division of land that creates four or more lots within a calendar year when such lots exist as a unit or contiguous units of land under a single ownership at the beginning of such year. A subdivision does not include division of land resulting from any of the activities in "a." See also "Replat, Major."

Land, Parcel of - Unit of land with established boundaries or a unit of land created by a partition or subdivision.

Legal Nonconforming Development - Lawful existing structure or use that does not conform to current requirements of the Code, but which existed before this Code or any amendment to it became effective.

Legislative Decision - Formulation of policy characteristic of the actions by a city council. *Ex parte* contact requirements are not applicable to legislative hearings. In general, personal notice to citizens of proposed changes is not required, although this Code specifies that in some cases notice shall be mailed to property owners if a decision will change the land use designation. In general, the burden of being informed rests on the citizen. See also "Limited Land Use Decision" and "Quasi-Judicial Decision."

Limited Land Use Decision - Land use decision made by City staff through an administrative process and that qualifies as a Limited Land Use Decision under ORS 197.195. Limited land use decisions are included as part of General Developments.

Lot - Unit of land created from a subdivision and intended for immediate or future transfer of ownership and/or development. See also “Land, Parcel of” and “Parcel.”

Lot Area - Total horizontal area within the lot lines of a lot.

Lot, Corner - Lot situated at the intersection of two streets, with the interior angle not exceeding 135 degrees.

Lot Coverage - Portion of a development site covered by building footprints, structures enclosed on one or more sides, parking areas, and vehicle circulation areas.

Lot Depth - Distance from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot, Interior - Lot with frontage on only one street.

Lot Line - Property line bounding a lot.

Lot Line Adjustment - Relocation of a common property line, where no additional lots are created and the lot reduced in size complies with any applicable zoning regulations.

Lot Line, Front - In the case of an interior lot, a property line that abuts the public street right-of-way or private street within a separate tract. In the case of a corner lot or a lot where vehicular access is provided off an alley and there is no frontage on a public or private street, the front lot line is based on the structure’s orientation and at least two of the following factors:

- a. Location of the front door;
- b. Location of the driveway (when accessed off a public or private street); and/or
- c. Legal street address.

For the purposes of remodeling, rebuilding, constructing additions or accessory structures, etc., a corner lot’s front lot line that was determined at the time of original construction of structure(s) on the lot may be considered valid.

Lot Line, Rear - Lot line or lines most distant from and generally opposite the front lot line. In the case of an interior triangular lot or a lot with more than four sides, however, the rear lot line is a straight line 10 ft. in length that:

- a. Runs parallel to the front lot line or its chord; and
- b. Intersects the other lot lines at points most distant from the front lot line (see figure below).

Lot Line, Side - Lot boundary other than a front or rear lot line (see figure under Lot Line, Rear).

Lot of Record - Lot or parcel created through applicable land division regulations before adoption of this Code.

Lot, Reversed Corner - Corner lot with a rear lot line bordering the side yard of another lot. May or may not be separated by an alley.

Lot, Tax - Parcel of real property shown on the County Assessor's map and identified by a tax lot number. A tax lot is not necessarily a lot of record.

Lot, Through - Lot with both front and rear lot lines abutting streets.

Lot Width - Horizontal distance between the midpoints of side lot lines.

Lowest Floor - Lowest floor of the lowest enclosed area in a building, including a basement.

Manufactured Dwelling Facility - See "Building Types."

Manufactured Home - Dwelling constructed to U.S. Department of Housing and Urban Development (HUD) standards since June 15, 1976, but does not necessarily meet State Building Code standards.

Manufactured Home Space - Portion of a Manufactured Dwelling Facility (see Manufactured Dwelling Facility under "Building Types") designated for occupancy of a manufactured home or mobile home. Includes space for accessory structures and outdoor living areas, but excludes common areas (roadways, guest parking, etc.).

Manufactured Home Stand - Portion of the Manufactured Home Space (see above) reserved solely for the manufactured home or mobile home structure.

Ministerial Decision - Nondiscretionary decision made at City-staff level using the criteria and standards of this Code.

Mobile Home - Dwelling constructed for movement on public highways and constructed prior to adoption of the June 15, 1976, U.S. Housing and Urban Development (HUD) standards, but meeting the requirements of Oregon's mobile home laws in effect at the time of original construction.

Mobile Home Park - See Manufactured Dwelling Facility under "Building Types."

Modular Structure - Structure built offsite but placed on a permanent foundation. Meets State Building Code standards.

National Geodetic Vertical Datum - Elevation reference mark used in determining a flood boundary and floodway maps, formerly referred to as Mean Sea Level.

Nonconforming Development - See "Legal Nonconforming Development." Also pertains to an unlawful existing structure or use that does not conform to the requirements of the Code or any of its predecessors.

North Campus Area - Area generally located north of Monroe Avenue, south of Fillmore Avenue, east of Arnold Avenue, west of Eighth Street, and as particularly described in City Ordinance 92-28.

Notice of Disposition - Written communication that specifies the action of a hearing authority or Director concerning a development proposal.

Nuisance - Interference with the enjoyment and use of property and is annoying, unpleasant, and/or obnoxious.

Office - Place designated for the civic and commercial use types of administrative services; business support services; financial, insurance and real estate services; medical services; and professional and research services. See Chapter 3.0 - Use Classifications for definitions of these use types.

Open Space - Undeveloped or predominately undeveloped land, including waterways, in and around an urban area. Open space lands are reserved for general community use, and include parks, preserves, general drainageway corridors, and other areas permanently precluded from development.

Order - Final disposition of a case, which can be affirmative, negative, injunctive, or declaratory in form. Includes grant, conditional grant, or denial of an application for development.

Outdoor Space, Common - Areas intended for common outdoor active or passive recreational use. Normally includes swimming pools, recreation courts, patios, open landscaped areas, preserved natural areas, and/or greenbelts with pedestrian, equestrian, and/or bicycle trails, etc. Does not include off-street parking, loading areas, or driveways. Can be privately owned and maintained, or dedicated to the City.

Outdoor Space, Private - Areas intended for private outdoor active or passive recreational use by residents of an individual dwelling unit. Normally includes patios and landscaped areas. Does not include off-street parking, loading areas, or driveways.

Overlay Zone - Zone created by ordinance in recognition of a property's or area's unique characteristics, such as environmental or historic resources or natural hazards; or a zone created by ordinance to signify that a Planned Development exists or is needed. An overlay zone is applied over the top of a property's main zone. For example, a Planned Development applied to all or a portion of a Low Density Residential (RS-6) property would result in a PD (RS-6) overlay zone.

Parcel - Unit of land created from a partition or subdivision and intended for immediate or future transfer of ownership and/or development. See also "Land, Parcel of" and "Lot."

Partition - See "Land Division."

Patio - Inner courtyard or a space for dining or recreation, adjacent to a dwelling, that has a permanent hard surface for a floor (not gravel).

Periodic Review - Process between the State, local governments, and others, requiring local governments to update their Comprehensive Plans and land use regulations to carry out State and local goals and objectives. Required every four to 10 years.

Permitted Outright - Development activity not subject to discretionary review. An example is a detached single-family residence in an RS-3.5 Zone.

Person - Individual, corporation, governmental agency, business trust, estate, personal trust, partnership, association, two or more people having a joint or common interest, or any other legal entity.

Planned Development - Land development project comprehensively planned as an entity via a unified site plan. Permits modifications to the site development standards of the underlying zone while maintaining the intent behind the standards. Often proposed to allow for better preservation of significant natural features and/or for innovation in site planning and architectural design. Requires compensating benefits that offset the requested development standard modifications.

Plat - See "Final Plat."

Plat, Partition - See "Final Plat, Partition."

Plat, Subdivision - See "Final Plat, Subdivision."

Practicable - Capable of being effected; feasible.

Principal Use - Primary or predominant use.

Quasi-Judicial Decision - Similar to a court proceeding in which affected parties are afforded procedural safeguards. The quasi-judicial process is characteristic of most meetings of the Planning Commission and Land Development Hearings Board. Personal notice must be mailed to property owners and occupants living within a prescribed distance from the affected area. Unlike legislative cases, the Planning Commissioners or Land Development Hearings Board members are expected to avoid outside discussion of the business at hand and must declare *ex parte* contacts. See also "Legislative Decision."

Replat, Major - Reconfiguration of lots in a recorded subdivision plat that results in the creation or deletion of four or more lots within one calendar year.

Replat, Minor - Reconfiguration of a portion of the lots in a recorded subdivision or partition plat that results in the creation or deletion of three or fewer lots within one calendar year.

Reserve Strip - Strip of land dedicated to the City and reserved for use as part of a future public street or facility.

Residential Care Facility - Facility licensed by the State to accommodate more than five and fewer than 15 mentally or physically handicapped, elderly, or drug- or alcohol-dependent persons. Does not include resident staff persons engaged in their care.

Right-of-Way - Public travel route dedicated for vehicular, bicycle, or pedestrian use. Can and often does contain public and franchise utilities.

Riparian Management Zone - Area within the Willamette River Greenway, extending from the edge of the waterway to either the top of the bank or to the 10-year flood plain, whichever is greater.

Setback - Minimum allowable horizontal distance from a property line (unless otherwise noted) to the nearest vertical wall of a building or structure, fence, or other element as defined by this Code.

Sign - Device or medium affixed to property (including the device or medium's structure, lighting, materials, and component parts) which by reason of its form, color, wording, symbol, design, and illumination, visually communicates, identifies, advertises, informs, announces, or attracts attention to the subject thereof.

Sign, Area - Square footage of a sign face within a single continuous rectilinear perimeter that encloses the extreme limits of a sign. Excludes the pole or base of free-standing signs.

Where a sign is more than 1 ft. thick, has more than two faces, or is three dimensional, the sign area calculation is based on 50 percent of the surface area of the four vertical faces of the smallest rectangular solid that can be formed around the sign.

The area of a sign on an awning, where the awning projects more than 6 ft. from the building face over a walkway to provide weather protection, is determined using the smallest rectangle around the graphic on the awning. A sign on an awning that projects less than 6 ft. shall be considered a three-dimensional sign.

Sign, Attached - Sign attached to the primary building on the subject property. Includes wall, projecting, fin, parapet, marquee, and awning signs.

Sign, Blade - Narrow sign extending perpendicular to a building over a sidewalk.

Sign Clearance - Height measured from the highest grade directly beneath the sign to the bottom of the sign structure enclosing the sign face.

Sign, Detached - Structurally self-supporting sign not attached to a building, including pole, ground, and monument signs.

Sign Frontage, Primary - Length of the property line parallel to and along the street right-of-way adjacent to a property. On through-lots, primary frontage corresponds to the legal street address, auto entrance, building entrance, or front yard of the property.

Sign Frontage, Secondary - Face of a building oriented toward an onsite parking lot, private roadway, or public alley.

Sign Height - Height as measured from the lowest grade directly beneath the sign to the top of the sign structure enclosing the sign face.

Sign, Permanent - Sign permanently affixed or attached to a building, structure, or to the ground.

Sign, Temporary - Sign temporarily affixed or attached to a building, structure, or to the ground, and/or intended to be displayed for a limited time.

Significant Shrub - Living, standing plant over 4 ft. tall (excluding blackberries or poison oak and similar noxious vegetation).

Significant Tree - Living, standing woody plant with a trunk 8 in. or more in diameter at breast height (diameter at breast height - DBH).

Site - Lot or parcel of land or, when involved in a development proposal, any combination of contiguous lots or parcels of land.

Solar Access - Line-of-sight path to the sun during hours that provide beneficial use of solar energy.

Solar Access Easement - Private agreement between property owners that protects solar access. Solar easements are prepared and recorded pursuant to ORS 105.880-105.895.

Solar-Access-Friendly Trees - Trees with minimal effect on solar access during winter months because of their leafing and branching characteristics; deciduous trees.

Solar Access Protection - Right to unobstructed solar access for at least four hours between 9 a.m. and 3 p.m. on November 21 of each year.

Solar Building Line - Southern-most place that the south wall of a house can be located and still receive shade protection from buildings located offsite to the south.

Solar Collector - Heating or cooling system in which the thermal energy of solar radiation is captured and stored for later release.

Solar Energy System - Set of devices used to collect solar energy and convert and store it for purposes including heating and cooling of buildings or for the production of power.

- a. **Active** - Solar energy system that uses a separate collector to transform solar radiation into usable heat and a mechanical system to transfer heat to its point of use.
- b. **Passive** - Solar energy system that uses natural and architectural components to collect and store solar energy using minimal or no external mechanical equipment.

Solar Envelope - Drawing or representation by contour lines of a three-dimensional space over a lot or development site representing the allowable height of structures and vegetation that provides solar access protection for neighboring lots.

Solar South - Thirty degrees east to 30 degrees west of true south. In Corvallis, true south is 20 degrees east of magnetic south.

Special Development Decision - Development decision that requires considerable discretion in applying the criteria and standards of this Code. Involves a public hearing in accordance with the provisions in Chapter 2.0 - Public Hearings, as well as approval by an established hearing authority.

Special Zone - Zone created by ordinance in recognition of an area's unique characteristics such as environmental or historic resources, natural hazards, or an identified need for redevelopment.

Specification Standards - Measurable standards applicable to development. These standards contain the minimum requirements for design and construction of improvements covered by this Code.

Staff - Administrative officers responsible for the operation and management of the City's departments and divisions.

Streets - Designated in the City of Corvallis Transportation Plan as follows:

- a. **Arterial Highways** - These consist of State highways, which are the primary gateways into Corvallis and carry nearly all vehicles entering, leaving, or passing through the Corvallis area. The ORE 34/US 20 corridor is designated a Statewide Highway on the National Highway System (NHS) and is a key corridor between I-5 and the Oregon coast.
- b. **Arterial Streets** - These connect the State highways, linking major commercial, residential, industrial, and institutional areas. Arterial streets are critical to the Corvallis street network because they generally serve the highest traffic volumes and longest trips. Access control is critical on these facilities to ensure safe and efficient operation.
- c. **Collector Streets** - These provide both access and circulation within residential neighborhoods and commercial/industrial areas. Collectors differ from arterials in two ways:
 1. Controlled access may not be required for all collectors; and
 2. Collectors penetrate neighborhoods, distributing vehicles from the arterials through the area to their ultimate destinations.

The standard collector is characterized by a range of uses that typically result in a greater intensity of development along its route or at major intersections with other collectors or arterials.

- d. **Neighborhood Collector Streets** - These minimize the impact of traffic to adjacent land uses and provide necessary access to residential areas. Neighborhood collectors are similar to standard collectors in that controlled access is unnecessary and that they penetrate neighborhoods, distributing vehicles from the arterials through the area to their ultimate destinations. In the case of a neighborhood collector, however, land use along its route is generally low to medium density residential. The intensity of development at intersections along its route is also generally less intense than might occur for standard collectors. Traffic calming devices such as traffic circles, bulbed intersections, or speed humps are typical means of controlling traffic speeds on neighborhood collectors, and, if used, must be constructed at the time of development.
- e. **Cul-de-Sac** - Local street with one outlet and a turnaround. Because emphasis should be placed on the creation of a roughly rectilinear street pattern that encourages the dispersion of local traffic through a number of streets, the use of cul-de-sacs should be minimized. See Comprehensive Plan Policy 11.3.8).
- f. **Local Streets** - These provide access to immediately adjacent land. Although through-traffic movement on new local streets usually is deliberately discouraged, this may not be practical for particular neighborhoods. Local Connector or Local Street designations shall be applied to newly developing areas based on review of a street network plan and, in some cases, a traffic study provided with the development application. These designations are based on a number of factors, including density of development, anticipated traffic volumes, and the potential for through traffic. Street network plans must provide for connectivity within the transportation system to the extent that, generally, both local connector and local streets shall be created within a development. Identified traffic calming devices (bulbed intersections, etc.) are to be constructed at the time of development.
- g. **Local Connector Streets** - These provide some through-traffic functions within a particular development and access from local streets to arterials, collectors, neighborhood collectors, or other local streets. Local connectors are generally the means by which traffic accesses the community arterial-collector system.
- h. **Shopping Streets** - These are located within Neighborhood Centers and may include local, local connector, neighborhood collector, and/or collector streets. Access control and traffic calming along shopping streets shall be typical, sidewalks shall be wider to enhance special pedestrian accessibility and shopping opportunities, and planting strips shall be reduced or eliminated, provided that tree wells and other vegetation amenities are furnished and maintained (such as permanent on-ground or hanging planters).

Structure - Combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Structure Height - See "Height of Buildings."

Subdivision - See "Land Division."

Substantial Damage - Damage to structures within the 100-year flood plain or damage to structures containing nonconforming uses, as defined below:

- a. **Substantial Damage to Structures within the 100-Year Flood Plain** - Damage of any origin sustained by a structure located within the 100-year flood plain, whereby the cost of restoring the structure to its prior condition would equal or exceed 50 percent of the structure's market value before the damage occurred. Substantial damage also pertains to flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on average, equals or exceeds 25 percent of the structure's market value before the damage occurred. Note: Pursuant to section 4.5.70 of Chapter 4.5 - Flood Control and Drainageway Provisions, new construction, substantial improvements, and encroachments are prohibited within the 0.2-ft.-rise floodway.
- b. **Substantial Damage to Structures Containing Nonconforming Uses** - Damage of any origin sustained by a structure containing a nonconforming use, to an extent exceeding 60 percent of the structure's market value before the damage occurred.

Substantial Improvement - Any rehabilitation, repair, reconstruction, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the structure's market value (before "start of construction"). Note: Pursuant to section 4.5.70 of Chapter 4.5 - Flood Control and Drainageway Provisions, new construction, substantial improvements, and encroachments are prohibited within the 0.2-ft.-rise floodway.

Substantial improvement exempts the following:

- a. Any improvement to a structure that would make it comply with existing state or local health, sanitary, or safety regulations to ensure safe living conditions; or
- b. Any alteration of a structure listed on the National Register of Historic Places.

Sunchart - Photograph showing the sun's positions during different hours and seasons of the year and any trees, buildings, or topographies that obstruct solar access. The sunchart shall include as coordinates the solar altitude in 10-degree increments and solar azimuth in 15-degree increments.

Through Lot - Lot that fronts two parallel streets or that fronts two streets that do not intersect at the lot's boundaries.

Through Lot Easement - Landscape easement adjacent to a street and adjacent to or part of a through lot. Contains landscape screening.

Traffic Calming - Use of devices to slow traffic speeds. Devices include bulbed intersections, speed humps, raised planted medians, mid-block curb extensions, traffic circles, signage, and varied paving materials. Traffic calming is addressed in the Transportation Plan.

Use - Purpose of or activity on a site.

Use Type - Classification of a use or uses on the basis of common functional, product, or compatibility characteristics, thereby regulating uses in accordance with criteria directly relevant to the public interest. See Chapter 3.0 - Use Classifications for definitions of specific use types.

Vacate - Release of interest in a piece of property.

Vision Clearance Area - Triangular area located at the intersection of two streets, a street and a railroad, or a street and a driveway. The area is defined by a line across the corner, the ends of which are on the street or alley lines, an equal and specified distance from the corner. Specific distances and prohibitions on visual obstructions within vision clearance areas are contained in Chapter 4.1 - Parking, Loading, and Access Requirements.

Visual Obstruction - Fence, hedge, tree, shrub, device, wall, or structure between the elevations of 2 ft. and 8 ft. above the adjacent curb height or above the elevation of the gutter line of a street edge where there is no curb, as determined by the City Engineer, and so located at a street, driveway, or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles.

Water-Dependent - Use or activity that can be carried out only on, in, or adjacent to water areas because the use requires access to the water source or to the water body for water-borne transportation, recreation, or energy production.

Water-Related - Use not directly dependent upon access to a water body, but that provides goods or services directly associated with water-dependent land or waterway use and that, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories, and manufactured home facilities are not generally considered water-dependent or water-related.

Yard - Open space unobstructed from the ground upward except as otherwise provided in this Code. In the case of a corner lot, the front, rear, and side yards that were determined at the time of original construction of structure(s) on the lot may be used for the purposes of remodeling, rebuilding, and/or constructing additions, accessory structures, etc.

Yard, Exterior Side - Yard extending from the front yard to the rear lot line on the street side of a corner lot.

Yard, Front - Yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the nearest point of the main building.

Yard, Rear - Yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel to the nearest point of the main building.

Yard, Side - Yard between the main building and the side lot line extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is the minimum horizontal distance between the side lot line and a line parallel to the nearest point of the main building.

Zone - Area of land within City limits designated for specific types of permitted developments.

CHAPTER 2.0 PUBLIC HEARINGS

Section 2.0.10 - BACKGROUND

The following procedures establish the conduct of legislative and quasi-judicial public hearings required by the provisions of this Code. Where this Code and a provision of State law address the same subject, the requirement of State law shall take precedence.

Section 2.0.20 - PURPOSES

- a. Describe rules of conduct, notice requirements, order of proceedings, and action required for legislative and quasi-judicial hearings; and
- b. Provide clear and consistent rules to ensure that the legal rights of individual property owners and the general public are protected.

Section 2.0.30 - DETERMINATION OF HEARING TYPE

Within seven days from the date of the Director's request for a hearing, the City Attorney shall determine whether a legislative or a quasi-judicial hearing is required. The decision shall be based upon consideration of applicable State regulations and relevant court decisions.

Section 2.0.40 - LEGISLATIVE HEARINGS

If this Code requires the City Council or an agency of the City to conduct a legislative hearing, the hearing shall be in accordance with the procedures set forth below.

2.0.40.01 - Notice

- a. **Notice Published in Newspaper** - Notice of the hearing shall be published in a newspaper of general circulation at least 10 days prior to the hearing and shall contain the following information:
 1. Terms of, or a statement of, the proposed public action;
 2. Department of the City from which additional information can be obtained; and
 3. Time, place, date, and methods for presentation of views by interested persons.
- b. **Notice Requirements Pursuant to ORS 227.175** - Notice shall be provided to property owners affected by legislative land use actions in the following manner:

1. **Notice Recipients** - The statutory notices required by Measure 56 (adopted as ORS 227.175) shall be provided in addition to any other notice required by the Code. These notices include:
 - (a) Notice to all owners of property that will be rezoned to comply with a proposed legislative amendment to the Comprehensive Plan, when the proposed legislative amendment is not required as part of Periodic Review;
 - (b) Notice to all owners of property that will be rezoned as a result of a proposed ordinance;
 - (c) Notice to all owners of property that will be affected by a text amendment that limits or prohibits uses permitted by that zone, when the proposed amendment is not required as part of Periodic Review; and
 - (d) Notice to all owners of property that will be rezoned as the result of a proposed amendment to the Comprehensive Plan or Zoning Ordinance that is a component of the Periodic Review process.
2. **Timing of Notices** - Notices under 1(a), 1(b), and 1(c) above shall be sent within 20 to 40 days before the first Planning Commission public hearing to review the proposed draft ordinance or amendment. Notices under 1(d) above shall be sent 30 days before the first Planning Commission public hearing to review the proposed draft ordinance or amendment.
3. **Rezoning Defined** - Notices under this policy are required only if the legislation will require a change to the development zone of the property affected or if the legislation limits or prohibits land uses previously allowed in the affected zone. In cases where zoning standards are changed (e.g., setback changes, landscaping requirements, etc.), a determination shall be made regarding whether the change would limit or prohibit land uses previously allowed. In cases where a previously allowed use would be limited or prohibited, notice is required.
4. **Renotification Required** - If, during the legislative land use action for which notices have been provided in accordance with ORS 227.175, the hearing authority has rezoned property not previously noticed, or further limited or prohibited uses not previously identified, then renotification shall occur in accordance with these provisions.

- c. **Source of Information for Mailed Notification** - The County Assessor's Office most recent property tax assessment roll shall be used for mailed notification. Failure of property owners to receive notice shall not invalidate the action if a good-faith attempt was made to notify all persons entitled to personal notice.

2.0.40.02 - Submission of Written Testimony

Any person may submit written recommendations and comments regarding a public hearing item, copies of which shall be kept on file and made available for public inspection. Time limitations on the acceptance of written testimony shall be determined by the hearing authority.

2.0.40.03 - Order of Proceedings

Components of the Proceedings - The public testimony portion of the proceedings ("f" through "h" below) is presented in the order in which it shall occur. The order of the remaining components of the proceedings may be varied at the discretion of the hearing authority.

- a. The presiding officer shall state the case and call the public hearing to order, informing those present that testimony and evidence is to be directed toward the applicable criteria for the case. The presiding officer shall also inform those present that failure to raise an issue in a hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the hearing authority an opportunity to respond to the issue, precludes appeal to the State Land Use Board of Appeals on that issue. The presiding officer shall also state that any participant may request that the written record remain open an additional seven days in order to present additional evidence, arguments, or testimony regarding the case. The presiding officer may establish the time allowed for presentation of information.
- b. City staff shall announce what the record contains.
- c. Any objections on jurisdictional grounds shall be noted in the record.
- d. Any abstentions or disqualifications shall be determined. Hearing authority members shall announce all potential conflicts of interest.
- e. City staff shall present reports. Staff may also present additional information when allowed by the presiding officer.
- f. Persons who support the proposed action shall present information or make inquiries.

- g.** Persons who oppose the proposed action shall present information or make inquiries.
- h.** Persons who do not necessarily support or oppose the proposed action shall present information or make inquiries.
- i.** At the close of presentation of public testimony, the presiding officer shall declare that the hearing is closed unless there is a motion to continue the public hearing. If the hearing is closed, no further information shall be received and, unless the presiding officer has ordered otherwise, no further argument shall be received.
- j.** Once a decision has been made, the presiding officer or staff shall announce the appropriate time and place for appeals. For appeals to the State Land Use Board of Appeals, the appeal period shall be 21 days from the date the decision is signed.

2.0.40.04 - Action by Hearing Authority

- a.** The hearing authority may:
 - 1. Hold the written record open for at least seven days to allow the submittal of additional written testimony;
 - 2. Continue the public hearing;
 - 3. Refer the matter to a committee;
 - 4. Approve the action; or
 - 5. Deny the action.

Findings of fact in support of any decision shall be required by State law and shall be in the record of proceedings prior to any final action by the hearing authority.

- b.** If a quorum of the hearing authority does not appear for a hearing, the hearing shall be continued to the date and time of the next regularly scheduled meeting.

2.0.40.05 - Findings of Fact

The hearing authority shall state findings of fact prior to any final action. These findings include:

- a. Applicable policies, criteria, and standards against which a proposal was tested;
- b. Statements ensuring the compliance or noncompliance of the proposed actions with each applicable policy, criterion, and standard; and
- c. Reasons supporting a conclusion to approve or deny.

2.0.40.06 - Signing of the Order

A written order setting forth the action of the hearing authority shall be signed by the presiding officer and shall become effective upon the expiration of the appeal period unless an appeal has been filed in accordance with Chapter 2.19 - Appeals.

2.0.40.07 - Notice of Disposition

After the order is signed, the Director shall issue a notice of disposition that describes the decision of the hearing authority, a reference to findings leading to it, and appeal period deadline. The notice of disposition shall be issued to persons who participated in the public hearing (orally or in writing). The notice of disposition shall also be sent to all owners of property proposed for redesignation.

Section 2.0.50 - QUASI-JUDICIAL HEARINGS

Where a quasi-judicial hearing is required by this Code, it shall be conducted in accordance with the procedures set forth below. Table 2.0 -1 provides a summary of this process. **Applicants of development projects within the City are strongly urged to conduct their own informational meetings in the affected neighborhood.** This would typically occur sometime prior to the application's initial submittal. Applicants are also urged to work closely with City staff and are strongly encouraged to attend a pre-application meeting prior to the application's initial submittal.

2.0.50.01 - Acceptance of Application

- a. The Director shall review applications for completeness as soon as possible after they are filed. Within 30 days of the original filing, each application shall be formally accepted as complete or rejected as incomplete. The applicant shall be notified of the acceptance or rejection of the application. If the application is rejected, the applicant shall be advised on information needed to complete the application. The applicant also shall be advised that the hearing authority will be unable to approve an incomplete application if it cannot ensure that required criteria have been met.
- b. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as

a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.0.50.02 - Processing an Application

Unless otherwise ordered by the hearing authority, the Director shall process applications in the order in which they are filed.

Table 2.0-1

2.0.50.03 - Prenotification to Neighborhoods

- a. Citizens, neighborhood associations, and organizations on file with the City shall receive prenotification if their boundaries include or border the subject property. Prenotification occurs before the 20-day time period referenced in section 2.0.50.04.

Prenotification shall contain the following information:

1. Date, time, and place of hearing;
 2. Nature of the proposed development, and proposed uses that could be authorized;
 3. Address, legal descriptions, or some other means of identifying the subject property; and
 4. Name and phone number of a staff member from whom additional information can be obtained.
- b. Regardless of proximity to property boundaries as mentioned in “a,” prenotification shall be sent to neighborhood contact persons and any citizen who has requested such information. These prenotification mailing lists shall be updated annually.
 - c. Prenotification shall be mailed within approximately 30 days of a pending land use application’s submittal, or when an application for a pending land use action is deemed complete by City staff.

2.0.50.04 - Public Notice

a. Notice for Quasi-Judicial Comprehensive Plan Amendment Applications

1. Notice to all owners of property proposed to be redesignated, pursuant to section 2.0.40.01.b;
2. Notice to all owners of property affected by a text amendment that limits or prohibits uses permitted by the property’s land use designation pursuant to section 2.0.40.01.b; and
3. Notice to applicants (who are not owners of property involved in the quasi-judicial Comprehensive Plan Amendment application) and surrounding property owners shall be consistent with section 2.0.50.04.b through 2.0.50.04.g below.

b. Notice for Quasi-Judicial Applications Not Involving Comprehensive Plan Amendments

1. Date, time and place of the hearing;
2. Nature of the proposed development and the proposed uses that could be authorized;
3. Legal description, address, or tax map designations;
4. Map showing the location of the proposed zone change, subdivision, annexation, and/or conditional development;
5. Name and phone number of a staff member from whom additional information can be obtained;
6. Where a zone change or site development plan is involved, the notice shall state that the hearing authority may consider modifications to the applicant's request;
7. A list of Code and Comprehensive Plan criteria that apply to the decision;
8. A statement that failure to raise an issue in a hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the hearing authority an opportunity to respond to the issue, precludes appeal to the State Land Use Board of Appeals on that issue;
9. A statement that the following are available for inspection at no cost and will be duplicated upon request at reasonable cost:
 - (a) The application;
 - (b) All documents and evidence used by the applicant; and
 - (c) Applicable criteria.
10. A statement that the staff report will be available for review at no cost seven days before the hearing and will be duplicated upon request at reasonable cost; and
11. A description of the hearing procedure with encouragement for concerned citizens to submit testimony orally or in writing.

- c. Notice List** - The notice shall be sent by mail at least 20 days prior to the hearing to the following persons:
1. The applicant or authorized agent.
 2. Any person who resides on or owns property within 500 ft., excluding street right-of-way, of a parcel of land proposed for:
 - (a) Zone Changes or Comprehensive Plan Amendments (excluding Historic Preservation Overlay Zones and Research Technology Center time extensions).
 - (b) Subdivisions and replats that create 10 or more lots.
 - (c) Conditional Development on parcels greater than 1 acre (including Planned Developments and Willamette River Greenway Permits).
 - (d) Annexation proposals.
 - (e) Establishment/removal of a Historic District Overlay Designation, and/or reclassification of properties within a Historic District.
 3. Any person who resides on or owns property within 300 ft., excluding street right-of-way, of a parcel of land proposed for:
 - (a) Subdivisions and major replats that create fewer than 10 lots.
 - (b) Conditional Development on parcels less than 1 acre (including Planned Developments and Willamette River Greenway Permits).
 4. Any person who resides on or owns property within 100 ft., excluding street right-of-way, of a parcel of land proposed for:
 - (a) Appeals of a General Development decision of the Director.
 - (b) New construction on an individual property within a Historic Preservation Overlay. Also, new construction on an individual property designated as having historic/contributing properties within a Historic District.
 - (c) Alterations of historic structures using dissimilar materials on an individual property within a Historic Preservation Overlay Zone. Also, alterations of historic structures on an individual

property designated as having historic/contributing properties within a Historic District.

- (d) Request for extension of services outside the City limits. In addition, all property owners between the City limits and the subject property shall be mailed a notice.
 - (e) Sign variance.
 - 5. Tenants of an existing manufactured home facility for which a development zone change is proposed.
 - 6. Any other person, agency, or organization required to receive notice per the requirements for vacating public lands, including subdivision plats and street rights-of-way, as provided in Chapter 2.8 - Vacating of Public Lands and Plats and ORS 271.080.
 - 7. Any other person, agency, or organization that has filed a request to the Director to receive notices of hearings and has paid a reasonable fee to cover receipt;
 - 8. Any other person, agency, or organization that may be designated by this Code, the City Council, or its agencies; and
 - 9. Any other resident owner of property whom the Director determines is affected by the application.
- d.** The County Assessor's Office most recent property tax assessment roll shall be used for mailed notification. Notices shall be sent to the occupant and to the owner if the Assessor's records indicate that the owner's address differs from the site address. Persons whose names and addresses are not on file at the time of the application's filing need not be notified of the action. Failure of property owners to receive notice shall not invalidate the action if a good-faith attempt was made to notify all persons entitled to mailed notice.
- e.** Notice shall be posted in at least one conspicuous place along each street frontage of a site, at least 20 days prior to the hearing date. Notices shall be posted pursuant to administrative procedures established by the Director.
- f.** Notice shall be published in a newspaper of general circulation at least 10 days prior to the hearing date. In addition, where the Director determines that persons may be affected outside of the notice area, a display ad may be published in a newspaper of general circulation at least seven days prior to the hearing date.

- g. Where a hearing is continued by the hearing authority to a specific date, no additional notice need be given.

2.0.50.05 - Hearing Authority

The City Council or an agency of the City Council shall be designated by this Code as the hearing authority for specific types of development proposals that require a quasi-judicial hearing.

2.0.50.06 - Order of Proceedings

Components of the Proceedings - The public testimony portion of the proceedings (“i” through “l” below) is presented in the order in which it shall occur. The order of the remaining components of the proceedings may be varied at the discretion of the hearing authority.

- a. The presiding officer will state the case and call the public hearing to order, informing those present that testimony and evidence is to be directed towards the applicable criteria for the case. The presiding officer shall also inform those present that failure to raise an issue in a hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the hearing authority an opportunity to respond to the issue, precludes appeal to the State Land Use Board of Appeals on that issue. The presiding officer shall also state that any participant may request that the written record remain open an additional seven days in order to present additional evidence, arguments, or testimony regarding the application. The presiding officer may establish the time allowed for the presentation of information.
- b. City staff shall announce what the record contains.
- c. Any objections on jurisdictional grounds shall be noted in the record.
- d. Any abstentions or disqualifications shall be determined. Hearing authority members shall announce all potential conflicts of interest and areas of bias and shall disclose the time, place, and nature of any *ex parte* contacts they have had. Parties to the case shall have the opportunity to rebut any information contained in the *ex parte* contact.
- e. The hearing authority may view the area in dispute for purposes of evaluating the proposal, but shall state in the record the place, time, manner, and circumstances of such viewing.
- f. City staff shall present an overview of the case, including the location of the site and general information such as the applicable land use designations.

- g.** The applicant or those representing the applicant shall present information.
- h.** City staff shall present a report, including a list of criteria applying to the case. Staff may also present additional information when allowed by the presiding officer.
- i.** Persons who support the proposed change shall present evidence or make inquiries. If additional evidence or documents are provided in support of an application, any party shall, upon request, be entitled to prepare a written rebuttal to the new evidence. If an opportunity for such written rebuttal is requested, the hearing authority shall hold the written record open for a minimum of seven days to allow for the submission of written rebuttals. When requested by the applicant, such a continuance is exempt from the time limits established in State law for development review processes.
- j.** Persons who oppose the proposed change shall present evidence or make inquiries.
- k.** Persons who do not necessarily support or oppose the proposed change shall present evidence or make inquiries.
- l.** Rebuttal testimony may be presented by persons who have testified. The scope of material presented during rebuttal shall be limited to matters raised during the course of the hearing. The applicant or the applicant's representative shall present the first rebuttal, followed by surrebuttal by those who testified in opposition to the proposed change. Those persons who testified neutrally may not participate in surrebuttal. The presiding officer shall limit rebuttal and surrebuttal to avoid repetition. Prior to the close of the public hearing, the presiding officer shall ask the applicant to state a preference to either provide a final written argument within seven days or to waive that opportunity.
- m.** At the close of presentation of public testimony, the presiding officer shall declare that the hearing is closed unless there is a motion to continue the public hearing. If the hearing is closed, any participant in the initial hearing may request that the record remain open for submittal of additional written testimony for seven days after the close of the hearing. At the discretion of the hearing authority, the record may be permitted to remain open for a longer period for the submittal of additional written testimony.
- n.** Once a hearing has been closed, no further evidence shall be received except in response to specific questions directed to staff or one of the parties to clarify earlier evidence and except as allowed in "m" above. Opportunity for brief rebuttal shall also be afforded to opposing parties.

A closed hearing shall be reopened only upon a majority vote of the hearing authority and only after a reasonable showing that:

1. There is evidence that was not reasonably available at the time of the hearing;
2. Evidence is now available to the person seeking to reopen the hearing; and
3. The evidence is factual, substantial, and material.

Upon reopening a hearing, any person may raise new issues that relate to the new evidence, testimony, or criteria for decision-making that apply.

- o.** Once a decision has been made, the presiding officer or staff shall announce the appropriate time and place for appeals. For appeals from a lower City hearing authority to a higher City hearing authority, the appeal period shall be 12 days from the date the written decision is signed. Appeals to the State Land Use Board of Appeals shall be made in accordance with the provisions of State law.

2.0.50.07 - Testimony Rules of Procedure

- a.** Formal rules of evidence shall not apply.
- b.** Written exhibits, visual aids, affidavits, maps, and the like may be submitted as part of the evidence. Any signed writing presented to or received by any member of the hearing authority or by any other City agency or official outside the public hearing may be received as argument and placed in the record. Unless the hearing authority specifically allows later filing of argument, no writings received after the close of the hearing will be considered as argument.
- c.** All information received by the hearing authority shall be retained, preserved, and transmitted to an appellate body in the event an appeal is filed in accordance with Chapter 2.19 - Appeals. Certified copies of original information may be substituted for original documents.
- d.** All evidence and argument shall be as brief as possible, consistent with full presentation.
- e.** Redundancy shall be avoided.
- f.** With the exception of Code enforcement-related interruptions by the presiding officer, each person presenting information or argument shall be allowed to complete the presentation without interruption.

- g.** Discussion of personalities shall be avoided to the extent possible in making a complete presentation.
- h.** No person present shall engage in applause, cheers, or other vocal or outward expressions of approval or disapproval, agreement or disagreement. If any person persists in such conduct after receiving warning by the presiding officer, such person may be expelled from the hearing.
- i.** The presiding officer has complete authority to enforce these provisions and to ensure that a fair hearing is held. The presiding officer also has the authority to expel from the public hearing and to bar from further appearance at the public hearing any person who willfully violates any of these provisions.

2.0.50.08 - Voting Eligibility

When a member of the hearing authority becomes ineligible to vote due to absence from a portion of the public hearing on the proposed development, the member may revive voting eligibility by listening to the completed tape recording of the portion of the hearing missed. The member shall then announce to the hearing authority that he or she has listened to the tapes.

2.0.50.09 - Action by Hearing Authority

The hearing authority shall act upon the development proposal application within 120 days after the application is deemed complete unless such time limitation is extended with the consent of the applicant or as required by law. Unless otherwise ordered by the hearing authority, the Director shall process applications in the order in which they are filed.

- a.** The hearing authority may:

 - 1. Hold the written record open for at least seven days to allow the submittal of additional written testimony;
 - 2. Continue the public hearing;
 - 3. Refer the matter to a committee;
 - 4. Approve the applications as submitted;
 - 5. Deny the request; or
 - 6. Approve the request with conditions in accordance with "b" below.

Findings of fact in support of any decision shall be required in accordance with 2.0.50.10 below, and shall be in the record of proceedings prior to any final action by the hearing authority to approve, approve with conditions, or deny a request.

- b.** The following limitations shall be applicable to conditional approvals:
 - 1. Conditions shall be fulfilled within the time limitations set forth in the conditional approval; and
 - 2. Such conditions may concern any matter subject to regulation under this Code or other law, policy, or ordinance of the City.
- c.** The hearing authority may vote to continue any public hearing to a later date and time. If a quorum of the hearing authority does not appear for a hearing, the hearing shall be continued to the date and time of the next regularly scheduled meeting.

2.0.50.10 - Findings of Fact

Findings shall include:

- a.** A preamble summarizing basic facts regarding the property and action taken prior to the public hearing by the hearing authority. This preamble shall include but is not limited to statements regarding:
 - 1. Size and location of property in question, including tax lot numbers and map numbers;
 - 2. Purpose of application;
 - 3. Date of original application;
 - 4. Statement of applicant's legal interest in the property;
 - 5. Whether applicant represents self or another person;
 - 6. Date of all public hearings and actions taken at those hearings; and
 - 7. Other relevant background facts, as appropriate.
- b.** Identification of applicable legal criteria for decision making. These may include this Code, the Corvallis Charter, Comprehensive Plan, applicable Statewide Planning Goals, and applicable State statutes.

- c. Conclusions, individually numbered. Such findings must relate relevant facts to the legal criteria identified previously. The findings may require an explanation of possible conflict between provisions of identified legal criteria and an explanation of how any such conflicts were resolved.
- d. All parties shall be encouraged to prepare and submit written findings for the consideration of the hearing authority. The hearing authority may direct staff to prepare proposed findings or, in the event that the authority does not follow staff's recommendation, the prevailing party may be directed to prepare findings.

2.0.50.11 - Signing of the Order

A written order setting forth the action of the hearing authority shall be signed by the presiding officer or designate of the hearing authority and shall become effective upon the expiration of the appeal period unless an appeal has been filed in accordance with Chapter 2.19 - Appeals.

2.0.50.12 - Notice of Disposition

After the order is signed, the Director shall issue a notice of disposition that describes the decision of the hearing authority, a reference to findings leading to it, any conditions of approval, and appeal period deadline. The notice of disposition shall be issued to persons who participated in the public hearing (orally or in writing). The notice of disposition shall also be sent to applicants and all owners of property involved in the application.

2.0.50.13 - Public Information

- a. A copy of these provisions shall be made available to any interested persons.
- b. Copies of the Testimony Rules of Procedure (section 2.0.50.07) shall be available to the public within the hearing room prior to and during every public hearing conducted pursuant to this chapter.

2.0.50.14 - Applicant's Request for Delay

Upon receipt of an applicant's written request for a delay in the processing of an application, the Director may allow the request, provided that the time that the application is placed on hold does not exceed one year from the date the request is filed with the Community Development Department, and provided that the applicant agrees in writing to waive the 120-day processing time frame. After this 1-year period has expired, a new application and fee are required.

2.0.50.15 - Reapplication Following Denial

Upon final denial of a development proposal, a new application and fee for the same development or any portion thereof shall not be accepted for a period of one year from the date of denial. Upon consideration of a written statement by the applicant showing how the proposal has been sufficiently modified to overcome the findings for denial or that conditions have changed sufficiently to justify reconsideration of the original or a similar proposal, the Director may waive the 1-year waiting period.

2.0.50.16 - Multiple Applications Filed Together

When more than one application has been filed at one time for a specific property or development, and any of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same meeting. For example, applications for Zone Changes are ordinarily heard by the Land Development Hearings Board. When a zone change is sought simultaneously with an amendment to the Comprehensive Plan, however, the two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board is required.

2.0.50.17 - Filing Deadlines

Unless specified otherwise in this Code, an application that has been filed on or before the last Monday of the month, and found to be complete within the next 30 days, shall be scheduled for a Planning Commission public hearing in the third month following the application submittal. For example, applications filed the last Monday in January, and found to be complete by the end of February, shall be heard by the Planning Commission in April.

Section 2.0.60 - PROCEDURES FOR HEARINGS INVOLVING REMANDS FROM THE STATE LAND USE BOARD OF APPEALS (LUBA)

Procedures for hearings involving both voluntary and involuntary remands from the State Land Use Board of Appeals shall be as follows:

- a.** The Director shall present the remand directly to the City Council so that it can decide how to proceed. The Director shall inform the City Council of the nature of the remand, and the Council shall make a formal decision regarding procedures prior to any hearing to decide the matter. The Council may decide to do any of the following:
 1. Send the matter to another authorized decision-making body (e.g., Land Development Hearings Board or Planning Commission);

2. Set a hearing date to decide the matter without re-opening the public hearing on the case; or
 3. Set a hearing date and re-open the public hearing for consideration.
- b.** When considering a remand, the hearing authority may consider the case in whole or in part.
 - c.** Procedures for public notice and order of proceedings for remands on legislative matters shall be in accordance with section 2.0.40.
 - d.** Procedures for public notice and order of proceedings for remands on quasi-judicial matters shall be in accordance with section 2.0.50.

CHAPTER 2.1 COMPREHENSIVE PLAN AMENDMENT PROCEDURES

Section 2.1.10 - BACKGROUND

The adopted Comprehensive Plan is the City's official statement of major policies concerning desired future development of the community. The Comprehensive Plan is the controlling land use planning instrument for the City and, as such, land development regulations and related actions are required to conform with the Plan.

This chapter pertains to lands within the City limits. Those portions of the Comprehensive Plan that apply to areas outside the City limits but within the urban growth boundary shall be amended in accordance with the provisions of the Corvallis Urban Fringe Management Agreement.

Section 2.1.20 - PURPOSES

This chapter describes the review criteria and procedural requirements to accomplish the following:

- a. Respond to changing conditions and community attitudes;
- b. Ensure flexibility while maintaining the integrity of the Comprehensive Plan; and
- c. Establish procedures by which the Plan text and map may be amended.

Section 2.1.30 - PROCEDURES

2.1.30.01 - Initiation

Comprehensive Plan amendments shall be initiated by one of the following:

- a. An application submitted by the property owners or their authorized agents;
or
- b. A majority vote of the City Council. City Council initiation of Comprehensive Plan Map amendments shall be considered to accomplish the following:
 - 1. Respond to changed circumstances;
 - 2. Correct inconsistencies with State goals;
 - 3. Accomplish legislative changes affecting a relatively large number of properties or community-wide issues;

4. Correct inconsistencies between the Comprehensive Plan Map and other policies and maps;
5. Respond to changes in property boundaries; and/or
6. Respond to changes as a result of neighborhood or area-specific master planning efforts.

2.1.30.02 - Frequency of Plan Amendments

Applications for Comprehensive Plan amendments initiated by property owners shall be reviewed semi-annually in March and September by the Planning Commission. The City Council may initiate amendments to the Comprehensive Plan at any time. Applications for Comprehensive Plan amendments filed in conjunction with an application for annexation shall be reviewed concurrently. Comprehensive Plan amendments are exempt from the time limits established in State law for development review processes and shall be exempt from time restrictions set forth in this Code.

2.1.30.03 - Application Requirements

Notice shall be provided to the Land Conservation and Development Commission (LCDC) of any proposed amendment or new regulation as provided by State law.

When the Director deems any requirement below unnecessary for the proper evaluation of a proposed application, it may be waived. The Director may also require additional information, if needed, to adequately evaluate the proposal.

Prior to formal submittal of an application, the applicant is encouraged to participate in an informal pre-application conference with Community Development Department staff to discuss the proposal, the applicant's requirements, and the applicant's materials developed in response to the applicable Code requirements.

Applications for Comprehensive Plan amendments shall be made on forms provided by the Director and shall be accompanied by:

- a. Fifteen copies of the narrative, on 8.5- by 11-in. sheets and, for Comprehensive Plan Map amendments, 15 copies of graphics at an 8.5- by 11-in. size. The Director may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11- by 17-in. size if, for legibility purposes, such a size would be helpful;

- b.** For Comprehensive Plan Map amendments, six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24- by 36-in. Where necessary, an overall plan with additional detail sheets may be submitted;
- c.** An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;
- d.** Written consent to the amendment signed by the property owner(s) and/or their legal representative. If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City;
- e.** For Comprehensive Plan text amendments, the proposed text changes;
- f.** For Comprehensive Plan Map amendments, a legible vicinity map identifying the area to be amended and showing adjacent City and County territory at least 300 ft. beyond the boundaries of the subject site. The map shall include features such as existing streets and parcel boundaries, existing structures, major drainageways, riparian areas, utilities, and any other information that, in the Director's opinion, would assist in providing a context for the proposed map amendment. Maps shall be submitted at an 8.5- by 11-in. size and 24- by 36-in. size. The Director may also require maps at an 11- by 17-in. size, and/or may require an area greater than 300 ft. beyond the site if such a map would be helpful;
- g.** Existing and proposed zoning maps (typically 1 in. = 400 ft., but up to 1 in. = 800 ft., depending on the size of the site) with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;
- h.** Existing and proposed Comprehensive Plan maps (typically 1 in. = 800 ft.) with a key that identifies each land use designation on the site and within 1,000 ft. of the site as per City format;
- i.** Existing land use map (typically a topographic map that extends at least 1,000 ft. beyond the site). The map shall include building footprints and distinguish between single-family, multi-family, commercial, and industrial uses, as well as other significant features such as roads, drainageways, riparian areas, parks, and schools;
- j.** For Comprehensive Plan Map amendments, Significant Natural Features map(s) and a preservation plan that together identify significant natural features of the site and proposed methods of preservation, including but not limited to:

1. Watercourses, floodplains, wetlands, and riparian areas. The map shall indicate boundaries, acreages, and names, where applicable. Where watercourses are involved, the map shall also show the top of existing banks and channel depth, and indicate the boundaries of any riparian areas and required drainageway dedications. Calculations used to determine the width of the drainageway dedications shall be provided, as well as cross-sections (at 50-ft. intervals) to support the calculations. The cross-sections shall show a width encompassing the watercourse and at least 20 ft. on either side of the top of banks (refer to Chapter 4.5 - Flood Control and Drainageway Provisions for additional guidance).
 2. Significant natural vegetation (refer to Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting for guidance). The map shall indicate species, canopies, and diameters at breast height for trees. In cases where a site contains large groves of significant vegetation that result in a single large canopy, the map may indicate the outer perimeter of the canopy of each grove, and state the species and ranges of tree diameters at breast height for each species within the grove.
 3. Plants, plant communities, and fish and wildlife habitat found on the site that are listed as threatened or endangered with the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as well as significant native vegetation as defined in the Oregon National Heritage Plan (1998), which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species.
 4. Archaeological sites recorded by the State Historic Preservation Office (SHPO).
- k.** One set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;
- l.** Statement of availability, capacity, and status of existing water, sewer, storm drainage, transportation, park, and school facilities. The applicant shall obtain this information using GIS base maps where available;
- m.** Statement of increased demand for the facilities that will be generated by the proposed change in land use designation. The applicant shall refer to the criteria of the City's facility master plans (available via the City Engineer) to determine the methodology used to estimate public facility demands. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis;

- n. Statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand. The applicant shall review adopted public facility plans, master plans, and capital improvement programs, and state whether additional facilities are planned or programmed for the subject area. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis;
- o. Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. Information related to an actual development proposal may be included for informational purposes. At minimum, the traffic calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis;
- p. Statement outlining the method and source of financing required to provide additional facilities; and
- q. Statement of the reasons for the change, and how the proposal meets the review criteria in section 2.1.30.06 or 2.1.30.07, whichever is applicable.

2.1.30.04 - Acceptance of Application

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.

2.1.30.05 - Staff Evaluation

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report shall include a recommendation for approval or denial.

2.1.30.06 - Review Criteria for the Majority of Comprehensive Plan Amendments

- a. This section addresses review criteria for the following:
 - 1. Text amendments to the Comprehensive Plan; and

2. Amendments to the Comprehensive Plan Map that do **not** involve a map amendment to Open Space-Conservation or Public Institutional, when such a map amendment is required as part of an annexation request per Chapter 2.6 - Annexations.

Comprehensive Plan amendments shall be reviewed to ensure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

- b.** Amendments shall be approved only when the following findings are made:
 1. There is a demonstrated public need for the change;
 2. The advantages to the community resulting from the change shall outweigh the disadvantages; and
 3. The change proposed is a desirable means of meeting the public need.
- c.** Proposed amendments to the Comprehensive Plan Map shall demonstrate compatibility in the following areas, as applicable:
 1. Basic site design (e.g., the organization of uses on a site and the uses' relationships to neighboring properties);
 2. Visual elements (scale, structural design and form, materials, etc.);
 3. Noise attenuation;
 4. Odors and emissions;
 5. Lighting;
 6. Signage;
 7. Landscaping for buffering and screening;
 8. Transportation facilities;
 9. Traffic and offsite parking impacts;
 10. Utility infrastructure;
 11. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);

12. Consistency with the applicable development standards, including the applicable pedestrian oriented design standards;
13. Preservation and/or protection of significant natural features and wildlife habitat, consistent with the Comprehensive Plan; and
14. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site.

2.1.30.07- Review Criteria for Remainder of Comprehensive Plan Amendments

- a. This section addresses review criteria for Comprehensive Plan Map amendments that involve a map amendment to Open Space-Conservation or Public Institutional, when such a map amendment is required as part of an annexation request per Chapter 2.6 - Annexations.

This type of a Comprehensive Plan Map amendment shall be reviewed to ensure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

- b. Amendments shall be approved only when the following findings are made:
 1. The proposed Comprehensive Plan Map amendment is part of an annexation proposal; and
 2. The annexation proposal includes areas planned for open space, general community use, or public or semi-public ownerships; and the proposed Comprehensive Plan Map amendment to Open Space-Conservation or Public Institutional pertains to these lands, as follows:
 - (a) Areas planned for open spaces or future general community use, including planned parks, preserves, and general drainageway corridors, shall be redesignated on the Comprehensive Plan Map as Open Space-Conservation.
 - (b) Existing, proposed, or planned areas of public or semi-public ownership, such as Oregon State University facilities or lands, school sites, City reservoirs, and portions of the Corvallis Municipal Airport, shall be redesignated on the Comprehensive Plan Map as Public Institutional.

- c.** Proposed amendments to the Comprehensive Plan Map shall demonstrate compatibility in the following areas, as applicable:
1. Basic site design (e.g., the organization of uses on a site and the uses' relationships to neighboring properties);
 2. Visual elements (scale, structural design and form, materials, etc.);
 3. Noise attenuation;
 4. Odors and emissions;
 5. Lighting;
 6. Signage;
 7. Landscaping for buffering and screening;
 8. Transportation facilities;
 9. Traffic and offsite parking impacts;
 10. Utility infrastructure;
 11. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
 12. Consistency with the applicable development standards, including the applicable pedestrian oriented design standards;
 13. Preservation and/or protection of significant natural features and wildlife habitat, consistent with the Comprehensive Plan; and
 14. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site.

2.1.30.08 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Commission shall make a recommendation to the City Council concerning the proposed Comprehensive Plan amendment. The Commission's recommendations shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.1.30.09 - Action by the City Council

Upon receipt of the Planning Commission's recommendation, the City Council shall set a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the City Council shall either deny the application or adopt an ordinance approving the proposed Comprehensive Plan amendment or a modification thereof. The City Council's decision shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.1.30.10 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the City Council's decision, a reference to findings leading to it, and the appeal period deadline. A notice of disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

2.1.30.11 - Map Errors

If the City Council approves a Comprehensive Plan Map amendment, but the Director discovers that the Comprehensive Plan Map was not altered to accurately reflect the amendment, the Director shall correct the Comprehensive Plan Map to comply with the amendment without any additional public review.

The map amendment shall not be corrected if the City Council subsequently approves a Comprehensive Plan Map amendment affecting the initial approval. Map corrections made by the Director shall be reported to the Council and the owner of the property receiving the correction by noting the correction as a consent item on a Council agenda following the correction, and by mailing the property owner notification of the correction.

CHAPTER 2.2 ZONE CHANGES

Section 2.2.10 - BACKGROUND

The Official Zoning Map is consistent with the adopted Comprehensive Plan, as amended, and as such is a reflection of the City's land use planning goals. The map has also been adopted as part of this Code. Frequent and piecemeal amendments to the Official Zoning Map can threaten the integrity of the Comprehensive Plan and the likelihood of its successful implementation. Nevertheless, it may be necessary to amend the Official Zoning Map from time to time to correct errors or to respond to changing conditions or unforeseen circumstances.

When a zone is amended, there often must be a corresponding change to the Comprehensive Plan Map. There are, however, instances where more than one zone corresponds to a site's Comprehensive Plan designation. In these situations, the zone can be amended without a Plan map change. Table 2.2-1 below illustrates the relationship between the Comprehensive Plan and the Official Zoning Map designations in the City.

Zone changes are classified as legislative or quasi-judicial, depending on the number of properties involved. While only the City Council makes legislative decisions regarding zone changes, quasi-judicial decisions may be made by the Planning Commission, Land Development Hearings Board, or upon appeal by the City Council, depending on the nature of the proposed change. When a Zone Change application is reviewed along with a Comprehensive Plan Map amendment or other land use application, the Planning Commission approves or denies the request. However, when no other request is under consideration, the Zone Change request is reviewed and approved or denied by the Land Development Hearings Board.

Section 2.2.20 - PURPOSES

This chapter describes review criteria and procedural requirements for legislative and quasi-judicial Official Zoning Map changes to accomplish the following:

- a. Maintain sound, stable, and desirable development within the City;
- b. Permit changes in zone boundaries where appropriate;
- c. Ensure zone changes are consistent with the community's land use policies and goals; and
- d. Lessen the influence of individual economic interests in the land use decision-making process.

**TABLE 2.2-1
COMPREHENSIVE PLAN AND CORRESPONDING ZONING MAP DESIGNATIONS
(not including zone overlays)**

IF THE COMPREHENSIVE PLAN DESIGNATION IS:	OFFICIAL ZONING MAP DESIGNATION SHALL BE
RESIDENTIAL	RESIDENTIAL
Low Density (2-6 units/acre)	RS-3.5 Low RS-5 Low RS-6 Low
Medium Density (6-12 units/acre)	RS-9 and 9(U)Medium
Medium-High Density (12-20 units/acre)	RS-12 and 12(U) Medium-High and Mixed Use Residential (MUR)
High Density (over 20 units/acre)	RS-20 High and Mixed Use Residential (MUR)
Mixed Use Residential (over 12 units/acre)	Mixed Use Residential (MUR)
OFFICE/COMMERCIAL	COMMERCIAL
Professional Office	Professional and Administrative Office (P-AO)
Mixed Use Commercial	Minor and Major Neighborhood Center Mixed Use Community Shopping (MUCS) Mixed Use General Commercial (MUGC)
Central Business	Central Business Zone (CB) Central Business Fringe (CBF) Riverfront (RF)
INDUSTRIAL	INDUSTRIAL
Limited	Limited Industrial (LI)
Limited Industrial - Office	Limited Industrial - Office (LI-O)
Mixed Use Employment	Mixed Use Employment (MUE)
General	General (GI) and Mixed Use Employment (MUE)
Intensive	Intensive (II) and Mixed Use Employment (MUE)
Research Technology	Research Technology Center (RTC)
Mixed Use Transitional	Mixed Use Transitional (MUT)
OTHERS	OTHERS
Public-Institutional	Oregon State University (OSU) and any other zone for government and public facility uses.
Open Space - Agriculture	Agriculture/Open Space (AG-OS)
Open Space - Conservation	Agriculture/Open Space (AG-OS)

Section 2.2.30 - LEGISLATIVE CHANGE PROCEDURES

A zone change is considered a legislative act if the change applies uniformly to all properties in the City or to a sufficiently large number of properties as determined by contemporary legal principles.

2.2.30.01 - Initiation

- a.** A legislative zone change may be initiated by a majority vote of the City Council or a majority vote of the Planning Commission upon finding sufficient cause to initiate a change.
- b.** Property owners may petition the Planning Commission for a hearing by submitting the following:
 1. A petition representing a majority (over 50 percent) of property owners within the area of the proposed zone change; and
 2. A description and map of the area to be affected and information as may be necessary for an adequate review.

If the Planning Commission determines that there is sufficient cause, it shall initiate the zone change in accordance with Chapter 2 - Public Hearings.

- c.** Where a motion by either the City Council or Planning Commission involves a Planned Development designation, the motion by either body need not include a Conceptual or Detailed Development Plan.

2.2.30.02 - Staff Evaluation

City staff shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report should include a recommendation for approval or denial.

2.2.30.03 - Review Criteria

Legislative zone changes shall be reviewed to determine how they affect City facilities and services, and to ensure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

2.2.30.04 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with the provisions of Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Commission shall make a recommendation to the City Council

concerning the proposed zone change. The Commission's recommendation shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.2.30.05 - Action by the City Council

Upon receipt of the Planning Commission's recommendation, the City Council shall set a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the City Council shall either deny the petition or adopt an ordinance approving the proposed zone change or a modification thereof. The City Council's decision shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.2.30.06 - Notice of Disposition

The Director shall provide a notice of disposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the City Council's decision, a reference to findings leading to it, and the appeal period deadline. A notice of disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

Section 2.2.40 - QUASI-JUDICIAL CHANGE PROCEDURES

All zone changes not deemed legislative shall be deemed quasi-judicial.

2.2.40.01 - Initiation

- a. A zone change that is quasi-judicial in nature may be initiated by:
 1. Filing of an application by the owner(s) of the subject property(ies);
or
 2. A majority vote of the City Council or Planning Commission, following the same procedures used for legislative amendments discussed above.
- b. Where a motion by either the City Council or Planning Commission involves a Planned Development designation, the motion need not include a Conceptual or Detailed Development Plan.

2.2.40.02 - Application Requirements

When the Director deems any requirement below unnecessary for the proper evaluation of a proposed application, it may be waived. The Director may also require additional information, if needed, to adequately evaluate the proposal.

Prior to formal submittal of an application, the applicant is encouraged to participate in an informal pre-application conference with Community Development Department staff to discuss the proposal, the applicant's requirements, and the applicant's materials developed in response to the applicable Code requirements.

Applications for zone changes shall be made on forms provided by the Director and shall be accompanied by:

- a.** Fifteen copies of the narrative, on 8.5- by 11-in. sheets, and 15 copies of graphics at an 8.5- by 11-in. size. The Director may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11- by 17-in. size if, for legibility purposes, such a size would be helpful;
- b.** Six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24- by 36-in. Where necessary, an overall plan with additional detail sheets may be submitted;
- c.** An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;
- d.** Written consent to the zone change signed by the property owner(s) and/or their legal representative. If a legal representative is used as a signatory, written proof of ability to be a signatory shall be furnished to the City;
- e.** A legible vicinity map of the area to be amended that identifies adjacent City and County territory at least 300 ft. beyond the boundaries of the subject site. The map shall include features such as existing streets and parcel boundaries, existing structures, major drainageways, riparian areas, utilities, and any other information that, in the Director's opinion, would assist in providing a context for the proposed map amendment. Maps shall be submitted at an 8.5- by 11-in. size and 24- by 36-in. size. The Community Development Director may also require maps at an 11- by 17-in. size, and/or may require an area greater than 300 ft. beyond the site if such a map would be helpful;
- f.** Existing and proposed zoning maps (typically 1 in. = 400 ft., but up to 1 in. = 800 ft., depending on the size of the site) with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;

- g.** Comprehensive Plan Map (typically 1 in. = 800 ft.) with a key that identifies each land use designation on the site and within 1,000 ft. of the site as per City format;
- h.** Existing land use map (typically a topographic map that extends at least 1,000 ft. beyond the site). The map shall include building footprints and distinguish between single-family, multi-family, commercial, and industrial uses, as well as other significant features such as roads, drainageways, riparian areas, parks, and schools;
- i.** Significant natural features map(s) and a preservation plan that together identify significant natural features of the site and proposed methods of preservation, including but not limited to:

 - 1. Watercourses, floodplains, wetlands, and riparian areas. The map shall indicate boundaries, acreages, and names, where applicable. Where watercourses are involved, the map shall also show the top of existing banks and channel depth, and indicate the boundaries of any riparian areas and required drainageway dedications. Calculations used to determine the width of the drainageway dedications shall be provided, as well as cross-sections (at 50-ft. intervals) to support the calculations. The cross-sections shall show a width encompassing the watercourse and at least 20 ft. on either side of the top of banks (refer to Chapter 4.5 - Flood Control and Drainageway Provisions for additional guidance).
 - 2. Significant natural vegetation (refer to Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting for guidance). The map shall indicate species, canopies, and diameters at breast height for trees. In cases where a site contains large groves of significant vegetation that result in a single large canopy, the map may indicate the outer perimeter of the canopy of each grove, and state the species and ranges of tree diameters at breast height for each species within the grove.
 - 3. Plants, plant communities, and fish and wildlife habitat found on the site that are listed as threatened or endangered with the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as well as significant native vegetation as defined in the Oregon National Heritage Plan (1998), which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species.
 - 4. Archaeological sites recorded by the State Historic Preservation Office (SHPO).

- j. One set of assessor's maps of the subject site and surrounding area, with the subject site outlined in red;
- k. Statement of availability, capacity, and status of existing water, sewer, storm drainage, and transportation facilities. The applicant shall obtain this information using GIS base maps where available;
- l. Statement of increased demand for the facilities that will be generated by the proposed change in land use designation. The applicant shall refer to the criteria of the City's facility master plans (available via the City Engineer) to determine the methodology used to estimate public facility demands. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis;
- m. Statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand. The applicant shall review adopted public facility plans, master plans and capital improvement programs, and state whether additional facilities are planned or programmed for the subject area. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis;
- n. Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. Information related to an actual development proposal may be included for informational purposes. At minimum, the traffic calculations associated with the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis;
- o. Statement outlining the method and source of financing required to provide additional facilities; and
- p. Statement of the reasons for the change, and how the proposal meets the review criteria in section 2.2.40.05.

2.2.40.03 - Acceptance of Application

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing. The public hearing shall be conducted by the Planning Commission if the zone change is requested in conjunction with an amendment to the Comprehensive Plan. If no Comprehensive Plan amendment is required to

approve the zone change, the hearing shall be conducted by the Land Development Hearings Board.

2.2.40.04 - Staff Evaluation

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report shall also include a recommendation for approval or denial.

2.2.40.05 - Review Criteria

Quasi-judicial zone changes shall be reviewed to determine how they affect City facilities and services, and to ensure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the following areas, as applicable:

- a. Basic site design (e.g., the organization of uses on a site and the uses' relationships to neighboring properties);
- b. Visual elements (scale, structural design and form, materials, etc.);
- c. Noise attenuation;
- d. Odors and emissions;
- e. Lighting;
- f. Signage;
- g. Landscaping for buffering and screening;
- h. Transportation facilities;
- i. Traffic and offsite parking impacts;
- j. Utility infrastructure;
- k. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
- l. Consistency with the applicable development standards, including the applicable pedestrian oriented design standards;
- m. Preservation and/or protection of significant natural features and wildlife habitat, consistent with the Comprehensive Plan; and

- n. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site.

2.2.40.06 - Action by the Hearing Authority

The hearing authority shall conduct a public hearing in accordance with the provisions of Chapter 2.0 - Public Hearings. Following the close of the public hearing, the hearing authority shall by motion either approve the proposed zone change or a modification thereof, or deny the petition. The hearing authority's decision shall include findings that specify how the application has or has not complied with the above review criteria.

2.2.40.07 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the hearing authority's decision, a reference to findings leading to it, and the appeal period deadline. A notice of disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

2.2.40.08 - Appeals

The decision of the Land Development Hearings Board or Planning Commission may be appealed in accordance with Chapter 2.19 - Appeals.

2.2.40.09 - Effective Date

Unless an appeal has been filed, the decision of the Land Development Hearings Board shall become effective 12 days after the notice of disposition is signed.

Unless an appeal has been filed, the decision of the Planning Commission made in conjunction with a Comprehensive Plan amendment shall become final 12 days after the notice of disposition is signed. The zone changes will not take effect, however, until and unless the necessary Comprehensive Plan amendment has been implemented by the City Council.

2.2.40.10 - Map Errors

If the Land Development Hearings Board, Planning Commission, or City Council approves a zone change, but the Director discovers that the Official Zoning Map was not altered to accurately reflect the zone change, the Director shall correct the Official Zoning Map to comply with the zone change without any additional public review.

The map change shall not be corrected if the City Council subsequently approves a zone change affecting the initial approval. If the Director discovers an inconsistency between the Official Zoning Map and the Comprehensive Plan Map, the Director shall correct the Official Zoning Map to make it consistent with the Comprehensive Plan Map, without any additional public review. Map corrections made by the Director shall be reported to the Council and owner of the property receiving the correction by noting the correction as a consent item on a Council agenda following the correction, and by mailing the property owner notification of the correction.

CHAPTER 2.3 CONDITIONAL DEVELOPMENT

Section 2.3.10 - BACKGROUND

Certain use types listed in each zone require a public hearing to determine how they affect surrounding properties, neighborhoods, and the community as a whole. The Conditional Development review process provides an opportunity to allow a use when potential adverse effects can be mitigated, or deny a use if concerns cannot be resolved to the satisfaction of the hearing authority. It is the intent of this chapter to permit Conditional Developments and Conditional Development Modifications consistent with the Comprehensive Plan, subject to procedures and criteria intended to mitigate potentially negative impacts.

Section 2.3.20 - PURPOSES

Procedures and review criteria for Conditional Developments are established for the following purposes:

- a. Permit certain types of public and private development that provide a community service in locations related to their service areas;
- b. Permit commercial development in locations related to its service area;
- c. Ensure that Conditional Development is compatible with its immediate area and the affected part of the community;
- d. Permit uses when potentially adverse effects can be mitigated; and
- e. Permit a mixture of residential development types.

Section 2.3.30 - CONDITIONAL DEVELOPMENT PROCEDURES

An application filed for a Conditional Development or a Conditional Development Modification shall comply with the following:

2.3.30.01 - Application Requirements

When the Director deems any requirement below unnecessary for proper evaluation of a proposed application, it may be waived.

Prior to formal submittal of an application, the applicant is encouraged to participate in an informal pre-application conference with Community Development Department staff to discuss the proposal, the applicant's

requirements, and the applicant's materials developed in response to the applicable Code requirements.

Applications for Conditional Developments shall be made on forms provided by the Director and shall be accompanied by:

- a. Signed consent of the owner(s) or the owners' legal representatives of the subject property(ies);
- b. Fifteen copies of the narrative, on 8.5- by 11-in. sheets, and 15 copies of graphics at an 8.5- by 11-in. size. The Director may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11- by 17-in. size if, for legibility purposes, such a size would be helpful;
- c. Six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24- by 36-in. Where necessary, an overall plan with additional detail sheets may be submitted;
- d. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;
- e. **Graphic Requirements**

Graphics shall include the following information where applicable:

- 1. Public notice map (typically a street map at 1 in. = 800 ft. as per City's public notice format);
- 2. Zoning map (typically 1 in. = 400 ft., but up to 1 in. = 800 ft., depending on the size of the site) with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;
- 3. Comprehensive Plan Map (typically 1 in. = 800 ft.) with a key that identifies each land use designation on the site and within 1,000 ft. of the site as per City format;
- 4. Existing land use map (typically a topographic map that extends at least a 1,000 ft. beyond the site). The map shall include building footprints and distinguishes between single-family, multi-family, commercial, and industrial uses, as well as other significant features such as roads, drainageways, riparian areas, parks and schools;

5. Significant natural features map(s) and a preservation plan that together identify significant natural features of the site and proposed methods of preservation, including but not limited to:
 - (a) Watercourses, floodplains, wetlands, and riparian areas. The map shall indicate boundaries, acreages, and names, where applicable. Where watercourses are involved, the map shall also show the top of existing banks and channel depth, and indicate the boundaries of any riparian areas and required drainageway dedications. Calculations used to determine the width of the drainageway dedications shall be provided, as well as cross-sections (at 50-ft. intervals) to support the calculations. The cross-sections shall show a width encompassing the watercourse and at least 20 ft. on either side of the top of banks (refer to Chapter 4.5 - Flood Control and Drainageway Provisions for additional guidance).
 - (b) Significant natural vegetation (refer to Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting for guidance). The map shall indicate species, canopies, and diameters at breast height for trees. In cases where a site contains large groves of significant vegetation that result in a single large canopy, the map may indicate the outer perimeter of the canopy of each grove, and state the species and ranges of tree diameters at breast height for each species within the grove.
 - (c) Plants, plant communities, and fish and wildlife habitat found on the site that are listed as threatened or endangered with the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as well as significant native vegetation as defined in the Oregon National Heritage Plan (1998), which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species.
 - (d) Archaeological sites recorded by the State Historic Preservation Office (SHPO).
6. Site plan(s) and other graphics shall be drawn to scale and shall contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and contain the information listed below.

Graphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries, existing structures, drainageways, riparian areas, driveways, utilities, significant natural features, and any other information that, in the

Director's opinion, would assist in providing a context for the proposed development. The Director may require that an applicant's graphics include information on lands in excess of 150 ft. from a development site (e.g., such as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site).

The site plan and related graphics shall include:

- (a) Existing site conditions including contours at intervals sufficient to indicate topographic conditions, watercourses, flood plains (for review in accordance with Chapter 4.5 - Flood Control and Drainage Provisions), and any significant natural features. A slope analysis shall be included on a topographic map of the site to identify slopes with a grade of less than 10 percent, 10 - 15 percent, greater than 15 percent and less than 30 percent, and in excess of 30 percent. The boundaries of the sloped areas shall be clearly identified and the areas discernable from other areas (through the use of different shade patterns, cross-hatching, etc.). Topographic contours at 2-ft. intervals shall be provided for slopes under 20 percent and at 5-ft. intervals for slopes at or greater than 20 percent;
- (b) Boundary of the proposed Conditional Development and any interior boundaries related to proposed development phases or land divisions;
- (c) Number of lots and their dimensions, including frontage, depth, and area in sq. ft.;
- (d) Location and floor area 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, overhead lines in the abutting right of way, easements, fences, walls, and walkways. Where required by the applicable zone, lot coverage and green area calculations shall be provided. Parking calculations shall also be provided;
- (e) Typical elevations and floor plans of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development, indicate the entrance and exit points, and permit computations of parking, design, and yard requirements. The elevations shall specify building materials to be used, specifications as to type, color, and texture of proposed

exterior surfaces, and information demonstrating compliance with Chapter 4.10 - Pedestrian Oriented Design Standards;

- (f) Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, green area, recreational areas, school sites, and similar public and semipublic uses;
- (g) Existing and proposed circulation system plan and dimensions including streets, driveways, sidewalks, multi-use paths, off-street parking areas, service areas (including refuse), loading areas, direction of traffic flow, and major points of access to public rights-of-way. Illustrative cross-sections of streets shall be provided. Notations of proposed ownership (public or private) should be included where appropriate;
- (h) Existing and proposed general pedestrian circulation system, including its interrelationship and connectivity with the existing and proposed vehicular, bicycle, and pedestrian circulation systems and indicating proposed treatments of points of conflict;
- (i) Detailed utilities plan showing existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems;
- (j) Identification of significant natural features that were included on the significant natural features map(s) required in "5" above to indicate the relationship of the proposal to the site's significant natural features;
- (k) Proposed topographic contours at 2-ft. intervals for slopes with a grade under 20 percent and at 5-ft. intervals for slopes with a grade at or greater than 20 percent. Where the grade of any part of the development site exceeds 10 percent or where the development abuts existing developed lots, a conceptual grading plan shall be required. The grading plan shall contain adequate information to evaluate impacts to the site and adjacent areas. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site. If a grading plan is required, it shall indicate how these objectives are met, how runoff or surface water from the development will be managed, and how the development's surface waters will be disposed;

- (l) Conceptual landscape plan drawn to scale and showing the location of existing trees and vegetation proposed to be removed from or to be retained on the site, the location and conceptual design for landscaped areas (types of plant materials as basic as trees, shrubs, and groundcover/lawn areas), and other conceptual landscape features including walls and fences; and
- (m) Exterior lighting plan indicating the location, size, height, typical design, material, color, method, and direction of illumination;

f. Narrative Requirements

A written statement shall include the following information:

1. Statement of the planning objectives to be achieved by the Conditional Development. This statement shall include a description of the proposed development, the rationale behind the assumptions and choices made, and a discussion of how the application meets the review criteria in section 2.3.30.04 below, including the development standards required by this Code;
2. Proposals for setbacks or building envelopes, lot areas where land division is anticipated, and number of parking spaces to be provided (per gross floor area or per number of units);
3. Detailed statement outlining timing, responsibilities, and financial assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance;
4. Statement addressing compatibility of proposed development with adjacent land uses relating to such items as architectural character, building type, and height of proposed structures;
5. Quantitative data for the following, where appropriate:
 - (a) Total number and type of dwelling units;
 - (b) Square footages of all structures;
 - (c) Parcel size;
 - (d) Proposed lot coverage of buildings and structures, where known;

- (e) Gross densities per acre;
 - (f) Total square footage of green area (lands not designated for buildings or vehicle parking and maneuvering areas);
 - (g) Total number of parking spaces (compact, standard, handicapped, bicycle) and a breakdown of how parking is consistent with Code requirements; and
 - (h) Total square footage of nonresidential construction.
6. Statement describing phases of project, if proposed. Phases shall be:
- (a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, green areas, and similar physical features; and capable of substantial occupancy, operation, and maintenance upon completion of construction and development;
 - (b) Arranged to avoid conflicts between higher and lower density development;
 - (c) Properly related to other services of the community as a whole and to those facilities and services yet to be provided; and
 - (d) 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 Conditional Development.
7. Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures.

2.3.30.02 - Acceptance of Application

- a.** The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b.** After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c.** Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.3.30.03 - Staff Evaluation

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report shall 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.

2.3.30.04 - Review Criteria

Requests for Conditional Developments shall be reviewed to ensure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the following areas, as applicable:

- a. Basic site design (the organization of uses on a site and the uses' relationships to neighboring properties);
- b. Visual elements (scale, structural design and form, materials, etc.);
- c. Noise attenuation;
- d. Odors and emissions;
- e. Lighting;
- f. Signage;
- g. Landscaping for buffering and screening;
- h. Transportation facilities;
- i. Traffic and offsite parking impacts;
- j. Utility infrastructure;
- k. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
- l. Consistency with the applicable development standards, including the applicable pedestrian-oriented design standards;
- m. Preservation and/or protection of significant natural features and wildlife habitat, consistent with the Comprehensive Plan; and
- n. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site.

2.3.30.05 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Commission shall approve, conditionally approve, or deny the conditional use. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria.

2.3.30.06 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any conditions of approval, and the appeal period deadline. A notice of disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

2.3.30.07 - Appeals

The decision of the Planning Commission may be appealed in accordance with Chapter 2.19 - Appeals.

2.3.30.08 - Effective Date

Unless an appeal has been filed, the decision of the hearing authority shall become effective 12 days after the notice of disposition is signed.

2.3.30.09 - Effective Period of Conditional Development Approval

Conditional Development approval shall be effective for a 2-year period from the date of approval. If the applicant has not begun the Conditional Development or its phases within the 2-year period, all approvals shall expire. Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period one time for a period not to exceed two additional years.

2.3.30.10 - Review Criteria for Determining Compliance with an Approved Conditional Development

A building permit or other site development permit request shall be reviewed to determine whether the request is in substantial compliance with the approved Conditional Development. It shall be deemed to be in substantial compliance if it is consistent with the review criteria in 2.3.30.04, does not involve modifications to Code development standards, and does not involve changes to any specific requirements established at the time of Conditional Development approval. "Specific requirements" include conditions of approval, Code requirements, and all

aspects of the applicant's proposal that were approved as part of the Conditional Development.

Section 2.3.40 - CONDITIONAL DEVELOPMENT MODIFICATION

2.3.40.01 - Purposes of a Conditional Development Modification

- a. Provide a limited amount of flexibility with regard to site planning and architectural design for approved Conditional Developments; and
- b. Provide benefits within the development site that compensate for requested variations from approved Conditional Developments such that the intent of the original approval is still met.

2.3.40.02 - Thresholds of a Conditional Development Modification

Within one calendar year, up to three factors identified in “a” through “m” below, which do not exceed the thresholds outlined in these provisions, may be proposed for modification under this section. If more than three such factors are proposed for modification within a calendar year, or if modifications are proposed that exceed the thresholds outlined in “a” through “m” below, the changes shall be processed as a new Conditional Development and shall follow the procedures outlined in section 2.3.30.

No modifications to specific requirements established at the time of Conditional Development approval, including conditions of approval, Code requirements, and all aspects of the Conditional Development proposal, can be made as a Conditional Development Modification unless they are less than the thresholds outlined in “a” through “m” below. The thresholds for a Conditional Development modification are as follows:

- a. Change in use type;
- b. Increase in dwelling unit density;
- c. Decrease in dwelling unit density by more than three units for development sites 1 acre or smaller in size; or decrease in dwelling unit density by more than five units or by more than 10 percent, whichever is less, for development sites larger than 1 acre;
- d. Change in the ratio of the different types of dwelling units;
- e. Change in the type or location of commercial or industrial structures that would result in a less pedestrian-friendly environment (e.g., a pedestrian walk is eliminated, a parking lot is placed to separate (or further separate) a building from pedestrian facilities, etc.);

- f. Change in the type and location of accessways and parking areas where offsite traffic would be affected or which result in a less pedestrian-friendly environment;
- g. Increase in the number of parking spaces where such increase adversely affects significant natural features or pedestrian amenities, or is inconsistent with a condition of approval or an applicable development standard (e.g., required green area);
- h. Increase by more than 10 percent in the floor area proposed for nonresidential use;
- i. Decrease by more than 10 percent in the common and/or usable green area;
- j. Increase by more than 5 percent in the total ground area proposed to be covered by structures;
- k. Decrease by more than 25 percent in specific setback requirements;
- l. Decrease by more than 10 percent in project amenities for pedestrians or bicycles, recreational facilities, screening, and/or landscaping provisions; and
- m. Modification of architectural building elevations where any of the following occur:
 1. Percentage of window coverage per elevation is decreased by more than 20 percent (may affect the number and/or shape of windows); or windows are installed on a previously specified blank wall on the perimeter of the site;
 2. Building materials for the main walls of the facades are changed;
 3. Any architectural feature is reduced by more than 20 percent. Architectural features include such items as the number of windows with trim, the number of dormers, the number of columns, the number of shutters, the square footage of porches, the number of window boxes, the linear footage of porch or deck railings, and/or the linear footage and/or height of parapets, reveals, and/or cornices, etc.;
 4. Roof pitch is reduced;
 5. Building offsets or recesses are reduced by more than 20 percent; or
 6. Garages or carports are eliminated.

2.3.40.03 - Procedures for a Conditional Development Modification

- a.** An applicant may petition for review of previously approved plans for purposes of modifying a Conditional Development, stating reasons for the change(s).
- b.** Where the Director determines that the proposed changes qualify as a Conditional Development Modification in accordance with the thresholds outlined in section 2.3.40.02, the Director shall administratively process the application as a Conditional Development Modification. The Conditional Development Modification may be approved conditionally, approved, or denied by the Director. If the proposed changes exceed the thresholds outlined in section 2.3.40.02, the changes shall be processed as a new Conditional Development and the applicant shall follow the procedures outlined in section 2.3.30.
- c.** In reviewing the proposed modification, the Director shall follow the procedures herein required for Conditional Development submittal and review.
- d.** To determine whether to authorize a Conditional Development Modification, the Director shall consider the review criteria in 2.3.30.04 and the following additional review criterion:
 - 1.** New elements are provided that compensate for any negative effects caused by the requested variations from the original project design. New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be changed. Applicants shall provide the Director with information substantiating the value of the new elements in comparison to the value of the elements to be changed. The value information shall be developed by a qualified professional in the field relevant to the elements being exchanged.
- e.** Upon finding that the application qualifies as a Conditional Development Modification, the Director may consider the redesign in whole or in part of any Conditional Development, to the extent that the redesign still falls within the thresholds outlined in section 2.3.40.02.
- f.** To the extent that the redesign does not exceed the thresholds outlined in section 2.3.40.02, notice for a Conditional Development Modification shall be provided in accordance with Chapter 2.16 - Request for Interpretation.
- g.** Notice, action on the application, the notice of disposition, appeals, the effective date, and the effective period of a Conditional Development Modification shall be in accordance with sections 2.12.30.04 and 2.12.30.07 through 2.12.30.11 of Chapter 2.12 - Lot Development Option.

2.3.40.04 - Determining Compliance with a Conditional Development Modification

A building permit or other site development permit request shall be reviewed to determine whether the request is in compliance with any approved Conditional Development Modification. It shall be deemed to be in substantial compliance if it does not involve deviations from Code development standards and does not involve changes to any specific requirements established at the time of Conditional Development Modification approval. Specific requirements include conditions of approval, Code requirements, and all aspects of the applicant's proposal that were approved as part of the Conditional Development Modification.

CHAPTER 2.4 SUBDIVISIONS AND MAJOR REPLATS

Section 2.4.10 - BACKGROUND

The division of land is the first step toward establishing a community's ultimate development pattern. Land divisions can occur through either a subdivision or a partition procedure. A *subdivision procedure* is used when four or more units (generally called "lots") of land are created in a calendar year. Subdivision applications are reviewed by the Planning Commission and frequently involve creation of an internal street to provide access. Subdivision applications may include requests for Planned Developments to permit greater flexibility in design. Procedural provisions for Planned Developments are addressed in Chapter 2.5 - Planned Development.

A *partition procedure* is used when three or fewer units (generally called "parcels") are created in a calendar year. Partitions may or may not involve creation of a street. Partition applications are reviewed by City staff and do not go through a public hearing, except upon appeal. Partitions, in addition to procedures for minor replats and lot line adjustments, are addressed in Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments.

This chapter presents the review process and plat requirements for subdivisions. Chapter 4.4 - Land Division Standards discusses lot and street design requirements and therefore must be reviewed in conjunction with this chapter in creating and developing a subdivision.

Section 2.4.20 - PURPOSES

Land division review procedures are established in this chapter for the following purposes:

- a. Ensure that building sites are of sufficient size and appropriate design for their intended uses and that lots to be created are within density ranges permitted by the Comprehensive Plan;
- b. Minimize negative effects of development upon the natural environment and incorporate natural features into the proposed development where possible;
- c. Ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles;
- d. Create residential living environments that foster a sense of neighborhood identity and that are protected from the adverse effects of heavy traffic and more intensive land uses; and
- e. Promote energy efficiency.

Section 2.4.30 - TENTATIVE PLAT REVIEW PROCEDURES

When an application is filed for a subdivision, it shall be reviewed in accordance with the following procedures.

2.4.30.01 - Application Requirements

When the Director deems any requirement below unnecessary for proper evaluation of a proposed application, it may be waived.

Prior to formal submittal of an application, the applicant is encouraged to participate in an informal pre-application conference with Community Development Department staff to discuss the proposal, the applicant's requirements, and the applicant's materials developed in response to the applicable requirements.

Applications shall be made on forms provided by the Director and shall be accompanied by:

- a. Signed consent of the owner(s) or the owners' legal representatives of the subject propert(ies);
- b. Fifteen copies of the narrative, on 8.5- by 11-in. sheets, and 15 copies of the graphics at an 8.5- by 11-in. size. The Director may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11- by 17-in. size if, for legibility purposes, such a size would be helpful;
- c. Six sets of full-scaled black line or blueprint drawings of the tentative plat and any other graphic(s), with sheet size not to exceed 24- by 36- in. Where necessary, an overall plan with additional detail sheets may be submitted;
- d. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;
- e. **Graphic Requirements**

A tentative subdivision plat application shall include the following information where applicable:

1. Public notice map (typically a street map at 1 in. = 800 ft. as per the City's public notice format);

2. Zoning map (typically 1 in. = 400 ft., but up to 1 in. = 800 ft., depending on the size of the site) with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;
3. Comprehensive Plan Map (typically 1 in. = 800 ft.) with a key that identifies each land use designation on the site and within 1,000 ft. of the site as per City format;
4. Existing land use map (typically a topographic map that extends at least a 1,000 ft. beyond the site). The map shall include building footprints and distinguish between single-family, multi-family, commercial, and industrial uses, as well as other significant features such as roads, drainageways, riparian areas, parks, and schools;
5. Significant natural features map(s) and a preservation plan that together identify significant natural features of the site and proposed methods of preservation, including but not limited to:
 - (a) Watercourses, floodplains, wetlands, and riparian areas. The map shall indicate boundaries, acreages, and names, where applicable. Where watercourses are involved, the map shall also show the top of existing banks and channel depth, and indicate the boundaries of any riparian areas and required drainageway dedications. Calculations used to determine the width of the drainageway dedications shall be provided, as well as cross-sections (at 50-ft. intervals) to support the calculations. The cross-sections shall show a width encompassing the watercourse and at least 20 ft. on either side of the top of banks (refer to Chapter 4.5 - Flood Control and Drainageway Provisions for additional guidance).
 - (b) Significant natural vegetation (refer to Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting for guidance). The map shall indicate species, canopies, and diameters at breast height for trees. In cases where a site contains large groves of significant vegetation that result in a single large canopy, the map may indicate the outer perimeter of the canopy of each grove, and state the species and ranges of tree diameters at breast height for each species within the grove.
 - (c) Plants, plant communities, and fish and wildlife habitat found on the site that are listed as threatened or endangered with the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as well as significant native vegetation as defined in the Oregon National Heritage Plan (1998), which may include

certain woodlands, grasslands, wetlands, riparian vegetation, and plant species.

- (d) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

- 6. Tentative subdivision plat and other graphics shall be drawn to scale and shall contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and contain the information listed below.

Graphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries, existing structures, drainageways, riparian areas, driveways, utilities, significant natural features, and any other information that, in the Director's opinion, would assist in providing a context for the proposed development. The Director may require that an applicant's graphics include information on lands in excess of 150 ft. from a development site (e.g., such as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site).

The tentative subdivision plat and related graphics shall include:

- (a) Name and address of owner(s) of record, applicant, and registered land surveyor who prepared the plat;
- (b) Boundary of the proposed development site and any interior boundaries related to proposed development phases or land divisions;
- (c) Existing site conditions including contours at intervals sufficient to indicate topographic conditions, watercourses, flood plains (for review in accordance with Chapter 4.5 - Flood Control and Drainage Provisions), and any significant natural features. A slope analysis shall be included on a topographic map of the site to identify slopes with a grade of less than 10 percent, 10 - 15 percent, greater than 15 percent and less than 30 percent, and in excess of 30 percent. The boundaries of the sloped areas shall be clearly identified and the areas discernable from other areas (through the use of different shade patterns, cross-hatching, etc.). Topographic contours at 2-ft. intervals shall be provided for slopes under 20 percent and at 5-ft. intervals for slopes at or greater than 20 percent;

- (d) Number of lots and their dimensions, including frontage, depth, and area in sq. ft.;
- (e) General location of existing and proposed structures and other improvements, including building types and gross density per acre for residential developments; location of fire hydrants, overhead lines in the abutting right of way, easements, fences, walls, and walkways; and proposed use restrictions. An indication of approximate building envelopes may be required to evaluate building relationships;
- (f) Location and dimensions of areas to be conveyed, dedicated, or reserved as common green area, public parks, recreational areas, school sites, and similar public and semipublic uses;
- (g) Existing and proposed general circulation system plan and dimensions including streets, bikeways, off-street parking areas, service areas, loading areas, direction of traffic flow, and major points of access to public rights-of-way. Illustrative cross-sections of streets shall be provided. Notations of proposed ownership (public or private) should be included where appropriate;
- (h) Existing and proposed general pedestrian circulation system, including its interrelationship and connectivity with the existing and proposed vehicular, bicycle, and pedestrian circulation systems and indicating proposed treatments of points of conflict;
- (i) Detailed utilities plan indicating existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems;
- (j) Identification of significant natural features that were included on the significant natural features map(s) required in "5" above to indicate the relationship of the proposal to the site's significant natural features;
- (k) Proposed topographic contours at 2-ft. intervals for slopes with a grade under 20 percent and at 5-ft. intervals for slopes with a grade at or greater than 20 percent. Where the grade of any part of the subdivision exceeds 10 percent or where the subdivision abuts existing developed lots, a conceptual grading plan shall be required. The grading plan shall contain adequate information to evaluate impacts to the site and adjacent areas. To the maximum extent practicable, grading

(cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site. If a grading plan is required, it shall indicate how these objectives are met, how runoff or surface water from individual lots will be managed, and how the subdivision's surface waters will be disposed;

- (l) Approximate location of proposed easements and/or dedications for drainage, sewage, or other public utilities;
- (m) For residential development, existing structures and trees located on land adjacent to the development that, between 10 a.m. and 3 p.m. on November 21, will reduce solar access to the subject property;
- (n) For residential development, location of existing structures and trees on the site that could reduce solar access to any buildable area within the development. The application shall indicate the type and location of trees to be preserved, and the shadow patterns of trees at their mature height for the reference period from 9 a.m. to 3 p.m. on November 21;
- (o) For residential development, the location of solar collectors on land adjacent to the development for which solar access permits have been granted;
- (p) For residential development, a copy of the tentative plat showing intended housing types per lot, when required to satisfy housing type variation provisions within the relevant zone. Single-family detached housing need not be identified. A deed declaration will be required to enforce the variations in housing types and ensure that Code and Comprehensive Plan densities are maintained. Single-family detached housing need not be enforced through the deed declaration;
- (q) For residential development, a copy of the tentative plat showing which lots are intended to have solar access protection, and showing an area on each lot available for construction of a solar-access protected dwelling; and
- (r) For residential development, a proposed solar envelope for each lot as necessary for solar access protection consistent with Chapter 4.6 - Solar Access.

f. Narrative Requirements

A written statement shall include the following information:

1. Statement of the planning objectives to be achieved by the tentative subdivision plat. This statement shall include a description of the proposed development, the rationale behind the assumptions and choices made, and a discussion of how the application meets the review criteria in 2.3.30.04 below, including the development standards required by this Code.
2. Detailed statement outlining timing, responsibilities, maintenance, and financial assurances for all public and non-public improvements to be constructed or installed including:
 - (a) Provisions for domestic water supply including source, quality, and approximate quantity;
 - (b) Provisions for sewage disposal, storm drainage, and flood control;
 - (c) Provisions for improvements and maintenance of common areas and private roads and drives, if proposed; and
 - (d) Proposed landscaping and irrigation.
3. Quantitative data for the following, where appropriate :
 - (a) Total number and type of dwelling units;
 - (b) Parcel and lot sizes;
 - (c) Proposed lot coverage of buildings and structures, where known;
 - (d) Gross densities per acre;
 - (e) Total square footage of green area (lands not designated for buildings or vehicle parking and maneuvering areas); and
 - (f) Total square footage of nonresidential construction.
4. Statement describing phases of project, if proposed. Phases shall be:
 - (a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, green areas, and similar physical features; and capable of substantial occupancy, operation, and maintenance upon completion of construction and development;

- (b) Arranged to avoid conflicts between higher and lower density development;
- (c) Properly related to other services of the community as a whole and to those facilities and services yet to be provided; and
- (d) 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 subdivision.

5. Traffic impact study prepared by a licensed transportation engineer.

2.4.30.02 - Acceptance of Application

- a. The Director shall process the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.4.30.03 - Staff Evaluation

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report shall 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.

2.4.30.04 - Review Criteria

Requests for the approval of a tentative subdivision plat shall be reviewed to ensure consistency with the purposes of this chapter and the provisions of this Code. Pursuant to Comprehensive Plan Policy 3.2.7, the application shall also demonstrate compatibility in the areas in "a" through "n" below, as applicable. If an application demonstrates compliance with the standards in chapters 3.1 through 4.10 of this Code, the application shall be deemed to have met the purposes of this chapter and the compatibility criteria in "a" through "n" below.

- a. Basic site design (the organization of uses on a site and the uses' relationships to neighboring properties);

- b. Visual elements (scale of potential development, etc.);
- c. Noise attenuation;
- d. Odors and emissions;
- e. Lighting;
- f. Signage;
- g. Landscaping for buffering and screening;
- h. Transportation facilities;
- i. Traffic and offsite parking impacts;
- j. Utility infrastructure;
- k. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
- l. Consistency with the applicable development standards, including the applicable pedestrian oriented design standards;
- m. Preservation and/or protection of significant natural features and wildlife habitat, consistent with the Comprehensive Plan; and
- n. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site.

2.4.30.05 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. The public hearing shall pertain to whether the application meets the provisions of this Code. Following the close of the hearing, the Planning Commission shall approve, conditionally approve, or deny the tentative subdivision plat. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria.

2.4.30.06 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any conditions of

approval, and the appeal period deadline. A notice of disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

2.4.30.07 - Appeals

The decision of the Planning Commission may be appealed in accordance with the provisions of Chapter 2.19 - Appeals.

2.4.30.08 - Effective Date

Unless an appeal is filed, the decision of the Planning Commission shall become effective 12 days after the notice of disposition is signed.

2.4.30.09 - Effective Period of Tentative Subdivision Plat Approval

Tentative subdivision plat approval shall be effective for a 2-year period from the date of approval. If the applicant has not submitted a final subdivision plat within the 2-year period (with appropriate assurances for improvements, if applicable), all approvals shall expire. Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period once for a period not to exceed one additional year.

Section 2.4.40 - FINAL SUBDIVISION PLAT REVIEW PROCEDURES

2.4.40.01 - Application Requirements

Three originals of the final subdivision plat, as well as an electronic version of the plat that is compatible with City formats, shall be submitted to the Director. The final subdivision plat shall conform to the approved tentative subdivision plat and Article IV - Development Standards, except where modified by a Planned Development approval (see Chapter 2.5). The final subdivision plat shall also meet Benton County's survey and subdivision plat standards and contain or be accompanied by the following information:

- a. Name of the subdivision;
- b. Date, north arrow, scale, legend, and existing features such as highways and railroads;
- c. Legal description of subdivision boundaries;
- d. Reference and bearings to adjoining recorded surveys;
- e. Exact location and width of streets and easements intersecting the boundary of the subdivision;

- f.** Subdivision, block, and lot boundary lines. Numbering of lots and blocks shall be as follows:
1. Lot numbers shall begin with the number "1" and shall be numbered consecutively in each block. The numbering generally follows the same sequence as sections in a township;
 2. Block numbers shall begin with the number "1" and shall be numbered consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and placed so as to not obliterate other elements of the final subdivision plat. Block and lot numbers in an addition to a subdivision of the same name shall continue the numbering of the original subdivision. The numbering sequence shall follow the same sequence as sections in a township; and
 3. Block numbers may be omitted where blocks are of irregular shape. When block numbers are omitted, lots shall be numbered consecutively throughout the subdivision. Lots in an addition to a subdivision of the same name shall continue the numbering of the original subdivision.
- g.** Street rights-of-way indicating widths of the rights-of-way and lengths of center lines with dimensions to the nearest 0.01-ft; and bearings, deflection angles, radii, arcs, points of curvature, and tangent bearings. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest 30 seconds with basis for bearings;
- h.** Subject to Director approval, the name and width of proposed and existing streets; width of any existing right-of-way; and width on each side of street center lines. For streets on a curvature, curve data shall be based on the street center line. In addition to center line dimensions, the radius and center angle shall be indicated;
- i.** Easements, clearly identified by fine dotted lines and, if already of record, their recorded reference. If an easement is not definitely located or recorded, a written statement defining the easement is required. The easement's width, length, bearing, purpose, and sufficient ties to locate it with respect to the subdivision shall be shown. If the easement is being dedicated via the plat, it shall be properly referenced in the owner's certificates of dedication. The City Engineer shall approve written statements defining all easements;
- j.** Locations and widths of waterways, drainageways, and other watercourses for review in accordance with Chapter 4.5 - Flood Control and Drainageway Provisions;

- k.** Locations and widths of railroad rights-of-way; and locations and widths of reserve strips at the end of or along the edge of incomplete streets on the subdivision boundary;
- l.** Parcels to be dedicated to the City shall be distinguished from lots intended for sale, with acreage and alphabetic symbols for each parcel;
- m.** Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land;
- n.** Clear identification of lots that have solar access height limitations, including a brief explanation and a reference to documents that specify exact height limits for each lot (see Chapter 4.6 - Solar Access);
- o.** For residential development:
 - 1. A copy of the recorded final subdivision plat shall be provided to the Development Services Division. The copy shall indicate the housing types on the lots that satisfy the housing type variation provisions within the relevant zone. Single-family detached housing need not be identified;
 - 2. To enforce these required housing types, a deed declaration shall be provided for each affected lot; and
 - 3. A note shall be provided on the final subdivision plat that informs lot owners about the existence of deed declarations, describing the housing type that may be built.
- p.** The following certificates, established by State law, may be combined where appropriate.
 - 1. Certificate signed and acknowledged by the owner(s) of record of the land to be subdivided, offering to dedicate all parcels of land for public use and offering to dedicate rights of access to and from prescribed streets, lots, and parcels of land;
 - 2. Certificate of the registered or licensed surveyor who prepared the survey and final subdivision plat;
 - 3. Certificate for execution by the chair of the Planning Commission on behalf of the Planning Commission;
 - 4. Certificate for execution by the City Engineer;
 - 5. Certificate for execution by the City Finance Director;

6. Certificate for execution by the County Surveyor;
7. Certificate for execution by the County Director of Finance and Tax Collection;
8. Certificate for execution by the Benton County Assessor; and
9. Certificate for execution by the Benton County Board of Commissioners.

2.4.40.02 - Additional Materials

The following additional information shall be submitted with the final subdivision plat:

- a. Complete and accurate survey made by a registered or licensed surveyor and pertaining to the land to be subdivided;
- b. Traverse data on standard work sheets or accurate and complete electronic computations, showing closure of the exterior boundaries of the subdivision and of each block in the subdivision;
- c. Three copies of all proposed covenants, conditions, and restrictions (CC&Rs) or a written statement signed by the applicant establishing no such restrictions. CC&Rs shall reference Code requirements affecting the housing type and design of residential structures;
- d. Title guarantee by a Benton County title company doing business in Benton County, showing names of persons whose consent is necessary for preparation of the final subdivision plat and for any dedication to public use, and their interests therein. This guarantee shall certify, for benefit and protection of the City, that persons therein named are all of the persons necessary to give clear title to streets and other easements offered for dedication;
- e. Statement by the Postal Service to verify location of proposed mail delivery facilities as shown on the final subdivision plat or accompanying sheet, and location to be approved by the City Engineer; and
- f. Copy of solar envelopes for each lot as necessary for solar access protection consistent with Chapter 4.6 - Solar Access.

2.4.40.03 - Dedications and Public Utility Requirements

- a. The following items shall be dedicated for public use at the time the final subdivision plat is filed:

1. Parcels of land shown on the final subdivision plat as intended for public use;
 2. Streets, sidewalks, multi-use paths, drainage channels, easements, and other rights-of-way shown for public use on the final subdivision plat; and
 3. Rights of access to and from streets, lots, and parcels of land shown on the final subdivision plat as intended to be surrendered.
- b.** Evidence of unencumbered and clear title shall be submitted prior to approval of the final subdivision plat for all land to be dedicated for public use, including but not limited to rights-of-way, drainageways, open space, and easements. Environmental assessments shall be conducted in accordance with Chapter 4.0 - Improvements Required with Development.

2.4.40.04 - Designation and Conveyance of Reserve Strips

Reserve strips 1 ft. wide may be required across the ends of incomplete streets adjoining unsubdivided land or along half streets adjoining unsubdivided land. These strips shall be designated on the final subdivision plat and included in the dedication granting the City's right to control access over the reserve strips to ensure continuation or completion of the street. These reserve strips shall overlay the dedicated street right-of-way.

2.4.40.05 - Monumentation Requirements

- a.** Monuments shall be set according to provisions of State law.
- b.** The surveyor shall set sufficient permanent monuments prior to recording so that the survey or any part thereof may be retraced according to standards required by the City Engineer. Setting of interior monuments may be delayed with approval of the Planning Commission as provided in "d" below.
- c.** The minimum requirements for monumentation and accuracy for a subdivision plat or partition plat shall comply with State law.
- d.** Interior "post monumentation" may be permitted by approval of the Planning Commission at the time of approval of the tentative subdivision plat or upon special request prior to filing the final subdivision plat, provided that the applicant:
 1. Shows that it is necessary and practical to delay interior monumentation;

2. Agrees to furnish a bond or cash deposit in an amount equal to 120 percent of the estimated cost of performing the work for interior monuments; and
3. Signs an agreement with the project surveyor and City Engineer. The agreement shall state the following:
 - (a) Amount of the bond or cash deposit to be furnished at the time of submitting the final subdivision plat;
 - (b) Amount the surveyor is to be paid for the work of establishing the interior monuments;
 - (c) Adherence to the rules for post monumentation as provided in ORS Chapter 92;
 - (d) Date when monumentation will be completed; and
 - (e) Other particulars that may be necessary to ensure complete monumentation at a later date.

2.4.40.06 - Review of Final Subdivision Plat Application and Review Criteria to Determine Compliance with a Tentative Subdivision Plat

A final subdivision plat or other site development permit request shall be reviewed to determine whether the request is in compliance with the approved tentative subdivision plat. It shall be deemed to be in compliance when it does not involve modifications to Code development standards, and does not involve changes to any specific requirements established at the time of tentative subdivision plat approval. "Specific requirements" include conditions of approval, Code requirements, and all aspects of the applicant's proposal that were approved as part of the tentative subdivision plat.

Within 14 days after receiving an application for a final subdivision plat, the Director shall review it for compliance with the above submittal requirements and for consistency with the approved tentative subdivision plat. If an application is consistent with the approved tentative subdivision plat but is incomplete, the Director shall notify the applicant and state what is needed for a complete application.

2.4.40.07 - Coordination by Director

The Director shall coordinate review of the final subdivision plat in accordance with the provisions in section 2.4.40. Upon notification by each agency that the final subdivision plat is satisfactory, the Director shall circulate the original copy of the final subdivision plat for the following signatures: Planning Commission chair, City Engineer, City Finance Director, County Director of Finance and Tax Collection,

County Assessor, County Surveyor, and County Board of Commissioners. The City Engineer may enter the property to verify that the map is sufficiently correct.

2.4.40.08 - Installation of Required Improvements

Before obtaining the signature of the City Engineer, the applicant shall install required improvements, agree to install required improvements, or have gained approval to form an improvement district for installation of required improvements to public streets, sanitary sewers, storm drainages, water systems, sidewalks, and multi-use paths; electrical power, natural gas, cable television, and telephone services; and other improvements required with the tentative plat approval. This condition is required for acceptance and approval of the final subdivision plat. These procedures are more fully described as follows:

- a. Install Improvements** - The applicant may install the required improvements for the subdivision prior to recording the final subdivision plat. For this procedure, the subdivision plat shall contain all the required certifications except those of the County Surveyor and the Board of County Commissioners. The subdivision plat shall be held by the City until the improvements have been completed and approved by the City Engineer. Upon the City Engineer's approval, the City shall forward the final subdivision plat for certification by the Board of County Commissioners and then to the County Clerk for recording; or
- b. Agree to Install Improvements** - The applicant may execute and file with the City an agreement with the City specifying the period within which required improvements shall be completed. The agreement shall state that if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the applicant. A performance guarantee as provided below in section 2.4.40.08.01 shall be required. The agreement may provide for the construction of the improvements in increments and for an extension of time under specified conditions. Assurances shall be made that franchise utility services will be provided as required by section 2.4.40.08.02 below; or
- c. Form Improvement District** - The applicant may have all or part of the public improvements constructed under an improvement district procedure. For this procedure, the applicant shall enter into an agreement with the City proposing establishment of the district for improvements to be constructed, setting a schedule for installing improvements, and specifying the extent of the plat to be improved. The City reserves the right under the improvement district procedure to limit the extent of improvements in a subdivision during a construction year. The City may also limit the boundaries of the final subdivision plat to the area to be improved. A performance guarantee shall be required under the improvement district procedure.

2.4.40.08.01 - Performance Guarantee

If the applicant chooses options “b” or “c” in section 2.4.40.08, the following provisions shall apply:

- a.** The applicant shall provide a performance guarantee in one of the following forms:
 1. A surety bond executed by a surety company authorized to transact business in the State of Oregon and in a form approved by the City Attorney; or
 2. In lieu of the surety bond, the applicant may:
 - (a) Deposit with the City Treasurer money to be released only upon authorization of the City Engineer;
 - (b) Supply certification by a bank or other reputable lending institution that money is being held to cover the cost of required improvements, to be released only upon authorization of the City Engineer;
 - (c) Supply certification by a bank or other reputable lending institution that a line of credit has been established to cover the cost of required improvements, to be released only upon authorization of the City Engineer;
 - (d) Provide bonds in a form approved by the City Attorney;
 - (e) Provide a lien on properties in a form approved by the City Attorney and of sufficient value as demonstrated by a professional appraisal; or
 - (f) Provide other financial security as approved by the City Attorney.
- b.** Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of required improvements, including related engineering and incidental expenses.
- c.** If the applicant fails to carry out provisions of the agreement and the City incurs expenses as a result, the City shall call on the performance guarantee for reimbursement. If the amount of the performance guarantee exceeds the expenses incurred, the

remainder shall be released. If the amount of the performance guarantee is less than the expenses incurred, the applicant shall be liable to the City for the difference.

2.4.40.08.02 - Franchise Utility Service

Unless specifically exempted during the review of the tentative subdivision plat, prior to approval of the final subdivision plat the applicant shall:

- a. Install franchise utility services; or
- b. Provide financial assurances to the satisfaction of the City Engineer that electrical power, natural gas, cable television, and telephone service will be provided for each lot.

2.4.40.08.03 - Removal of Existing Services

If the City Engineer determines that existing public utilities or service connections are not required for the proposed subdivision, these utilities or connections shall be removed prior to filing of the plat.

2.4.40.09 - Recordation of Final Subdivision Plat

When all required signatures have been obtained for the final subdivision plat, the County Surveyor shall record the subdivision plat and any required covenants with the County Recorder.

2.4.40.10 - Effective Date

Authorization of the final subdivision plat shall become effective when the subdivision plat is recorded by the County Surveyor in accordance with section 2.4.40.09 above.

2.4.40.11 - Notice of Recordation

After the final subdivision plat is recorded, the County Surveyor will notify the applicant of the recording.

Section 2.4.50 - MAJOR REPLAT

An application for a major replat shall be reviewed and processed in accordance with the tentative and final subdivision plat procedures in sections 2.4.30 and 2.4.40 above.

Section 2.4.60 - MINOR REPLAT AND LOT LINE ADJUSTMENTS

Applications for minor replats or lot line adjustments shall be reviewed and processed in accordance with Chapter 2.14 - Partition, Minor Replats, and Lot Line Adjustments.

Section 2.4.70 - VACATING PLATS

Applications for vacating a plat shall be reviewed and processed in accordance with Chapter 2.8 - Vacating of Public Lands and Plats and with ORS Chapter 271.080.

Section 2.4.80 - TENTATIVE SUBDIVISION PLAT MODIFICATION

2.4.80.01 - Purposes of a Tentative Subdivision Plat Modification

- a. Provide a limited amount of flexibility with regard to site planning for approved tentative subdivision plats; and
- b. Provide elements within the development site that compensate for requested variations from approved tentative subdivision plats such that the intent of the original approval is still met.

2.4.80.02 - Thresholds of a Tentative Subdivision Plat Modification

Within one calendar year, up to three factors identified in “a” through “i” below, which do not exceed the thresholds outlined in these provisions, may be proposed for modification under this section. If more than three such factors are proposed for modification within a calendar year, or if modifications are proposed that exceed the thresholds outlined in “a” through “i” below, the changes shall be processed as a new tentative subdivision plat and shall follow the procedures outlined in section 2.4.30.

No modifications to specific requirements established at the time of tentative subdivision plat approval, including conditions of approval, Code requirements, and all aspects of the tentative subdivision plat proposal, can be made as a tentative subdivision plat modification, unless they are less than the thresholds outlined in items “a” through “i” below. The thresholds for a tentative subdivision plat modification are as follows:

- a. Increase in the number of lots;
- b. Decrease in the number of lots resulting in a decrease in dwelling unit density by more than three units for development sites 1 acre or smaller in size; or resulting in a decrease in dwelling unit density by more than five units or more than 10 percent, whichever is less, for development sites larger than 1 acre;
- c. Change in the ratio of different types of lots;

- d. Change in lot pattern that would result in a less pedestrian-friendly environment (e.g., a pedestrian walk is eliminated, a parking lot is placed to separate (or further separate) a building from pedestrian facilities, etc.);
- e. Change in the type and location of accessways and parking areas where offsite traffic would be affected or which result in a less pedestrian-friendly environment;
- f. Change in lot pattern that adversely affects significant natural features or pedestrian amenities, or is inconsistent with a condition of approval or an applicable development standard (e.g., required green area);
- g. Increase by more than 10 percent in the potential floor area for nonresidential use;
- h. Decrease by more than 10 percent in the common and/or usable green area; and
- i. Decrease by more than 10 percent in project amenities for pedestrians and/or bicycles, recreational facilities, screening, and/or landscaping provisions.

2.4.80.03 - Procedures for a Tentative Subdivision Plat Modification

- a. An applicant may petition for review of previously approved plans for purposes of modifying a tentative subdivision plat, stating reasons for the changes.
- b. Where the Director determines that the proposed changes qualify as a tentative subdivision plat modification in accordance with the thresholds outlined in section 2.4.80.02, the Director shall administratively process the application as a tentative subdivision plat modification. The tentative subdivision plat modification may be approved, conditionally approved, or denied by the Director. If the proposed changes exceed the thresholds outlined in section 2.4.80.02, the changes shall be processed as a new tentative subdivision plat and the applicant shall follow the procedures outlined in section 2.4.30.
- c. In reviewing the proposed modification, the Director shall follow the procedures herein required for tentative subdivision plat modification.
- d. To determine whether to authorize a tentative subdivision plat modification, the Director shall consider the review criteria in section 2.4.30.04 and the following additional review criterion:

1. New elements are provided that compensate for any negative effects cause by the requested variations from the original project design. New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be changed. Applicants shall provide the Director with information substantiating the value of the new elements in comparison to the value of the elements to be changed. The value information shall be developed by a qualified professional in the field relevant to the elements being exchanged.
- e. Upon finding that the application qualifies as a tentative subdivision plat modification, the Director may consider the redesign in whole or in part of any tentative subdivision plat, to the extent that the redesign still falls within the thresholds outlined in section 2.4.80.02.
- f. To the extent that the redesign does not exceed the thresholds outlined in section 2.4.80.02, notice for a tentative subdivision plat modification shall be provided in accordance with Chapter 2.16 - Request for Interpretation.
- g. Notice, action on the application, the notice of disposition, appeals, the effective date, and the effective period of the tentative subdivision plat modification shall be in accordance with sections 2.14.30.03 and 2.14.30.06 through 2.14.30.10 of Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments.

2.4.80.04 - Determining Compliance with a Tentative Subdivision Plat Modification

A final subdivision plat or other site development permit request shall be reviewed to determine whether the request is in compliance with any approved tentative subdivision plat modification. It shall be deemed to be in compliance if it does not involve deviations from Code development standards (other than those that have been approved in association with an approved Planned Development), and does not involve changes to any specific requirements established at the time of tentative subdivision plat modification approval. Specific requirements include conditions of approval, Code requirements, and all aspects of the applicant's proposal that were approved as part of the tentative subdivision plat modification.

CHAPTER 2.5 PLANNED DEVELOPMENT

Section 2.5.10 - BACKGROUND

It is the intent of this chapter to establish procedures that permit flexibility in the land development process, allow for better preservation of significant natural features, and allow for innovation in site planning and architectural design.

The Planned Development process provides the mechanism for achieving greater flexibility and improved design in cases where the scope of proposed modifications to pre-stated standards exceeds that permitted through a Lot Development Option. A Lot Development Option allows minor modifications to required specification standards on an individual lot of record. The procedures for a Lot Development Option are identified in Chapter 2.12 - Lot Development Option.

A Planned Development (PD) designation is a zone overlay that can be applied in conjunction with any other zoning designation in accordance with the provisions of Chapter 3.32 - Planned Development (PD) Zone Overlay. Although this overlay designation permits modifications to the site development standards of the underlying zone, it does not permit changes in uses specified by the underlying zone, with two exceptions:

- a. The Planned Development process may be used to modify a valid (still active) Planned Development that existed and was approved before December 31, 2000, in order to add uses permitted by the underlying zone; or
- b. The Planned Development process may be used to modify the use size limitations contained in Chapter 3.19 - Mixed Use Community Shopping (MUCS) Zone.

The procedures of this chapter apply to a property owner's request for a Planned Development concurrent with a specific project review, or to sites where a PD designation exists on the City's Official Zoning Map. Depending on the level of detail provided in a Planned Development application, a Planned Development project proposal is called a "Conceptual Development Plan," a "Detailed Development Plan," or a "Conceptual and Detailed Development Plan."

A Conceptual Development Plan provides general concepts for development on a site. A Detailed Development Plan provides the specifics for development on a site and is required following or simultaneous with approval of a Conceptual Development Plan. When a Detailed Development Plan is processed simultaneously with a Conceptual Development Plan, it is called a Conceptual and Detailed Development Plan. Upon Planning Commission approval of a Detailed Development Plan or a Conceptual and Detailed Development Plan, building permits are issued consistent with that plan.

Section 2.5.20 - PURPOSES

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 significant natural features and landscape features and amenities, and use such features in a harmonious fashion;
- d. Provide for more usable and suitably located pedestrian and/or recreational facilities and other public and/or 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. Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures; and
- h. Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met.

Section 2.5.30 - GENERAL PROVISIONS

Planned Development is an alternative development process that provides an avenue for a developer to request variations from development standards while maintaining the purposes stated in section 2.5.20 and meeting the review criteria outlined in section 2.5.40.04.

The following procedures allow for Planning Commission review of a Conceptual Development Plan and/or Detailed Development Plan. An applicant may either elect to process a development proposal under a Detailed Development Plan when sufficient information has been submitted in accordance with section 2.5.50, or may request approval of a Conceptual Development Plan in accordance with section 2.5.40 and later apply for a Detailed Development Plan. However, prior to the issuance of any building permits, a Detailed Development Plan must be approved by the Planning Commission.

Where a Planned Development project has been approved on a site without a Planned Development overlay zoning designation on the Official Zoning Map, the Official Zoning Map shall be amended to add a Planned Development overlay designation.

Section 2.5.40 - CONCEPTUAL DEVELOPMENT PLAN REVIEW PROCEDURES

An application filed for a Conceptual Development Plan shall be reviewed in accordance with the following procedures.

2.5.40.01 - Application Requirements

When the Director deems any requirement below unnecessary for proper evaluation of a proposed application, it may be waived.

Prior to formal submittal of an application, the applicant is encouraged to participate in an informal pre-application conference with Community Development Department staff to discuss the proposal, the applicant's requirements, and the applicant's materials developed in response to the applicable Code requirements.

Applications shall be made on forms provided by the Director and shall be accompanied by:

- a. Signed consent of the owner(s) or the owners' legal representatives of the subject property(ies);
- b. Fifteen copies of the narrative, on 8.5- by 11-in. sheets, and 15 copies of the graphics at an 8.5- by 11-in. size. The Director may request additional copies of the narrative and/or the graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11- by 17-in. size if, for legibility purposes, such a size would be helpful;
- c. Six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24- by 36-in. Where necessary, an overall plan with additional detail sheets may be submitted;
- d. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;
- e. **Graphic Requirements**

A Conceptual Development Plan shall include the following information where applicable:

1. Public notice map (typically a street map at 1 in. = 800 ft.) as per the City's public notice format;
2. Zoning map (typically 1 in. = 400 ft., but up to 1 in. = 800 ft., depending on the size of the site), with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;
3. Comprehensive Plan Map (typically 1 in. = 800 ft.) with a key that identifies each land use designation on the site and within 1,000 ft. of the site as per City format;
4. Existing land use map (typically a topographic map that extends at least 1,000 ft. beyond the site). The map shall include building footprints and distinguish between single-family, multi-family, commercial, and industrial uses, as well as other significant features such as roads, drainageways, riparian areas, parks, and schools;
5. Significant natural features map(s) and a preservation plan that together identify significant natural features of the site and proposed methods of preservation, including but not limited to:
 - (a) Watercourses, floodplains, wetlands, and riparian areas. The map shall indicate boundaries, acreages, and names, where applicable. Where watercourses are involved, the map shall also show the top of existing banks and channel depth, and indicate the boundaries of any riparian areas and required drainageway dedications. Calculations used to determine the width of the drainageway dedications shall be provided, as well as cross-sections (at 50-ft. intervals) to support the calculations. The cross-sections shall show a width encompassing the watercourse and at least 20 ft. on either side of the top of banks (refer to Chapter 4.5 - Flood Control and Drainageway Provisions for additional guidance).
 - (b) Significant natural vegetation (refer to Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting for guidance). The map shall indicate species, canopies, and diameters at breast height for trees. In cases where a site contains large groves of significant vegetation that result in a single large canopy, the map may indicate the outer perimeter of the canopy of each grove, and state the species and ranges of tree diameters at breast height for each species within the grove.
 - (c) Plants, plant communities, and fish and wildlife habitat found on the site that are listed as threatened or endangered with the

National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as well as significant native vegetation as defined in the Oregon National Heritage Plan (1998), which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species.

(d) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

6. Site plan(s) and other graphics shall be drawn to scale and shall contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and containing the information listed below.

Graphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries, existing structures, drainageways, riparian areas, driveways, utilities, significant natural features, and any other information that, in the Director's opinion, would assist in providing a context for the proposed development. The Director may require an applicant's graphics to include information on lands in excess of 150 ft. from a development site (e.g., as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site).

The site plan and related graphics shall include:

- (a) Existing site conditions including contours at intervals sufficient to indicate topographic conditions, watercourses, flood plains (for review in accordance with Chapter 4.5 - Flood Control and Drainage Provisions), and any significant natural features. A slope analysis shall be included on a topographic map of the site to identify slopes with a grade of less than 10 percent, 10 - 15 percent, greater than 15 percent and less than 30 percent, and in excess of 30 percent. The boundaries of the sloped areas shall be clearly identified and the areas discernable from other areas (through the use of different shade patterns, cross-hatching, etc.). Topographic contours at 2-ft. intervals shall be provided for slopes under 20 percent and at 5-ft. intervals for slopes at or greater than 20 percent;
- (b) Boundary of the proposed Planned Development and any interior boundaries related to proposed development phases or land divisions;

- (c) General location of existing and proposed structures and other improvements, including building types and gross density per acre for residential developments; and location of fire hydrants, overhead lines in the abutting right-of-way, easements, fences, and walls. An indication of approximate building envelopes may be required to evaluate building relationships;
- (d) General location and dimensions of areas to be conveyed, dedicated, or reserved as common green area, public parks, recreational areas, school sites, and similar public and semipublic uses;
- (e) Existing and proposed general circulation system including streets, driveways, bikeways, off-street parking areas, service areas (including refuse), loading areas, direction of traffic flow, and major points of access to public rights-of-way. Illustrative cross-sections of streets shall be provided. Notations of proposed ownership (public or private) should be included where appropriate;
- (f) Existing and proposed general pedestrian circulation system, including its interrelationship and connectivity with the existing and proposed vehicular, bicycle, and pedestrian circulation systems and indicating proposed treatments of points of conflict;
- (g) Utilities plan indicating existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems;
- (h) Identification of significant natural features that were included on the significant natural features map(s) required in "5" above, to indicate the relationship of the proposal to the site's significant natural features;
- (i) Proposed topographic contours at 2-ft. intervals for slopes with a grade under 20 percent and at 5-ft. intervals for slopes with a grade at or greater than 20 percent. Where the grade of any part of the development site exceeds 10 percent or where the development abuts existing developed lots, a conceptual grading plan shall be required. The grading plan shall contain adequate information to evaluate impacts to the site and adjacent areas. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the

topography of the site. If a grading plan is required, it shall indicate how these objectives are met, how runoff or surface water from the development will be managed, and how the development's surface waters will be disposed;

- (j) Conceptual landscape plan drawn to scale and showing the location of existing trees and vegetation proposed to be removed from or to be retained on the site, the location and conceptual design for landscaped areas (types of plant materials as basic as trees, shrubs, and groundcover/lawn areas), and other conceptual landscape features including walls and fences;
- (k) For residential development, existing structures and trees located on land adjacent to the development that, between 9 a.m. and 3 p.m. on November 21, will reduce solar access to the subject property; and
- (l) For residential development, indication of which buildings will have solar access protection, and appropriate documentation to verify how solar access will be protected.

f. Narrative Requirements

A written statement shall include the following information:

- 1. Statement of planning objectives to be achieved by the Planned Development. This statement shall include a description of the proposed development, the rationale behind the assumptions and choices made, and a discussion of how the application meets the review criteria in 2.5.40.04 below, including the development standards required by this Code;
- 2. Quantitative data for the following where appropriate:
 - (a) Total number and type of dwelling units;
 - (b) Square footages of all structures;
 - (c) Parcel size;
 - (d) Proposed lot coverage of buildings and structures, where known;
 - (e) Gross densities per acre;

- (f) Total square footage of green area (lands not designated for buildings or vehicle parking and maneuvering areas);
 - (g) Total number of parking spaces (compact, standard, handicapped, bicycle) and breakdown of how parking is consistent with Code requirements; and
 - (h) Total square footage of nonresidential construction.
3. General statement outlining timing, responsibilities, and financial assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance;
 4. For residential development, a statement or map describing existing and proposed buildings with protected solar access consistent with Chapter 4.6 - Solar Access.
 5. Statement describing phases of project, if proposed. Phases shall be:
 - (a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, green areas, and similar physical features; and capable of substantial occupancy, operation, and maintenance upon completion of construction and development;
 - (b) Arranged to avoid conflicts between higher and lower density development;
 - (c) Properly related to other services of the community as a whole and to those facilities and services yet to be provided; and
 - (d) 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 Planned Development.
 6. Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures.

2.5.40.02 - Acceptance of Application

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.

- b. After accepting a complete application the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.5.40.03 - Staff Evaluation

The Director shall prepare a report that evaluates whether the Conceptual Development Plan complies with the review criteria below. 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.

2.5.40.04 - Review Criteria

Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the following areas, as applicable:

- a. Compensating benefits for the variations being requested;
- b. Basic site design (the organization of uses on a site and the uses' relationships to neighboring properties);
- c. Visual elements (scale, structural design and form, materials, etc.);
- d. Noise attenuation;
- e. Odors and emissions;
- f. Lighting;
- g. Signage;
- h. Landscaping for buffering and screening;
- i. Transportation facilities;
- j. Traffic and offsite parking impacts;
- k. Utility infrastructure;

- l.** Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
- m.** Design equal to or in excess of the types of improvements required by the standards in Chapter 4.10 - Pedestrian Oriented Design Standards¹;
- n.** Preservation and/or protection of significant natural features and wildlife habitat, consistent with the Comprehensive Plan; and
- o.** To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site.

2.5.40.05 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing, the Planning Commission shall approve, conditionally approve, or deny the Conceptual Development Plan. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria.

2.5.40.06 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition in accordance with Chapter 2.0 - Public Hearings, that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any conditions of approval, and the appeal period deadline. A notice of disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

2.5.40.07 - Appeals

The decision of the Planning Commission may be appealed in accordance with the provisions of Chapter 2.19 - Appeals.

2.5.40.08 - Effective Date

Unless an appeal is filed, the decision of the Planning Commission shall become effective 12 days after the notice of disposition is signed.

2.5.40.09 - Effective Period of Conceptual Development Plan Approval

¹ Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2000, are allowed pursuant to the requirements of section 4.10.70.01 - Applicability, of Chapter 4.10 - Pedestrian Oriented Design Standards.

Conceptual Development Plan approval shall be effective for a 3-year period from the date of approval. If the applicant has not submitted a Detailed Development Plan for the planned development or its phases within the 3-year period, all approvals shall expire. Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period once for a period not to exceed two additional years.

Section 2.5.50 - DETAILED DEVELOPMENT PLAN REVIEW PROCEDURES

2.5.50.01 - Application Requirements

When the Director deems any requirement below unnecessary for the proper evaluation of a proposed application, it may be waived.

Prior to formal submittal of an application, the applicant is encouraged to participate in an informal pre-application conference with Community Development Department staff to discuss the proposal, the applicant's requirements, and the applicant's materials developed in response to the applicable Code requirements.

An application filed for a Detailed Development Plan shall follow the requirements specified for a Conceptual Development Plan in section 2.5.40 above and shall also include the following:

a. Graphic Requirements

In addition to the graphic requirements specified for a Conceptual Development Plan in section 2.5.40.01, a Detailed Development Plan shall include:

1. Location and floor area 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, overhead lines in the abutting right of way, easements, fences, walls, and walkways. Where required by the applicable zone, lot coverage and green area calculations shall be provided. Parking calculations shall also be provided;
2. Typical elevations and floor plans of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development,

indicate the entrance and exit points, and permit computations of parking, design, and yard requirements. The elevations shall specify building materials to be used, specifications as to type, color, and texture of proposed exterior surfaces, and information demonstrating compliance with Chapter 4.10 - Pedestrian Oriented Design Standards;

3. For residential development, the housing types within the development that satisfy the housing type variation provisions within the underlying zone. When a subdivision is processed concurrently with a Detailed Development Plan, the developer shall note, on individual lots on the plat, the housing types within the development that satisfy the housing type variation provisions within the underlying zone. Single-family detached housing need not be identified;
4. Conceptual landscape plan drawn to scale and showing the location of existing trees and vegetation proposed to be removed from or to be retained on the site, the location and conceptual design for landscaped areas (types of plant materials as basic as trees, shrubs, and groundcover/lawn areas), and other conceptual landscape features including walls and fences;
5. Detailed utilities plan indicating existing and proposed utility systems and their function, including sanitary sewer, storm sewer, and drainage and water systems;
6. Existing and proposed circulation system plan and dimensions including streets, driveways, sidewalks, multi-use paths, off-street parking areas, service areas (including refuse), loading areas, direction of traffic flow, and major points of access to public rights-of-way. Illustrative cross-sections of streets shall be provided. Notations of proposed ownership (public or private) should be included where appropriate;
7. Location and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, green area, public parks, recreational areas, school sites, and similar public and semipublic uses;
8. Exterior lighting plan indicating the location, size, height, typical design, material, color, method, and direction of illumination;
9. For residential development, location of existing and proposed structures and trees on the site that could reduce solar access to any buildable area within the development. The application shall indicate the type and location of trees to be preserved or planted, and the shadow patterns of the trees at their mature height between 9 a.m. and 3 p.m. on November 21; and

10. For residential development, the location of solar collectors on land adjacent to the development for which solar access permits have been granted.

b. Narrative Requirements

In addition to the narrative requirements specified for a Conceptual Development Plan in section 2.5.40.01 above, the Detailed Development Plan shall include:

1. Proposals for setbacks or building envelopes, lot areas where land division is anticipated, and number of parking spaces to be provided (per gross floor area or per number of units);
2. Detailed statement outlining timing, responsibilities, and assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance;
3. Proposed methods of energy conservation; and
4. Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures.

c. Tentative Plat

If a Planned Development is to be subdivided, a tentative plat may also be submitted in accordance with Chapter 2.4 - Subdivisions and Major Replats to permit simultaneous review.

2.5.50.02 - Acceptance of Application

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.5.50.03 - Staff Evaluation

The Director shall prepare a report that evaluates whether the Detailed Development Plan is consistent with the approved Conceptual Development Plan (if one has been previously approved), and evaluates whether the Detailed Development Plan complies with the review criteria in section 2.5.40.04. The Detailed Development Plan may include changes to a previously approved Conceptual Development Plan, provided the changes are clearly identified and comply with the review criteria in section 2.5.40.04. The Director's report shall 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.

2.5.50.04 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing, the Planning Commission shall approve, conditionally approve, or deny the Detailed Development Plan. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria.

2.5.50.05 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition in accordance with Chapter 2.0 - Public Hearings, that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any conditions of approval, and the appeal period deadline. A notice of disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

2.5.50.06 - Appeals

- a. The decision of the Planning Commission may be appealed in accordance with Chapter 2.19 - Appeals.
- b. Where an appeal has been filed for a Detailed Development Plan subsequent to Conceptual Development Plan approval, an appeal shall be heard by the City Council only for those items specifically addressed by the Planning Commission for the Detailed Development Plan.

2.5.50.07 - Effective Date

Unless an appeal is filed, the decision of the Planning Commission shall become effective 12 days after the notice of disposition is signed.

2.5.50.08 - Effective Period of Detailed Development Plan Approval

- a. Detailed Development Plan approval shall be effective for a 3-year period from the date of approval. The approval shall expire if the applicant has not, within the 3-year period:

1. Installed and/or bonded for all public improvements related to the project (or for the first phase, if the project was approved in phases); or
 2. Applied for and received foundation permits for at least one building approved as part of the project.
- b.** Detailed Development Plan approval shall also expire if the applicant has not, within five years of the completion of a phase of a phased development:
1. Installed and/or bonded for all public improvements related to the next phase of the project; or
 2. Applied for and received foundation permits for at least one building approved as part of the next phase of the project.
- c.** At its discretion and without a public hearing, the Commission may extend the approval once for a period not to exceed two additional years.
- d.** The Planning Commission may permit implementation of the Detailed Development Plan in phases. Such phases shall occur or be completed during the established time period discussed in "a" through "c" above.

2.5.50.09 - Review Criteria for Determining Compliance with a Detailed Development Plan

A building permit or other site development permit request shall be reviewed to determine whether the request is in substantial compliance with the approved Detailed Development Plan. It shall be deemed to be in substantial compliance if it is consistent with the review criteria in 2.5.40.04, does not involve any new modifications to Code development standards, and does not involve changes to any specific requirements established at the time of Detailed Development Plan approval. Specific requirements include conditions of approval, Code requirements, and all aspects of the applicant's proposal that were approved as part of the Detailed Development Plan.

Section 2.5.60 - MINOR PLANNED DEVELOPMENT MODIFICATION

2.5.60.01 - Purposes of a Minor Planned Development Modification

- a.** Provide a limited amount of flexibility with regard to site planning and architectural design for approved Detailed Development Plans; and
- b.** Provide elements within the development site that compensate for requested variations from approved Detailed Development Plans such that the intent of the original approvals is still met.

2.5.60.02 - Thresholds of a Minor Planned Development Modification

Within one calendar year, up to three factors identified in “a” through “m” below, which do not exceed the thresholds outlined in these provisions, may be proposed for modification under this section. If more than three such factors are proposed for modification within a calendar year, or if modifications are proposed that exceed the thresholds outlined in “a” through “m” below, the changes shall be processed as a Major Planned Development Modification and shall follow the procedures outlined in section 2.5.70.

No modifications to specific requirements established at the time of Planned Development approval, including conditions of approval, Code requirements, and all aspects of the Planned Development proposal, can be made as a Minor Planned Development Modification, unless they are less than the thresholds outlined in items “a” through “m” below. The thresholds for a Minor Planned Development Modification are as follows:

- a.** Change in use type, with the exception that for a valid (still active) Planned Development that existed or was approved before December 31, 2000, a modification request shall be considered as follows:
 1. A request to add uses permitted by the underlying zone to up to 25 percent of the total acreage within the Planned Development site shall be considered a Minor Planned Development Modification; and
 2. A request to add uses permitted by the underlying zone to greater than 25 percent of the total acreage within the Planned Development site shall be considered a Major Planned Development Modification;
- b.** Increase in dwelling unit density;
- c.** Decrease in dwelling unit density by more than three units for development sites 1 acre or smaller in size; or decrease in dwelling unit density by more than five units or by more than 10 percent, whichever is less, for development sites larger than 1 acre;
- d.** Change in the ratio of the different types of dwelling units;
- e.** Change in the type or location of commercial or industrial structures that would result in a less pedestrian-friendly environment (e.g., a pedestrian walk is eliminated, a parking lot is placed to separate (or further separate) a building from pedestrian facilities, etc.);
- f.** Change in the type and location of accessways and parking areas where offsite traffic would be affected or which result in a less pedestrian-friendly environment;

- g.** Increase in the number of parking spaces where such increase adversely affects significant natural features or pedestrian amenities, or is inconsistent with a condition of approval or an applicable development standard (e.g., required green area);
- h.** Increase by more than 10 percent in the floor area proposed for nonresidential use;
- i.** Decrease by more than 10 percent in the common and/or usable green area;
- j.** Increase by more than 5 percent in the total ground area proposed to be covered by structures;
- k.** Decrease by more than 25 percent in specific setback requirements;
- l.** Decrease by more than 10 percent in project amenities for pedestrians or bicycles, recreational facilities, screening, and/or landscaping provisions;
- m.** Modification of architectural building elevations where any of the following occur:
 1. Percentage of window coverage per elevation is decreased by more than 20 percent (may affect the number and/or shape of windows); or windows are installed on a previously specified blank wall on the perimeter of the site;
 2. Building materials for the main walls of the facades are changed;
 3. Any architectural feature is reduced by more than 20 percent. Architectural features include such items as the number of windows with trim, the number of dormers, the number of columns, the number of shutters, the square footage of porches, the number of window boxes, the linear footage of porch or deck railings, and/or the linear footage and/or height of parapets, reveals, and/or cornices, etc.;
 4. Roof pitch is reduced;
 5. Building offsets or recesses are reduced by more than 20 percent; or
 6. Garages or carports are eliminated.

2.5.60.03 - Procedures for a Minor Planned Development Modification

- a.** An applicant may petition for review of previously approved plans for purposes of modifying a Planned Development, stating reasons for the change(s).
- b.** Where the Director determines that the proposed changes qualify as a Minor Planned Development Modification in accordance with the thresholds outlined in section 2.5.60.02, the Director shall administratively process the application as a Minor Planned Development Modification. The Minor Planned Development Modification may be approved, conditionally approved, or denied by the Director. If the proposed changes exceed the thresholds outlined in section 2.5.60.02, the changes shall be processed as a Major Planned Development Modification and the applicant shall follow the procedures outlined in section 2.5.70.
- c.** In reviewing the proposed modification, the Director shall follow the procedures herein required for Minor Planned Development Modification submittal and review.
- d.** To determine whether to authorize a Minor Planned Development Modification, the Director shall consider the review criteria in section 2.5.40.04 and the following additional review criterion:

 - 1. New benefits are provided that compensate for any negative effects caused by the requested variations from the original project design. New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be changed. Applicants shall provide the Director with information substantiating the value of the new elements in comparison to the value of the elements to be changed. The value information shall be developed by a qualified professional in the field relevant to the elements being exchanged.
- e.** Upon finding that the application qualifies as a Minor Planned Development Modification, the Director may consider the redesign in whole or in part of any planned development, to the extent that the redesign still falls within the thresholds outlined in section 2.5.60.02.
- f.** To the extent that the redesign does not exceed the thresholds outlined in section 2.5.60.02, notice for a Minor Planned Development Modification shall be provided in accordance with Chapter 2.16 - Request for Interpretation.
- g.** Action on the application, the notice of disposition, appeals, the effective date, and the effective period of the Minor Planned Development Modification shall be in accordance with sections 2.12.30.07 through 2.12.30.11 of Chapter 2.12 - Lot Development Option.

2.5.60.04 - Determining Compliance with a Minor Planned Development Modification

A building permit or other site development permit request shall be reviewed to determine whether the request is in substantial compliance with any approved Minor Planned Development Modification. It shall be deemed to be in substantial compliance if it is consistent with the review criteria in section 2.5.40.04, does not involve any additional deviations from Code development standards, and does not involve changes to any specific requirements established at the time of Minor Planned Development Modification approval. Specific requirements include conditions of approval, Code requirements, and all aspects of the applicant's proposal that were approved as part of the Minor Planned Development Modification.

Section 2.5.70 - MAJOR PLANNED DEVELOPMENT MODIFICATION

2.5.70.01 - Procedures

If a modification is proposed that exceeds the thresholds outlined in section 2.5.60.02, or involves modifications to more than three factors that do not exceed the thresholds in section 2.5.60.02, but are proposed within a single calendar year, the changes shall be processed as a Major Planned Development Modification.

- a.** An applicant may petition for review of previously approved plans for purposes of modifying a Planned Development, stating reasons for the change.
- b.** Where the Director determines that the proposed changes qualify as a Major Planned Development Modification in accordance with the thresholds outlined in section 2.5.60.02, a hearing shall be scheduled before the Planning Commission in accordance with Chapter 2.0 - Public Hearings. The Planning Commission may approve, conditionally approve, or deny the Major Planned Development Modification.
- c.** In reviewing the proposed modification, the Planning Commission shall follow the procedures herein required for Detailed Development Plan submittal and review. The Commission shall consider the review criteria in section 2.5.40.04 to determine whether to authorize a Major Planned Development Modification.
- d.** Upon finding that the application qualifies as a Major Planned Development Modification, the Planning Commission may consider the redesign in whole or in part of any planned development.
- e.** Notice, action on the application, the notice of disposition, appeals, the effective date, and the effective period of a Major Planned Development

Modification shall be in accordance with the same provisions for a Detailed Development Plan.

2.5.70.02 - Determining Compliance with a Major Planned Development Modification

A building permit or other site development permit request shall be reviewed to determine whether the request is in compliance with any approved Major Planned Development Modification. It shall be deemed to be in compliance if it does not involve any additional deviations from Code development standards, and does not involve changes to any specific requirements established at the time of Major Planned Development Modification approval. Specific requirements include conditions of approval, Code requirements, and all aspects of the applicant's proposal that were approved as part of the Major Planned Development Modification.

Section 2.5.80 - PLANNED DEVELOPMENT NULLIFICATION

- a.** Property owner(s) or their authorized agents may apply to nullify an established Planned Development designation by filing an application form provided by the Director.
- b.** The burden of proof is on the applicant to justify nullification of the Planned Development designation, giving substantial evidence that:
 - 1. Developing the property under conventional zoning standards and regulations will not create nonconforming development;
 - 2. Special circumstances such as building relationships, drainageways, public improvements, topographies, etc. that were to be addressed through the Planned Development process can be dealt with as effectively through conventional standards;
 - 3. Conditions attached by the hearing authority to the approved Planned Development can be met or are no longer necessary; and
 - 4. No prior commitments involving the subject property were made that would adversely affect it, related properties, or the City, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.
- c.** Action on the application, the notice of disposition, appeals, and the effective date of a Planned Development nullification shall be in accordance with the same provision for a Detailed Development Plan.

- d. If the Planned Development is nullified, the PD overlay designation shall be removed from the Official Zoning Map after the appeal period has expired.

Section 2.5.90 - REFINEMENT PLAN PROCEDURES

A Refinement Plan is more detailed than a Comprehensive Plan and applies to a specific geographic area. A Refinement Plan may be legislative or quasi-judicial and is designed to do the following:

- a. Establish efficient density ranges, including a minimum and maximum density for residential uses;
- b. Establish minimum and maximum floor area ratios or site coverage requirements for nonresidential uses;
- c. Incorporate a Detailed Development Plan application and planning process as outlined in section 2.5.50; and
- d. Include land use regulations to implement the Refinement Plan.

A plan will not be classified as a Refinement Plan, unless it is specifically adopted as one in accordance with the provisions of this section (2.5.90). With the exception of the initiation procedures outlined below in section 2.5.90.01, and the public hearing process as outlined in Chapter 2.0, the procedures for both legislative and quasi-judicial Refinement Plans shall be the same.

2.5.90.01 - Initiation

a. Initiation Procedures for Legislative Refinement Plans

A Refinement Plan is considered to be a legislative act if the plan applies uniformly to a sufficiently large number of properties as determined by contemporary legal principles. Initiation procedures shall be as follows:

1. A legislative Refinement Plan may be initiated by a majority vote of the City Council or Planning Commission, upon a finding that there is sufficient cause to initiate the Plan; or
2. Property owners may petition the Planning Commission to initiate a hearing through the following procedure:
 - (a) A petition shall be considered only if it represents a majority (over 50 percent) of property owners within the area of the proposed Refinement Plan;
 - (b) A petition shall include a description of the Refinement Plan, a map of the area to be affected, and sufficient information to provide for an adequate review; and
 - (c) If the Planning Commission determines that there is sufficient cause, it shall initiate review of the Refinement Plan in accordance with Chapter 2.0 - Public Hearings.

b. Initiation Procedures for Quasi-Judicial Refinement Plans

All Refinement Plans not deemed to be legislative shall be deemed quasi-judicial. Initiation of a quasi-judicial Refinement Plan shall be accomplished by one of the following ways:

1. Filing of an application by the owner(s) of the subject property(ies); or
2. A majority vote of the City Council or Planning Commission, following the same procedures used for legislative Refinement Plans discussed above.

2.5.90.02 - Application Requirements

Application submittal requirements for Refinement Plans shall be the same as the application submittal provisions outlined in section 2.5.50 for a Detailed Development Plan, and shall be augmented with the following:

- a. Information identifying the density ranges, including the minimum and maximum density for residential uses, within the proposed Refinement Plan area;
- b. Information identifying the minimum and maximum floor area ratios or site coverage requirements for nonresidential uses;
- c. Graphics establishing lot patterns for any portions of the Refinement Plan area where an Expedited Land Division is anticipated; and
- d. Information identifying the proposed land use regulations to implement the Refinement Plan.

2.5.90.03 - Staff Evaluation

City staff shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report will 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.

2.5.90.04 - Review Criteria

A request for approval of a Refinement Plan shall be reviewed to determine the effects on City facilities and services and to ensure consistency with the purposes of section 2.5.90, the policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

The Refinement Plan application shall demonstrate compliance with the following:

- a. Establish efficient density ranges, including a minimum and maximum density for residential uses, and ensure that these density ranges are consistent with the Comprehensive Plan;
- b. Establish minimum and maximum floor area ratios or site coverage requirements for nonresidential uses;
- c. Meet the application submittal requirements outlined above in section 2.5.90.02;
- d. Include land use regulations to implement the Refinement Plan;
- e. Be specifically referred to (and ultimately adopted) as a Refinement Plan; and

- f. Demonstrate compatibility in the following areas, as applicable:
1. Compensating benefits for any variations being requested from standard Code provisions;
 2. Basic site design (the organization of uses on a site and the uses' relationships to neighboring properties);
 3. Visual elements (scale, structural design and form, materials, etc.);
 4. Noise attenuation;
 5. Odors and emissions;
 6. Lighting;
 7. Signage;
 8. Landscaping for buffering and screening;
 9. Transportation facilities;
 10. Traffic and offsite parking impacts;
 11. Utility infrastructure;
 12. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
 13. Design equal to or in excess of the types of improvements required by the standards in Chapter 4.10 - Pedestrian Oriented Design Standards²;
 14. Preservation and/or protection of significant natural features and wildlife habitat, consistent with the Comprehensive Plan; and
 15. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site.

2.5.90.05 - Action by the Planning Commission

² Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2000, are allowed pursuant to the requirements of section 4.10.70.01 - Applicability.

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing, the Planning Commission shall make a decision to approve, conditionally approve, or deny the proposed Refinement Plan. The Commission's decision shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.5.90.06 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition in accordance with Chapter 2.0 - Public hearings, that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any conditions of approval, and the appeal period deadline. A notice of disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

2.5.90.07 - Appeals

The decision of the Planning Commission may be appealed in accordance with Chapter 2.19 - Appeals.

2.5.90.08 - Effective Date

Unless an appeal is filed, the decision of the Planning Commission shall become effective 12 days after the notice of disposition is signed. An approved Refinement Plan may be nullified in accordance with section 2.5.90.09 below, but not modified. If modifications are desired, the Refinement Plan Nullification procedures outlined in section 2.5.90.09 shall be followed and then a new Refinement Plan may be established via the procedures outlined in sections 2.5.90.01 through 2.5.90.08.

2.5.90.09 - Refinement Plan Nullification

- a. Nullification of a Refinement Plan shall be initiated consistent with the procedures outlined above in section 2.5.90.01.
- b. The Planning Commission shall hold a public hearing and provide notice of the hearing and decision in accordance with Chapter 2.0 - Public Hearings.
- c. The burden of proof is on the applicant to justify nullification of the Refinement Plan, giving substantial evidence that:
 1. Developing the property under conventional zoning standards and regulations will not create nonconforming development;
 2. Special circumstances such as building relationships, drainageways, public improvements, topographies, etc., that were addressed through the Refinement Plan process can be dealt with as effectively through conventional standards;

3. Conditions attached by the hearing authority to the approved Refinement Plan can be met or are no longer necessary; and
4. No prior commitments involving the subject property were made that would adversely affect it, related properties, or the City, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.

Section 2.5.100 - EXPEDITED LAND DIVISION PROCEDURES

2.5.100.01 - Purposes

An Expedited Land Division pertains to the creation of three or fewer lots in a calendar year and may occur only on a development site with an approved Refinement Plan that establishes the pattern of lots for the site. An Expedited Land Division is classified as General Development and is also designed to do the following:

- a. Include land that is zoned for residential uses;
- b. Be solely for the purposes of residential use, including recreational or open space uses accessory to the residential use;
- c. Be for lands that do not provide for dwellings or accessory buildings to be located on land that is specifically mapped and designated in the Comprehensive Plan and in this Code for full or partial protection of natural features under the Statewide Planning Goals that protect:
 1. Open spaces, scenic and historic areas and natural resources; and
 2. The Willamette River Greenway.
- d. Satisfy minimum street or other right-of-way connectivity standards established by the Comprehensive Plan (including the Transportation Plan) and this Code; and
- e. Create a sufficient number of lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site, yet still be a total of three or fewer lots.

A filed Expedited Land Division application shall be reviewed in accordance with the procedures outlined in sections 2.5.100.02 through 2.5.100.09 below.

2.5.100.02 - Application Requirements

Application requirements shall be in accordance with section 2.14.30.01 of Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments. Additionally, the applicant of an Expedited Land Division shall include a copy of the approved Refinement Plan and its related notice of disposition, and depict how the proposed Expedited Land Division is consistent with the approved Refinement Plan.

2.5.100.03 - Acceptance of Application

The Director shall review the Expedited Land Division application for compliance with the application requirements in section 2.5.100.02, consistency with the approved Refinement Plan, and compliance with any applicable conditions of approval for the approved Refinement Plan. If the application is incomplete, the Director shall notify the applicant within 21 days and state what information is needed to make the application complete. From the date the applicant is notified by the Director to submit additional materials, the applicant shall have 10 days to submit those materials.

2.5.100.04 - Public Notice

Public notice shall be in accordance with section 2.14.30.03 of Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments.

2.5.100.05 - Staff Evaluation

The application and any comments that have been received shall be reviewed to ensure consistency with the review criteria in section 2.5.100.06 below.

2.5.100.06 - Review Criteria

Requests for approval of an Expedited Land Division shall be reviewed to ensure:

- a. Consistency with the approved Refinement Plan and its related conditions of approval, the purposes outlined above in section 2.5.100.01, pertinent development standards of the Code, policies and density requirements of the Comprehensive Plan and this Code, and any other applicable policies and standards adopted by the City Council;
- b. Approval does not impede future development of property within the boundaries of the approved Refinement Plan; and
- c. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities, including the provision of City services and access from a public street.

2.5.100.07 - Action on Application, Notice of Disposition, Appeals, and Effective Date

Action on the application, the notice of disposition, appeals, and the effective date of the Expedited Land Division shall be in accordance with sections 2.14.30.06 through 2.14.30.09 of Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments.

2.5.100.08 - Effective Period of Expedited Land Division Approval

Approval of an Expedited Land Division shall be valid for a period of one year from the effective approval date. Upon request, the Director may approve a single 1-year time extension on the approval.

2.5.100.09 - Final Plat Review Procedures

Final Plat review procedures for an Expedited Land Division shall be in accordance with section 2.14.40 of Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments.

CHAPTER 2.6 ANNEXATIONS

Section 2.6.10 - BACKGROUND

The process of land annexation allows for the orderly expansion of the City and adequate provision for public facilities and services. The City Charter requires voter approval of an annexation unless an annexation is mandated by State law. For example, health hazard annexations are mandated by State law and do not require voter approval.

Section 2.6.20 - PURPOSES

Procedures and review criteria for proposed annexations are established for the following purposes:

- a. Maximize citizen involvement in the annexation review process;
- b. Establish a methodology to evaluate need, serviceability, and the economic, environmental, and related social effects of proposed annexations;
- c. Provide adequate public information and sufficient time for public review before an annexation election;
- d. Ensure adequate time for City staff review; and
- e. Allow for simultaneous review of multiple annexation proposals.

Section 2.6.30 - PROCEDURES

An application filed for annexation shall be reviewed in accordance with the following procedures.

2.6.30.01 - Determination of Annexation Type

The Director shall determine whether an application is for a Minor or Major Annexation as follows:

- a. **Minor Annexation** - Intended to address situations where properties are proposed for annexation and, by virtue of their size and development potential, have negligible impacts on surrounding properties and neighborhoods, and on the community as a whole. These annexations are typically proposed to gain access to public services (e.g., sanitary sewer and water facilities) before actual health hazards are declared; to incorporate infill sites into the City; and/or to allow a limited level of urban development to occur on existing parcels. Minor Annexation provisions are not intended to provide for "piecemeal" annexations whereby a property owner within the

County partitions a small piece of land specifically to be classified as a Minor Annexation, and then continues to partition small sites and propose multiple Minor Annexations.

An annexation shall be considered Minor if all of the following conditions exist:

1. No more than one parcel is involved;
2. For residential annexations, the parcel is capable of providing not more than 10 dwelling units (at maximum allowed density per gross acre). For commercial and industrial annexations, the parcel is no greater than 1 acre; and
3. City services are contiguous to the parcel.

When addressing the “public need” criterion of section 2.6.30.06.a and the “advantages versus disadvantages” criterion of section 2.6.30.06.b, a Minor Annexation proposal need not provide the same level of detail as a Major Annexation proposal (see sections 2.6.30.06 and 2.6.30.07 for specifics). All other submittal requirements and review criteria, however, are applicable.

- b. Major Annexation** - An annexation shall be considered Major if it does not meet all three conditions for a Minor Annexation as outlined above.

2.6.30.02 - Application Filing Deadlines

Annexation elections are scheduled for May and November of each year. Application filing deadlines for Minor and Major Annexations must be filed with the Community Development Department before 5:00 p.m. on the last working day in September for a ballot election in May, and on the last working day in March for a ballot election in November.

2.6.30.03 - Application Requirements

When the Director deems any requirement below unnecessary for the proper evaluation of a proposed application, it may be waived.

Prior to formal submittal of an application, the applicant is encouraged to participate in an informal pre-application conference with Community Development Department staff to discuss the proposal, the applicant’s requirements, and the applicant’s materials developed in response to the applicable Code requirements.

Applications for annexation shall be made on forms provided by the Director and shall be accompanied by the following:

- a. Signed consent of the owner(s) or the owners' legal representatives of the subject property(ies) to dispense with an election of the area to be annexed as provided by State law. Because health hazard annexations do not involve an election, signed consent to the annexation by the property owner(s) or the owners' legal representatives shall suffice;
- b. Fifteen copies of the narrative, on 8.5- by 11-in. sheets, and 15 copies of graphics at an 8.5- by 11-in. size. The Director may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11- by 17-in. size if, for legibility purposes, such a size would be helpful;
- c. Six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24- by 36-in. Where necessary, an overall plan with additional detail sheets may be submitted;
- d. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;
- e. Boundary survey of the property to be annexed, certified by a registered surveyor; and a legal description of the property to be annexed that includes the road or street right-of-way adjacent to the property. Copies of the legal description shall be provided in both written and electronic format; and
- f. If the annexation proposal includes areas planned for open space, general community use, or public or semi-public ownerships, the annexation request shall be accompanied by a Comprehensive Plan Map amendment request (as outlined in section 2.6.30.06.d and in accordance with Chapter 2.1 - Comprehensive Plan Amendment Procedures).

g. Graphic Requirements

Graphics shall include the following information where applicable:

- 1. Legible vicinity map of the area to be annexed that shows adjacent City and County territory at least 300 ft. beyond the boundaries of the annexation site for Minor Annexations, and at least 1,200 ft. beyond the boundaries of the site for Major Annexations. The map shall include features such as existing streets and parcel boundaries, existing structures, major drainageways, riparian areas, and any other information that, in the Director's opinion, would assist in providing a context for the proposed annexation. The map shall be 8.5- by 11-in. in size for Minor Annexations, and both 8.5- by 11-in. and 24- by 36-

in. in size for Major Annexations. The Director may also require maps for Major Annexations to be an 11- by 17-in. size, and/or may require an area greater than 1,200 ft. beyond the site if such maps would be helpful;

2. Zoning map (typically 1 in. = 400 ft., but up to 1 in. = 800 ft., depending on the size of the site) with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;
3. Comprehensive Plan Map (typically 1 in. = 800 ft.) with a key that identifies each land use designation on the site and within 1,000 ft. of the site as per City format;
4. Existing land use map (typically a topographic map that extends at least 1,000 ft. beyond the site). The map shall include building footprints and distinguish between single-family, multi-family, commercial, and industrial uses, as well as other significant features such as roads, drainageways, riparian areas, parks, and schools;
5. One set of assessor's maps of the area to be annexed, with the annexation area outlined in red;
6. General land use plan that illustrates the following, at a minimum, in sufficient detail to apply the review criteria (section 2.6.30.06):
 - (a) Proposed land use zones and densities;
 - (b) Transportation corridors and functional classifications of streets within and surrounding the annexation area;
 - (c) Site utilities within and surrounding the annexation area;
 - (d) Watercourses, floodplains, riparian areas, and wetland determinations;
 - (e) Significant vegetation (refer to Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting for guidance on how to inventory significant natural features);
 - (f) Topographic contours at 2-ft. intervals for slopes with a grade under 20 percent and at 5-ft. intervals for slopes with a grade at or greater than 20 percent; and
 - (g) Information on land areas within at least 300 ft. of the subject property, indicating the relationship of the annexation area to adjacent land uses. The Director may require an applicant's

general land use plan to include information on lands in excess of 300 ft. from an annexation site (e.g., as in cases where an adjacent property is large and a view of the whole parcel would be helpful). The general land use plan shall identify land uses, lot lines, existing buildings, driveways, transportation connections, utilities, and significant natural features. Illustrative cross-sections of streets shall also be provided. An aerial photo may be used as the base for the general land use plan. Ortho photos are available at City Hall.

7. Significant natural features map(s) and a preservation plan that together identify significant natural features of the site and proposed methods of preservation, including but not limited to:
 - (a) Watercourses, floodplains, wetlands, and riparian areas. The map shall indicate boundaries, acreages, and names, where applicable. Where watercourses are involved, the map shall also show the top of existing banks and channel depth, and indicate the boundaries of any riparian areas and required drainageway dedications. Calculations used to determine the width of the drainageway dedications shall be provided, as well as cross-sections (at 50-ft. intervals) to support the calculations. The cross-sections shall show a width encompassing the watercourse and at least 20 ft. on either side of the top of banks (refer to Chapter 4.5 - Flood Control and Drainageway Provisions for additional guidance).
 - (b) Significant natural vegetation (refer to Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting for guidance). The map shall indicate species, canopies, and diameters at breast height for trees. In cases where a site contains large groves of significant vegetation that result in a single large canopy, the map may indicate the outer perimeter of the canopy of each grove, and state the species and ranges of tree diameters at breast height for each species within the grove.
 - (c) Plants, plant communities, and fish and wildlife habitat found on the site that are listed as threatened or endangered with the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as well as significant native vegetation as defined in the Oregon National Heritage Plan (1998), which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species.
 - (d) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

8. The applicant may provide a more detailed plan and may consolidate the annexation proposal with other applications such as a tentative subdivision plat. However, a Detailed Development Plan is not required at the annexation phase. If the applicant chooses to consolidate land use applications, all of the submittal requirements as stated in other chapters of this Code shall be met.

h. Narrative Requirements

A written statement shall include the following information:

1. Statement of availability, capacity, and status of existing water, sewer, storm drainage, transportation, park, and school facilities; and franchise utilities. The franchise utility companies shall provide a written statement confirming the ability to serve the site. The applicant shall obtain information from the affected service and utility providers using GIS base maps where available;
2. Statement of increased demand for the facilities that will be generated by the proposed annexation. The applicant shall refer to the criteria of the City's facility master plans (available via the City Engineer) to determine the methodology used to estimate public facility demands. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under proposed land uses designations shall be addressed in the analysis;
3. Statement of additional facilities required to meet the increased demand and phasing of such facilities in accordance with projected demand. The applicant shall review adopted public facility plans, master plans, and capital improvement programs, and state whether additional facilities are planned or scheduled for the annexation area. Information related to an actual development proposal may be included for informational purposes. At minimum, the demand calculations associated with the full range of development potential (min. to max.) under the proposed land uses designations shall be addressed in the analysis;
4. Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. Information related to an actual development proposal may be included for informational purposes. At minimum, the traffic calculations associated with the full range of development potential (min. to max.) under the proposed land uses designations shall be addressed in the analysis;

5. Statement outlining the method and source of financing required to provide additional facilities;
6. A discussion demonstrating public need for the annexation. To provide consistency in reviewing annexations, the applicant shall use the information sources and methodology described in section 2.6.30.07; and
7. Comprehensive narrative of potential positive and negative effects of the proposed annexation related to the following:
 - (a) Issues of need, serviceability, economics, environmental, and related social effects of the proposed annexation on the community as a whole;
 - (b) Issues of need, serviceability, economics, environmental, and related social effects of the proposed annexation on the comprehensive neighborhood of which the annexation will become a part; and
 - (c) Proposed actions to mitigate negative effects.

The information provided by the applicant shall be used to assist in weighing the advantages and disadvantages of the proposed annexation. The information shall address all aspects of the review criteria (section 2.6.30.06), and the advantages and disadvantages shall be discussed in terms of those listed in the review criteria and further detailed in section 2.6.30.07.

2.6.30.04 - Acceptance of Application

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.6.30.05 - Staff Evaluation

The Director shall prepare a report that evaluates whether the annexation proposal includes adequate information for the hearing authority to determine the proposal's compliance with the review criteria in section 2.6.30.06. The report will include a recommendation to the Planning Commission and City Council stating whether the annexation includes adequate information for the electorate to make an informed decision.

The Planning Commission and City Council shall determine whether the annexation proposal complies with the review criteria and whether the annexation request should be referred to the electorate.

2.6.30.06 - Review Criteria

Requests for annexations shall be reviewed to ensure consistency with the purposes of this chapter, applicable policies of the Comprehensive Plan (particularly Article 14), and other applicable policies and standards adopted by the City Council and State of Oregon.

Annexations can only be referred to the voters when the proposed annexation site is within the City's Urban Growth Boundary (UGB), and where the following findings are made (criteria highlighted in bold type):

a. The applicant has demonstrated a public need for the annexation

1. Factors to be considered in evaluating public need for Minor Annexations shall include, but are not limited to:
 - (a) Reason for the annexation;
 - (b) Health issues;
 - (c) Adequate demonstration that the annexation provides for the logical urbanization of land;
 - (d) Whether the site can be served with public facilities; and
 - (e) Discussion of the applicable livability indicators and benchmarks as specified in section 2.6.30.07.c.

Minor Annexation proposals need not include the calculations relative to a 5-year supply of serviceable land that are required below for Major Annexations.

2. Factors to be considered in evaluating public need for Major Annexations shall include, but are not limited to:

- (a) The five-year supply of serviceable land of the annexation's land use category (single-family, multi-family, commercial, or industrial). Annexations of land designated as Public Institutional, Open Space-Conservation, or Open Space-Agriculture on the Comprehensive Plan Map are exempt from this criteria;
- (b) Availability of sufficient land of this type (single-family, multi-family, commercial, or industrial) to ensure choices in the market place. Annexations of land designated as Public Institutional, Open Space-Conservation, or Open Space-Agriculture on the Comprehensive Plan Map are exempt from this criteria; and
- (c) Compliance with adopted community-wide livability indicators and benchmarks relative to Major Annexations, as identified in section 2.6.30.07.c.

The City shall provide annually updated Citywide data for the applicant to use in calculating supply and demand for the major land use categories (single-family residential, multi-family residential, commercial and industrial). Residential land supply and demand data shall be calculated using housing units. Commercial and industrial land supply and demand data shall be calculated using acres.

The required data sources and methodologies for use in determining land supply and demand for Major Annexations, and the requirements for addressing community-wide benchmarks, are outlined below in section 2.6.30.07.

- b. The annexation provides more advantages to the community than disadvantages.** To provide guidance to applicants, examples of topics to address for the "advantages versus disadvantages" discussion are highlighted in section 2.6.30.07.
 - 1. Minor Annexation proposals shall include a general discussion regarding:
 - (a) Advantages and disadvantages of the annexation (e.g., a health hazard situation or existence of significant natural features); and
 - (b) Applicable livability indicators and benchmarks identified in section 2.6.30.07.c.
 - 2. Major Annexation proposals shall include a discussion of advantages and disadvantages in terms of the methodologies outlined in section

2.6.30.07. Applicants are required to document the methodologies and criteria used. The Director will review the applicants' arguments, but will not conduct independent research to verify or justify them.

c. The site is capable of being served by urban services and facilities required with development. The developer is required to provide urban services and facilities to and through the site. At minimum, both Minor and Major Annexations shall include consideration of the following:

1. Sanitary sewer facilities consistent with the City's Sanitary Sewer Master Plan and Chapter 4.0 - Improvements Required with Development;
2. Water facilities consistent with the City's Water Master Plan, Chapter 4.0, and fire flow and hydrant placement;
3. Storm drainage facilities and drainageway corridors consistent with the City's Stormwater Master Plan and chapters 4.0 and 4.5;
4. Transportation facilities consistent with the City's Transportation Plan and Chapter 4.0; and
5. Park facilities consistent with the City's Parks Master Plan.

d. If the annexation proposal includes areas planned for open space, general community use, or public or semi-public ownerships, the annexation request shall be accompanied by a Comprehensive Plan Map amendment as outlined below:

1. Areas planned for open spaces or future general community use, including planned parks, preserves, and general drainageway corridors, shall be redesignated on the Comprehensive Plan Map as Open Space-Conservation.
2. Existing, proposed, or planned areas of public or semi-public ownership, such as Oregon State University facilities or lands, school sites, City reservoirs, and portions of the Corvallis Municipal Airport, shall be redesignated on the Comprehensive Plan Map as Public Institutional.

Such required Comprehensive Plan Map amendments shall be filed by the applicant concurrent with the annexation request, in accordance with Chapter 2.1 - Comprehensive Plan Amendment Procedures.

e. The application shall demonstrate compatibility in the following areas, as applicable:

1. Basic site design (e.g.,the organization of uses on a site and the uses' relationships to neighboring properties);
2. Visual elements (scale, structural design and form, materials, etc.);
3. Noise attenuation;
4. Odors and emissions;
5. Lighting;
6. Signage;
7. Landscaping for buffering and screening;
8. Transportation facilities;
9. Traffic and offsite parking impacts;
10. Utility infrastructure;
11. Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);
12. Consistency with the applicable development standards, including the applicable pedestrian oriented design standards;
13. Preservation and/or protection of significant natural features and wildlife habitat, consistent with the Comprehensive Plan; and
14. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site.

2.6.30.07 - Methodologies for Some of the Review Criteria in Section 2.6.30.06

All of the provisions within this section are required for Major Annexation proposals except for proposals or portions of proposals that include land with Comprehensive Plan designations of Public Institutional, Open Space-Conservation, or Open Space-Agriculture. Lands with these map designations are exempt from the provisions within "a" and "b" below. Minor Annexation proposals are subject only to the provisions within "c" below.

a. Determining 5-Year Supply of Serviceable Land

"Serviceable land" is land within the City limits capable of being served by public facilities.

When calculating a 5-year supply of serviceable land, applicants shall refer to and follow Council Policy #???, called “?????????????”, as amended from time to time. This Policy outlines the accepted methodology and will result in more uniform application submittals. **Note: These question marks will be removed and filled in with the appropriate language following the Council’s development and adoption of this Council Policy.**

b. Providing information on land availability to ensure choices in the market place

Comprehensive Plan Policy 14.3.6 states that “factors to be considered in evaluating public need for annexation may include...the availability of sufficient land of this type to ensure choices in the market place.” Minor Annexation applications are not required to include information on market choice. However, Major Annexation applications shall provide this information. Appropriate and encouraged market choice topics include, but are not limited to:

1. Information regarding a housing/jobs balance;
2. Housing rental rates and prices;
3. Vacancy rates; and
4. A comparison of housing costs related to incomes, land prices, and land availability.

The City does not independently review and verify documentation of this nature. Therefore, an applicant’s market choice arguments shall be developed by a recognized professional in the field. Additionally, the applicant shall identify the methodologies used and the sources of information.

The Director will summarize the applicant’s arguments and methodologies in the staff report provided to the hearing authority, and identify them as the applicant’s arguments. The hearing authority shall determine the validity of the arguments based on the information provided by the applicant and on public comments during the public hearing process. The hearing authority shall also determine to what extent these arguments affect the criteria in section 2.6.30.06.b.

c. Providing information on community-wide livability indicators and determining compliance with adopted community-wide benchmarks.

The City has just begun the process of identifying livability indicators to ultimately assist in the development of community-wide benchmarks.

Additionally, many of the community-wide livability indicators are not applicable to annexation proposals.

Table 2.6-1 provides interim direction to applicants in addressing livability indicator and benchmark criteria. As the community further develops these livability indicators and benchmarks, this section of the Code shall be updated accordingly.

**Table 2.6 - 1
Community-Wide Livability Indicators and Benchmarks for Annexation Proposals**

The livability indicators and benchmarks in the following table are intended to be balanced and identified as advantages and disadvantages relative to an annexation proposal. Compliance with all benchmarks is not required. However, when balanced and viewed in aggregate, the decision-makers need to find that the advantages to the community outweigh the disadvantages.

The number of applicable livability indicators and benchmarks varies, depending on the Comprehensive Plan Map designation(s) of the property involved in the annexation request, as well as whether the annexation is categorized as a Minor Annexation or a Major Annexation.

***For those livability indicators and benchmarks that require distance measurements from an amenity to a proposed annexation site, measurements shall be taken from the average point within the annexation site.

<i>Note: The following livability indicators and benchmarks have been placed into the categories of the City's 2020 Vision Statement. As this categorization is a first attempt based upon the actual wording in the Vision Statement, there may need to be some "re-categorization," based upon input from citizens and the Council during the public hearing process for this Code Update.</i>					
LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex' n	Major Annex' n
<i>Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Where People Live"</i>					
Annexation Density	Average density of proposed annexation relative to the average density of land within the City that is developed and of the same type (single-family or multi-family).	Meet or exceed the average density of land within the City, developed, and of the same type as the proposed annexation (single family or multi-family). Note: Information regarding existing density within the City may be obtained from the City's annual Land Development Information Report.	Residential ¹		Applies
			Commercial/ Industrial ²		
			Open Space ³		
			Public Inst.		

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex' n	Major Annex' n
Rural Development Potential	Type of County development that could occur if property not annexed (depends on County land use policies in effect at time of proposed annexation).	Development on land within the Urban Growth Boundary is done in a fashion that does not preclude urban-level development on the subject site and/or on adjacent properties within the UGB.	Residential ¹	Applies	Applies
			Commercial/Industrial ²	Applies	Applies
			Open Space ³	Applies	Applies
			Public Inst.	Applies	Applies
Adjacency to City	Percentage of the perimeter of the annexation site that is enclosed by the City limits.	It is considered an advantage if ≥ 50 percent of the perimeter of an annexation site is enclosed by the City limits.	Residential ¹	Applies	Applies
			Commercial/Industrial ²	Applies	Applies
			Open Space ³	Applies	Applies
			Public Inst.	Applies	Applies
Development Plans	Concurrent processing of Detailed Development Plan and/or Tentative Subdivision Plat with annexation request.	It is not considered a disadvantage and may be considered an advantage if an annexation request is processed concurrently with a Detailed Development Plan and/or Tentative Subdivision Plat, even though such land use decisions may be changed after annexation.	Residential ¹	Applies	Applies
			Commercial/Industrial ²	Applies	Applies
			Open Space ³	Applies	Applies
			Public Inst.	Applies	Applies

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex' n	Major Annex' n
Distance to Bicycle and Pedestrian Access	Distance to bike lanes.	0.5-mile to bike lane.	Residential ¹		Applies
	Distance to sidewalk.	0.25- mile to sidewalk.	Commercial/ Industrial ²		Applies
	Distance to multi-use path.	0.5-mile to multi-use path.	Open Space ³		
			Public Inst.		Applies
Connectivity & Extension of Bicycle and Pedestrian Facilities	It is considered to be an advantage if improvements proposed as part of the annexation request would connect to and extend existing bicycle and pedestrian facilities.	Connection to existing pedestrian facilities and extension of them by at least 350 feet; or connection to existing pedestrian facilities and filling a “gap” between existing pedestrian facilities of at least 100 feet.	Residential ¹		Applies
			Commercial/ Industrial ²		Applies
		Connection to existing bicycle facilities and extension of them by at least 350 feet; or connection to existing bicycle facilities and filling a “gap” between existing bicycle facilities of at least 100 feet.	Open Space ³		
			Public Inst.		Applies
Planned Public Transportation Improvements	Type and extent of public transportation improvements (streets, bicycle, pedestrian) that are listed in City master plans and would occur with urban-level development of annexation site.	It is considered an advantage if public transportation improvements (streets, bicycle, pedestrian) are installed that are listed in City master plans and would enable other sites within the Urban Growth Boundary to ultimately develop.	Residential ¹	Applies	Applies
			Commercial/ Industrial ²	Applies	Applies
			Open Space ³	Applies	Applies
			Public Inst.	Applies	Applies

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex' n	Major Annex' n
Distance to Shopping	Distance from neighborhood shopping opportunities (both existing and planned).	Annexation site is within 0.5-mile of neighborhood shopping opportunities (existing or planned). More advantage associated with shorter distances from existing (as opposed to planned) shopping opportunities and/or location within 0.5-mile from existing shopping opportunities.	Residential ¹		Applies
			Commercial/Industrial ²		Applies
			Open Space ³		
			Public Inst.		Applies
Affordable Housing	It is considered an advantage if more than 50 percent of the residential housing units being proposed as part of the annexation request are classified as “affordable housing” using the definition within Chapter 1.6 of the Code.	To be developed as part of a future Code Update phase.	Residential ¹		Applies
			Commercial/Industrial ²		
			Open Space ³		
			Public Inst.		
<i>Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of “Economic Vitality”</i>					
Employment/Housing	Balance of jobs and housing.	To be developed following completion of regional studies.	Residential ¹		Applies
			Commercial/Industrial ²		Applies
			Open Space ³		
			Public Inst.		Applies

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex' n	Major Annex' n
Economic Diversification	It is considered to be an advantage if the annexation request supports diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low unemployment rate and to promote diversification of the local economy.	To be developed as part of a future Code Update phase.	Residential ¹		
			Commercial/Industrial ²		Applies
			Open Space ³		
			Public Inst.		
<i>Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Protecting our Environment"</i>					
Natural Features	Acres and percentage of annexation site with significant natural features. (It is considered to be an advantage if significant natural features are protected through annexation. For example, incorporation of heavily treed hillsides might be better protected within the City.)	Prior to establishing a benchmark, monitor results and conduct a future phase of the Code Update to address the new Comprehensive Plan policies regarding significant natural features.	Residential ¹	Applies	Applies
			Commercial/Industrial ²	Applies	Applies
			Open Space ³	Applies	Applies
			Public Inst.	Applies	Applies
Distance to Transit	Distance from an existing transit line and/or bus stop.	Annexation site is within 0.5-mile of an existing transit line and/or bus stop.	Residential ¹	Applies	Applies
			Commercial/Industrial ²	Applies	Applies
			Open Space ³		
			Public Inst.	Applies	Applies

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex' n	Major Annex' n
Distance to Major Street	Distance to nearest collector and/or arterial street(s) that would serve the proposed annexation site and is fully improved to City standards or is improved to City standards with regard to bicycle and pedestrian facilities.	Distance to nearest collector and/or arterial street(s) that would serve the proposed annexation site is \leq 0.25-mile and is either fully improved to City standards or is improved to City standards with regard to bicycle and pedestrian facilities.	Residential ¹		Applies
			Commercial/Industrial ²		Applies
			Open Space ³		Applies
			Public Inst.		Applies
Intersection Load	Levels of service for intersections of arterial and/or collector streets (as determined by the City's Traffic Engineer) within a 1-mile radius of the site.	Levels of service for impacted intersections of arterial and/or collector streets affected by the proposal (as determined by the City's Traffic Engineer) generally within a 1-mile radius of the site will be a level of service "D" or better, following urban level development of the annexation site.	Residential ¹		Applies
			Commercial/Industrial ²		Applies
			Open Space ³		
			Public Inst.		Applies
Truck Traffic Routes	Determination of truck traffic route(s).	Truck traffic associated with urban level development of the proposed annexation will not result in primary travel routes on local (or local connector) streets through residential neighborhoods.	Residential ¹		
			Commercial/Industrial ²		Applies
			Open Space ³		
			Public Inst.		Applies

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex' n	Major Annex' n
<i>Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Education and Human Services"</i>					
Local School Capacity/Travel Distance	Student enrollment, capacity, and average class size of public schools to serve the annexation site. Distance to public elementary school.	Public schools that would serve the annexation site are not overcrowded. Corvallis School District goals for average class sizes may vary among grades.* 0.5-mile to public elementary school *Note: School District policies (re: boundaries-closest schools or additional schools), factor into potential redefinition of school boundaries.	Residential ¹	Applies	Applies
			Commercial/Industrial ²		
			Open Space ³		
			Public Inst.		Applies
Police Response Time	Number of police officers per 1,000 persons residing within the city limits.	At least 1.2 officers per 1,000 persons residing within the city limits.	Residential ¹	Applies	Applies
			Commercial/Industrial ²	Applies	Applies
			Open Space ³		
			Public Inst.	Applies	Applies
Distance from Fire Station	Distance from an existing fire station.	All buildable portions of the annexation site are within 1.5 miles of a fire station with an engine company.	Residential ¹	Applies	Applies
			Commercial/Industrial ²	Applies	Applies
			Open Space ³		
			Public Inst.	Applies	Applies

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex' n	Major Annex' n
Public Improvements	Type and extent of public improvements developed to City standards and urban-level development (e.g., clustered housing, etc.) existing on the proposed annexation site.	Annexation of partially developed land within the Urban Growth Boundary (UGB) that already contains some public improvements developed to City standards, and urban-level development on part of the site, is considered more advantageous to the City than annexation of undeveloped land.	Residential ¹	Applies	Applies
			Commercial/Industrial ²	Applies	Applies
			Open Space ³	Applies	Applies
			Public Inst.	Applies	Applies
Distance to Sewer and Water	Distance to adequately sized public sanitary sewer and water lines that are needed to serve the site.	Sanitary sewer and water facilities are proximate to the annexation site. City to monitor for awhile before a decision is made as to whether or not it is appropriate to specify a distance.	Residential ¹	Applies	Applies
			Commercial/Industrial ²	Applies	Applies
			Open Space ³		
			Public Inst.	Applies	Applies
Planned Public Utilities	Types and extent of public utility improvements (sanitary sewer, water, storm drainage) that are listed in City master plans and would occur with urban-level development of the annexation site.	It is considered an advantage if the installation of public utilities (sanitary sewer, water, storm drainage) listed in City master plans would enable other sites within the Urban Growth Boundary to ultimately develop.	Residential ¹	Applies	Applies
			Commercial/Industrial ²	Applies	Applies
			Open Space ³	Applies	Applies
			Public Inst.	Applies	Applies

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex' n	Major Annex' n
<i>Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Cultural Enrichment and Recreation"</i>					
Distance to Parks	Distance from an existing public park.	Annexation site is within 0.5--mile of an existing public park.	Residential ¹	Applies	Applies
			Commercial/Industrial ²		
			Open Space ³		
			Public Inst.		Applies
<i>Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Central City"</i>					
Distance to Downtown	Distance of the annexation from the Central Business Zone intersection of SW 3 ^d Street and SW Monroe Avenue.	It is considered an advantage if an annexation site is within 3.8 miles from the intersection of SW 3 ^d Street and SW Monroe Avenue, within the boundaries of the Central Business Zone.	Residential ¹	Applies	Applies
			Commercial/Industrial ²	Applies	Applies
			Open Space ³		
			Public Inst.	Applies	Applies

1. Includes lands with a Comprehensive Plan Map designation of Low, Medium, Medium High, or High Density Residential, Mixed Use Residential, or Intensive Development Sector (IDS listed in both "residential" and "commercial/industrial")
2. Includes lands with a Comprehensive Plan Map designation of Mixed Use Commercial, Professional Office, Central Business Zone, Limited Industrial, Limited Industrial-Office, Mixed Use Employment, General Industrial, Intensive Industrial, Mixed Use Transitional, Research Technology, or Intensive Development Sector (IDS listed in both "residential" and "commercial/industrial")
3. Includes lands with a Comprehensive Plan Map designation of Open Space-Conservation and Open Space-Agriculture

2.6.30.08 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings to evaluate the proposed annexation and determine the appropriate zoning designation upon annexation.

Following the close of the public hearing, the Planning Commission shall establish the appropriate zone(s) upon annexation and forward its recommendation concerning the annexation to the City Council.

2.6.30.09 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the Planning Commission's decision regarding the zoning designation, a reference to findings leading to it, and the appeal period deadline. The notice of disposition shall also include the Planning Commission's recommendation to the City Council regarding the annexation. The notice of disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

2.6.30.10 - Appeals

The decision of the Planning Commission may be appealed in accordance with Chapter 2.19 - Appeals.

2.6.30.11 - Effective Date of Zoning Designation

Unless an appeal has been filed, the decision of the Planning Commission regarding establishment of the zoning designation shall become effective 12 days after the notice of disposition is signed.

If the annexation is not forwarded to the voters by the City Council, or the electorate does not approve the annexation, then the newly established zoning designation shall become null and void.

2.6.30.12 - Action by the City Council

Upon receipt of the Planning Commission's recommendation, the proposed annexation shall be set for a public hearing before the City Council in accordance with Chapter 2.0 - Public Hearings. The Council shall review all proposals in time to comply with County or State deadlines for submitting measures to the voters in May or November. The Council shall set an annexation for election only when it finds that the annexation is consistent with the review criteria in section 2.6.30.06.

Note: The City Council's decision to submit an annexation to the electorate is the last discretionary decision in the process. Certifying the election after votes are counted is not a discretionary decision.

2.6.30.13 - Public Information

Public information for each annexation scheduled for an election shall be reviewed by the Council and published in a newspaper of general circulation in the City at least 10 days before the election, and coordinated with the date that the ballots are mailed. The information shall include a summary of the key components and positive and negative effects of the annexation, that the Council used in making its decision to place the annexation request on the ballot. The information shall also state that staff reports are available from the Planning Division.

Section 2.6.40 - EXCEPTIONS

The City Council may authorize an exception to the requirements of this chapter involving filing fees and deadlines, and application requirements. An exception to these provisions shall require a favorable vote of the Council. Unless required by State law, the City Council shall not provide an exception to the requirement of voter approval.

Annexations

Flow of Decisions

Health Hazard Annexations

Receive Notice of Health Hazard from Benton County Environmental Health

City Council Findings to Exempt from Voter Approval (Resolution) Forward to Planning Commission for Change from County to City Zoning

Planning Commission Decision Zone Change Only (May be Appealed to City Council)

City Council Ordinance Annexing Property (Decision on ZC Appeal)

Annexation Requested By Owner

Receive Request for Annexation and Associated Zone Change and/or Other Land Use Application (Subdivision, etc.) From Property Owner(s)

Planning Commission Review of Annexation
Decision: Zone Change and/or Other Land Use Application (all may be appealed to Council)
Recommendation to City Council: Annexation to Voters or Comprehensive Plan Amendment (if proposed)

City Council Review of Annexation:
Decide Whether to Place Annexation on Ballot
Decide on Comprehensive Plan Amendment (if one was proposed) and
Decide on Appeals of Planning Commission Decisions

Residents of City Vote on Annexation

City Council Certifies Annexation Ballot

CHAPTER 2.7 EXTENSION OF SERVICES OUTSIDE THE CITY LIMITS

Section 2.7.10 - BACKGROUND

The process of annexing land to the City allows for the orderly expansion of the City and efficient, economical provision of public services and facilities. City Charter Section 51 allows extension of services outside the City limits only after a City Council public hearing and adoption of an ordinance approving the extension. This chapter contains criteria and procedures for use in considering extension of service requests. "Services" refer to City sanitary and storm sewer and water services.

Section 2.7.20 - PURPOSES

Review procedures for extension of services have been established to do the following

- a. Implement City Charter Section 51;
- b. Ensure that any extension of services complies with the Comprehensive Plan and other applicable City standards and policies;
- c. Reaffirm the City's policy that annexation is the principal method of urbanization; and
- d. Expedite provision of services needed to alleviate an identified health hazard.

Section 2.7.30 - ELIGIBILITY FOR EXTENSION OF SERVICES

City water or sanitary and storm sewer services may be extended outside the City limits only if the City Council finds that all of the following conditions exist:

- a. The property is within the City's Urban Growth Boundary;
- b. Service extension will not promote development of property in a manner inconsistent with the City's Comprehensive Plan;
- c. A health hazard exists on the subject property and extending City services is the most reasonable method of alleviating the health hazard; and
- d. The site cannot be annexed at this time or the annexation has been approved but has not yet taken effect.

Section 2.7.40 - EXCEPTIONS TO ELIGIBILITY OF EXTENSION

The following are exceptions to section 2.7.30:

- a.** Properties with a written commitment of service on record prior to passage of City Charter Section 51, obligating the City to furnish services outside the City limits; and
- b.** Provision of water to the City of Philomath pursuant to contractual agreements.

Section 2.7.50 - PROCEDURES

Extension of service requests under section 2.7.30 shall be initiated and reviewed in accordance with the following procedures.

2.7.50.01 - Initiation of Request

An extension of services request may be initiated by either:

- a.** An application submitted by the property owner(s) or their authorized agent(s); or
- b.** A majority vote of the City Council.

2.7.50.02 - Application Requirements

An application for extension of services under the provisions of section 2.7.30 shall include the items listed below. When the Director deems any requirement below unnecessary for proper evaluation of a proposed extension of services application, it may be waived.

- a.** Consent to annexation in a form suitable for recording with the Benton County Recorder and that meets the approval of the City Attorney;
- b.** Map of the area to be serviced, showing the relationship of the property to the Corvallis City limits and the Corvallis Urban Growth Boundary;
- c.** Legal description of the property to be serviced and a boundary survey certified by a registered surveyor;
- d.** Site plan indicating types and intensities of existing and proposed development, watercourses, significant natural features, and adjoining development;
- e.** Statement of the availability, capacity, and condition of existing water and sewer services;

- f. Statement indicating type and capacity of the proposed services and intended phasing of such services;
- g. Statement outlining the method and source of financing for proposed services;
- h. Statement from the Benton County Division of Environmental Health, the City Engineer, or the Oregon State Health Division declaring the specific nature and extent of the health hazard;
- i. Statement explaining why the subject property should not be annexed prior to the extension of services;
- j. Statement committing all service facilities required by the subject property to be built to City standards; and
- k. Brief narrative addressing compliance of the development with the Comprehensive Plan.

2.7.50.03 - Acceptance of Application

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.7.50.04 - Staff Evaluation

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report shall include a recommendation for approval or denial.

2.7.50.05 - Review Criteria

Requests for extension of services outside the City limits shall be reviewed to ensure consistency with the purposes of this chapter, eligibility requirements in section 2.7.30, policies of the Comprehensive Plan, and other applicable policies and standards adopted by the City Council.

2.7.50.06 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the Commission shall make a recommendation to the City Council concerning the request. The Commission's recommendation shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.7.50.07 - Action by the City Council

Upon receipt of the Planning Commission's recommendation, the matter shall be set for a public hearing before the City Council in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the City Council shall either deny the application or adopt an ordinance conditionally approving the extension of services. The Council's decision shall include findings that specify how the proposal has or has not complied with the above review criteria.

2.7.50.08 - Conditions of Approval

Any ordinance for extension of services shall specify or limit uses. In addition, the ordinance shall include appropriate conditions, including the following:

- a. Extended City services shall be constructed in compliance with the City's adopted facility master plans;
- b. Extended City services shall be constructed in compliance with applicable City standards, regulations, and policies; and
- c. A nonremonstrance agreement for construction of municipal facilities shall be filed with the City Recorder.

2.7.50.09 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition in accordance with Chapter 2.0 - Public Hearings. The notice shall include a written statement of the hearing authority's decision, a reference to findings leading to it, any conditions of approval, and the appeal period deadline. The notice shall also be mailed to persons who presented oral or written testimony at the public hearing.

2.7.50.10 - Effective Date

The extension of service ordinance shall become effective 30 days after its passage by the Council and approval by the Mayor.

Section 2.7.60 - ENFORCEMENT

In addition to the penalties listed in Chapter 1.3 - Enforcement, a violation of the provisions of this chapter may result in the City terminating sewer and/or water services to the subject property.

CHAPTER 2.8 VACATING OF PUBLIC LANDS AND PLATS

Section 2.8.10 - BACKGROUND

Petitions to vacate all or parts of a public street, alley, easement, plat, or other public place may be granted by the City Council if determined not to be harmful to the City or adjacent properties.

Section 2.8.20 - EXEMPTIONS

Notwithstanding other provisions of the Code, exemptions from this chapter include:

- a.** The release of public easements for subsurface water, sanitary sewer, and storm drainage lines owned and operated by the City; and
- b.** Public Utility Easements (PUEs) for franchise utilities operating within the City's corporate limits that are no longer necessary to serve surrounding properties, as determined by the City Engineer. The City does not consider PUEs to be public places for the purposes of ORS 271. Vacating of City utility easements and PUEs may be initiated by City staff or private parties. It shall be the responsibility of the initiator to do the following:
 1. Obtain a statement from all owners of property adjacent to the proposed vacating of a water, sanitary sewer, or storm drainage easement, verifying that they have been notified and do not oppose it;
 2. Obtain a statement from all franchise utilities licensed by the City verifying that they have been notified of the proposed vacating of the PUE and do not oppose it;
 3. Provide a completed easement release form for signature by the City Manager; and
 4. Record the easement release and provide the City a copy of the recorded document.

Section 2.8.30 - PURPOSES

The procedures and review criteria established in this chapter are used for vacating public lands and plats for the following purposes:

- a.** Permit vacating of public lands not needed for municipal purposes where consistent with the community land use policies and goals;

- b. Permit private ownership of public land where the proposed use of the lands promotes the public welfare; or
- c. Permit vacating of all or part of undeveloped plats.

Section 2.8.40 - PROCEDURES

2.8.40.01 - Initiation of Request

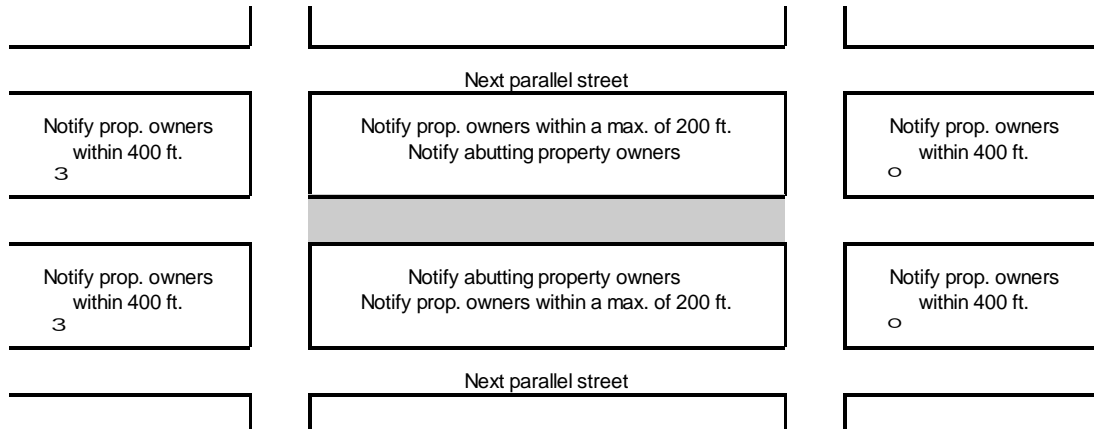
Initiation of the request to vacate a public land or plat may be accomplished by one of the following ways:

- a. Filing of an application in accordance with the provisions of this chapter and ORS 271; or
- b. A majority vote of the City Council.

2.8.40.02 - Application Requirements

- a. Applications submitted by property owners shall be made on forms provided by the Director and shall be accompanied by a map of the area proposed to be vacated and other information necessary for an adequate review.
- b. At the time the application to vacate public land is submitted, the person(s) filing the application shall submit letter(s) of consent from affected property owners. For purposes of this Code and in compliance with ORS 271.080, affected property owners shall be defined as follows:
 - 1. All abutting property owners;
 - 2. Owners of at least two-thirds of the real property associated with the vacation. Real property is the land surrounding the street or street portion to be vacated, including:
 - (a) Land extending laterally to the next street serving as a parallel street, up to a maximum of 200 ft.; and
 - (b) Land extending a distance of 400 ft. from the ends of the area to be vacated.

The following graphic illustrates real property.



3. When vacating part or all of a plat, consent of the owners of at least two-thirds of the land included in the proposed vacation is required. An exception to this provision shall occur where the vacation includes a street, in which case the requirements in "2" above apply.

- c. Consent of affected property owners shall be submitted in writing, notarized, and duly acknowledged by the Director prior to scheduling of a public hearing for the requested vacation.
- d. At the discretion of the City Engineer, the applicant may be required to remove or abandon utility connections prior to final approval.

2.8.40.03 - Acceptance of Application

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings and ORS 271. After accepting a completed application, the Director shall schedule a public hearing to be held by the City Council.
- b. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

2.8.40.04 - Notice of the Public Hearing

Notice of the public hearing shall be provided in accordance with Chapter 2.0 - Public Hearings and ORS 271.110.

2.8.40.05 - Staff Evaluation

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report shall include a recommendation for approval or denial.

2.8.40.06 - Review Criteria

A vacation may be approved if the City Council finds that the request meets the following criteria:

- a. Is consistent with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council;
- b. Will not negatively affect access between public rights-of-way or existing properties, potential lots, or public facilities/utilities;
- c. Will not negatively affect existing or future transportation circulation or emergency service protection; and
- d. Will serve the present and future public interest.

2.8.40.07 - Action by the City Council

A public hearing shall be conducted by the City Council in accordance with Chapter 2.0 - Public Hearings and ORS Chapter 271. Following the close of the public hearing, the City Council shall approve, conditionally approve, or deny the requested vacation. In the case of vacated plats, the Council shall not pass any ordinance for the vacation of all or part of the plat until the City Recording Officer has verified that all City liens and taxes have been paid.

Unless the City Council directs a method by which the City provides for paying damages, no street area shall be vacated without the consent of owners of abutting properties if the vacating would substantially affect the market value of these properties. Provisions for paying such damages may be made by a local assessment or in another manner as provided by the City charter. Two or more streets, alleys, avenues, and boulevards, or parts thereof, may be addressed in one proceeding provided they intersect or are adjacent and parallel to each other.

2.8.40.08 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition in accordance with Chapter 2.0 - Public Hearings. The notice shall include a written statement of the City Council's decision, reference to findings leading to it, any conditions of

approval, and the appeal period deadline. The notice of disposition shall also be mailed to all persons who presented oral or written testimony at the public hearing.

2.8.40.09 - Effective Date

The effective date of the vacating shall be the effective date in the signed ordinance vacating the property.

2.8.40.10 - Existing Service Connections

If the City Engineer determines that existing public utilities or service connections are not required for the proposed vacated land, they shall be removed prior to final action by the City Council.

Section 2.8.50 - VACATION RECORDS TO BE FILED

The City shall file with the County Recorder a certified copy of the ordinance and any other legally required document vacating any street or plat. The applicant shall bear the cost of recording, preparing, and filing the certified copy of the ordinance and map. The City shall then file with the County Assessor and County Surveyor certified copy of the ordinance.

CHAPTER 2.9 HISTORIC PRESERVATION PROVISIONS

Section 2.9.10 - BACKGROUND

The Historic Preservation Overlay (HPO) is an overlay zone applied to properties listed on either the Corvallis Register of Historic Landmarks and Districts (Local Register), or the National Register of Historic Places (National Register). All development within the HPO Zone is subject to the standards herein. These provisions are in compliance with the Statewide Planning Goals and Chapter 3.31 - Historic Preservation Overlay (HPO) Zone. Uses permitted in the HPO Zone are the same as in the underlying zone.

Section 2.9.20 - PURPOSES

The purposes of the Historic Preservation Overlay are as follows:

- a. Implement historic and cultural resource policies of the Comprehensive Plan;
- b. Encourage the preservation, rehabilitation, and adaptive use of sites and structures that are representative of Corvallis' history, and architectural and cultural heritage;
- c. Provide a process for review of exterior modifications proposed for any site or structure listed on the Corvallis Register of Historic Landmarks and Districts;
- d. Provide a process for adding significant historic sites, structures, features, or objects to the Corvallis Register of Historic Landmarks and Districts; and
- e. Provide a process for review of new construction proposed for any site within a historic district.

Section 2.9.30 - PROCEDURES FOR ESTABLISHMENT OF A HISTORIC PRESERVATION OVERLAY ZONE DESIGNATION

The Historic Preservation Overlay Zone may be requested for a site, structure, landmark or historic district. Establishment of the overlay zone occurs in the following ways:

- a. **Corvallis Register of Historic Landmarks and Districts (Local Register)** - Establishment of an HPO at the local level requires property owner concurrence, review by the Historic Preservation Advisory Board, and approval by the Land Development Hearings Board. Resources approved by the Land Development Hearings Board receive an HPO designation.
- b. **National Register of Historic Places (National Register)** - Establishment of an HPO may be conducted through the federal procedures for listing resources on the

National Register of Historic Places. Resources listed on the National Register receive an HPO designation.

At the time an HPO is designated, the property is added to the Corvallis Register of Historic Landmarks and Districts. Properties with an HPO designation are subject to the provisions in this chapter.

2.9.30.01 - Initiation of Application

An application for a Historic Preservation Overlay may be initiated by the Historic Preservation Advisory Board, Planning Commission, City Council, property owner, or any interested person who submits a complete application for designation.

2.9.30.02 - Application Requirements

The following application process shall be followed for a historic landmark or district designation. An application shall be made on forms provided by the Director and shall include the following:

- a.** Applicant's name and address;
- b.** Owner's name and address, if different from applicant's;
- c.** Address of the proposed landmark or site, or a written description of boundaries of the proposed district, including tax assessor map and tax lot numbers;
- d.** Map illustrating boundaries of the proposed district or location of the proposed landmark;
- e.** Statement explaining the following:
 1. Reasons why the proposed district or landmark should be designated;
 2. Reasons why the boundaries of a proposed district, if applicable, are appropriate for designation; and
 3. Potential positive and negative effects, if any, that designation of a proposed district or landmark would have on residents and property owners in the area.
- f.** Black and white photograph of the proposed landmark or of each property within a proposed district (5- by 7-in. or 8- by 10-in. glossy);

- g. Color slide transparencies showing front and side views of the proposed landmark or sufficient slides to illustrate properties and significant features within a proposed district; and
- h. Any other information deemed necessary by the Director.

2.9.30.03 - Acceptance of Application

The Director shall review the application for compliance with the application requirements in section 2.9.30.02. If the application is incomplete, the Director shall notify the applicant within 14 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

2.9.30.04 - Review Criteria for Historic Designation

The structure, site, landscape feature, or district may be designated historic upon consideration of the following:

- a. To establish integrity of location, design, setting, materials, or workmanship, the applicant must demonstrate that the resource either partially fulfills all of the following criteria or totally fulfills two or more of the criteria:
 - 1. The resource is in its original location and remains essentially as originally constructed or fabricated, or is in the location in which it made a historical contribution;
 - 2. Sufficient original workmanship and material remain to show the construction technique and stylistic character of a given period;
 - 3. The immediate setting of the resource retains land uses or landscaping consistent with the relevant historic period;
 - 4. The resource contributes materially to the architectural continuity or scheme of the street or neighborhood; and/or
 - 5. The site contains artifacts related to prehistory or early history of the community.
- b. To establish that the proposed landmark or district has historic significance or contributes to the historical and cultural resources of the community, the applicant must show that at least one of the following applies to the proposed historic resource:
 - 1. It is associated with events that have made a significant contribution to the broad patterns of political, economic, cultural, or industrial history of the City, County, State, or nation;

2. It is associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the City, County, State, or nation in the past;
 3. It embodies distinctive characteristics of a type, period, or method of construction used in the past. The property may be a prime example of an architectural style or design, or may represent a type of construction that was once common and is now one of few remaining examples;
 4. It represents the work of a master, i.e., it is a noteworthy example of the work of a craftsman, builder, architect, or engineer significant in City, County, State, or national history;
 5. It possesses high artistic values in its workmanship or materials;
 6. It yields or is likely to yield information important in the community's prehistory or history;
 7. It is a visual landmark;
 8. It contributes to the continuity or historic character of the street, neighborhood, and/or community; or contributes to the integrity of the historic period represented; or
 9. It is 50 years old or older and meets at least one criterion listed above.
- c.** If a resource is found to be historically significant through applying the criteria in "a" and "b" above, then the Historic Preservation Advisory Board shall determine whether the value of preserving the historic resource outweighs the value of other uses permitted in the district.

2.9.30.05 - Review by the Historic Preservation Advisory Board

- a.** Upon acceptance of a complete application for a Historic Preservation Overlay Zone, the Director shall schedule a public meeting to be held by the Historic Preservation Advisory Board. Notice of this meeting shall be published in a newspaper of general circulation at least 20 days in advance.
- b.** The applicant, property owner, and any other interested parties shall have the opportunity to present information pertaining to the HPO Zone request.
- c.** Unless the applicant agrees to continue proceedings to the next scheduled meeting of the Historic Preservation Advisory Board, the Advisory Board shall complete its review at the meeting and make a written recommendation that the application be approved, approved subject to

conditions, disapproved, or postponed pending additional specific information.

- d. The Historic Preservation Advisory Board's written recommendation shall include findings and criteria used in reaching their decision. The written recommendation shall be forwarded to the Director and the Land Development Hearings Board within seven days of the Advisory Board's meeting.

2.9.30.06 - Action by the Land Development Hearings Board

- a. Upon receipt of the Advisory Board's recommendation, the Land Development Hearings Board shall hold a public hearing on the application. The quasi-judicial hearing procedures and notice requirements in Chapter 2.0 - Public Hearings shall apply.
- b. Based on applicable criteria, staff comments, property owner's comments, and public testimony, the Land Development Hearings Board shall approve the HPO Zone subject to conditions or modifications, deny it, or remand the matter to the Historic Preservation Advisory Board for consideration of additional specific information.

Section 2.9.40 - PROCEDURES FOR ALTERATION OF A HISTORIC RESOURCE AND CONSTRUCTION OF NEW STRUCTURES OF 120 SQ. FT. OR LESS

Approval is required for alteration of the exterior appearance of any structure listed on the Local Register and/or the National Register (even if no building permit is required by the Building Official). "Exterior appearance" includes a structure's facade, texture, design, material, and fixtures. Alteration involves replacement of these elements, including windows and doors, with dissimilar styles or materials. Approval is required for construction of new structures of less than 120 sq. ft. on properties with a Historic Preservation Overlay.

Nothing in this section shall be construed as preventing the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this section (including painting) that does not involve a change in design, material, or exterior appearance.

These provisions shall not prevent construction, reconstruction, alteration, or restoration of any such feature when the City Engineer, Building Official, or Fire Marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, the chair of the Historic Preservation Advisory Board shall be notified.

2.9.40.01 - Initiation of Application

A property owner may initiate an application for altering a historic structure.

2.9.40.02 - Application Requirements

For consideration of an alteration of a historic structure, the applicant shall provide the Director with a narrative and a description of the construction plans in detail sufficient to allow for a review of the proposal.

2.9.40.03 - Acceptance of Application

The Director shall review the application for compliance with the application requirements in 2.9.40.02. If the application is incomplete, the Director shall notify the applicant within 14 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

2.9.40.04 - Review Determination

All historic resources not within a historic district shall be reviewed in the manner outlined in "a" below. Properties within a historic district shall be reviewed in the manner outlined in "b" below. To determine whether a historic resource in a historic district is contributing, historic noncontributing, or noncontributing, the Director shall refer to the historical inventories for each property. The Director shall evaluate each application to determine the type of alteration and level of review required. The following criteria shall be used in determining how each application is reviewed.

a. Individual Historic Resources

1. Exterior alterations involving replacement of similar or like materials, or alterations that restore the historical integrity, shall be reviewed administratively by the Director.
2. Exterior alterations involving replacement with dissimilar materials and any new construction shall be reviewed by the Historic Preservation Advisory Board.

b. Properties within a Historic District

1. Historic resources within a historic district have been evaluated and divided into three classifications: Historic/Contributing, Historic/Noncontributing, and Nonhistoric/Noncontributing. Historic resources are at least 50 years old; nonhistoric resources are under 50 years old. Contributing resources have retained a sufficient amount of integrity to convey historic appearance and significance. Noncontributing resources are 50 years of age or older, but have been altered to the point of compromising historic integrity.

2. For Nonhistoric/Noncontributing Resources

- (a) Exterior alterations involving replacement of similar or like materials shall be reviewed administratively by the Director.
- (b) Exterior alterations involving replacement with dissimilar materials or any new construction (less than 120 sq. ft.) that is not visible from a public right-of-way shall be exempt from review.
- (c) Exterior alterations involving replacement with dissimilar materials or any new construction (less than 120 sq. ft.) that is visible from a public right-of-way shall be reviewed administratively by the Director. The site shall be posted with a notice of the proposed request 14 days prior to the date of the Director's final decision.

3. For Historic/Noncontributing Resources

- (a) Exterior alterations involving replacement of similar or like materials, or alterations that restore the historical integrity, shall be reviewed administratively by the Director.
- (b) Exterior alterations involving replacement with dissimilar materials or any new construction (less than 120 sq. ft.) shall be reviewed administratively by the Director. The site shall be posted with a notice of the proposed request 14 days prior to the date of the Director's final decision.

4. For Historic/Contributing Resources

- (a) Exterior alterations involving replacement of similar or like materials, or alterations that restore the historical integrity, shall be reviewed administratively by the Director.
- (b) Exterior alterations involving replacement with dissimilar materials or any new construction shall be reviewed by the Historic Preservation Advisory Board. In addition, the site shall be posted with a notice and surrounding property owners shall be notified of the alteration request as per section 2.9.40.07 below.

2.9.40.05 - Review Criteria for Alteration Review

An application request shall be based upon the following criteria:

- a. Consistency with the purposes of this chapter and the Comprehensive Plan;

- b. The Secretary of the Interior's *Standards for Rehabilitation*, U.S. Department of the Interior;
- c. Building Code, as adopted and amended by the State of Oregon, with particular reference to Section 3110-3113; and
- d. Other applicable State and local codes and ordinances related to building, fire, health, and safety.

2.9.40.06 - Review by the Director

The Director's decision shall be made in writing within 45 days from the date the application is deemed complete, and shall specify reasons relied upon in rendering the recommendation.

2.9.40.07 - Review by the Historic Preservation Advisory Board

- a. The Director shall schedule a public meeting to be held by the Historic Preservation Advisory Board upon acceptance of a complete application for alteration of a historic resource. The Historic Preservation Advisory Board shall hold a public meeting to review the request within 45 days from the date the application is deemed complete. The Director shall post the site with a notice of the proposed request, and provide written notice to the owners and occupants of all properties within 100 ft. of the subject property, advising them that they have 14 days to comment on the application. Notice shall also be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.
- b. The applicant, property owner, and any other interested parties shall have the opportunity to present information pertaining to the alteration request. Unless the applicant agrees to continue the proceedings to the next scheduled meeting of the Historic Preservation Advisory Board, the Advisory Board shall complete its review and recommend approval or denial of the request to the Director.
- c. The Historic Preservation Advisory Board's recommendation shall be transmitted to the Director within three days after the Advisory Board's review. The recommendation shall be made in writing, and shall specify reasons relied upon in rendering the recommendation.

2.9.40.08 - Action by the Director

Based on the review criteria, recommendation of the Historic Preservation Advisory Board, and comments received from affected parties, within three days the Director shall approve, conditionally approve, or deny the request.

Section 2.9.50 - PROCEDURES FOR NEW CONSTRUCTION OVER 120 SQ. FT.

This section addresses the exterior appearance of new construction to ensure its compatibility with the character of the district or individual resources. Approval is required for new construction over 120 sq. ft. in historic districts.

These provisions shall not prevent construction within an HPO Zone when the City Engineer, Building Official, or Fire Marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, the chair of the Historic Preservation Advisory Board shall be notified.

2.9.50.01 - Initiation of Application

A property owner may initiate an application for new construction of over 120 sq. ft. in an HPO Zone.

2.9.50.02 - Application Requirements

For consideration of new construction in HPO zones, the applicant shall provide the Director with the following information:

- a.** A site plan showing the location of structures, setback dimensions, the location of driveways and landscaped areas, and the general location of structures on adjacent lots;
- b.** Elevations sufficient in detail to show the general scale, mass, building materials, and architectural elements of the proposed structure; and
- c.** A brief narrative describing the proposed project.

2.9.50.03 - Acceptance of Application

The Director shall review the application for compliance with the application requirements in section 2.9.50.02. If the application is incomplete, the Director shall notify the applicant within 14 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

2.9.50.04 - Review Criteria for New Construction

The application review shall be based upon the following criteria:

- a. The new construction maintains unifying development patterns, such as sidewalk and street tree locations, setbacks, lot coverage, and orientation to the street;
- b. The structure is consistent with the size and scale of surrounding contributing buildings and reflects their architectural elements;
- c. Building materials reflect and complement existing contributing buildings within the district or on the same individual site; and
- d. Signs, exterior lighting, and other appurtenances, such as walls, fences, awnings, and landscaping, are visually compatible with the architectural character of the surrounding contributing buildings.

2.9.50.05 - Review by the Historic Preservation Advisory Board

- a. The Historic Preservation Advisory Board shall hold a public meeting to review the request within 45 days from the date the application is deemed complete. The Director shall post the site with a notice of the proposed request, and provide written notice to the owners and occupants of all properties within 100 ft. of the subject property, advising them that they have 14 days to comment on the application. Notice shall also be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.
- b. The applicant, property owner, and any other interested parties shall have the opportunity to present information pertaining to the construction request. Unless the applicant agrees to continue the proceedings to the next scheduled meeting of the Historic Preservation Advisory Board, the Advisory Board shall complete its review, and recommend approval or denial of the request to the Director.
- c. The Historic Preservation Advisory Board's recommendation shall be transmitted to the Director within three days after the Advisory Board's review. The recommendation shall be made in writing, and shall specify reasons relied upon in rendering the recommendation.

2.9.50.06 - Action by the Director

Based on the review criteria, recommendation of the Historic Preservation Advisory Board, and comments received from affected parties, within three days the Director shall approve, conditionally approve, or deny the request.

Section 2.9.60 - PROCEDURES FOR REMOVING A HISTORIC OVERLAY ZONE

Removal of a Historic Preservation Overlay Zone that was originally approved by the Land Development Hearings Board requires an application, review by the Historic Preservation Advisory Board, and approval by the Land Development Hearings Board. Removal of an HPO Zone that is on the National Register requires an application to the National Parks Service. When the overlay is removed, the resource is taken off the Local Register. The following procedures apply to HPO properties that were originally approved by the Land Development Hearings Board and are not listed on the National Register.

2.9.60.01 - Initiation of Application

An application to remove an HPO Zone may be initiated by the Historic Preservation Advisory Board, Planning Commission, City Council, or by any person with a legal interest in the property who submits a complete application to the Director.

2.9.60.02 - Application Requirements

An application for removal or amendment of the HPO Zone shall follow the procedures for a Historic Landmark and District Designation in section 2.9.30 above. In addition, the Department of Land Conservation and Development and the State Historic Preservation Office shall receive notice of the application at least 45 days prior to the public hearing of the Land Development Hearings Board to review the application.

2.9.60.03 - Acceptance of Application

The Director shall review the application for compliance with the applicable application requirements in section 2.9.60.02. If the application is incomplete, the Director shall notify the applicant within 14 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

2.9.60.04 - Criteria for Removing a Historic Designation

The Historic Preservation Advisory Board shall evaluate the request for removal of an HPO Zone based on an analysis of the economic, social, environmental, and energy consequences of the proposed and existing uses as defined by OAR 660-16-000, and upon finding that removal of the historic designation will not adversely affect properties in the surrounding area or the integrity of a historic district, if applicable. Also, to approve an application, the Advisory Board must find that at least one of the following has occurred since the site was listed as a historic resource:

- a. Reevaluation of the resource's original determination shows that, under current criteria, the resource is no longer considered significant;
- b. Due to unavoidable circumstances that were not a result of action or inaction by the property owner, the integrity of the resource or district has been substantially reduced or diminished; and/or
- c. Value of a proposed conflicting use substantially outweighs the value of preserving the historic nature of the resource or district.

Section 2.9.70 - PROCEDURES FOR DEMOLITION OR MOVING A HISTORIC RESOURCE

Approval is required for moving or demolishing any or all portions of a structure listed on the Corvallis Register of Historic Landmarks and Districts. An application for a permit shall be reviewed by the Historic Preservation Advisory Board and by the Director.

2.9.70.01 - Initiation of Application

- a. An application may be initiated by the Historic Preservation Advisory Board, Planning Commission, City Council, or property owner.
- b. Nothing in this section shall prevent the demolition or removal of a historic resource when the City Engineer, Building Official, or Fire Marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, the chair of the Historic Preservation Advisory Board shall be notified.

2.9.70.02 - Application Requirements

The following application process shall be followed for demolishing or moving a historic structure:

- a. An application shall be made on forms provided by the Director.
- b. The application shall include the following:
 - 1. Plans, drawings, and photographs of the historic resource;
 - 2. A description of the resource's physical condition;
 - 3. If within a historic district, the resource's contribution to the district and subsequent integrity of the district if the resource is demolished or removed; and

4. Whether denial of the request will involve substantial hardship to the applicant.

2.9.70.03 - Acceptance of Application

The Director shall review the application for compliance with the application requirements in section 2.9.70.02. If the application is incomplete, the Director shall notify the applicant within 14 days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.

2.9.70.04 - Status of a Relocated Historic Resource

A structure's historic status is automatically retained when it is moved to a new location, unless the Historic Preservation Advisory Board, using the review process for removal of the historic designation, determines that the historic designation is no longer appropriate. The Advisory Board's recommendation shall be forwarded to the Director.

2.9.70.05 - Review Criteria for Demolition or Moving Permits

In determining whether demolishing or moving the historic resource is appropriate, the Historic Preservation Advisory Board shall consider the economic, social, environmental, and energy consequences, as defined by OAR 660-16-000, and the following criteria. The Advisory Board shall recommend approval of the permit to the Director if it finds that:

- a. The request satisfies the OAR 660-16-000 criterion;
- b. Due to unavoidable circumstances that were not a result of action or inaction by the property owner, the integrity of the resource or district has been substantially reduced or diminished;
- c. Issuance of the permit would not act to the substantial detriment of the public welfare or be contrary to the purpose and scope of the historic preservation policies of the Comprehensive Plan; and
- d. One or more of the following apply:
 1. Physical condition of the historic resource is deteriorated beyond economically feasible rehabilitation;
 2. It is not economically feasible to relocate the historic resource;

3. If within a historic district, demolition or removal of the resource will not adversely affect the integrity of the district; or
4. Denial of the request will involve substantial hardship to the applicant.

2.9.70.06 - Review by the Historic Preservation Advisory Board

- a. The Director shall schedule a public meeting to be held by the Historic Preservation Advisory Board upon acceptance of a complete application for demolishing or moving a historic resource. Notice of this meeting shall be published in a newspaper of general circulation at least 20 days in advance.
- b. The Department of Land Conservation and Development and the State Historic Preservation Office shall receive notice of the application at least 45 days prior to the public meeting of the Historic Preservation Advisory Board to review the application.
- c. The applicant, property owner, and any other interested parties shall have the opportunity to present information pertaining to the demolition or moving request.
- d. The Historic Preservation Advisory Board may recommend and the Director may order that action on the demolition or moving request be deferred for a period not to exceed 120 days from the date the application is deemed complete. During this period, the Historic Preservation Advisory Board shall attempt to determine whether public or private acquisition and preservation is feasible, or whether other alternatives could be implemented to prevent demolition or removal of the site or structure.
- e. The Historic Preservation Advisory Board's recommendation shall be transmitted to the Director within three days after the Advisory Board's review. The recommendation shall be made in writing, and shall specify reasons relied upon in rendering the recommendation.
- f. The Historic Preservation Advisory Board may recommend and the Director may order the following actions during the 120-day period:
 1. Post a "For Sale" sign and a public notice on the historic property that shall read: "HISTORIC BUILDING TO BE MOVED OR DEMOLISHED -- FOR SALE." Lettering on the sign shall be at least 5 in. in height. The sign shall be posted in a prominent and conspicuous place on the property for as long as 90 days.
 2. List the property for sale in local and state newspapers for a minimum of five days over a 5-week period.

3. List the property in at least two preservation publications at least 30 days prior to issuance of the demolition or moving permit.
 4. Issue a press release to local and state newspapers describing the significance of the resource, the physical dimensions of the property, and the reasons for the proposed demolition or move.
 5. Post notification through other media (e.g., Internet, radio, etc.)
- g.** The Historic Preservation Advisory Board may recommend and the Director may require the owner to produce one or more of the following:
1. Documentation of the building using the Historic American Buildings Survey guidelines (includes architectural drawings, photographs, and historical narrative);
 2. Historic and contemporary photographs of the historic building and site; or
 3. Salvage of significant architectural or historic artifacts from the structure or site.

Documentation materials shall be the property of the City or its designee. The Historic Preservation Advisory Board shall determine where the documentation is to be deposited and where any artifacts, architectural features, materials, or equipment saved from the building are to be stored.

2.9.70.07 - Action by the Director

Based on the review criteria above, recommendation of the Historic Preservation Advisory Board, and comments received from affected parties, within three days the Director shall approve, conditionally approve, or deny the request.

Section 2.9.80 - NOTICE OF DISPOSITION

- a. Director's Decisions Not Requiring Mailed Notices to Surrounding Property Owners and Occupants** - The Director shall provide the applicant notice of disposition either by stamping and redlining the building permit(s) or by postal mail within three days of the Director's decision. A notice of disposition shall also be provided to persons who submitted written comments or testified at the Historic Preservation Advisory Board public meeting regarding the application. If the application is denied, the Director shall provide a reference to the findings leading to the denial and the appeal deadline.

- b. Director's Decisions Requiring Mailed Notice** - Within three days of the Director's decision, the Director shall issue a notice of disposition that describes the decision, a reference to findings leading to it, any conditions of approval, and the application appeal period deadline. The notice of disposition shall be issued to the applicant, persons who testified at the public hearing or who submitted written testimony, and to those persons entitled to receive a mailed 14-day notice of the application.

- c. Decisions Made by the Land Development Hearings Board** - Following the signing of the order, the Director shall provide the applicant with a notice of disposition that includes a written statement of the decision, a reference to the findings leading to it, any conditions of approval, and the appeal period deadline. A notice shall also be mailed to persons who testified at the public hearing who submitted written testimony, and to those persons entitled to receive a notice of the public hearing.

Section 2.9.90 - APPEALS

Appeals of any decision of the Land Development Hearings Board or Director shall be made in accordance with Chapter 2.19 - Appeals.

Section 2.9.100 - EFFECTIVE DATE

- a.** Unless an appeal has been filed, the decision of the Land Development Hearings Board shall become effective 12 days after the notice of disposition is mailed.

- b.** The decision of the Director shall become effective 12 days after the notice of disposition is mailed or unless an appeal has been filed.

**Table 2.9-1
SUMMARY OF REVIEW AUTHORITY AND NOTICE REQUIREMENTS**

Type of Action	Director Admin.	Director with HPAB Recomm.	HPAB Advises LDHB	HPAB Advises Director/ LDHB Notices	LDHB Public Hearing Notices
Alteration of Resource - Individual Properties:					
• Similar materials	XXX				
• Dissimilar materials & new construction		XXX		14-day site posted & mailed notice 100 ft.	
New Construction - Individual Properties		XXX		14-day site posted & mailed notice 100 ft.	
Alteration of Resource or New Construction of 120 Sq. Ft. or Less - Within Historic District:					
• Nonhistoric noncontributing: similar materials	XXX				
• Nonhistoric noncontributing: dissimilar materials - new construction not visible from public right-of-way	XXX exempt				
• Nonhistoric noncontributing: dissimilar materials; new construction visible from public right-of-way	XXX 14-day site posted notice				
• Historic/noncontributing: similar materials	XXX				
• Historic/noncontributing: dissimilar materials & new construction	XXX 14-day site posted notice				
• Historic/contributing: similar materials	XXX				
• Historic/contributing: dissimilar materials & new construction		XXX		14-day site posted & mailed notice 100 ft.	
New Construction Exceeding 120 Sq. Ft. - Within Historic District		XXX		14-day site posted & mailed notice 100 ft.	

**Table 2.9-1
SUMMARY OF REVIEW AUTHORITY AND NOTICE REQUIREMENTS**

Type of Action	Director Admin.	Director with HPAB Recomm.	HPAB Advises LDHB	HPAB Advises Director/ LDHB Notices	LDHB Public Hearing Notices
Demolition or Moving		XXX		DLCD* 45 day 20-day newspaper notice - additional notice may be required from applicant	
Establish HPO Zone			XXX	20-day newspaper notice	Quasi-judicial incl. 500-ft. notice
Removing HPO Zone not on National Historic Register or Reclassifying in Historic District			XXX	DLCD 45 day 20-day newspaper notice	Quasi-judicial incl. 500-ft. notice

* Abbreviations: HPAB - Historic Preservation Advisory Board
 LDHB - Land Development Hearings Board
 DLCD - Dept. of Land Conservation and Development

CHAPTER 2.10 MAJOR NEIGHBORHOOD CENTER MASTER SITE PLAN REQUIREMENTS

Section 2.10.10 - BACKGROUND

As the core of a comprehensive neighborhood and as a site serving community-wide shopping and office needs, a Major Neighborhood Center is envisioned to encompass several acres of land and contain relatively intense commercial and residential development. Development of a new Major Neighborhood Center, and particularly major redevelopment of an existing Major Neighborhood Center, may ultimately involve multiple property owners and businesses that become involved in the development of the Center at different times. Consequently, the coordinated planning and development of a Major Neighborhood Center is important not only to the neighborhood, but also to a broader area.

The Master Site Plan review process is established to provide the mechanism for achieving compatibility between uses and the surrounding area, as well as to facilitate future developments and redevelopment consistent with established requirements. The procedures of this chapter are applicable when a property owner requests a Master Site Plan review prior to and/or concurrent with review of a specific project within a Major Neighborhood Center. Upon Planning Commission approval of the Master Site Plan, building permits may be issued consistent with that plan.

Section 2.10.20 - PURPOSES OF MASTER SITE PLAN

Master Site Plan review procedures are established in this chapter for the following purposes:

- a.** Ensure that the requirements of the Neighborhood Center Zone are implemented and coordinated with respect to Major Neighborhood Centers;
- b.** Establish a logical framework for development on the applicant's property(ies);
- c.** Promote compatibility with surrounding land uses by identifying the relationships of proposed and future development with existing surrounding development and open spaces;
- d.** Promote the efficient use of land and energy;
- e.** Promote development patterns at a human scale and that meet the needs of pedestrians through the arrangement of buildings, circulation systems, land uses, and utilities;

- f. Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City and nearby property owners and occupants with assurances that the project will retain the character envisioned at the time of approval; and
- g. Provide a basis for discretionary review of an overall plan of development that can subsequently be developed in phases over time through ministerial approvals.

Section 2.10.30 - APPLICABILITY

A Master Site Plan shall be required prior to development on any undeveloped site or on any site requiring major redevelopment within a Major Neighborhood Center. The subject property(ies) shall be specified by the applicant and property owner, and shall include only those property(ies) for which they have been authorized to apply. Major redevelopment includes individual or cumulative enlargements or extensions of structures involving floor area equivalent to 20 percent or more of the gross floor area of any existing building (or buildings if attached) on the site, or 3,000 sq. ft. or more of floor area within the site, whichever is less.

2.10.30.01- Exceptions

A Master Site Plan is not required for the following situations, provided that all other applicable requirements of the Code are met:

- a. Any independent or cumulative enlargements, extensions, or expansions involving floor area equivalent to 500 sq. ft. or less for structures in existence and in compliance with the Code on December 31, 2000; and
- b. Expansion of, or redevelopment on, any existing developed site not involving major redevelopment (as defined above).

Section 2.10.40 - MASTER SITE PLAN REVIEW PROCEDURES

An application filed for a Master Site Plan shall be reviewed in accordance with the following procedures.

2.10.40.01 - Application Requirements

When the Director deems any requirement below unnecessary for proper evaluation of a proposed application, it may be waived.

Prior to formal submittal of an application, the applicant is encouraged to participate in an informal pre-application conference with Community Development Department staff to discuss the proposal, the applicant's requirements, and the applicant's materials developed in response to the applicable Code requirements.

Applications for a Master Site Plan shall be made on forms provided by the Director and shall be accompanied by the following:

- a. Signed consent of the owner(s) or the owners' legal representatives of the subject property(ies);
- b. Fifteen copies of the narrative, on 8.5- by 11-in. sheets, and 15 copies of graphics at an 8.5- by 11-in. size. The Director may request additional copies of the narrative and/or graphics for routing purposes, if needed. Related names/numbers must be legible on the graphics. The Director may also require some or all graphics at an 11- by 17-in. size if, for legibility purposes, such a size would be helpful;
- c. Six sets of full-scaled black line or blueprint drawings of the graphic(s), with sheet size not to exceed 24- by 36-in. Where necessary, an overall plan with additional detail sheets may be submitted; and
- d. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable.
- e. **Graphic Requirements**

Graphics shall include the following information where applicable:

1. All graphics shall include a sheet title, date, north arrow, bar scale, and legend placed on the same location on each sheet. All drawn graphics and ortho photos shall be to scale; other photos shall include scale references;
2. Public notice map (typically a street map at 1 in. = 800 ft. as per the City's public notice format);
3. Zoning map (typically 1 in. = 400 ft., but up to 1 in. = 800 ft., depending on the size of the site) with a key that identifies each zone on the site and within 1,000 ft. of the site as per City format;
4. Comprehensive Plan Map (typically 1 in. = 800 ft.) with a key that identifies each land use designation on the site and within 1,000 ft. of the site as per City format;
5. A General Land Use Map shall include an offsite analysis with sufficient information on land areas within at least 300 ft. of the zone in which the subject property is located. The map shall indicate the

relationship of the proposed development to adjacent land uses. An aerial photo may be used as the base for the offsite analysis. Ortho photos are available at City Hall.

At minimum, the General Land Use Map shall illustrate the following:

- (a) Existing zones and approximate densities;
 - (b) Land uses, parcel lines, and existing buildings (building envelopes are acceptable); and
 - (c) Transportation corridors (automobile, bicycle, and/or pedestrian), functional classifications of streets, and driveways/parking areas.
6. Significant natural features map(s) and a preservation plan that together identify significant natural features of the site and proposed methods of preservation, including but not limited to:
- (a) Watercourses, floodplains, wetlands, and riparian areas. The map shall indicate boundaries, acreages, and names, where applicable. Where watercourses are involved, the map shall also show the top of existing banks and channel depth, and indicate the boundaries of any riparian areas and required drainageway dedications. Calculations used to determine the width of the drainageway dedications shall be provided, as well as cross-sections (at 50-ft. intervals) to support the calculations. The cross-sections shall show a width encompassing the watercourse and at least 20 ft. on either side of the top of banks (refer to Chapter 4.5 - Flood Control and Drainageway Provisions for additional guidance).
 - (b) Significant natural vegetation (refer to Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting for guidance). The map shall indicate species, canopies, and diameters at breast height for trees. In cases where a site contains large groves of significant vegetation that result in a single large canopy, the map may indicate the outer perimeter of the canopy of each grove, and state the species and ranges of tree diameters at breast height for each species within the grove.
 - (c) Plants, plant communities, and fish and wildlife habitats found on the site that are listed as threatened or endangered with the National Marine Fisheries Service or the U.S. Fish and Wildlife

Service, as well as significant native vegetation as defined in the Oregon National Heritage Plan (1998), which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species.

- (d) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

7. A Master Site Plan of the subject property(ies) shall include an onsite plan with sufficient information to indicate the existing and planned relationships among the structures, circulation systems, open spaces, and green areas on the subject property; other properties within the zone in which the subject property is located; and the land areas within at least 150 ft. of the zone. At minimum, the Master Site Plan of the subject property(ies) shall illustrate the following:

(a) **Factors to include for the subject property(ies)**

- (1) Streets, driveways, alleys, and maneuvering, parking, loading, and refuse areas, particularly illustrating pedestrian, bicycle, and vehicle access points, accessways, and directions of traffic flow;
- (2) General location of public, private, and franchise utilities (e.g., sanitary sewer, storm sewer, water, natural gas, electric power lines);
- (3) Location of structures (building envelopes are sufficient for proposed new buildings or expansions of existing buildings), including locations of entrances and exits;
- (4) Topographic contour lines at 2-ft. intervals for areas with slope grades of 10 percent or greater;
- (5) Conceptual drainage control systems;
- (6) General location of landscaped areas and features, identifying fences, walls, berms, non-plant areas, plantings (labeled by plant type, e.g., trees, shrubs, lawn), and significant vegetation to be maintained or removed;
- (7) General location and size of areas to be conveyed, dedicated, or reserved as green areas, public parks, recreational areas, and similar public and semipublic space uses; and

(8) Identification of the shopping street.

(b) **Factors to include for other properties within the zone in which the subject property(ies) are located and land areas within at least 150 ft. of the zone**

(1) Parcel lines;

(2) General locations and types of circulation and parking systems including, but not necessarily limited to, reasonable approximation of the future extension of proposed shopping streets and pedestrian systems;

(3) General locations of public, private, and franchise utilities (e.g., sanitary sewer, storm sewer, water, natural gas, electric power); and

(4) Building locations (building envelopes are acceptable), and their approximate height and current use types.

f. Narrative Requirements

A written statement shall include the following information:

1. A legal description of the subject property, including the street(s) along the property's frontage. Copies of the legal description shall be provided in both written and electronic format;

2. A statement of the planning objectives to be achieved by the Master Site Plan. This statement shall include a description of the character of the proposed development, a brief rationale behind the assumptions and choices made, and a discussion of how the application meets the review criteria identified below;

3. A statement describing project phases, if proposed. Phases shall be:

(a) Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, green areas, and similar physical features; and capable of substantial occupancy, operation, and maintenance upon completion of the 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 included with the subject proposal.
4. Quantitative data related to the subject site shall be provided for the following, where appropriate:
- (a) Parcel sizes;
 - (b) Total number and type of dwelling units. A proposed range with a 10 percent difference is permissible;
 - (c) Gross residential densities per acre. A proposed range with a 10 percent difference is permissible;
 - (d) Gross square footage of floor areas for nonresidential and residential construction. A proposed range with a 10 percent difference is permissible;
 - (e) Floor area ratio(s). A proposed range with a 10 percent difference is permissible;
 - (f) Proposed green areas to structure footprint ratios. A proposed range with a 10 percent difference is permissible. (For a definition of green area, refer to Chapter 1.6 - Definitions); and
 - (g) Number of parking spaces provided and any parking agreements with neighboring properties. A proposed range with a 10 percent difference is permissible.

2.10.40.02 - Acceptance of Application and Staff Evaluation

The application shall be accepted and evaluated by City staff in accordance with the procedures identified in sections 2.3.30.02 and 2.3.30.03 of Chapter 2.3 - Conditional Development.

2.10.40.03 - Review Criteria

Requests for approval of a Master Site Plan shall be reviewed in accordance with the review criteria identified in section 2.3.30.04 of Chapter 2.3 - Conditional Development. Additional review factors shall include the following:

- a. Development shall comply with the applicable use and development standards for the Neighborhood Center Zone;

- b. Development of infrastructure systems shall not interfere with the operations of adjacent uses of property that are not party to the Master Site Plan; and
- c. Development shall not preclude reasonable opportunities for the adjacent properties within the subject Neighborhood Center Zone, and not party to the application, to develop or redevelop in accordance with City requirements.

2.10.40.04 - Action by the Planning Commission, Notices, Notice of Disposition, Appeals, and Effective Date

The public review process for a Master Site Plan request shall be in accordance with sections 2.3.30.05 through 2.3.30.08 of Chapter 2.3 - Conditional Development.

2.10.40.05 - Effective Period of Master Site Plan Approval

- a. Master Site Plan approval shall be effective for a 3-year period from the date of approval. The approval shall expire if the applicant has not, within three years:
 - 1. Installed and/or bonded for all public improvements related to the project (or the first phase, if the project was approved in phases); or
 - 2. Applied for and received foundation permits for at least one building approved as part of the project.
- b. Master Site Plan approval shall also expire if the applicant has not, within five years of the completion of a phase of a phased development:
 - 1. Installed and/or bonded for all public improvements related to the next phase of the project; or
 - 2. Applied for and received foundation permits for at least one building approved as part of the next phase of the project.
- c. At its discretion and without a public hearing, the Planning Commission may extend the approval once for a period not to exceed two additional years.

2.10.40.06 - Review Criteria for Determining Compliance with an Approved Master Site Plan

- a. An approval of a Master Site Plan shall apply only to the property(ies) included in the application. Development or major redevelopment on other properties adjacent to the subject properties and within the same Neighborhood Center Zone are also subject to the requirement for submittal of a Master Site Plan. Consistency between one property and another must

be demonstrated through the submitted materials, review criteria, and conditions of approval.

- b. A site development permit request shall be reviewed to determine whether the request is in substantial compliance with the approved Master Site Plan. It shall be deemed to be in substantial compliance if it is consistent with the review criteria in section 2.10.40.03, does not involve modifications to Code development standards, and does not involve changes to any specific requirements established at the time of Master Site Plan approval. Specific requirements include conditions of approval, Code requirements, and all aspects of the applicant's proposal that were approved as part of the Master Site Plan.

Section 2.10.50 - MINOR MASTER SITE PLAN MODIFICATION REVIEW PROCEDURES

2.10.50.01 - Purposes of a Minor Master Site Plan Modification

- a. Provide a limited amount of flexibility with regard to site planning for approved Master Site Plans; and
- b. Provide benefits within the development site that compensate for requested variations from an approved Master Site Plan such that the intent of the original approval is still met.

2.10.50.02 - Thresholds for a Minor Master Site Plan Modification

Within one calendar year, up to three factors that do not exceed the thresholds in section 2.3.40.02 of Chapter 2.3 - Conditional Development may be proposed for a Minor Master Site Plan Modification under this section. If more than three such factors are proposed for modification within a calendar year, or if modifications are proposed that exceed the thresholds outlined in section 2.3.40.02, the changes shall be processed as a Major Master Site Plan Modification and shall follow the procedures outlined in section 2.10.60 below.

2.10.50.03 - Procedures for a Minor Master Site Plan Modification

- a. An applicant may petition for review of previously approved plans for purposes of modifying a Master Site Plan, stating reasons for the changes.
- b. Where the Director determines that the proposed changes qualify as a Minor Master Site Plan Modification, in accordance with the thresholds outlined in section 2.3.40.02, the Director shall administratively process the application as a Minor Master Site Plan Modification. The Minor Master Site Plan Modification may be approved, conditionally approved, or denied by the Director. If the proposed changes exceed the thresholds outlined in section

2.3.40.02, the changes shall be processed as a Major Master Site Plan Modification and the applicant shall follow the procedures outlined in section 2.10.60 below.

- c. In reviewing the proposed modifications, the Director shall follow the procedures herein required for Minor Master Site Plan Modification submittal and review.
- d. To determine whether to authorize a Minor Master Site Plan Modification, the Director shall consider the review criteria in section 2.10.40.03 of this chapter and section 2.3.40.03.d of Chapter 2.3 - Conditional Development.
- e. Upon finding that the application qualifies as a Minor Master Site Plan Modification, the Director may consider the redesign in whole or in part of any Master Site Plan, to the extent that the redesign still falls within the thresholds outlined in section 2.3.40.02.
- f. To the extent that the redesign does not exceed the thresholds outlined in section 2.3.40.02, notice for a Minor Master Site Plan Modification shall be provided in accordance with Chapter 2.16 - Request for Interpretation.
- g. Action on the application, the notice of disposition, appeals, the effective date, and the effective period of the Minor Master Site Plan Modification shall be in accordance with sections 2.12.30.07 through 2.12.30.11 of Chapter 2.12 - Lot Development Option.

2.10.50.04 - Determining Compliance with a Minor Master Site Plan Modification

A site development permit request shall be reviewed to determine whether the request is in substantial compliance with the approved Minor Master Site Plan Modification. It shall be deemed to be in substantial compliance if it is consistent with the review criteria in section 2.10.40.03 of this chapter and section 2.3.40.03.d of Chapter 2.3 - Conditional Development, does not involve modifications to Code development standards, and does not involve changes to any specific requirements established at the time of Minor Master Site Plan Modification approval. Specific requirements include conditions of approval, Code requirements, and all aspects of the applicant's proposal that were approved as part of the Minor Master Site Plan Modification.

Section 2.10.60 - MAJOR MASTER SITE PLAN MODIFICATION REVIEW PROCEDURES

2.10.60.01 - Procedures for a Major Master Site Plan Modification

If proposed modifications exceed the threshold requirements outlined in section 2.3.40.02 of Chapter 2.3 - Conditional Development, or modifications to more than three factors that do not exceed the thresholds in section 2.3.40.02 are proposed within a single calendar year, the changes shall be processed as a Major Master Site Plan Modification.

- a. An applicant may petition for review of previously approved plans for purposes of modifying a Master Site Plan, stating reasons for the changes.
- b. Where the Director determines that the proposed changes qualify as a Major Master Site Plan Modification in accordance with the thresholds outlined in section 2.3.40.02, a hearing shall be scheduled before the Planning Commission in accordance with Chapter 2.0 - Public Hearings. The Planning Commission may approve, conditionally approve, or deny the Major Master Site Plan Modification.
- c. In reviewing the proposed modification, the Planning Commission shall follow the procedures herein required for Master Site Plan submittal and review. The Commission shall consider the review criteria in section 2.10.40.03 to determine whether to authorize a Major Master Site Plan Modification.
- d. Upon finding that the application qualifies as a Major Master Site Plan Modification, the Planning Commission may consider the redesign in whole or in part of any Master Site Plan.
- e. Notice, action on the application, the notice of disposition, appeals, the effective date, and the effective period of a Major Master Site Plan Modification shall be in accordance with the same provisions for a Master Site Plan.

2.10.60.02 - Determining Compliance with a Major Master Site Plan Modification

A site development permit request shall be reviewed to determine whether the request is in compliance with any approved Major Master Site Plan Modification. It shall be deemed to be in compliance if it does not involve any additional deviations from Code development standards, and does not involve changes to any specific requirements established at the time of Major Master Site Plan Modification approval. Specific requirements include conditions of approval, Code requirements, and all aspects of the applicant's proposal that were approved as part of the Major Master Site Plan Modification.

CHAPTER 2.12 LOT DEVELOPMENT OPTION

Section 2.12.10 - BACKGROUND

A Lot Development Option provides a means to obtain minor variations from clearly measurable, numerically quantifiable development standards. The option exists for those circumstances where uniform, unvarying rules would prevent a more efficient use of a lot, prevent better preservation of significant natural features, and/or prevent innovation in site planning and architectural design. A typical example is the permitting of a structure to be located closer to a property boundary than normally allowed by the zone regulations. A Lot Development Option also may provide a means to obtain major variations from required setbacks on lots with existing residential structures constructed prior to December 31, 2000, or to modify the use size limitations contained in Chapter 3.19 - Mixed Use Community Shopping (MUCS) Zone.

A Lot Development Option applies only to existing individual lots or to individual lots that are approved (or requested for approval) as part of a Tentative Subdivision Plat or Minor Land Partition process. Proposed modifications that exceed the allowed scope of a Lot Development Option (as outlined in this chapter) need to be sought through the Planned Development process described in Chapter 2.5 - Planned Development.

Section 2.12.20 - PURPOSES

Procedures and standards for the review of Lot Development Options are established in this chapter for the following purposes:

- a.** Permit efficient use of land;
- b.** Provide flexibility and innovation in site planning and architectural design on individual lots;
- c.** Encourage construction techniques and allow building locations that conserve energy;
- d.** Minimize procedural delays and ensure due process in the review of unique development situations;
- e.** Provide an avenue for better preservation of significant natural features; and
- f.** Provide benefits within the development that compensate for the variations from development standards such that the intent of the development standards is still met.

Section 2.12.30 - PROCEDURES

An application filed for a Lot Development Option shall comply with the following requirements.

2.12.30.01 - Application Requirements

When the Director deems any requirement below unnecessary for proper evaluation of a proposed application, it may be waived.

An application for a Lot Development Option shall be made on forms provided by the Director and shall include the following, where applicable:

- a.** Description of the land (address, lot, block, tract, or similar description) on which the proposed development is to take place;
- b.** Narrative addressing all aspects of the requested variation(s) and describing how the application meets the review criteria in section 2.12.30.06 below; and
- c.** Site plan(s) no larger than 11- by 17-in., suitable for photocopy reproduction. The site plans shall be drawn to scale and show the following:
 1. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways;
 2. Identification of all requested variations;
 3. Lot line dimensions;
 4. Existing and proposed structures;
 5. Structures on adjacent property(ies) affected by the request;
 6. Vehicle and pedestrian access points and accessways;
 7. Drainageways and any other prominent features;
 8. Location of trees and shrubs over 3 ft. in height;
 9. Fences and walls;
 10. Off-street parking facilities; and
 11. Any other information relevant to the proposal.

2.12.30.02 - Acceptance of Application

- a. The Director shall review the Lot Development Option application for compliance with the application requirements in section 2.12.30.01. If the application is incomplete, the Director shall notify the applicant within five days and state what information is needed to make the application complete. The applicant shall have 10 days from this notification to submit additional materials.
- b. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees.

2.12.30.03 - Determination of Lot Development Option Type

The Director shall determine whether an application is for a Lot Development Option Type A or Type B, as follows:

- a. **Type A Lot Development Option** - A Lot Development Option shall be considered "Type A" when the requested variations involve residential uses on an undeveloped lot or underdeveloped lot within a developed portion of the City zoned RS-3.5 as of December 31, 2000, or involve a lot containing existing residential structures in any residential zone constructed prior to December 31, 2000. Type A Lot Development Option requests shall involve clearly measurable, numerically quantifiable development standards that shall not exceed the thresholds listed below:
 - 1. Reducing by up to 40 percent any setback for residential uses on an undeveloped or underdeveloped lot within developed areas zoned RS-3.5, or reducing by up to 100 percent any setback on a lot containing existing residential structures constructed prior to December 31, 2000, with the following exceptions:
 - (a) Requests for variations to development standards in Chapter 4.0 - Improvements Required with Development shall be processed through the Planned Development process outlined in Chapter 2.5;
 - (b) For new structures on undeveloped lots, side and/or rear yard setbacks for accessory structures that are more than 60 ft. from streets (other than alleys) may be reduced by up to 70 percent;
 - (c) For new structures, interior side yards on corner lots may be reduced by up to 70 percent; and

- (d) For lots with existing residential structures, side and/or rear yard setbacks for accessory structures that are more than 60 ft. from streets (other than alleys) may be reduced by up to 100 percent.
- 2. Increasing by up to 10 percent the height of a structure;
- 3. Decreasing by up to 5 percent the required lot area (applies only to lots created through the land partition or minor replat process described in Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments);
- 4. Decreasing by up to 5 ft. the required lot width, excluding accessway widths required for flag lots created through the land partition or minor replat process;
- 5. Increasing by up to 5 percent more than what is permitted in the zone the total ground area proposed to be covered by structures, parking spaces, or vehicular circulation areas;
- 6. Decreasing by up to 10 percent the area reserved for private outdoor space and/or usable green area;
- 7. Decreasing by up to 10 percent the project site amenities such as screening and/or landscaping;
- 8. Decreasing by up to 50 percent the required number of parking spaces or increasing by up to 50 percent the number of compact parking spaces;
- 9. Increasing by up to 33 percent the fence height outside of vision clearance areas; and
- 10. Decreasing by up to 20 percent the designated solar access, except as provided in Chapter 4.6 - Solar Access.

The Director may allow as a Type A Lot Development Option similar types of modifications to development standards to those listed above using the procedures in Chapter 2.16 - Request for Interpretation. Part of this interpretation shall consist of determining whether the modification is a Type A or Type B Lot Development Option.

- b. Type B Lot Development Option** - A Lot Development Option shall be considered "Type B" when the requested variations involve residential or nonresidential land uses within the portions of the City not covered in "a" above.

Type B Lot Development Option requests shall involve clearly measurable, numerically quantifiable development standards that shall not exceed the thresholds listed below:

1. Adjusting by a maximum of 20 percent the clearly measurable development standards, with the following exceptions:
 - (a) Requests for variations to development standards in Chapter 4.0 - Improvements Required with Development shall be processed through the Planned Development process outlined in Chapter 2.5;
 - (b) Side and/or rear yard setbacks for accessory structures that are more than 60 ft. from streets (other than alleys) may be reduced by up to 70 percent; and
 - (c) For new structures, interior side yards on corner lots may be reduced by up to 70 percent.
2. Ensuring that no more than a total of three variations occurs. For example, if a single lot is involved, variations of up to three different development standards may occur. If a development site includes plans for multiple lots (via a Minor Land Partition or Tentative Subdivision Plat), and multiple variations are needed, up to three lots may be involved in variations (from the same development standard or different development standards).
3. Variations exceeding the thresholds described in "1" and "2" above shall be sought through the Planned Development process described in Chapter 2.5.

2.12.30.04 - Public Notice

- a. The Director shall notify affected parties that an application for a Lot Development Option has been filed.
- b. "Affected parties" shall mean any owner and occupants of property within 100 ft. of the subject property and any other persons whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.
- c. The notice shall state that all comments concerning the proposed Lot Development Option must be submitted in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:

1. Street address or other easily understood geographical reference to the subject property;
 2. Applicable criteria for the decision;
 3. Place, date, and time comments are due;
 4. Indicate that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
 5. Name and phone number of staff contact person;
 6. State that notice of disposition shall be provided to the applicant and any person who submits comments;
 7. An explanation of appeal rights; and
 8. A summary of the local decision-making process.
- d. For both the Type A and Type B Lot Development Option, the development site shall be posted in conspicuous locations at least 10 days prior to the Director's decision. The posting shall contain the applicant's name and address, type of action requested, date by which comments concerning the action shall be received by the Director, date the Director shall render a decision concerning the requested Lot Development Option, deadline for appeals, and address and phone number of the City staff contact person.

2.12.30.05 - Staff Evaluation

The application and any comments that have been received shall be reviewed to ensure consistency with the review criteria in section 2.12.30.06 below.

2.12.30.06 - Review Criteria

A Lot Development Option shall be reviewed to determine if the following criteria have been met:

- a. The land use for the proposed development is allowed in the underlying zone;
- b. The proposed development falls within the minimum and maximum density requirements for the underlying zone;
- c. All structures comply with Uniform Building and Fire Codes, and with the vision clearance requirements in section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements;

- d. The proposal falls within the appropriate threshold for a Lot Development Option in accordance with section 2.12.30.03;
- e. The proposed development shall not be contrary to the background and purposes in sections 2.12.10 and 2.12.20, specific requirements contained in policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City;
- f. The proposed development shall not substantially reduce the amount of privacy enjoyed by users of neighboring structures when compared to development located as specified by this Code;
- g. The proposed development shall not adversely affect existing physical and natural systems, such as traffic, drainage, dramatic land forms, or parks, nor adversely affect the potential for abutting properties to use solar energy devices when compared to development located as specified in this Code;
- h. Where architectural features are involved, the proposed development shall be compatible with the design character of existing structures on adjoining properties;
- i. Where variations are proposed to the pedestrian oriented design standards of Chapter 4.10, the proposed development shall implement the purpose(s) of that chapter through inclusion of additional benefits to the pedestrian environment that compensate for the requested variations from development standards;
- j. Where significant natural features are involved, the proposed development shall not adversely impact significant natural features and wildlife habitat on the site to a greater extent than would occur if the development were located as specified in this Code; and
- k. The proposal shall not result in the applicant (original developer or individual property owner) receiving approval for more than three variations on the subject piece of property within a 2-year period.

2.12.30.07 - Action on Application

Based on the review criteria above and any comments received from affected parties, the Director shall review the proposed development and approve, conditionally approve, or deny the application at the completion of the 14-day comment period.

2.12.30.08 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition that includes a written statement of the decision, a reference to the findings leading to it any conditions of approval, and the appeal period deadline. The notice shall also be mailed to persons who provided written comment on the mailed notice. The notice of disposition and all applicable information shall be available in the Development Services Division of the Community Development Department.

2.12.30.09 - Appeals

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with Chapter 2.19 - Appeals.

2.12.30.10 - Effective Date

Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the notice of disposition is signed.

2.12.30.11 - Effective Period of Approval

Lot Development Option approval shall be effective for a 2-year period from the date of approval. If the applicant has not begun the development or its phases within the 2-year period, the approval shall expire.

CHAPTER 2.13 PLAN COMPATIBILITY REVIEW

Section 2.13.10 - BACKGROUND

Each zone is intended for a predominant type of land use. Certain other uses are permitted, but the intensity and characteristics of those uses require review to ensure their compatibility with the site and with nearby land uses. For example, any of the following may indicate the need for an individual review of the circumstances of development:

- a. Building's size in relation to other buildings in the area;
- b. Residential, commercial, or industrial aspects of a proposed development;
- c. Character of surrounding development;
- d. Traffic capacity of adjacent streets; and
- e. Potential environmental effects.

Uses requiring Plan Compatibility Review are specified for each zone. For such uses, Plan Compatibility Review is required before a building permit can be issued.

Section 2.13.20 - PURPOSES

Procedures and review criteria for Plan Compatibility Review are established for the following purposes:

- a. Encourage originality, flexibility, and innovation in site planning and development, including architectural, engineering, and landscape design;
- b. Protect neighboring property owners and residents by ensuring reasonable provisions have been made regarding surface water drainage; suitable sound and sight buffers; preservation of views, light, and air; and other aspects of design that may have substantial effects on neighboring land uses;
- c. Preserve the City's natural beauty and the quality of its visual character by ensuring proposed structures or improvements are compatible with the terrain and existing development; by preventing unnecessary and inappropriate destruction or blighting of natural landscapes or existing improvements; and by requiring that proper attention be given to the exterior appearance of structures, signs, parking areas, landscaping, and other improvements;
- d. Protect and ensure adequacy and usefulness of public and private facilities and services as they relate to each other and to the neighborhood or area;

- e. Maintain and improve the qualities of and relationships among individual buildings, structures, and physical improvements that best contribute to the amenities and attractiveness of a neighborhood or area; and
- f. Promote and encourage energy conservation.

Section 2.13.30 - PROCEDURES

An application filed for a Plan Compatibility Review shall be reviewed in accordance with the following procedures (see Table 2.13-1 below):

2.13.30.01 - Application Requirements

When the Director deems any requirement below unnecessary for proper evaluation of a proposed application, it may be waived.

An application for Plan Compatibility Review shall include the following:

- a. Narrative addressing how the application meets the review criteria in section 2.13.30.05 below;
- b. Description of the land (address, lot, block, tract, or similar description) on which the proposed development is to take place;

<<where “plan” is used in this (entire) list, does it really mean “map”?>>

- c. One set of plans, not to exceed 24- by 36-in., and one set of plans reduced to no larger than 11- by 17-in. Where necessary, additional detail sheets shall be provided. The site plan shall be drawn to scale and showing existing and proposed:
 - 1. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways;
 - 2. Lot line dimensions;
 - 3. Location of structures;
 - 4. Vehicle and pedestrian access points and accessways;
 - 5. General location of vegetated areas;
 - 6. Utility service areas;
 - 7. Fences and walls;

8. Parking, maneuvering, loading, and refuse areas;
 9. Direction of traffic flow on the property;
 10. Drainage controls; and
 11. Modifications to existing grades.
- d.** Exterior lighting plan (which may be shown on the site plan) indicating location, size, height, typical design, material, color, and method of illumination;
- e.** Plans and elevations of structure(s) drawn to scale indicating:
1. Heights of structures;
 2. Entrances and exits of proposed structures; and
 3. Architectural drawings or sketches, including floor plans, in sufficient detail to permit computation of yard requirements.
- f.** Landscape plan drawn to scale showing:
1. Location of existing trees and shrubs over 3 ft. in height proposed to be removed or retained on the site;
 2. Location and design of landscaped areas;
 3. Proposed varieties and sizes of trees and plant materials; and
 4. Other pertinent landscape features, including irrigation systems required to maintain plant materials.
- g.** Data indicating:
1. Square footage of site and structures;
 2. Building coverage (as a percentage of the site);
 3. Square footage of the site to be landscaped;
 4. Landscape coverage (as a percentage of the site);
 5. Number of parking spaces provided;
 6. Building materials to be used; and

7. Specifications as to type, color, and texture of exterior surfaces of proposed structures.
- h. Any additional information that the Director may require for proper evaluation of the proposed site plan. Such additional information shall be required only where its need can be justified on the basis of special and/or unforeseen circumstances.

2.13.30.02 - Acceptance of Application

- a. The Director shall review the Plan Compatibility Review application for compliance with the application requirements in section 2.13.30.01. If the application is incomplete, the Director shall notify the applicant within five days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.
- b. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees.

2.13.30.03 - Public Notice

- a. The Director shall notify affected parties that an application for a Plan Compatibility Review has been filed.
- b. "Affected parties" shall mean any owner and occupants of property within 100 ft. of the subject property and any persons whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.
- c. The notice shall state that all comments concerning the proposed Plan Compatibility Review must be submitted in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:
 1. Street address or other easily understood geographical reference to the subject property;
 2. Applicable criteria for the decision;
 3. Place, date, and time comments are due;
 4. Indicate that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;

5. Name and phone number of staff contact person;
6. State that notice of disposition shall be provided to the applicant and any person who submits comments;
7. An explanation of appeal rights; and
8. A summary of the local decision-making process.

2.13.30.04 - Staff Evaluation

The application and any comments that have been received shall be reviewed to ensure consistency with the review criteria in section 2.13.30.05 below.

2.13.30.05 - Review Criteria

Uses requiring Plan Compatibility Review shall be reviewed to ensure compatibility with existing and potential uses on nearby lands. The following factors shall be considered:

- a. The proposed development shall be in conformance with the purposes of this chapter;
- b. Neighboring property owners and residents shall be protected through reasonable provisions regarding surface water drainage; suitable sound and site buffers; preservation of views, light, air; and other aspects of design that may have substantial effects on neighboring land uses; and
- c. The proposed development shall not adversely affect traffic, parking, and access.

2.13.30.06 - Action on Application

Based on the review criteria above and any comments received from affected parties, the Director shall review the proposed development and approve, conditionally approve, or deny the application at the completion of the 14-day comment period.

2.13.30.07 - Revisions of Proposed Plan

Any revisions of a proposed plan shall be made prior to building permit approval.

2.13.30.08 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition that includes a written statement of the decision, a reference to findings leading to it, any

conditions of approval, and the appeal period deadline. The notice of disposition shall also be mailed to persons who provided written comment on the mailed notice. The notice and all applicable information shall be available in the Development Services Division of the Community Development Department.

2.13.30.09 - Appeals

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with the provisions of Chapter 2.19 - Appeals.

2.13.30.10 - Effective Date

Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the notice of disposition is signed.

2.13.30.11 - Effective Period of Approval

Plan Compatibility Review approval shall be effective for a 2-year period from the date of approval. If the applicant has not begun the development within the 2-year period, the approval shall expire.

CHAPTER 2.14 PARTITIONS, MINOR REPLATS, AND LOT LINE ADJUSTMENTS

Section 2.14.10 - BACKGROUND

The division of land through a subdivision process is addressed in Chapter 2.4 - Subdivisions and Major Replats. A subdivision occurs where four or more lots are created in a calendar year, and requires review and approval by the Planning Commission. The division of land through an Expedited Land Division process is addressed in Chapter 2.5 - Planned Development. An Expedited Land Division occurs where four or more lots are created in a calendar year on a site with an approved Detailed Development Plan.

This chapter provides procedural requirements for partitions, which involve creation of three or fewer lots in a calendar year, and for minor replats and lot line adjustments. Except on appeal, each of these are reviewed through a General Development process without a public hearing. As with subdivisions, partitions are subject to design requirements contained in Article IV of this Code.

Section 2.14.20 - PURPOSES

Land division procedures are established in this chapter for the following purposes:

- a. Ensure that building sites are of sufficient size and appropriate design for their intended uses and that lots to be created are within density ranges permitted by the Comprehensive Plan;
- b. Minimize negative effects of development upon the natural environment and incorporate natural features into the proposed development where possible;
- c. Ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles;
- d. Ensure appropriate level of urban facilities and services including provisions for water, drainage, and sewage;
- e. Create residential living environments that foster a sense of neighborhood identity and that are protected from the adverse effects of heavy traffic and more intensive land uses; and
- f. Promote energy efficiency.

Section 2.14.30 - TENTATIVE PLAT REVIEW PROCEDURES

An application filed for a partition shall be reviewed in accordance with the following procedures (see Table 2.14-1 below):

2.14.30.01 - Application Requirements

When the Director deems any requirement below unnecessary for the proper evaluation of a proposed application, it may be waived.

Applications shall be made on forms provided by the Director and shall be accompanied by the tentative partition plat. The tentative plat shall be sufficiently accurate to ensure proper review and shall not exceed 24- by 36-in. in size. The tentative plat shall include the following information where applicable:

- a.** Names of the owner, partitioner, engineer, and surveyor as appropriate;
- b.** Date, scale, and north arrow;
- c.** Property line boundaries of all contiguous land in the same ownership as the area encompassed in the application;
- d.** Sufficient description to define location and boundaries of the area to be partitioned;
- e.** Location of existing structures;
- f.** Number and type of units proposed where known and appropriate;
- g.** Location and width of all existing or proposed public or private accessways (rights-of-way) including any reserve strips and parking areas;
- h.** Location of all existing and proposed public and private utilities, including water, sewer, and storm drainage;
- i.** Proposed parcel layout indicating dimensions, parcel lines, and lot areas;
- j.** Approximate location and width of watercourses for review in accordance with Chapter 4.5 - Flood Control and Drainageway Provisions;
- k.** All areas to be dedicated to the public and their proposed uses including street rights-of-way, drainageways, easements, and reserve strips;
- l.** Location and use of adjacent structures within 150 ft. of the development site;
- m.** Identification of significant natural features, including heavily wooded areas and existing native, ornamental, and orchard trees having a trunk diameter of 8 in. or more at a point 4 ft. above the natural grade (dbh - diameter at breast height); and

- n. Where it is evident that the parcel can be further partitioned, the applicant shall show, either on the tentative plat or as an attachment, that the land partition will not preclude efficient division of land in the future.

2.14.30.02 - Acceptance of Application

- a. The Director shall review the tentative plat application for compliance with the application requirements in section 2.14.30.01. If the application is incomplete, the Director shall notify the applicant within five days and state what information is needed to make the application complete. The applicant shall have 10 days from this notification to submit additional materials.
- b. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees.

2.14.30.03 - Public Notice

- a. The Director shall notify affected parties that an application for a tentative plat review has been filed.
- b. "Affected parties" shall mean any owners and occupants of property within 100 ft. of the subject property and any other persons whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.
- c. The notice will state that all comments concerning the proposed tentative plat review must be submitted in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:
 - 1. Street address or other easily understood geographical reference to the subject property;
 - 2. Applicable criteria for the decision;
 - 3. Place, date, and time comments are due;
 - 4. Indicate that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
 - 5. Name and phone number of staff contact person;
 - 6. State that notice of disposition shall be provided to the applicant and any person who submits comments;

7. An explanation of appeal rights; and
8. A summary of the local decision-making process.

2.14.30.04 - Staff Evaluation

The application and any comments that have been received shall be reviewed to ensure consistency with the review criteria in section 2.14.30.05 below.

2.14.30.05 - Review Criteria

Requests for approval of a tentative partition plat shall be reviewed to ensure:

- a. Consistency with the purposes of this chapter and the pertinent development standards of the Code. The application shall be deemed consistent with the purposes of this chapter if it meets the provisions of this Code;
- b. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities with respect to the provision of City services and access from a public street; and
- c. Consistency with the density requirements of the zone. When calculating the applicable density range for a subject property, applicants may include in their acreage calculation 50 percent of the area of any streets that front the subject site (for the distance the streets front the subject site).

2.14.30.06 - Action on Application

Based on the review criteria above and any comments received from affected parties, the Director shall review the proposed development and either approve, conditionally approve, or deny the application at the completion of the 14-day comment period.

2.14.30.07 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition that includes a written statement of the decision, a reference to findings leading to it, any conditions of approval, and appeal period deadline. A notice of disposition shall also be mailed to persons who provided written comment on the mailed notice. A notice of disposition and all applicable information shall be available in the Development Services Division of the Community Development Department.

2.14.30.08 - Appeals

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with the provisions of Chapter 2.19 - Appeals.

2.14.30.09 - Effective Date

Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the notice of disposition is signed.

2.14.30.10 - Effective Period of Tentative Partition Plat Approval

Approval of a Tentative Partition Plat shall be valid for a 1-year period from the effective approval date. Upon request, the Director may approve a single 1-year extension to the approval.

Section 2.14.40 - FINAL PLAT REVIEW PROCEDURES

2.14.40.01 - Application Requirements

- a.** The final partition plat shall conform to the approved tentative partition plat, Chapter 4.4 - Land Division Standards, and any conditions of approval.
- b.** An Oregon-licensed land surveyor shall prepare the partition plat in accordance with ORS Chapters 92 and 209 and in conformance with the partition plat standards established by the County Surveyor.
- c.** An Oregon-licensed land surveyor shall survey and place monuments on the parcels. All monuments on the exterior boundary and all parcel corner monuments for a partition shall be placed before the partition is offered for recording.
- d.** The plat shall include or be accompanied by:
 1. Notarized signature of the owner declaring the ownership and consenting to recording of the plat;
 2. Legal descriptions of areas proposed for dedication, including street rights-of-way, drainageways, easements, and reserve strips. (Legal descriptions shall meet the approval of the City Engineer);
 3. Notarized copy of any deeds, signed by the grantor, dedicating land to the City;
 4. A description of streets, driveways, utilities, and proposed improvements, as well as a time frame for completion of such;
 5. A designated space on the plat for approval signatures in accordance with section 2.14.40.03; and
 6. All easements and adjacent streets.

- e. The surveyor shall submit one copy of the plat to the Development Services Division. The surveyor shall also submit the original plat and one copy, along with the appropriate recording fee, to the County Surveyor.

2.14.40.02 - Review of Final Partition Plat Application

- a. Within 14 days after receiving the final partition plat application, the Director shall review it for compliance with the above submittal requirements. If an application is incomplete, the Director shall notify the applicant within 10 days and state what is needed for a complete application.
- b. Any required improvements not completed shall be subject to the Installation of Required Improvements provisions in section 2.4.40.08 of Chapter 2.4 - Subdivisions and Major Replats.

2.14.40.03 - Final Plat Approval

Prior to final approval, the City shall be assured that:

- a. The applicant has installed or has agreed to install required improvements in accordance with the provisions of section 2.4.40.08 of Chapter 2.4 - Subdivisions and Major Replats;
- b. Public assessments, liens, and fees with respect to the partition area have been paid, or a segregation of assessments and liens has been applied for and granted by the City Council;
- c. The City Engineer has reviewed a signed and notarized deed for any areas dedicated to the City prior to the partition plat's final signing; and
- d. The partition plat has been signed by the Director and City Engineer.

Approval does not relieve the applicant from other applicable provisions of this Code or from the Oregon Revised Statutes.

2.14.40.04 - Recording of Final Plat

When all required signatures have been obtained on the final partition plat, the County Surveyor shall record the plat and any required covenants with the County Recorder.

2.14.40.05 - Effective Date

Authorization of the final partition plat shall become effective when the plat is recorded by the County Surveyor.

2.14.40.06 - Notice of Recording

After the final partition plat is recorded, the County surveyor will notify the applicant of the recording.

Section 2.14.50 - MINOR REPLAT PROCEDURES

- a.** An application for a minor replat shall be administered in accordance with the tentative partition plat review procedures in section 2.14.30.
- b.** A final minor replat shall be prepared by an Oregon-licensed surveyor in accordance with section 2.4.40 of Chapter 2.4 - Subdivision and Major Replats, with the exception that the final replat shall be signed by the Director instead of the Planning Commission Chair.

Section 2.14.60 - LOT LINE ADJUSTMENT

- a.** An application for a lot line adjustment shall be administered in accordance with the tentative partition plat review procedures in section 2.14.30, with the exception that the application shall be exempt from public notice provisions in section 2.14.30.03 and the review criteria in section 2.14.30.05.
- b.** A lot line adjustment shall be approved if the following criteria have been met:
 - 1. The lot line adjustment shall not result in creation of an additional unit of land;
 - 2. Any unit of land reduced in size by the lot line adjustment shall comply with all applicable zoning regulations;
 - 3. The lot line adjustment shall not increase the degree of nonconformity that may exist on the subject lots; and
 - 4. The availability of both public and private utilities and required access shall not be adversely affected by a lot line adjustment.
- c.** Approvals shall be subject to the following minimum conditions:
 - 1. Deeds based on a metes and bounds legal description for all adjusted lots from the lot line adjustment shall be recorded with the Benton County Recorder's Office;
 - 2. A Certified Boundary Survey map that reflects the approved lot line adjustment shall be reviewed by the City and signed by the Director and the City Engineer. The map shall then be filed with the County Recorder; and

3. Copies of the recorded deeds and filed survey map shall be provided to the City following recording.

Section 2.14.70 - MAJOR REPLATS

An application for a major replat shall be reviewed and processed in accordance with Chapter 2.4 - Subdivisions and Major Replats.

Section 2.14.80 - VACATING PLATS

An application for vacating a plat shall be reviewed and processed in accordance with Chapter 2.8 - Vacating of Public Lands and Plats, and with ORS Chapter 271.080.

CHAPTER 2.15 HILLSIDE DEVELOPMENT AND DENSITY TRANSFER

Section 2.15.10 - BACKGROUND

The administrative procedures in this chapter were incorporated into the Code in 1983 to provide density transfer options in several significant hillside areas. Areas considered "significant" are identified in the Open Space/Hillside Report (1982) adopted as part of the Comprehensive Plan, and include portions of Locke Cemetery Hill, IV Hill, and Bald Hill.

These procedures are intended to be used in conjunction with development of land through a subdivision, partition, or Planned Development process. This chapter will be updated in a future Code Update phase. In the interim, density transfer opportunities within lands on a single development site may be pursued through the Planned Development process outlined in Chapter 2.5, provided such density transfers are not in conflict with underlying Comprehensive Plan Map designations.

Section 2.15.20 - PURPOSES

This chapter establishes a mechanism that does the following:

- a. Encourages density transfer from significant hillside areas as an incentive for preservation of natural resources and open space; and
- b. Provides protection from natural hazards.

Section 2.15.30 - APPLICABILITY

Owners of properties on Locke Cemetery Hill, IV Hill, or Bald Hill designated in the Comprehensive Plan as Open Space/Hillside may transfer density in accordance with this chapter.

Applicants may use the provisions for Chapter 2.5 - Planned Development, Chapter 2.4 - Subdivisions and Major Replats, Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments, or other applicable Code provisions for obtaining development approval.

Section 2.15.40 - PROCEDURES

An application filed for a density transfer shall comply with the following requirements.

2.15.40.01 - Application Requirements

Applications for a density transfer consistent with Option 1 or Option 3 discussed below shall be on forms provided by the Director and shall include the following information:

- a. Name and address of the owner(s) of record;
- b. Location and use of adjacent structures within 100 ft. of property lines;
- c. Number of proposed lots and dimensions of lots, including frontage, depth, and area in sq. ft.;
- d. Type of housing or other uses to be developed;
- e. A deed restriction executed on behalf of property owners of the significant hillside areas, ensuring permanent retention of the density transfer land area as Open Space. If the application is not approved, the deed restriction shall be returned. If the application is approved, City staff shall file the deed restriction with the Benton County Recorder; and
- f. For Option 3, a survey and legal description identifying the land areas within the significant hillside area proposed for development and proposed for permanent open space.

2.15.40.02 - Selection of Development Option

The developer of hillside properties may use Options 1, 2, or 3 described below for determining maximum allowable density and applicable development standards.

2.15.40.02.01 - Option 1, Density Transfer

When density is to be transferred from an identified significant hillside area to other portions of the property, the following provisions shall apply:

- a. **Allowed Density Transfer** - Allowed density transfer of open space hillside areas is four units per acre. When density is to be transferred outside the hillside area to the remaining portion of the ownership, multiply the size of the area by four units per acre to determine the total number of residential units that can be transferred from the hillside area.
- b. **Applicable Development Standards** - Use types, minimum lot areas, setbacks, height requirements, and other development standards of the RS-9 Zone shall apply and shall be used when preparing the density transfer plan.
- c. **Condition of Approval** - A deed restriction that ensures permanent retention of the land from which density was transferred as open space shall be recorded with the Benton County Recorder within 30 days of the Director's decision.

2.15.40.02.02 - Option 2, Development of Hillside Areas without Density Transfer

When an identified significant hillside area is to be developed, the following provisions shall apply:

- a. **Calculate Allowed Density** - Allowed density is two units per acre. To determine total potential residential units allowed within the hillside area to be developed, multiply the size of the hillside area by two units per acre.
- b. **Applicable Development Standards** - Development standards of the underlying zone shall apply.

2.15.40.02.03 - Option 3, Partial Density Transfer and Partial Development of Hillside Areas

If part of a significant hillside area is proposed for development and another portion is proposed to be retained as permanent open space, the provisions of Option 1, above, shall apply to the proposed open space area and the provisions of Option 2, above, shall apply to the area proposed for development.

2.15.40.03 - Applicable Development Standards

All hillside density transfer proposals shall comply with Option 1 for density to be transferred and Option 2 for development within the hillside boundary area.

2.15.40.04 - Approval of the Density Transfer Plan

The Director shall approve density transfer plans consistent with this chapter and subject to all other approvals required in the development review process.

2.15.40.05 - Appeals

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with Chapter 2.19 - Appeals.

2.15.40.06 - Effective Date

Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the decision is signed.

CHAPTER 2.16 REQUEST FOR INTERPRETATION

Section 2.16.10 - BACKGROUND

Property owners and developers often seek interpretations of the Code or Comprehensive Plan from the Director or other City staff. These interpretations may be "legislative" in that they apply to a large geographic area (e.g., all properties within a given zone), or they may be "quasi-judicial" (applying to a specific site or area.) Through the processes identified in this chapter, an applicant can obtain an official written interpretation from the City.

Section 2.16.20 - PURPOSES

Requests for interpretation may be made for the following purposes:

- a. Ensure uniformity of Code and Comprehensive Plan interpretations through a formal process; and
- b. Provide an opportunity to appeal staff interpretations while protecting owners, users, or developers of property from appeals that might otherwise be filed after an unreasonable delay.

Section 2.16.30 - PROCEDURES

A request for an interpretation of this Code or Comprehensive Plan shall be reviewed in accordance with the following procedures.

2.16.30.01 - Application Requirements

Any person may file a request for interpretation. Requests shall be in writing. The form of the request shall be as specified by the Director.

2.16.30.02 - Acceptance of Application

- a. The Director shall review a request for interpretation within 10 days to verify that the request meets the requirements specified above. If a request for interpretation does not meet those requirements, the applicant shall be notified and given the opportunity to correct the deficiency. The Director may consult with the City Attorney to determine whether the request is legislative or quasi-judicial.
- b. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees.

2.16.30.03 - Public Notice Prior to a Quasi-Judicial Decision

- a. The Director shall notify affected parties that a request for a quasi-judicial interpretation has been filed.
- b. "Affected parties" shall mean any owner and occupants of property within 100 ft. of the subject property and any other resident owners of property whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.
- c. The notice shall state that all comments concerning the interpretation must be submitted in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:
 1. Street address or other easily understood geographical reference to the subject property;
 2. Applicable criteria for the decision;
 3. Place, date, and time comments are due;
 4. Indicate that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
 5. Name and phone number of staff contact person;
 6. State that notice of disposition shall be provided to the applicant and any person who submits comments;
 7. An explanation of appeal rights; and
 8. A summary of the local decision-making process.

2.16.30.04 - Staff Evaluation

After accepting a request for an interpretation that meets the requirements specified above, the Director may route copies of the request to other City divisions or departments for comments or suggestions regarding the interpretations.

2.16.30.05 - Action by Director

- a. Within 30 calendar days after acceptance of a completed request for interpretation, the Director shall respond with a written interpretation. The

Director shall clearly state the interpretation being issued and basis for such interpretation.

- b. The Director may interpret provisions of the Code or Comprehensive Plan, but shall not issue any legal opinion or interpretation of case law.
- c. Director's interpretations are advisory only and do not bind the Land Development Hearings Board, Planning Commission, or City Council in making their decisions.
- d. The Director may modify previously issued interpretations if specific circumstances warrant such modification.

2.16.30.06 - Notice of Disposition

A copy of the notice of disposition and all applicable information shall be available in the Planning Division of the Community Development Department. The notice of disposition shall also be provided to the public in the following ways:

- a. **Legislative Interpretation** - Notice shall be published in a newspaper of general circulation in Corvallis and shall include a statement of the decision, reasons leading to it, and the appeals period deadline.
- b. **Quasi-Judicial Interpretation** - The Director shall provide the applicant with a notice of disposition that includes a written statement of the decision, a reference to findings leading to it, any conditions of approval, and the appeal period deadline. A notice of disposition shall also be mailed to persons who provided written comment on the mailed notice.

2.16.30.07 - Appeals

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with Chapter 2.19 - Appeals.

2.16.30.08 - Effective Date

Legislative and Quasi-Judicial Interpretations - Unless an appeal is filed, the Director's interpretation shall become effective 12 days after the notice of disposition is signed.

CHAPTER 2.18 SOLAR ACCESS PERMITS

Section 2.18.10 - BACKGROUND

Solar energy can make a significant long-term contribution to the City's energy supply. Use of solar energy can be encouraged by providing for and protecting the solar access of property owners. A Type 1 Solar Access Permit restricts shading of a solar collector by trees. A Type 2 Solar Access Permit includes protection provided by a Type 1 Permit in addition to protection and remedies to restrict shading of a solar collector by structures.

Section 2.18.20 - PURPOSES

This chapter provides permit procedures to accomplish the following:

- a. Identify a process to protect solar access to support the use of a solar collector; and
- b. Specify conditions under which Solar Access Permits are authorized.

Section 2.18.30 - LIMITS ON SOLAR PERMITS

A Solar Access Permit shall not affect:

- a. A lot or portion thereof more than 150 ft. south of the solar collector location;
- b. A lot located on a slope grade of 20 percent or more and facing within 45 degrees of true north;
- c. Any lot located in the Central Business (CB) Zone;
- d. Any tree or structure on a neighboring lot existing at the time the Solar Access Permit application is accepted;
- e. New structures that shade the solar collector unless a Type 2 Solar Access Permit has been previously approved and recorded;
- f. Proposed new structures resulting in shading of a Type 2 solar collector between 9 a.m. and 3 p.m. on November 21 in an amount that does not exceed the shading that would be caused by a flat-roofed structure half the allowed building height at the minimum setbacks for the zone; and
- g. Any new tree approved in the Solar Access Permit as a "solar-access-friendly tree" and listed by location and species consistent with section 2.18.40.06.f below.

Section 2.18.40 - PROCEDURES

An application for a Solar Access Permit shall comply with the following.

2.18.40.01- Application Requirements for Type 1 Solar Access Permit

An application for a Type 1 Permit shall include:

- a.** A statement of the solar heating hours for which solar access is sought;
- b.** Scaled drawing of the solar collector and its dimensions, height above ground level, orientation, and slope from the horizontal;
- c.** Sunchart for the proposed location of the solar collector, as measured from the center of the lower edge of the collector site and, if applicable, alternative locations for the solar collector. If the solar collector is more than 20 ft. in length, a sunchart photograph shall also be provided from each end of the collector;
- d.** Site plan showing lot lines and dimensions of the solar user's lot and neighboring lots that will be affected by the Solar Access Permit. The site plan shall indicate topography using 2- or 5-ft. contour intervals, and the location of the solar collector, structures, and trees. The site plan information shall indicate tree species;
- e.** Documentation showing that the solar collector would not be shaded between 9 a.m. and 3 p.m. on November 21 by a 6-ft.-high fence located on the applicant's lot lines;
- f.** Documentation showing that no reasonable alternative location exists for the solar collector that would result in fewer restrictions on a neighboring lot;
- g.** Documentation showing that removing or trimming vegetation on the applicant's lot will not permit an alternative location for the solar collector that would result in fewer restrictions on a neighboring lot;
- h.** A list by owner of record and address for all affected lots, together with an identification by lot of exempt structures and vegetation as defined above in section 2.18.30.d; and
- i.** Proposed solar envelopes for affected properties and, if applicable, proposed "solar-access-friendly trees" permitted to grow so as to only partly obstruct the solar access.

2.18.40.02 - Application Requirements for Type 2 Solar Access Permit

An application for a Type 2 Permit shall include information required above in section 2.18.40.01, in addition to the following:

- a. Evidence that minimum setbacks and allowable building heights for the zone do not ensure solar access protection; and
- b. Proposed solar envelopes prescribing allowed building heights for affected properties.

2.18.40.03 - Acceptance of Application

- a. The Director shall review the Solar Access Permit application for compliance with the application requirements in sections 2.18.40.01 or 2.18.40.02. If the application is incomplete, the Director shall notify the applicant within five days and state what information is needed to make the application complete. The applicant shall have 10 days in which to submit additional materials.
- b. Any revisions to an accepted application that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees.

2.18.40.04 - Public Notice

- a. The Director shall notify affected parties that an application for a Solar Access Permit has been filed.
- b. "Affected parties" shall mean any owner and occupants of property within 100 ft. of the subject property and any other persons whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.
- c. The notice shall state that all comments concerning the proposed Solar Access Permit must be submitted in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:
 - 1. Street address or other easily understood geographical reference to the subject property;
 - 2. Applicable criteria for the decision;
 - 3. Place, date, and time comments are due;

4. Indicate that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
5. Name and phone number of staff contact person;
6. State that notice of disposition shall be provided to the applicant and any person who submits comments;
7. An explanation of appeal rights; and
8. A summary of the local decision-making process.

2.18.40.05 - Staff Evaluation

The application and any comments shall be reviewed to ensure consistency with the review criteria in section 2.18.40.06 below.

2.18.40.06 - Review Criteria

Solar Access Permit applications shall be reviewed to ensure the following criteria are met:

- a. The solar collector shall have at least four hours per day of unobstructed solar access between 9 a.m. and 3 p.m. on November 21 of each year;
- b. After exempt vegetation has reached a mature height, sufficient solar access shall continue to exist for operation of the solar collector;
- c. The solar collector shall not be shaded between 9 a.m. and 3 p.m. on November 21 by a 6-ft.-high fence located on the applicant's lot lines;
- d. No reasonable alternative location exists for the solar collector that would result in fewer restrictions on neighboring lots;
- e. Removing or trimming vegetation on the applicant's lot shall not permit an alternative location that would result in fewer restrictions on a neighboring lot; and
- f. To provide for residential privacy, street trees, or for energy conservation benefits, the Director may specify as a condition of approval that "solar-access-friendly trees" be planted or allowed to grow so that solar access is only partly obstructed. At the time the permit is approved, solar-access-friendly trees, if applicable, shall be designated by location, species, and amount of future shading allowed by the tree.

2.18.40.07 - Action on the Application

Based on the review criteria above and any comments received from affected parties, the Director shall review the proposed development and approve, conditionally approve, or deny the application at the completion of the 14-day comment period.

2.18.40.08 - Notice of Disposition

The Director shall provide the applicant with a notice of disposition that includes a written statement of the decision, a reference to findings leading to it, any conditions of approval, and the appeal period deadline. The notice of disposition shall also be mailed to persons who provided written comment on the mailed notice. The notice and all applicable information shall be available in the Planning Division of the Community Development Department.

2.18.40.09 - Appeals

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with the provisions of Chapter 2.19 - Appeals.

2.18.40.10 - Effective Date

Unless an appeal has been filed, the Director's decision shall become effective 12 days after the notice of disposition is signed.

Section 2.18.50 - PERMIT RECORDING

Within 30 days after a Solar Access Permit and building permit for the solar energy system have been granted, the Director shall file the Solar Access Permit with the Benton County Recorder in such form as required by State law. The permit shall include approved solar envelopes for affected properties, exemptions to or limits on the solar right being created, and the solar collector drawing, sunchart, and site plan.

Section 2.18.60 - OBLIGATION CREATED BY SOLAR ACCESS PERMIT

The owner of any lot subject to a Solar Access Permit shall trim any nonexempt vegetation if subsequent vegetation growth is inconsistent with the Solar Access Permit. The cost of such trimming shall be paid by the owner of the vegetation.

Section 2.18.70 - REPLACEMENT OF TREES

Nothing in this chapter shall prevent a property owner from replacing a species of tree that is partly obstructing solar access with a solar-access-friendly tree approved by the Director.

CHAPTER 2.19 APPEALS

Section 2.19.10 - BACKGROUND

This Code is intended to permit flexibility in achieving the goals of the Comprehensive Plan. Provisions of this Code therefore allow considerable discretion in decisions made by the City Council and its agencies and officers.

Criteria and standards have been adopted as part of this Code to ensure consistency in discretionary decisions. To ensure due process, it is also necessary to provide for review of discretionary decisions that are allegedly inconsistent with the Comprehensive Plan and/or the requirements of this Code.

Section 2.19.20 - PURPOSES

Procedures and requirements in this chapter are established for the following purposes:

- a. Provide an appeal process wherein parties affected by discretionary land use decisions may request review of such decisions;
- b. Establish the basis for valid appeals;
- c. Establish who may appeal a discretionary decision; and
- d. Provide for timely review of appeals.

Section 2.19.30 - PROCEDURES

Appeals shall be filed and reviewed in accordance with the following procedure.

2.19.30.01 - General Provisions

- a. Every decision relating to the provision of this Code substantiated by findings of every board, commission, committee, hearings officer, and official of the City is subject to review by appeal in accordance with the provisions of this chapter.
- b. **Staying of Decisions**
 1. The filing of an appeal to a higher level of City hearing authority, in accordance with the provisions of this chapter, shall initiate the appeal process and stay the order or decision appealed. The process shall include adequate public notice, a public hearing, and

preparation of findings by the hearing authority that affirms, amends, or reverses the decision appealed.

2. A final decision by the City that is appealed to a State agency shall be stayed only through the relevant State procedures. When State procedures do not require the stay of a final decision, applicants may obtain development and/or site improvement permits up to foundation permits only. However, applicants will be proceeding at their own risk, pending the outcome of the appeal.
- c. All hearings on appeals shall be held *de novo* (as a new public hearing). For any appeal, the record of the decision made before the lower level of City hearing authority shall be part of the staff report on appeal.

2.19.30.02 - Hearing Authority

- a. Appeals from decisions of the Director shall be reviewed by the Land Development Hearings Board.
- b. Appeals from decisions of the Building Official that relate to the enforcement of Code requirements shall be reviewed by the Land Development Hearings Board.
- c. Appeals from decisions of the City Engineer shall be reviewed by the Land Development Hearings Board.
- d. Appeals from decisions of the Planning Commission or the Land Development Hearings Board shall be reviewed by the City Council.
- e. Appeals from decisions of the City Council shall conform with applicable ORS provisions.

2.19.30.03 - Standing

Appeals may be filed only by parties affected by a discretionary land use decision. For purposes of this chapter, "affected parties" shall include any of the following:

- a. The applicant or the applicant's authorized agent.
- b. Any person who testified orally or in writing before the hearing authority whose decision is being appealed.
- c. Any neighborhood organization that testified orally or in writing before the hearing authority whose decision is being appealed.

- d. Any City agency, officer, or department that is responsible for provision of City facilities and services to the proposed development.
- e. Ten registered voters who are City residents.
- f. Any person who is entitled to appeal a land use decision pursuant to State law.

2.19.30.04 - Appeal Periods

Appeals shall be filed within 12 days after a decision is signed. In the case of a legislative interpretation of the Code or the Comprehensive Plan, an appeal shall be filed within 12 days of a published notice of such interpretation. Appeals to the State Land Use Board of Appeals shall be made in accordance with the provisions of State law.

Appeals must be filed by 5:00 p.m. on the final day of the appeal period. Where the final day of an appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the next work day.

2.19.30.05 - Filing Requirements

Appeals shall be filed in writing with the City Recorder and shall include the following:

- a. Name and address of the appellant;
- b. Reference to the subject development and case number, if any;
- c. Statement of the specific grounds for the appeal, stated in terms of specific review criteria applicable to the case;
- d. Statement of the applicant's standing to appeal as an affected party; and
- e. Appropriate filing fee.

2.19.30.06 - Notice and Hearing

- a. The Director shall schedule a public hearing for complete and properly filed appeals. Such hearing is to be held not later than 60 days after the receipt of the notice of appeal. Incomplete or improperly filed appeals shall be referred to the hearing authority for dismissal as noted in "b" below.
 - 1. The hearing authority shall give notice of the time, place, and particular nature of the appeal. At least 10 days prior to the hearing, notice shall be published in the newspaper; and at least 20 days prior

to the hearing, notice shall be sent by mail to the appellant(s), to the applicant, to persons and neighborhood organizations that originally received notice of the application, and to anyone who testified or submitted written information for the record of the case. If the decision being appealed was the Director's administrative decision, notice shall be provided to residents and owners of properties within 100 ft. of the subject property.

2. Public hearings shall be conducted in accordance with Chapter 2.0 - Public Hearings.

b. Appeals that are incomplete, filed late, or improperly filed may be denied by the hearing authority without further review.

2.19.30.07 - Effective Date of Decision

Unless an appeal has been filed, approval of any development request shall become effective upon expiration of the appeal period. Where the hearing authority is the City Council, the effective date for filing an appeal with the State Land Use Board of Appeals (LUBA) shall be in accordance with the provisions of State law.

CHAPTER 3.0 USE CLASSIFICATIONS

Section 3.0.10 - PURPOSE

Use Classifications classify use types based on common functional, product, or compatibility characteristics, thereby regulating uses according to relative compatibility. There are occasions, however, where a use instead of a use type is listed. Where this occurs, reference is made to Chapter 1.6 - Definitions.

The Director shall have the authority to classify common uses according to use types listed in section 3.0.30 below. The classification of a use is subject to the right of appeal in accordance with the provisions of Chapter 2.19 - Appeals. Use types not specifically listed in a zone cannot be established except as authorized in this Code and in accordance with Chapter 2.16 - Request for Interpretation.

Section 3.0.20 - CLASSIFICATION OF COMBINATION OF PRINCIPAL USES

The following rules shall apply where a single lot contains two or more uses:

- a. **Separate Classification of Several Establishments with Different Uses** - The principal uses conducted on a lot or development site by two or more establishments, managements, or institutions shall be classified as separate uses when the uses resemble two or more different Use Types and are not classified as Accessory Uses in accordance with Chapter 4.3 - Accessory Development Regulations.
- b. **Separate Classification of Same Establishment with Different Uses** - The principal uses conducted on a lot or development site by a single establishment, management, or institution shall be classified as separate uses. Each use shall be classified in the Use Type(s) whose description most closely portrays its nature when the uses resemble two or more different use types and are not classified as Accessory Uses in accordance with Chapter 4.3 - Accessory Development Regulations.
- c. **Single Classification of Same Establishment with Same Use Types** - Uses conducted on a lot or development site by a single establishment, management, or institution are considered to be a single use, even if there is more than one principal use on the site, when the uses fall within the same Use Types and are not classified as Accessory Uses in accordance with Chapter 4.3 - Accessory Development Regulations.
- d. **Separate Classification of Different Establishments with Same or Different Uses.** The principal uses conducted on a lot or development site by two or more establishments, managements, or institutions are considered to be more than one use, whether the uses are the same use or Use Type or different uses or Use Types

and the uses are not classified as Accessory Uses in accordance with Chapter 4.3 - Accessory Development Regulations.

Section 3.0.30 - LISTING OF USE CLASSIFICATIONS

The principal activity on a lot or site is the use. The Director shall classify Uses as one or more Use Types. All Use Types in this chapter are arranged by Use Type Category to make them easier to locate. This chapter lists Use Type Categories in the following order: Residential, Civic, Commercial, Industrial, Agricultural and Extractive. The Use Types within each Use Type Category are in alphabetical order.

In addition to Use Types, the Code defines residential and non-residential building types, as well as residential housing types, in Chapter 1.6. Residential building types are listed in each zone that permits residential Use Types and are listed from least intensive to most intensive use (for example, "Single Detached" is listed above "Single Attached," and both of these building types are listed above "Multi-Dwelling"). Both residential building types and housing types are listed in Chapter 4.9 - Additional Provisions, to assist in describing the requirements for housing and/or building type variations in residential developments.

3.0.30.01 - Residential Use Types

Residential use types include the occupancy of living accommodations on a wholly or primarily non-transient basis. Also included is development that is accessory to these uses, (as specified in Chapter 4.3 - Accessory Development Regulations) and Home Business (as defined in Chapter 1.6).

- a. **Family Residential** - Residential occupancy of living units by individual(s) or family(ies). It excludes "Transient Habitation" and "Group Care."
- b. **Group Residential Uses**
 1. **Group Residential** - Residential occupancy of living units by persons other than an individual or family, as defined in this Code, and providing communal kitchen/dining facilities. Typical uses include occupancy of retirement homes, boarding houses, co-housing, and cooperatives that are not associated with institutions of higher education. This use type excludes fraternity and sorority houses and "Group Care" facilities as specified below.
 2. **Group Residential/Group Care** - Residential occupancy of facilities authorized, certified, or licensed by the State to provide board, room, and personal care to six or more physically or developmentally disabled, handicapped, elderly, or drug or alcohol dependent persons receiving treatment, or dependent or neglected children. This Use Type also applies to facilities authorized to provide supervisory

or day-care services, but excludes those uses classified under "Major Services and Utilities" where communal kitchen/dining facilities are provided. Typical uses include halfway houses or intermediate care facilities. Caregivers required to be present as part of a facility's State license do not count toward the limitation on the number of persons.

- c Cooperatives and Fraternity and Sorority Houses** - Buildings containing sleeping rooms, bathrooms, common rooms, and a central kitchen and dining room maintained exclusively for cooperative, fraternity, or sorority members and their guests or visitors, and affiliated with an institution of higher learning.
- d. Home Business** - A lawful activity commonly carried on for profit within a dwelling and that meets all provisions contained in the "Home Business" definition in Chapter 1.6.
- e. Residential Care Facility** - A dwelling unit licensed by the State to accommodate from five to 15 mentally or physically handicapped, elderly, or drug or alcohol dependent persons and resident staff persons engaged in their care. Caregivers required to be present as part of a facility's State license do not count toward the limitation on the number of persons.

3.0.30.02 - Civic Use Types

Civic Use Types include the performance of utility, educational, recreational, cultural, protective, governmental, and other uses strongly vested with public or social importance. Also included is development that is accessory to these uses (as specified in Chapter 4.3 - Accessory Development Regulations).

- a. Administrative Services** - Consulting, record keeping, clerical, or public contact services that deal directly with the public, together with incidental storage and maintenance of necessary vehicles. This Use Type excludes "Professional and Administrative Services." Typical uses are governmental offices.
- b. Community Recreation** - Recreational, social, or multi-purpose uses typically associated with parks, play fields, or community recreation buildings.
- c. Cultural Exhibits and Libraries** - Museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.
- d. Essential Services** - Services necessary to support development such as utilities (installation and/or maintenance) or services involving only minor

structures such as lines and poles, phone booths, fire hydrants, bus stops, benches, and mailboxes.

- e. **Lodge, Fraternal, and Civic Assembly** - Meetings and activities primarily conducted for members of such groups. Excludes "Group Residential", "Group Care" and "Transient Habitation" use types. Typical uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations.
- f. **Schools** - Public and private educational facilities. Refer to section 4.9.70 for requirements for private schools (area per child and buffering).
- g. **Major Services and Utilities** - Services and utilities that have substantial impacts. Such uses may be permitted when the public interest supersedes the usual limitations placed on land use and the uses transcend the usual restraints of the zone for reasons of necessary location and community-wide interest. Typical uses include sanitary landfills, airports, hospitals, detention and correctional institutions, and mass transit waiting stations or turnarounds. Excludes the "University Services and Facilities" use type.
- h. **Minor Utilities** - Public utilities that have a local minor impact on surrounding properties. Typical uses include electrical and gas distribution substations, wind generators, and radio facilities. Excludes "Wireless Telecommunication Facilities" use types.
- i. **Parking Services** - Public parking garages and lots.
- j. **Postal Services** - The following are postal service use types:
 - 1. **Customer.** Mailing services and processing as traditionally operated or leased by postal and parcel service companies, provided the facilities serve an immediate neighborhood and are pedestrian-accessible, and the services and processing are oriented toward customers who can do business on the premises.
 - 2. **Community-Based.** Mailing services and processing as traditionally operated or leased by postal and parcel service companies, but which may or may not include customer access on the premises. These facilities may be distribution centers and/or larger facilities that serve a broad part of the community, as opposed to an immediate neighborhood.
- k. **Public Safety** - Services that provide protection to a zone or entity according to Fire, Life, and Safety Code sections, together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, and ambulance services.

- I. **Religious Assembly** - Religious services involving public assembly such as customarily occurs in synagogues, temples, and churches.

- m. **Social Service Facilities** - Facilities operated in the interest of the physical and mental health and welfare of the community's population. Typical services include two or more of the following: individual counseling, family counseling, meal services, medical and/or dental services in structures less than 3,000 sq. ft. in size, short-term overnight accommodations, and office and administrative functions related to any or all of these services. Excludes the "Medical Services" use type.

- n. **University Services and Facilities** - Services and facilities customarily associated with a major university. Typical uses include housing facilities, classrooms, research services (as defined in section 3.0.30.03.y), recreational amenities, parking facilities, and commercial uses that directly serve the student/faculty population or research/educational mission of the university.

- o. **Wireless Telecommunication Facilities** - The site, structures, equipment, and appurtenances used to send and receive radio frequency transmissions for wireless telecommunication services such as cellular telephone, personal communication services, enhanced/specialized mobile radio, and commercial paging services. Such facilities include antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics, and switching equipment.
 - 1. **Colocated/Attached Wireless Telecommunication Facility** - A facility attached to an existing pole, tower, or other structure including, but not limited to, a structure that can accommodate the future installation of two or more antenna systems.

 - 2. **Freestanding Wireless Telecommunication Facility** - A new tower, monopole, or other unattached structure erected to support wireless communication antennas and connecting appurtenances.

3.0.30.03 - Commercial Use Types

Commercial use types include the distribution, sale, and/or rental of goods and the provision of services other than those classified as Civic Uses. Iso included is development that is accessory to these uses (as specified in Chapter 4.3 - Accessory Development Regulations).

- a. **Agricultural Sales** - On-site sale of feed, grain, fertilizers, pesticides and similar goods. Typical uses include nurseries, hay, and feed and grain stores.

- b. **Agricultural Services** - Provision of agriculturally related services with incidental storage on offsite lots. Typical uses include crop dusting and tree service firms.
- c. **Animal Sales and Services** - The following are animal sales and services use types:
 - 1. **Auctioning** - Auctioning of livestock on a wholesale or retail basis with incidental storage of animals for a period not exceeding 72 hours. Typical uses include animal auctions and livestock auction yards.
 - 2. **Grooming** - Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing, clipping salons, and pet grooming shops.
 - 3. **Horse Stables** - Boarding, breeding, or raising of horses not owned by the occupants of the premises, or riding of horses by other than the occupants of the premises or their nonpaying guests. Typical uses include boarding stables and public stables.
 - 4. **Kennels** - Kennel services for dogs, cats, and similar small animals. Typical uses include boarding kennels and dog training centers.
 - 5. **Stockyards** - Stockyard services involving temporary housing of livestock for slaughter, market or shipping. Typical uses include stockyards and animal sales yards.
 - 6. **Veterinary (Large Animals)** - Veterinary services for large animals. Typical uses include animal hospitals and veterinary hospitals for large animals.
 - 7. **Veterinary (Small Animals)**. Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, and animal hospitals for small animals.
- d. **Automotive and Equipment** - Sales of motor vehicles or services related to motor vehicles. The following are automotive and equipment use types:
 - 1. **Car Wash** - Washing, polishing, or detailing of automobiles. Typical uses include car washes. This use type does not include auto repair, auto equipment repair, or installation of auto parts, which is classified as Automotive and Equipment - Light Equipment Repairs.
 - 2. **Fleet Storage** - Storage of vehicles used regularly in business operation and not available for sale, or long-term storage of operating

vehicles. Typical uses include taxi fleets, mobile-catering truck storage, and auto storage garages.

3. **Parking Services** - Temporary parking of motor vehicles within a privately owned off-street parking area. Typical uses include commercial parking lots and garages.
 4. **Heavy Equipment Repairs** - Repair of trucks and other heavy equipment; sale, installation, or servicing of automotive equipment and parts; and body repairs, painting, and steam cleaning. Typical uses include engine repair shops, auto body shops, and motor freight maintenance groups.
 5. **Light Equipment Repairs** - Repair of automobiles and the sale, installation, or servicing of automobile equipment and parts, excluding auto body repairs and painting. Typical uses include muffler shops, auto or motorcycle repair garages, and auto glass shops.
 6. **Farm Equipment Sales/Rentals** - Sale (retail or wholesale) and/or rental of farm equipment together with incidental maintenance. Typical uses include farm equipment dealers.
 7. **Heavy Equipment Sales/Rentals** - Sale (retail or wholesale) and/or rental of heavy construction equipment, trucks, and aircraft, together with incidental maintenance. Typical uses include aircraft dealers, heavy construction equipment dealers, tractor trailer dealers, motorhome and boat dealers, and recreational vehicles sales and rental agencies.
 8. **Light Equipment Sales/Rentals** - Sale (retail, wholesale) and/or rental of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, together with incidental maintenance. Typical uses include automobile dealers and car rental agencies .
 9. **Storage of Nonoperating Vehicles** - Storage of nonoperating motor vehicles. Typical uses include storage of private parking towaways and impound yards.
 10. **Storage of Recreational Vehicles and Boats** - Storage of recreational vehicles and boats. Typical uses include the collective storage of personal recreational vehicles and boats.
- e. **Building Maintenance Services** - Provision of maintenance and custodial services to commercial and industrial establishments. Typical uses include janitorial, landscape maintenance, and window cleaning services.

- f. **Business Equipment Sales and Services** - Sale, rental, or repair of office, professional, and service equipment and supplies to the firms rather than to individuals. Excludes "Automotive and Equipment," "Construction Sales and Services," and "Farm Equipment Sales/Rentals." Typical uses include office equipment and supply firms, small business machine repair shops, and hotel equipment and supply firms.
- g. **Business Support Services** - Provision of clerical, employment, protective, or minor processing services to firms rather than individuals. Storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services, and blueprint services.
- h. **Communications Service Establishments** - Broadcasting and other information relay services accomplished through use of electronic and telephonic mechanisms. Excludes services classified as "Major Services and Utilities" and "Minor Utilities." Typical uses include television and radio studios, telecommunication service centers, and telegraph service offices.
- i. **Construction Sales and Services** - Construction activities and incidental storage on lots other than construction sites, and retail or wholesale sale of materials used in the construction of buildings or other structures. Excludes retail sale of paint, fixtures, and hardware, and those uses classified as "Automotive and Equipment" use types. Typical uses include building materials stores, tool and equipment rental or sales, and building contracting/construction offices.
- j. **Convenience Sales and Personal Services** - Provision of small personal items or services. These include various general retail sales and personal services of an appropriate size and scale to primarily serve the personal needs of the surrounding neighborhood. Typical uses include neighborhood grocery stores, specialty stores, drugstores, laundromats/dry cleaners, barbershops, bookstores, video stores, coffee shops, and beauty salons.
- k. **Day Care, Commercial Facility** - An institution, establishment, or place that commonly receives at one time more than 12 children not of common parentage, for a period not to exceed 12 hours per given day for the purposes of being given board, care, or training apart from their parents or guardians for compensation or reward in accordance to ORS 657A.250-440. Refer to section 4.9.70 for additional development standards (area per child and buffering).
- l. **Day Care, Family** - "Babysitting" or care of 12 or fewer children, including resident family members, as accessory to any residential use. Family day care is not subject to the definition of "Home Business."

- m. **Drive -Through Facilities** - Facilities that directly serve patrons in motor vehicles. Typically, this use type depends on a driveway or drive area that provides adequate room for vehicle stacking at a drive-up service window.
- n. **Eating and Drinking Establishments** - Sale of prepared food and beverages for consumption on and off premises. The following are eating and drinking establishment use types:
 - 1. **Fast Order Food** - Sale of food primarily intended for immediate consumption, available within a short waiting time, and packaged or presented such that it can be eaten off the premises where it is sold. Does not include "Fast Order Food Drive Through" establishments.
 - 2. **Fast Order Food, Drive-through** - Sale of food directly to patrons in motor vehicles or to patrons who intend to use the motor vehicle as an eating area. Typically, this use depends on a long driveway that provides adequate room for vehicle stacking at a drive-up service window or on a parking area near a walk-up service window.
 - 3. **Eating, Sit-down** - Sale of food prepared and served for consumption on the premises. Typically, the clientele does not turn over rapidly.
- o. **Explosive Storage** - Storage of any quantity of explosives in accordance with ORS 57.21. Typical uses include storage in the course of manufacturing, selling, or transporting explosives or storage in the course of blasting operations.
- p. **Financial, Insurance, and Real Estate Services** - Financial, insurance, real estate or securities brokerage services. Typical uses include banks, insurance agencies, and real estate firms.
- q. **Food and Beverage Retail Sales** - Retail sale of food and beverages for home consumption. Typical uses include groceries and delicatessens.
- r. **Funeral and Interment Services** - Provision of services involving the care, preparation, or disposition of human dead. The following are funeral and interment services use types:
 - 1. **Cremating** - Crematory services involving the purification and reduction of the human body by fire. Typical uses include crematories and crematoriums.
 - 2. **Interring** - Interring services involving the storage of human bodies other than in cemeteries. Typical uses include columbariums and mausoleums.

3. **Undertaking.** Undertaking services involving preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes and mortuaries.
 4. **Cemeteries** - A place for burying the dead; graveyard.
- s. **Fuel Sales** - Retail sale of petroleum products with incidental sale of tires, batteries, and replacement items, lubricating services, and minor repair services. Typical uses include automobile service stations, filling stations and truck stops.
 - t. **Laundry Services** - Laundering, dry cleaning, or dyeing services other than those classified as "Convenience Sales and Personal Services". Typical uses include laundry agencies, diaper services, and linen supply services.
 - u. **Lodging Services** - Provision of temporary overnight accommodations with incidental food, drink, and other sales and services intended for the convenience of guests. The following are lodging service use types:
 1. **Campground** - Areas for travelers in recreational vehicles or tents. Typical uses include recreational vehicle parks.
 2. **Hotels/Motels** - Provision of room or room and board in hotels or motels.
 3. **Bed and Breakfast Facilities** - Provision of room or room and board in bed and breakfast inns that do not comply with the "Home Business" definition in Chapter 1.6.
 - v. **Medical Services** - Personal health services including prevention, diagnosis, treatment, and rehabilitation services provided by physicians, dentists, nurses, and other health personnel; and medical testing and analysis services. Typical uses include hospitals, medical offices, dental laboratories, and health maintenance organizations. Excludes "Civic" and "Group Residential/Group Care" Use Types.
 - w. **Parking Lot Kiosk** - A Commercial use in a structure that is less than 120 square feet in size and located within the parking lot of a development site. Parking lot kiosks typically contain eating and/or drinking establishments, food and/or beverage sales, retail sales, and/or personal services. Parking lot kiosks are allowed either when a zone identifies "drive-through" uses as permitted uses or when "Parking Lot Kiosk" is listed as a permitted use.
 - x. **Participant Sports and Recreation** - Provision of sports or recreation primarily by and for participants. (Spectators would be incidental and on a

nonrecurring basis). The following are participant sports and recreation use types (for either general or personal use):

1. **Indoor.** Conducted in an enclosed building. Typical uses include bowling alleys, billiard parlors, swimming pools, and physical fitness centers.
 2. **Outdoor.** Conducted in open facilities. Typical uses include driving ranges, golf courses, and swimming pools.
- y. Professional and Administrative Services** - Professional, executive, management or administrative offices of private firms or organizations. Typical uses include administrative offices, legal offices, and architectural firms.
- z. Repair Services, Consumer** - Provision of repair services to individuals and households, but not to firms. Excludes "Automotive and Equipment" use types. Typical uses include appliance repair shops, apparel repair firms, and musical instrument repair firms.
- aa. Research Services** - Research of an industrial or scientific nature generally provided as a service or conducted by a public agency or private firm. Typical uses include electronics research laboratories, environmental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs.
- bb. Retail Sales**
1. **General** - Sale or rental of commonly used goods and merchandise for personal or household use. Excludes "Agricultural Sales," "Animal Sales and Services," "Automotive and Equipment," "Business Equipment Sales and Services," "Construction Sales and Services," "Food and Beverage Retail Sales," "Fuel Sales," and "Swap Meets". Typical uses include department stores, apparel stores, and furniture stores.
 2. **University** - Sale or rental of goods typically associated with or related to a university community in terms of the types of goods, the location, and the size and scale of the business. Typical uses include bookstores, record stores, sporting good stores, gift shops, and similar uses that cater to students, faculty, and university visitors.
- cc. Scrap Operations** - Storage, sale, dismantling, or other processing of used, source-separated, or waste materials not intended for reuse in their original form. Typical uses include automotive wrecking yards, junk yards, paper salvage yards and recycling facilities.

- dd. Spectator Sports and Entertainment** - Provision of cultural, entertainment, athletic, and other events to spectators. Also includes events involving social or fraternal gatherings. The following are spectator sports and entertainment use types:
1. **Limited** - Uses conducted on a development site and in an enclosed (indoor) area that generate an attendance of 299 or fewer people. Typical uses include small theaters and meeting halls.
 2. **Other**. Uses conducted on a development site in an open (outdoor) area and/or uses conducted on a development site that generate an attendance of 300 or more people. Typical uses include multi-plex theaters, large theaters, large exhibition halls, and sports stadiums.
- ee. Swap Meets** - Display, exchange, barter, or sale of new or used personal or common household items or office equipment and furnishings, provided that such activity is not a temporary use. Typical uses include flea markets where clothing, personal effects, household furnishings, and household appliances are sold or otherwise exchanged.
- ff. Technical Support Center** - An incoming call center that receives calls for technical assistance concerning specific manufactured items such as computers, appliances, etc. Employees of the technical support center answer questions to provide this technical support to persons who call.
- gg. Telemarketing Center** - An outgoing call center where employees call the public to promote a product and/or service or an assortment of products and/or services.
- hh. Temporary Outdoor Markets** - Retail sales, personal services, or food and beverage sales that are conducted wholly or partially in an outdoor setting oriented to pedestrian activity and public gathering, and temporary in nature. Temporary outdoor markets shall not persist more than 45 days per calendar year per property. Permanent structures are not a part of these uses. Typical uses include farmers' markets, community festivals, and seasonal sales of produce and Christmas trees.
- ii. Wholesale, Storage, and Distribution** - Wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage, and distribution use types:
1. **Mini-Warehouses** - Storage or warehousing service within a building for individuals to store personal effects and for businesses to store materials for operation of an industrial or commercial enterprise elsewhere. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant, but in no

case shall storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business, or service use. Spaces shall not be used for workshops, hobby shops, manufacturing, or similar uses. Human occupancy shall be limited to that required to transport, arrange and maintain stored materials.

2. **Light** - Wholesaling, storage, and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses and moving and storage firms.
3. **Heavy** - Open-air storage, distribution, and handling of materials and equipment. Typical uses include monument or stone yards and grain elevators.

3.0.30.04 - Industrial Use Types

Industrial use types include the onsite production of goods by methods not commercial, agricultural, or extractive in nature. Also included is development that is accessory to these uses (as specified in Chapter 4.3 - Accessory Development Regulations).

- a. **Limited Manufacturing** - Establishments employing 20 or fewer persons per shift unless otherwise specified by the applicable zone, do not involve outside storage of materials, do not require State or Federal air quality discharge permits (except for parking), are compatible with nearby residential uses because there are few or no offensive external effects, and are primarily engaged in one of the following:
 1. Onsite production of hand-manufactured goods involving use of hand tools or light mechanical equipment. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for customers or firms. Goods are generally not displayed or sold on site, but if so, this is a subordinate part of total sales. Typical uses include instruction studios, ceramic studios, woodworking and cabinet shops, custom jewelry manufacturing, and similar types of arts and crafts or small-scale manufacturing; or
 2. Manufacturing or assembling of electronic components, medical and dental supplies, computers, or other manufacturing establishments with similar characteristics. Goods generally are not displayed or sold on-site, but if so this is a subordinate part of total sales.
- b. **Technological Production** - Research and development, production, processing, assembling, or packaging of products that rely upon research and technological innovation. Typical uses include manufacturing research

instruments, electronic products, and surgical and medical instruments. This use type excludes uses that require State or Federal air quality discharge permits except for parking.

c. General Industrial

1. Production, processing, assembling, packaging, or treatment of food and non-food products; or
2. Manufacturing and/or assembly of electronic instruments and equipment and electrical devices.

General Industrial uses may require State or Federal air quality discharge permits, but do not have nuisance conditions that are detectable from the boundaries of the subject property. Nuisance conditions can result from any of the following:

- (a) Continuous, frequent, or repetitive noises or vibrations;
- (b) Noxious or toxic fumes, odors, or emissions;
- (c) Electrical disturbances; or
- (d) Night illumination into residential areas.

Exceptions: Noise and vibrations from temporary construction; noise from vehicles or trains entering or leaving the site; noise and vibrations occurring fewer than 15 minutes per day; an odor detected for fewer than 15 minutes per day; or noise detectable only as part of a composite of sounds from various off-site sources.

- d. Intensive Industrial** - Manufacturing, processing, or assembling of materials in a manner that would create any of the commonly recognized nuisance conditions or characteristics described above in the "General Industrial" use type classification.

3.0.30.05 - Agricultural Use Types

Agricultural use types include the on-site production of plant and animal products by agricultural methods. Also included is development that is accessory to these uses (as specified in Chapter 4.3 - Accessory Development Regulations).

- a. Animal Husbandry** - Raising and breeding of livestock.

- b. **Animal Waste Processing** - Processing of animal waste and by-products, including animal manure, animal bedding waste, and similar by-products of animal husbandry operations, for use as a commercial fertilizer, soil amendment or compost.
- c. **Aquaculture** - Aquacultural research and specialties.
- d. **Horticulture** - Horticultural and floracultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes. The following are horticulture use types:
 - 1. **Cultivation** - Cultivation of plants.
 - 2. **Storage** - Storage of plants, primarily in containers.
- e. **Packing and Processing** - Packing or processing of agricultural crops, animals, and their by-products that entails more than picking, cutting, sorting, and boxing or crating but excludes canning, rendering, tanning or reduction of meat. The following are packing and processing use types:
 - 1. **Limited** - Packing or processing of crops grown on the premises.
 - 2. **General** - Packing or processing of crops, animals, or their by-products regardless of where they were grown.
- f. **Row and Field Crops** - Cultivation of agricultural products grown in regular or scattered patterns. Crops include vines, field, forage, and other plant crops intended to provide food or fibers.
- g. **Tree Crops** - Cultivation for personal use of tree-grown agricultural products such as orchards for apples and cherries.

3.0.30.06 - Extractive Use Types

Extractive use types include the on-site production of mineral products by extractive methods. Also included is development that is accessory to these uses (as specified in Chapter 4.3 - Accessory Development Regulations).

- a. **Mining and Processing** - Surface or subsurface mining of metallic and nonmetallic minerals, oil, or gas, together with essential on-site processing and production of only nonmetallic mineral products. Typical uses are borrow pits, oil and gas drilling rigs, and concrete batch plants.

CHAPTER 3.1 LOW DENSITY (RS-3.5) ZONE

Section 3.1.10 - PURPOSE

This zone implements the Low Density Residential Comprehensive Plan designation, which allows from two to six dwelling units per acre. The RS-3.5 Zone is retained to provide land use and development standards for areas of the City that were zoned RS-3.5 and platted to urban densities as of December 31, 2000. Additionally, the RS-3.5 Zone is retained for areas of the City that were zoned RS-3.5 as of December 31, 2000, and are less than or equal to 1 acre in size. No new areas shall be zoned RS-3.5 and no existing zones shall be changed to RS-3.5.

Section 3.1.20 - PERMITTED USES

3.1.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types
 - (a) Family
2. Residential Building Types
 - (a) Single Detached
3. Civic Use Types
 - (a) Community Recreation
 - (b) Public Safety Services

b. Accessory Uses Permitted Outright

1. Accessory Dwelling Units subject to provisions in section 4.9.40 of Chapter 4.9 - Additional Provisions
2. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9
3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6

5. Home Business, as defined in Chapter 1.6
6. Horticulture (personal use)
7. Model Dwelling Units
8. Other development customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for uses permitted in this zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation (personal use)
11. Tree, Row, and Field Crops (personal use)

3.1.20.02 - Special Development

- a. **Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.
 1. Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
 2. Day Care, Commercial Facility, as defined in Chapter 1.6
 3. Cultural Exhibits and Library Services
 4. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9
 5. Funeral and Interment Services (interring and cemeteries only)
 6. Lodges, Fraternal and Civil Assembly
 7. Major Services and Utilities
 8. Minor Utilities subject to standards in Chapter 4.9
 9. Participant Sports and Recreation (Indoor and Outdoor)
 10. Religious Assembly

11. Schools

3.1.20.03 - General Development

- a. Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.
1. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in section 4.7.70.b of Chapter 4.7 - Sign Regulations.
 2. Development consistent with the development standards of the RS-5 Zone, provided adherence to the standards in Chapter 4.10 - Pedestrian Oriented Design Standards and provided that the housing types and land uses are consistent with the RS-3.5 Zone.

**Table 3.1-1
Section 3.1.30 - RS-3.5 DEVELOPMENT STANDARDS**

	Standard
a. Minimum Density	2 units per acre
b. Maximum Density	6 units per acre
c. Minimum Lot Area	8,000 sq. ft.
d. Minimum Average Lot Width	65 ft.
e. Minimum Setbacks**	
1. Front yard	15 ft. (unenclosed porches may encroach into front yards up to a maximum of 6 ft.)
2. Rear yard	25 ft.
3. Side yard (interior)	8 ft.
4. Corner lot	20 ft. on side abutting street (and vision clearance in accordance with section 4.1.40.c)

<p>f. Minimum Garage/Carport Setbacks</p> <ol style="list-style-type: none"> 1. Garage/carport entrance parallel to street 2. Garage/carport entrance sideways/perpendicular to the street 	<p>19 ft.</p> <p>15 ft.</p> <p>Setbacks from alleys in accordance with section 4.0.60.j of Chapter 4.0 Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards</p>
<p>g. Minimum Setbacks from Properties Zoned Agricultural-Open Space (AG-OS)</p>	<p>When residential development is proposed next to AG-OS land, a minimum 50-ft.-wide continuous plant or plant/berm buffer is required. Additionally, the minimum setback adjacent to AG-OS is 100 ft. It is the applicant's responsibility to provide the buffer.</p>
<p>h. Maximum Structure Height</p>	<p>30 ft., not to exceed a solar envelope approved under chapters 2.18 or 4.6</p>
<p>i. Maximum Building Site Coverage</p>	<p>None</p>
<p>j. Off-Street Parking</p>	<p>See Chapter 4.1</p>

**Outdoor components associated with heat pumps and similar equipment for residential structures shall not be placed within any required setback area. When located outside a setback area, but within 5 - 10 ft. of a property line, such equipment shall be screened on all sides with a solid fence or wall at least 1 ft. higher than the equipment. When located outside a setback area, but greater than 10 ft. from a property line, such equipment requires no screening. Equipment screening requirements for nonresidential structures shall be in accordance with Chapter 4.2.

Section 3.1.40 - GREEN AREA REQUIREMENTS

- a.** A minimum of 50 percent of the gross lot area shall be retained and improved or maintained as permanent green area (landscaping, unprotected preservation areas, and/or pedestrian amenities such as sidewalks, plazas, multi-use paths, patios, decks, etc.). A minimum of 15 percent of the gross lot area shall consist of vegetation (landscaping or naturally preserved vegetation).
- b.** Landscaping within the required green area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design

elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent green areas.

- c. Within the required green area for single-family dwellings, a private outdoor space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. These private outdoor space requirements may be met by providing private side or rear yard areas, or patios.

Section 3.1.50 - COMPLIANCE WITH PEDESTRIAN ORIENTED DESIGN STANDARDS OF CHAPTER 4.10

3.1.50.01 - Required Compliance

The pedestrian oriented design standards of Chapter 4.10 shall apply to the following types of development in the RS-3.5 Zone:

- a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2000;
- b. Developments subject to Conditional Development and/or Planned Development approval, as required by a condition(s) of approval(s); and
- c. Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards, sections 4.10.70.02 through 4.10.70.05, with allowances for choices among some standards as identified in 4.10.70.01, provided that:
 - 1. The expansion adds floor area of more than 3,000 sq. ft.; or
 - 2. The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.

3.1.50.02 - Exceptions to Compliance

Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with the design standards of Chapter 4.10 provided that:

- a. The expansion adds floor area of 500 sq. ft. or less; or
- b. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

Section 3.1.60 - VARIATIONS

Variations from development and design standards (i.e., standards this chapter and in other Code chapters that discuss parking, landscaping, public improvements, and pedestrian oriented design standards) may be allowed through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code, respectively.

CHAPTER 3.2 LOW DENSITY (RS-5) ZONE

Section 3.2.10 - PURPOSE

This zone implements the Low Density Residential Comprehensive Plan designation, which allows from two to six dwelling units per acre. The RS-5 Zone is retained to provide land use and development standards for areas of the City that were zoned RS-5 and platted to urban densities as of December 31, 2000. Additionally, the RS-5 Zone is retained for areas of the City that were zoned RS-5 as of December 31, 2000 and are less than or equal to 1 acre in size.

The RS-5 Zone also applies to single-family residential areas greater than 1 acre in size and that were zoned RS-3.5 at the time of adoption of this Code. The RS-5 Zone is intended to provide opportunities for a broader range of lot sizes and housing types, consistent with Comprehensive Plan policies that support comprehensive neighborhoods and affordable housing.

Section 3.2.20 - PERMITTED USES

3.2.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types
 - (a) Family
2. Residential Building Types
 - (a) Single Detached
 - (b) Single Detached (Zero Lot Line)
 - (c) Single Attached (Zero Lot Line, 2 units)
 - (d) Attached (Townhouse, 3 units)
 - (e) Duplex
 - (f) Multi-Dwelling (Triplex only)
3. Civic Use Types
 - (a) Community Recreation

(b) Postal Services - Customer

(c) Public Safety Services

b. Accessory Uses Permitted Outright

1. Accessory Dwelling Units subject to provisions in section 4.9.40 of Chapter 4.9 - Additional Provisions
2. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9
3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6
5. Home Business, as defined in Chapter 1.6
6. Horticulture (personal use)
7. Model Dwelling Units
8. Other development customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for uses permitted in this zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation (personal use)
11. Tree, Row, and Field Crops (personal use)

3.2.20.02 - Special Development

a. Conditional Development - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

1. Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
2. Day Care, Commercial Facility, as defined in Chapter 1.6

3. Cultural Exhibits and Library Services
4. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9
5. Funeral and Interment Services (interring and cemeteries only)
6. Group Residential
7. Group Residential/Group Care
8. Lodges, Fraternal and Civil Assembly
9. Major Services and Utilities
10. Minor Utilities subject to standards in Chapter 4.9
11. Participant Sports and Recreation (Indoor and Outdoor)
12. Religious Assembly
13. Residential Care Facilities
14. Schools

3.2.20.03 - General Development

- a. **Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.
 1. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in section 4.7.70.b of Chapter 4.7 - Sign Regulations.

**Table 3.2-1
Section 3.2.30 - RS-5 DEVELOPMENT STANDARDS**

		Standard
a.	Minimum Density	2 units per acre for existing platted lots as of December 31, 2000; however, all new residential subdivisions and planned developments in this zone shall achieve a minimum density of 3 units per dwelling acre
b.	Maximum Density	6 units per acre
c.	Minimum Lot Area	
	1. Single Detached and Attached	6,000 sq. ft.
	2. Duplex	8,000 sq. ft.
	3. Triplex	12,000 sq. ft.
d.	Minimum Lot Width	
	1. Single Detached and Attached	60 ft.
	2. Duplex	80 ft.
	3. Triplex	120 ft.
e.	Minimum Setbacks (all building types)**	
	1. Front yard	15 ft. (unenclosed porches may encroach into front yards up to a maximum of 6 feet)
	2. Rear yard	15 ft.
	3. Side yard	
	(a) Single Detached	5 ft. minimum each side yard
	(b) Single Attached and Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side ¹
	(c) Duplex and Triplex	10 ft. minimum each side (interior attached townhouses exempt from interior side yard setbacks)
	4. Corner lot	15 ft. on side abutting the street (and vision clearance in accordance with section 4.1.40.c)

¹ Prior to building permit approval, the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than 5 ft. in width.

<p>f. Minimum Garage/Carport Setbacks</p> <ol style="list-style-type: none"> 1. Garage/carport entrance parallel to street 2. Garage/carport entrance sideways/perpendicular to street 	<p>19 ft.</p> <p>15 ft.</p> <p>Setbacks from alleys in accordance with section 4.0.60.j Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards</p>
<p>g. Setbacks from Properties Zoned Agricultural-Open Space (AG-OS)</p>	<p>When residential development is proposed next to AG-OS land, a minimum 50-ft.-wide continuous plant or plant/berm buffer is required. Additionally, the minimum setback adjacent to AG-OS is 100 ft. It is the applicant's responsibility to provide the buffer.</p>
<p>h. Maximum Structure Height</p>	<p>30 ft., not to exceed a solar envelope approved under chapters 2.18 or 4.6</p>
<p>i. Maximum Lot Coverage²</p>	<p>50 percent of lot area maximum; interior attached townhouses exempt from this provision</p>
<p>j. Off-Street Parking</p>	<p>See Chapter 4.1</p>

**Outdoor components associated with heat pumps and similar equipment for residential structures shall not be placed within any required setback area. When located outside a setback area, but within 5 - 10 ft. of a property line, such equipment shall be screened on all sides with a solid fence or wall at least 1 ft. higher than the equipment. When located outside a setback area, but greater than 10 ft. from a property line, such equipment requires no screening. Equipment screening requirements for nonresidential structures shall be in accordance with Chapter 4.2.

Section 3.2.40 - GREEN AREA REQUIREMENTS

- a.** A minimum of 50 percent of the gross lot area (or a minimum of 30 percent for center-unit townhouses on interior lots) shall be retained and improved or maintained as permanent green area (landscaping, unprotected preservation areas, and/or pedestrian amenities such as sidewalks, plazas, multi-use paths, patios, decks, etc.). A minimum of 15 percent of the gross lot area shall consist of vegetation (landscaping or naturally preserved vegetation).
- b.** Landscaping within the required green area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. Landscaping shall primarily consist of ground

² Includes area occupied by buildings, parking, and circulation of automobiles.

cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent green areas.

- c. Within the required green area for single-family dwellings (attached and detached) and duplexes, a private outdoor space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. Within the required green area for multi-dwellings, a private outdoor space equal to at least 48 sq. ft. per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. These private outdoor space requirements may be met by providing private side or rear yard areas, patios, and/or balconies for dwelling units.

Section 3.2.50 - MIX OF HOUSING TYPES

A mix of permitted housing types is encouraged in the RS-5 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than 5 acres in size shall comply with the variety of housing types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.2.60 - COMPLIANCE WITH PEDESTRIAN ORIENTED DESIGN STANDARDS OF CHAPTER 4.10

3.2.60.01 - Required Compliance

The pedestrian oriented design standards of Chapter 4.10 shall apply to the following types of development in the RS-5 Zone:

- a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2000;
- b. Developments subject to Conditional Development and/or Planned Development approval, as required by a condition(s) of approval(s); and
- c. Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards, sections 4.10.70.02 through 4.10.70.05, with allowances for choices among some standards as identified in 4.10.70.01, provided that:
 - 1. The expansion adds floor area of more than 3,000 sq. ft.; or

2. The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.

3.2.60.02 - Exceptions to Compliance

Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with the design standards of Chapter 4.10 provided that:

- a. The expansion adds floor area of 500 sq. ft. or less; or
- b. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

Section 3.2.70 - VARIATIONS

Variations from development and design standards (i.e., standards in this chapter and in other Code chapters that discuss parking, landscaping, public improvements, and pedestrian oriented design standards) may be allowed through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

CHAPTER 3.3 LOW DENSITY (RS-6) ZONE

Section 3.3.10 - PURPOSE

This is the primary zone that implements the Low Density Residential Comprehensive Plan designation, which allows from two to six dwelling units per acre. The RS-6 Zone is intended to accommodate a broad range of lot sizes and varied housing types within the established density range. This variety is consistent with Comprehensive Plan policies that support comprehensive neighborhoods and affordable housing.

The RS-6 Zone also permits smaller lots than generally allowed in the RS-3.5 and RS-5 zones, and encourages greater efficiencies in the provision of streets, utilities, and usable green area. The RS-6 Zone shall be applied to all lands zoned RS-6 as of the adoption of this Code, as well as all future Low Density Residential lands. Additionally, the RS-6 Zone applies to single-family residential areas that are unplatted, greater than 1 acre in size, and that were zoned RS-5 at the time of adoption of this Code.

Section 3.3.20 - PERMITTED USES

3.3.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types
 - (a) Family
 - (b) Group Residential (12 or fewer persons)
 - (c) Group Residential/Group Care (12 or fewer persons)
 - (d) Residential Care Facilities (12 or fewer persons)
2. Residential Building Types
 - (a) Single Detached
 - (b) Single Detached (Zero Lot Line)
 - (c) Single Attached (Zero Lot Line, 2 units)
 - (d) Attached (Townhouse, 3-5 units)
 - (e) Duplex

- (f) Multi-Dwelling (Triplex and Fourplex only)
- 3. Civic Use Types
 - (a) Community Recreation
 - (b) Postal Services - Customer
 - (c) Public Safety Services

b. Accessory Uses Permitted Outright

- 1. Accessory Dwelling Units subject to provisions in section 4.9.40 of Chapter 4.9 - Additional Provisions
- 2. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9
- 3. Essential Services
- 4. Day Care, Family, as defined in Chapter 1.6
- 5. Home Business, as defined in Chapter 1.6
- 6. Horticulture (personal use)
- 7. Model Dwelling Units
- 8. Other development customarily incidental to the primary uses in accordance with Chapter 4.3 - Accessory Development Regulations
- 9. Sports and Recreation (personal use)
- 10. Tree, Row, and Field Crops (personal use)

3.3.20.02 - Special Development

- a. **Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.
 - 1. Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
 - 2. Day Care, Commercial Facility, as defined in Chapter 1.6

3. Cultural Exhibits and Library Services
4. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9
5. Funeral and Interment Services (interring and cemeteries only)
6. Group Residential (more than 12 persons)
7. Group Residential/Group Care (more than 12 persons)
8. Lodges, Fraternal and Civic Assembly
9. Major Services and Utilities
10. Minor Utilities subject to standards in Chapter 4.9
11. Participant Sports and Recreation (Indoor and Outdoor)
12. Religious Assembly
13. Residential Care Facilities (more than 12 persons)
14. Schools

3.3.20.03 - General Development

- a. **Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.
 1. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in section 4.7.70.b of Chapter 4.7 - Sign Regulations.

Table 3.3-1
Section 3.3.30 - RS-6 DEVELOPMENT STANDARDS

		Standard
a.	Minimum Density	2 units per acre for existing platted lots as of December 31, 2000; however, all new residential subdivisions and planned developments in this zone shall achieve a minimum density of 4 dwelling units per acre
b.	Maximum Density	6 units per acre
c.	Minimum Lot Area	Developments greater than 5 acres in size in this zone shall provide a minimum of 10 percent of the residential lots within the range of 2,500 - 3,500 sq. ft. Remaining lots within the development shall achieve the minimum lot sizes listed below:
	1. Single Detached	3,500 sq. ft.
	2. Single Attached	2,500 sq. ft.
	3. Duplex	5,000 sq. ft.
	4. Triplex	7,500 sq. ft.
	5. Fourplex	10,000 sq. ft.
d.	Minimum Lot Width	
	1. Single Detached with alley access to garage	40 ft.
	2. Single Detached with street access to garage	50 ft.
	3. Single Attached	25 ft.
	4. Duplex	50 ft.
	5. Triplex	75 ft.
	6. Fourplex	100 ft.

<p>e. Setbacks**</p> <p>1. Front yard</p> <p>2. Rear yard</p> <p>3. Side yard</p> <p>(a) Single Detached</p> <p>(b) Single Attached and Zero Lot Line Detached</p> <p>(c) Duplex, Triplex and Fourplex</p> <p>4. Corner lot</p>	<p>10 ft. minimum; 25 ft. maximum (unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained)</p> <p>5 ft. minimum and each lot must have a minimum 15 ft. usable yard either on the side or rear of the dwelling</p> <p>5 ft. minimum each side yard 0 ft. one side; 8 ft. minimum on opposite side¹</p> <p>10 ft. minimum each side (interior attached townhouses exempt from interior side yard setbacks)</p> <p>10 ft. minimum on side abutting the street, vision clearance areas in accordance with section 4.1.40.c</p>
<p>f. Minimum Garage/Carport Setbacks</p> <p>1. Garage/carport entrance parallel to street</p> <p>2. Garage/carport entrance sideways/perpendicular to street</p>	<p>19 ft.</p> <p>10 ft.</p> <p>Setbacks from alleys in accordance with section 4.0.60.j Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards</p>
<p>g. Setbacks from Properties Zoned Agricultural-Open Space (AG-OS)</p>	<p>When residential development is proposed next to AG-OS land, a minimum 50-ft.-wide continuous plant or plant/berm buffer is required. Additionally, the minimum setback adjacent to AG-OS is 100 ft. It is the applicant's responsibility to provide the buffer.</p>
<p>h. Maximum Structure Height</p>	<p>30 ft., not to exceed a solar envelope approved under chapters 2.18 or 4.6</p>
<p>i. Maximum Lot Coverage²</p>	<p>60 percent of lot area maximum; interior attached townhouses exempt from this provision</p>
<p>j. Off-Street Parking</p>	<p>See Chapter 4.1</p>

**Outdoor components associated with heat pumps and similar equipment for residential structures shall not be placed within any required setback area. When located outside a setback area, but within 5 - 10 ft. of a property line, such equipment shall be screened on all sides with a solid fence or wall at least 1 ft. higher than the equipment. When located outside a setback area, but greater than 10 ft. from a property line, such equipment requires no screening. Equipment screening requirements for nonresidential structures shall be in accordance with Chapter 4.2.

Section 3.3.40 - GREEN AREA REQUIREMENTS

- a. A minimum of 40 percent of the gross lot area (or a minimum of 20 percent for center-unit townhouses on interior lots) shall be retained and improved or maintained as permanent green area (landscaping, unprotected preservation areas, and/or pedestrian amenities such as sidewalks, plazas, multi-use paths, patios, decks, etc.). A minimum of 15 percent of the gross lot area (or a minimum of 10 percent for center-unit townhouses on interior lots) shall consist of vegetation (landscaping or naturally preserved vegetation).
- b. Landscaping within the required green area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent green areas.
- c. Within the required green area for single-family dwellings (attached and detached) and duplexes, a private outdoor space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. Within the required green area for multi-dwellings, a private outdoor space equal to at least 48 sq. ft. per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. These private outdoor space requirements may be met by providing private side or rear yard areas, patios, and/or balconies for dwelling units.

Section 3.3.50 - MIX OF HOUSING TYPES

A mix of permitted housing types is encouraged in the RS-6 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than 5 acres in size shall comply with the variety of housing types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.3.60 - COMPLIANCE WITH PEDESTRIAN ORIENTED DESIGN STANDARDS OF CHAPTER 4.10.

3.3.60.01 - Required Compliance

The pedestrian oriented design standards of Chapter 4.10 shall apply to the

following types of development in the RS-3.5 Zone:

- a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2000;
- b. Developments subject to Conditional Development and/or Planned Development approval, as required by a condition(s) of approval(s); and
- c. Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards, sections 4.10.70.02 through 4.10.70.05, with allowances for choices among some standards as identified in 4.10.70.01, provided that:
 - 1. The expansion adds floor area of more than 3,000 sq. ft.; or
 - 2. The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.

3.3.60.02 - Exceptions to Compliance

Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with the design standards of Chapter 4.10 provided that:

- a. The expansion adds floor area of 500 sq. ft. or less; or
- b. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

Section 3.3.70 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

CHAPTER 3.4 MEDIUM DENSITY (RS-9) ZONE

Section 3.4.10 - PURPOSE

This zone is the primary zone that implements the Medium Density Residential Comprehensive Plan designation, which allows from six to 12 dwelling units per acre. It is intended to provide areas where single detached, single attached, duplex, triplex, and fourplex units and townhouses may be constructed under various ownership patterns. The zone provides a higher density and more intensive use of land than the Low Density Residential zones. The RS-9 Zone is intended to achieve efficiencies in provision of streets and utilities, and to encourage provision of usable green area.

Section 3.4.20 - PERMITTED USES

3.4.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types
 - (a) Family
 - (b) Fraternities and Sororities existing prior to December 31, 2000, in accordance with section 3.4.60 below
 - (c) Group Residential (12 or fewer persons)
 - (d) Group Residential (more than 12 persons) existing prior to December 31, 2000, in accordance with section 3.4.60 below
 - (e) Group Residential/Group Care (12 or fewer persons)
 - (f) Group Residential/Group Care (more than 12 persons) existing prior to December 31, 2000, in accordance with section 3.4.60 below
 - (g) Residential Care Facilities (12 or fewer persons)
2. Residential Building Types
 - (a) Single Detached
 - (b) Single Detached (Zero Lot Line)
 - (c) Single Attached (Zero Lot Line, 2 units)
 - (d) Attached (Townhouse, 3-5 units)

- (e) Duplex
- (f) Manufactured Dwelling Park in accordance with Chapter 4.8 - Manufactured Dwelling Facility Standards
- (g) Multi-Dwelling (Triplex and Fourplex only)
- (h) North Campus Area only: Multi-Dwellings (more than 4 units) existing prior to December 31, 2000 in accordance with section 3.4.60 below

3. Civic Use Types

- (a) Community Recreation
- (b) Postal Services - Customer
- (c) Public Safety Services

4. Commercial Use Types

- (a) Offices, as defined in Chapter 1.6, and existing prior to December 31, 2000. Expansions shall be subject to Conditional Development Review, as noted in section 3.4.20.02 below

b. Accessory Uses Permitted Outright

- 1. Accessory Dwelling Units subject to provisions in section 4.9.40 of Chapter 4.9 - Additional Provisions
- 2. Collocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
- 3. Essential Services
- 4. Day Care, Family, as defined in Chapter 1.6
- 5. Home Business, as defined in Chapter 1.6
- 6. Horticulture (personal use)
- 7. Model Dwelling Units
- 8. Other development customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations
- 9. Required off-street parking for uses permitted in the zone in

accordance with Chapter 4.1 - Parking, Loading, and Access Requirements

10. Sports and Recreation (personal use)
11. Tree, Row, and Field Crops (personal use)

3.4.20.02 - Special Development

a. Conditional Development - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

1. Collocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
2. Day Care, Commercial Facility, as defined in Chapter 1.6
3. Construction/Roofing Storage and Sales existing prior to December 31, 2000
4. Conversion of structure to Professional and Administrative Services use type in accordance with section 3.4.50
5. Cultural Exhibits and Library Services
6. Fraternities and Sororities
7. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9
8. Funeral and Interment Services (interring and cemeteries only)
9. Group Residential (more than 12 persons)
10. Group Residential/Group Care (more than 12 persons)
11. Lodges, Fraternal and Civic Assembly
12. Major Services and Utilities
13. Minor Utilities subject to standards in Chapter 4.9
14. Expansion of Offices, as defined in Chapter 1.6, existing prior to December 31, 2000
15. Participant Sports and Recreation (Indoor and Outdoor)

16. Religious Assembly
17. Residential Care Facilities (more than 12 persons)
18. Schools

3.4.20.03 - General Development

- a. **Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.
 1. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in section 4.7.70.b of Chapter 4.7 - Sign Regulations.

**Table 3.4-1
Section 3.4.30 - RS-9 DEVELOPMENT STANDARDS**

		Standard
a.	Minimum Density	6 units per acre (applies to the creation of land divisions)
b.	Maximum Density	12 units per acre (applies to the creation of land divisions)
c.	Minimum Lot Area	
	1. Single Detached	3,500 sq. ft.
	2. Single Attached	2,500 sq. ft.
	3. Duplex	5,000 sq. ft.
	4. Triplex	7,500 sq. ft.
	5. Fourplex	10,000 sq. ft.
d.	Minimum Lot Width	
	1. Single Detached with alley access to garage	40 ft.
	2. Single Detached with street access to garage	50 ft.
	3. Single Attached	25 ft.
	4. Duplex	50 ft.
	5. Triplex	75 ft.
	6. Fourplex	100 ft.

<p>e. Setbacks**</p> <p>1. Front yard</p> <p>2. Rear yard and Side yards (interior attached townhouses exempt from interior side yard setbacks)</p> <p>(a) Single Detached (b) Single Attached and Zero Lot Line Detached (c) Duplex, Triplex and Fourplex (d) Abutting a more restrictive zone</p> <p>3. Corner Lot</p>	<p>10 ft. minimum; 25 ft. maximum (unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained)</p> <p>5 ft. minimum and each lot must have a minimum 15-ft. usable yard either on the side or rear of each dwelling. Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above:</p> <p>5 ft. minimum each side yard 0 ft. one side; 8 ft. minimum on opposite side¹</p> <p>10 ft. minimum each side</p> <p>10 ft. minimum</p> <p>10 ft. minimum on side abutting the street, vision clearance areas in accordance with 4.1.40.c</p>
<p>f. Minimum Garage/Carport Setbacks</p> <p>1. Garage/carport entrance facing/parallel to the street</p> <p>2. Garage/carport entrance sideways/perpendicular to street</p>	<p>19 ft. minimum</p> <p>10 ft. minimum</p> <p>Setbacks from alleys in accordance with section 4.0.60.j Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards</p>
<p>g. Setbacks from Properties Zoned Agricultural-Open Space (AG-OS)</p>	<p>When residential development is proposed next to AG-OS land, a minimum 50-ft.-wide continuous plant or plant/berm buffer is required. Additionally, the minimum setback adjacent to AG-OS is 100 ft. It is the applicant's responsibility to provide the buffer.</p>

1 Prior to building permit approval the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than 5 ft. in width.

h.	Maximum Structure Height	30 ft., not to exceed a solar envelope approved under chapters 2.18 or 4.6
i.	Maximum Lot Coverage ²	70 percent of lot area maximum; interior attached townhouses exempt from this provision Green area is calculated per lot.
j.	Off-Street Parking	See Chapter 4.1

**Outdoor components associated with heat pumps and similar equipment for residential structures shall not be placed within any required setback area. When located outside a setback area, but within 5 - 10 ft. of a property line, such equipment shall be screened on all sides with a solid fence or wall at least 1 ft. higher than the equipment. When located outside a setback area, but greater than 10 ft. from a property line, such equipment requires no screening. Equipment screening requirements for nonresidential structures shall be in accordance with Chapter 4.2.

Section 3.4.40 - GREEN AREA REQUIREMENTS

- a.** A minimum of 30 percent of the gross lot area (or a minimum of 20 percent for center-unit townhouses on interior lots) shall be retained and improved or maintained as permanent green area (landscaping, unprotected preservation areas, and/or pedestrian amenities such as sidewalks, plazas, multi-use paths, patios, decks, etc.) to ensure that the 70 percent maximum lot/site coverage standard of section 3.4.30 is met. A minimum of 15 percent of the gross lot area (or a minimum of 10 percent for center-unit townhouses on interior lots) shall consist of vegetation (landscaping or naturally preserved vegetation).
- b.** Landscaping within the required green area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent green areas.
- c.** Within the required green area for single-family dwellings (attached and detached) and duplexes, a private outdoor space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. Within the required green area for multi-dwellings, a private outdoor space equal to at least 48 sq. ft. per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. These private outdoor space requirements may be met by providing private side or rear yard areas, patios, and/or balconies for dwelling units.

Section 3.4.50 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE

² Includes area occupied by buildings, parking, and circulation of automobiles.

The predominate purpose of the RS-9 Zone is to retain residential unit availability; however, within the zone there are structures that, due primarily to their size, condition, or age, cannot be successfully, economically, and fully utilized for residential use. Therefore, the City may allow conversion through a Conditional Development in accordance with Chapter 2.3 to the "Professional and Administrative Services" use type, using the review criteria below.

3.4.50.01 - Size Limitation

Structures must be 4,000 sq. ft. or more and built before December 31, 2000.

3.4.50.02 - Burden of Proof

The developer shall prove that:

- a. The structure cannot feasibly be used for the uses permitted in section 3.4.20 without creating undue financial hardship for both tenants and owners. This may be proved by meeting both of the following:
 1. Providing factual data and information on the potential costs of using the structure for residential use (e.g., heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, construction for parking, etc.) compared to estimated potential rent or purchase prices for tenants or owners; and
 2. Demonstrating that an earnest effort has been made to retain the structure for residential use through established marketing procedures (e.g., advertising, brochures, telephone contact, contact with real estate and marketing professionals, etc.).

OR

- b. It is in the best interest of the community to convert the structure to the Professional and Administrative Services use type. This may be proved by meeting both of the following:
 1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and
 2. Demonstrating that substantial alterations would be necessary to retain the structure for residential use and that alterations would result in the loss or reduction of historical or architectural significance.

3.4.50.03 - Development Site Design

To ensure that the character of the structure and site will be preserved after

conversion, the applicant shall be required to submit plans (in addition to the site plan required in Chapter 2.3) that indicate the following:

- a. Proposed exterior facade treatment;
- b. Interior remodeling (showing major structural changes);
- c. Landscaping;
- d. Proposed signage;
- e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of historically or architecturally significant elements; and
- f. Any other structural or site changes that would affect the structure's character.

3.4.50.04 - Required Off-Street Parking

The City recognizes that section 3.4.50 generally applies to large structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, the following exception to Chapter 4.1 provisions regarding the location of required parking shall be permitted:

- a. Off-street parking may be permitted in any adjoining blocks where adequate parking can be made available.

Section 3.4.60 - REDEVELOPMENT OF EXISTING MULTI-DWELLINGS IN NORTH CAMPUS AREA

Group Residential and Group Residential/Group Care use types and Multi-Dwelling building types established prior to December 31, 2000 are permitted uses and may be redeveloped. This redevelopment may occupy the same building envelope as previously existed; however, current parking standards in Chapter 4.1 - Parking, Loading, and Access Requirements shall be met even if these requirements interfere with reestablishment of the original structure.

Section 3.4.70 - REDEVELOPMENT OF EXISTING OFFICES IN NORTH CAMPUS AREA

Existing offices are permitted uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the parking standards in Chapter 4.1, even if the parking requirements interfere with the redevelopment.

Section 3.4.80 - MIX OF HOUSING TYPES

A mix of permitted housing types is encouraged in the RS-9 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than 5 acres in size shall comply with the variety of housing types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.4.90 - COMPLIANCE WITH PEDESTRIAN ORIENTED DESIGN STANDARDS OF CHAPTER 4.10.

3.4.90.01 - Required Compliance

The pedestrian oriented design standards of Chapter 4.10 shall apply to the following types of development in the RS-9 Zone:

- a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2000;
- b. Developments subject to Conditional Development and/or Planned Development approval, as required by a condition(s) of approval(s); and
- c. Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards, sections 4.10.70.02 through 4.10.70.05, with allowances for choices among some standards as identified in 4.10.70.01, provided that:
 1. The expansion adds floor area of more than 3,000 sq. ft.; or
 2. The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.

3.4.90.02 - Exceptions to Compliance

Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with the design standards of Chapter 4.10 provided that:

- a. The expansion adds floor area of 500 sq. ft. or less; or
- b. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

Section 3.4.100 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

CHAPTER 3.5 MEDIUM DENSITY - UNIVERSITY (RS-9(U)) ZONE

Section 3.5.10 - PURPOSE

This zone implements the Medium Density Residential Comprehensive Plan designation, which allows from six to 12 dwelling units per acre. It is intended to provide areas where a variety of building types are permitted in close proximity to the University. This zone contains development standards and design options to help address compatibility issues associated with mixed residential uses.

Section 3.5.20 - PERMITTED USES

3.5.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types
 - (a) Family
 - (b) Fraternities and Sororities existing prior to December 31, 2000, in accordance with section 3.5.60 below
 - (c) Group Residential (12 or fewer persons)
 - (d) Group Residential (more than 12 persons) existing prior to December 31, 2000, in accordance with section 3.5.60 below
 - (e) Group Residential/Group Care (12 or fewer persons)
 - (f) Group Residential/Group Care (more than 12 persons) existing prior to December 31, 2000, in accordance with section 3.5.60 below
 - (g) Residential Care Facilities (12 or fewer persons)
2. Residential Building Types
 - (a) Single Detached
 - (b) Single Detached (Zero Lot Line)
 - (c) Single Attached (Zero Lot Line, 2 units)
 - (d) Attached (Townhouse, 3-5 units)

- (e) Duplex
 - (f) Multi-Dwelling (Triplex and Fourplex only)
 - (g) Multi-Dwellings (more than 4 units) existing prior to December 31, 2000 in accordance with section 3.5.60 below
 - (h) Manufactured Dwelling Park in accordance with Chapter 4.8 - Manufactured Dwelling Facility Standards
3. Civic Use Types
 - (a) Community Recreation
 - (b) Postal Services - Customer
 - (c) Public Safety Services
 4. Commercial Use Types
 - (a) Offices, as defined in Chapter 1.6, existing prior to December 31, 2000. Expansions shall be subject to Conditional Development Review, as noted in section 3.5.20.02 below

b. Accessory Uses Permitted Outright

1. Accessory Dwelling Units subject to provisions in section 4.9.40 of Chapter 4.9 - Additional Provisions
2. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9
3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6
5. Home Business, as defined in Chapter 1.6
6. Horticulture (personal use)
7. Model Dwelling Units
8. Other development customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations

9. Required off-street parking for uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation (personal use)
11. Tree, Row, and Field Crops (personal use)

3.5.20.02 - Special Development

a. Conditional Development - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

1. Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
2. Day Care, Commercial Facility, as defined in Chapter 1.6
3. Expansion of Offices, as defined in Chapter 1.6, existing as of December 31, 2000
4. Conversion of structure to Professional and Administrative Services use type in accordance with section 3.5.50
5. Cultural Exhibits and Library Services
6. Fraternities and Sororities
7. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9
8. Funeral and Interment Services (interring and cemeteries only)
9. Group Residential (more than 12 persons)
10. Group Residential/Group Care (more than 12 persons)
11. Lodges, Fraternal and Civic Assembly
12. Major Services and Utilities
13. Minor Utilities subject to standards in Chapter 4.9
14. Participant Sports and Recreation (Indoor and Outdoor)

- 15. Religious Assembly
- 16. Residential Care Facilities (more than 12 persons)
- 17. Schools

3.5.20.03 - General Development

- a. Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.
 - 1. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in section 4.7.70.b of Chapter 4.7 - Sign Regulations.

**Table 3.5-1
Section 3.5.30 - RS-9(U) DEVELOPMENT STANDARDS**

		Standard
a.	Minimum Density	6 units per acre (applies to the creation of land divisions)
b.	Maximum Density	12 units per acre (applies to the creation of land divisions)
c.	Minimum Lot Area	
	1. Single Detached	3,500 sq. ft.
	2. Single Attached	2,500 sq. ft.
	3. Duplex	5,000 sq. ft.
	4. Triplex	7,500 sq. ft.
	5. Fourplex	10,000 sq. ft.
d.	Minimum Lot Width	
	1. Single Detached with alley access to garage	40 ft.
	2. Single Detached with street access to garage	50 ft.
	3. Single Attached	25 ft.
	4. Duplex	50 ft.
	5. Triplex	75 ft.
	6. Fourplex	100 ft.

<p>e. Setbacks**</p> <p>1. Front yard</p> <p>2. Rear yard and Side yards (interior attached townhouses exempt from interior side yard setbacks)</p> <p>(a) Single Detached (b) Single Attached and Zero Lot Line Detached (c) Duplex, Triplex and Fourplex (d) Abutting a more restrictive zone</p> <p>3. Corner Lot</p>	<p>10 ft. minimum; 25 ft. maximum (unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained)</p> <p>5 ft. minimum and each lot must have a minimum 15-ft. usable yard either on the side or rear of each dwelling. Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.</p> <p>5 ft. minimum each side yard 0 ft. one side; 8 ft. minimum on opposite side¹</p> <p>10 ft. minimum each side</p> <p>10 ft. minimum</p> <p>10 ft. minimum on side abutting the street, vision clearance areas in accordance with section 4.1.40.c</p>
<p>f. Minimum Garage/Carport Setbacks</p> <p>1. Garage/carport entrance facing/parallel to the street</p> <p>2. Garage/carport entrance sideways/perpendicular to street</p>	<p>19 ft. minimum</p> <p>10 ft. minimum</p> <p>Setbacks from alleys in accordance with section 4.0.60.j Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards</p>

1 Prior to building permit approval, the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than 5 ft. in width.

g. Setbacks from Properties Zoned Agricultural-Open Space (AG-OS)	When residential development is proposed next to AG-OS land, a minimum 50-ft.-wide continuous plant or plant/berm buffer is required. Additionally, the minimum setback adjacent to AG-OS is 100 ft. It is the applicant's responsibility to provide the buffer.
h. Maximum Structure Height	30 ft., not to exceed a solar envelope approved under chapters 2.18 <<and?>> or 4.6
i. Maximum Lot Coverage ²	70 percent of lot area maximum; interior attached townhouses exempt from this provision. Green area is calculated per lot.
j. Off-Street Parking	See Chapter 4.1

**Outdoor components associated with heat pumps and similar equipment for residential structures shall not be placed within any required setback area. When located outside a setback area, but within 5 - 10 ft. of a property line, such equipment shall be screened on all sides with a solid fence or wall at least 1 ft. higher than the equipment. When located outside a setback area, but greater than 10 ft. from a property line, such equipment requires no screening. Equipment screening requirements for nonresidential structures shall be in accordance with Chapter 4.2.

Section 3.5.40 – GREEN AREA REQUIREMENTS

- a. A minimum of 30 percent of the gross lot area (or a minimum of 20 percent for center-unit townhouses on interior lots) shall be retained and improved or maintained as permanent green area (landscaping, unprotected preservation areas, and/or pedestrian amenities such as sidewalks, plazas, multi-use paths, patios, decks, etc.) to ensure that the 70 percent maximum lot/site coverage standard of section 3.5.30 is met. A minimum of 15 percent of the gross lot area (or a minimum of 10 percent for center-unit townhouses on interior lots) shall consist of vegetation (landscaping or naturally preserved vegetation).
- b. Landscaping within the required green area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent green areas.

2 Includes area occupied by buildings, parking, and circulation of automobiles.

- c. Within the required green area for single-family dwellings (attached and detached) and duplexes, a private outdoor space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. Within the required green area for multi-dwellings, a private outdoor space equal to at least 48 sq. ft. per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. These private outdoor space requirements may be met by providing private side or rear yard areas, patios, and/or balconies for dwelling units.

Section 3.5.50 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE

The predominate purpose of the RS-9(U) Zone is to retain residential unit availability; however, within the zone there are structures that, due primarily to their size, condition, or age, cannot be successfully, economically, and fully utilized for residential use. Therefore, the City may allow conversion through a Conditional Development, in accordance with Chapter 2.3, to the "Professional and Administrative Services" use type, using the review criteria below:

3.5.50.01 - Size Limitation

Structures must be 4,000 sq. ft. or more and built before December 31, 2000. The redeveloped building may occupy the same building envelope occupied by the existing structure; however, current parking standards in Chapter 4.1 shall be met even if these requirements interfere with reestablishment of the original structure.

3.5.50.02 - Burden of Proof

The developer shall prove that:

- a. The structure cannot feasibly be used for the uses permitted in section 3.5.20 without creating undue financial hardship for both tenants and owners. This may be proved by meeting both of the following:
 - 1. Providing factual data and information on the potential costs of using the structure for residential use (e.g., heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, construction for parking, etc.) compared to estimated potential rent or purchase prices for tenants or owners; and
 - 2. Demonstrating that an earnest effort has been made to retain the structure for residential use through established marketing procedures (e.g., advertising, brochures, telephone contact, contact with real estate and marketing professionals, etc.).

OR

- b. It is in the best interest of the community to convert the structure to the Professional and Administrative Services use type. This may be proved by meeting both of the following:
 - 1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and
 - 2. Demonstrating that substantial alterations would be necessary to retain the structure for residential use and that alterations would result in the loss or reduction of historical or architectural significance.

3.5.50.03 - Development Site Design

To ensure that the character of the structure and site will be preserved after conversion, the applicant shall be required to submit plans (in addition to the site plan required in Chapter 2.3) that indicate the following:

- a. Proposed exterior facade treatment;
- b. Interior remodeling (showing major structural changes);
- c. Landscaping;
- d. Proposed signage;
- e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of historically or architecturally significant elements; and
- f. Any other structural or site changes that would affect the structure's character.

3.5.50.04 - Required Off-Street Parking

The City recognizes that section 3.5.50 generally applies to large structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, the following exception to Chapter 4.1 provisions regarding the location of required parking shall be permitted:

- a. Off-street parking may be permitted in any adjoining blocks where adequate parking can be made available.

Section 3.5.60 - REDEVELOPMENT OF EXISTING MULTI-DWELLINGS

Group Residential and Group Residential/Group Care use types and Multi-Dwelling building types established prior to December 31, 2000, are permitted uses and may be redeveloped. This redevelopment may occupy the same building envelope as previously existed but current parking standards contained in Chapter 4.1 shall be met.

Section 3.5.70 - REDEVELOPMENT OF EXISTING OFFICES

Existing offices are permitted uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the parking standards in Chapter 4.1, even if the parking requirements interfere with the redevelopment.

Section 3.5.80 - MIX OF HOUSING TYPES

A mix of permitted housing types is encouraged in the RS-9(U) Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than 5 acres in size shall comply with the variety of housing types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.5.90 - COMPLIANCE WITH PEDESTRIAN ORIENTED DESIGN STANDARDS OF CHAPTER 4.10 AND ADDITIONAL DESIGN STANDARDS

3.5.90.01 - Pedestrian Oriented Design Standards of Chapter 4.10

a. Required Compliance

The pedestrian oriented design standards of Chapter 4.10 shall apply to the following types of development in the RS-9(U) Zone:

1. All new buildings or structures for which a valid permit application has been submitted after December 31, 2000;
2. Developments subject to Conditional Development and/or Planned Development approval, as required by a condition(s) of approval(s); and
3. Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards, sections 4.10.70.02 through 4.10.70.05, with allowances for choices among some standards as identified in 4.10.70.01, provided that:

- (a) The expansion adds floor area of more than 3,000 sq. ft.; or
- (b) The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.

b. Exceptions to Compliance

Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with the design standards of Chapter 4.10 provided that:

- 1. The expansion adds floor area of 500 sq. ft. or less; or
- 2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

3.5.90.02 - Additional Design Standards

- a. Building Roof** - Roofs shall be gabled or hip type roofs (minimum pitch 3:1) with at least a 30-inch overhang and using shingles or similar roof materials. Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within 300 ft. have roofs similar to what is proposed.
- b. Building Materials (Exterior Walls)** - Lap/horizontal siding or walls of brick, masonry, or stone shall be required. Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within 300 ft. use materials similar to what is proposed.
- c. Structure Features** - Development shall be designed to minimize negative visual impacts affecting the character of the neighborhood by considering the scale, bulk, and character of the nearby structures in relation to the proposed structure. Elements of concern include roof style, offsets in the building's exterior walls and in its roof, types of materials, and other architectural details.

Section 3.5.100 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

CHAPTER 3.6 MEDIUM-HIGH DENSITY (RS-12) ZONE

Section 3.6.10 - PURPOSE

This is the primary zone that implements the Medium-High Density Residential Comprehensive Plan designation, which allows from 12 to 20 dwelling units per acre. It is intended to accommodate a wide variety of housing types and to serve as a transition area between lands with lower density and higher density residential designations.

Section 3.6.20 - PERMITTED USES

3.6.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types
 - (a) Family
 - (b) Group Residential
 - (c) Group Residential/Group Care
 - (d) Residential Care Facilities
 - (e) Fraternities and Sororities
2. Residential Building Types
 - (a) Single Detached
 - (b) Single Detached (Zero Lot Line)
 - (c) Single Attached (Zero Lot Line, 2 units)
 - (d) Attached (Townhouse)
 - (e) Duplex
 - (f) Multi-Dwelling
 - (g) Manufactured Dwelling Park in accordance with Chapter 4.8 -
Manufactured Dwelling Facility Standards

3. Civic Use Types
 - (a) Community Recreation
 - (b) Postal Services - Customer
 - (c) Public Safety Services
 - (d) Religious Assembly
 - (e) Social Service Facilities
4. Commercial Use Types
 - (a) Commercial use types existing prior to December 31, 2000, along SW Fifth and SW Sixth streets, from SW Adams Avenue to Western Boulevard
 - (b) Lodging Services (Bed and Breakfast only)
 - (c) Offices, as defined in Chapter 1.6, and existing prior to December 31, 2000. Expansions shall be subject to Conditional Development Review, as noted in section 3.6.20.02 below

b. Accessory Uses Permitted Outright

1. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
2. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9
3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6
5. Home Business, as defined in Chapter 1.6
6. Horticultural (personal use)
7. Model Dwelling Units

8. Other development customarily incidental to the primary uses in accordance with Chapter 4.3 - Additional Provisions
9. Required off-street parking for uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation (personal use)
11. Tree, Row, and Field Crops (personal use)

3.6.20.02 - Special Development

- a. **Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.
 1. Colocated/attached facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
 2. Colocated/attached facilities on nonresidential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9
 3. Day Care, Commercial Facility, as defined in Chapter 1.6
 4. Commercial use types in existence as of December 31, 2000 (i.e., Automotive and Equipment-Light Equipment Repairs and Light Equipment Sales and Rentals), in the RS-12 Zone at 2220 SW Third Street (Assessor's Map #12-5-11BC, Tax Lot 700 and 701), shall not be classified as nonconforming development. Upon further development, perimeter buffers shall be established consistent with Shopping Area Zone standards in effect at the time land use application LDT 94-1 was approved
 5. Expansion of Offices, as defined in Chapter 1.6, in existence prior to December 31, 2000
 6. Conversion of structure to Professional and Administrative Services use type in accordance with section 3.6.60
 7. Cultural Exhibits and Library Services
 8. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9

9. Funeral and Interment Services (interring and cemeteries only)
10. Lodges, Fraternal and Civic Assembly
11. Major Services and Utilities
12. Minor Utilities subject to standards in Chapter 4.9
13. Offices, as defined in Chapter 1.6, existing prior to December 31, 2000
14. Participant Sports and Recreation (Indoor and Outdoor)
15. Schools

3.6.20.03 - General Development

- a. **Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.
 1. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 45 ft. in height, whichever is less, in accordance with section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in section 4.7.70.b of Chapter 4.7 - Sign Regulations.

**Table 3.6-1
Section 3.6.30 - RS-12 DEVELOPMENT STANDARDS**

		Standard
a.	Minimum Density	12 units per acre (applies to the creation of land divisions)
b.	Maximum Density	20 units per acre (applies to the creation of land divisions)
c.	Minimum Lot Area	2,200 sq. ft. per dwelling unit
d.	Minimum Lot Width	25 ft.

<p>e. Setbacks**</p> <p>1. Front yard</p> <p>2. Rear yard and Side yards (interior attached townhouses exempt from interior side yard setbacks)</p> <p>(a) Single Detached (b) Single Attached and Zero Lot Line Detached (c) Duplex and Multi-Dwelling (d) Abutting a more restrictive zone</p> <p>3. Corner Lot</p>	<p>10 ft. minimum; 25 ft. maximum (unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained)</p> <p>5 ft. minimum and each lot must have a minimum 15-ft. usable yard either on the side or rear of each dwelling. Additionally, the setbacks listed below apply for side yards not being used as the “usable” yard described above.</p> <p>5 ft. minimum each side yard 0 ft. one side; 8 ft. minimum on opposite side¹</p> <p>10 ft. minimum each side</p> <p>10 ft. minimum</p> <p>10 ft. minimum on side abutting the street, vision clearance areas in accordance with section 4.1.40.c</p>
<p>f. Minimum Garage/Carport Setbacks</p> <p>1. Garage/carport entrance facing/parallel to the street</p> <p>2. Garage/carport entrance sideways/perpendicular to street)</p>	<p>19 ft. minimum</p> <p>10 ft. minimum</p> <p>Setbacks from alleys in accordance with section 4.0.60.j Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards</p>
<p>g. Setbacks from Properties Zoned Agricultural-Open Space (AG-OS)</p>	<p>When residential development is proposed next to AG-OS land, a minimum 50-ft.-wide continuous plant or plant/berm buffer is required. Additionally, the minimum setback adjacent to AG-OS is 100 ft. It is the applicant’s responsibility to provide the buffer.</p>
<p>h. Maximum Structure Height</p>	<p>35 ft., not to exceed a solar envelope approved under chapters 2.18 or 4.6</p>

1 Prior to building permit approval, the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than 5 ft. in width.

i. Maximum Lot/Site Coverage ²	70 percent of lot area maximum; interior attached townhouses exempt from this provision Green area is calculated per lot.
j. Off-Street Parking	See Chapter 4.1

**Outdoor components associated with heat pumps and similar equipment for residential structures shall not be placed within any required setback area. When located outside a setback area, but within 5 - 10 ft. of a property line, such equipment shall be screened on all sides with a solid fence or wall at least 1 ft. higher than the equipment. When located outside a setback area, but greater than 10 ft. from a property line, such equipment requires no screening. Equipment screening requirements for nonresidential structures shall be in accordance with Chapter 4.2.

Section 3.6.40 - MULTIPLE BUILDINGS ON ONE LOT OR SITE

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply to multiple residential buildings on a single lot or site in the RS-12 Zone:

- a. Buildings with opposing windowed walls shall be separated by 20 ft.
- b. Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths (refer to Chapter 4.10 - Pedestrian Oriented Design Standards).
- c. Buildings with opposing blank walls shall be separated by 10 ft. As stated in "b" above, no blank walls are allowed to face streets, sidewalks, or multi-use paths (refer to Chapter 4.10).
- d. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
- e. Buildings with courtyards shall maintain separation of opposing walls as listed in "a" through "c" above.
- f. Where buildings exceed a length of 60 ft. or exceed a height of 30 ft., the minimum wall separation shall be increased. The rate of increased wall separation shall be 1 ft. for each 15 ft. of building length over 60 ft., and 2 ft. for each 10 ft. of building height over 30 ft.
- g. Driveways, parking lots, and common or public sidewalks or multi-use paths shall maintain the following separation from dwelling units built within 8 ft. of ground level.

2 Includes area occupied by buildings, parking, and circulation of automobiles.

1. Driveways and parking lots shall be separated from windowed walls by at least 8 ft.; sidewalks and multi-use paths shall be separated by at least 5 ft.
2. Driveways and parking lots shall be separated from living room windows by at least 10 ft.; sidewalks and multi-use paths shall be separated by at least 7 ft.
3. Driveways and uncovered parking spaces shall be separated from doorways by at least 5 ft.

Section 3.6.50 - GREEN AREA, OUTDOOR SPACE, LANDSCAPING, AND SCREENING

3.6.50.01 - Green Area

- a. A minimum of 30 percent of the gross lot area (or a minimum of 20 percent for center-unit townhouses on interior lots) shall be retained and improved or maintained as permanent green area (landscaping, unprotected preservation areas, and/or pedestrian amenities such as sidewalks, plazas, multi-use paths, patios, decks, etc.) to ensure that the 70 percent maximum lot/site coverage standard of section 3.6.30 is met. A minimum of 10 percent of the gross lot area shall consist of vegetation (landscaping or naturally preserved vegetation).
- b. Landscaping within the required green area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants and with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent green areas.
- c. The required green area shall be designed and arranged to offer the maximum benefits to the occupants of the development and provide visual appeal and building separation. These provisions shall apply to all new development sites and to an addition or remodeling of existing structures that creates new dwelling units.

3.6.50.02 - Private Outdoor Space Per Dwelling Unit

- a. Private outdoor space shall be required at a ratio of 48 sq. ft. per dwelling unit. This private outdoor space requirement may be met by providing patios and balconies for some or all dwelling units, or by combining private outdoor space and common outdoor space as allowed by section 3.6.50.04.

- b. Private outdoor space (patio or balcony) shall have minimum dimensions of 6- by 8-ft.
- c. Private outdoor space shall be directly accessible by door from the interior of the individual dwelling unit served by the space.
- d. Private outdoor space shall be screened or designed to provide privacy for the users of the space.
- e. Private outdoor space may be considered as part of the 30 percent green area required under section 3.6.50.01, if it is located on the ground (e.g., upper-story balconies cannot be counted).

3.6.50.03 - Common Outdoor Space Per Dwelling Unit

- a. In addition to the private outdoor space requirements of section 3.6.50.02, common outdoor space shall be provided in developments of 20 or more dwelling units, for use by all residents of the development, in the following amounts:
 - 1. Studio, one- and two-bedroom units: 200 sq. ft. per unit
 - 2. Three or more bedroom units: 300 sq. ft. per unit
- b. The minimum size of any common outdoor space shall be 400 sq. ft., with minimum dimensions of 20- by 20-ft.
- c. A common outdoor space may include any of the following, provided that they are outdoor areas: recreational facilities such as tennis, racquetball, and basketball courts, swimming pool and spas; gathering spaces such as gazebos, picnic, and barbecue areas; gardens; preserved natural areas where public access is allowed; and children's tot lots.
- d. The common outdoor space may be considered as part of the 30 percent green area required under section 3.6.50.01. The common outdoor space shall not be located within any buffer or perimeter yard setback area.
- e. A children's tot lot shall be provided for each 20 units. The minimum dimensions for any tot lot shall be 20- by 20-ft., with a minimum size of 400 sq. ft. The tot lot shall include a minimum of three items of play equipment such as slides, swings, towers, and jungle gyms. Any one or a combination of the following shall enclose the tot lot: a 2.5- to 3-ft.-high wall, fence, or planter; or benches or seats.
- f. Where more than one tot lot is required, the developer may provide individual tot lots or may combine them into larger playground areas.

- g.** Housing complexes that include 20 or more dwelling units designed for older persons do not require tot lots. However, common outdoor space shall be provided as specified in “a” through “d” above.

3.6.50.04 - Option to Combine Private and Common Outdoor Space

- a.** The private and common outdoor space requirements may be met by combining them into areas for active or passive recreational use. Examples include courtyards and roof-top gardens with pedestrian amenities. However, where larger common outdoor spaces are proposed to satisfy private outdoor space requirements, they shall include pedestrian amenities such as benches or other types of seating areas.
- b.** The combined outdoor space may be covered, but it shall not be fully enclosed.

3.6.50.05 - Outdoor Space Credits

When an RS-12 development site is connected by public sidewalks to an improved public park located immediately adjacent to or directly across the street from the site, a developer may request an outdoor space credit, not to exceed 25 percent of the total outdoor space requirement (private and common outdoor space). Additionally, for sites located within the Downtown Residential Neighborhood (as defined in Chapter 1.6), a developer may request an outdoor space credit that reduces or eliminates the common outdoor space requirements and/or reduces required private outdoor space by a maximum of 25 percent.

3.6.50.06 - Location of Green Area

In determining where green areas should be placed on a development site, consideration shall be given to the following:

- a.** Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;
- b.** Protecting lands where development more intensive than a green area use may have a “downstream” impact on the ecosystem of the vicinity. The ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;
- c.** Enhancing park sites adjacent to the convergence of sidewalks and/or multi-use paths;
- d.** Enhancing recreational opportunities near neighborhood commercial activity centers; and

- e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

Section 3.6.60 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE

The predominant purpose of the RS-12 Zone is to retain residential unit availability; however, within the zone there are structures that, due primarily to their size, condition, or age, cannot be successfully, economically, and fully utilized for residential use. Therefore, the City may allow conversion through a Conditional Development, in accordance with Chapter 2.3 - Conditional Development, to the "Professional and Administrative Services" use type, using the review criteria below.

3.6.60.01 - Size Limitation

Structures must be 4,000 sq. ft. or more and built before December 31, 2000.

3.6.60.02 - Burden of Proof

The developer shall prove that:

- a. The structure cannot feasibly be used for the uses permitted in section 3.6.20 without creating undue financial hardship for both tenants and owners. This may be proved by meeting both of the following:
 - 1. Providing factual data and information on the potential costs of using the structure for residential use (e.g., heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, construction for parking, etc.) compared to estimated potential rent or purchase prices for tenants or owners; and
 - 2. Demonstrating that an earnest effort has been made to retain the structure for residential use through established marketing procedures (e.g., advertising, brochures, telephone contact, contact with real estate and marketing professionals, etc.).

OR

- b. It is in the best interest of the community to convert the structure to the Professional and Administrative Services use type. This may be proved by meeting both of the following:
 - 1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and
 - 2. Demonstrating that substantial alterations would be necessary to retain the structure for residential use and that alterations would

result in the loss or reduction of historical or architectural significance.

3.6.60.03 - Development Site Design

To ensure that the character of the structure and site will be preserved after conversion, the applicant shall be required to submit plans (in addition to the site plan required in Chapter 2.3) that indicate the following:

- a. Proposed exterior facade treatment;
- b. Interior remodeling (showing major structural changes);
- c. Landscaping;
- d. Proposed signage;
- e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of historically or architecturally significant elements; and
- f. Any other structural or site changes that would affect the structure's character.

3.6.60.04 - Required Off-Street Parking

The City recognizes that section 3.6.60 generally applies to large structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, the following exception to Chapter 4.1 provisions regarding the location of required parking shall be permitted:

- a. Off-street parking may be permitted in any adjoining blocks where adequate parking can be made available.

Section 3.6.70 - REDEVELOPMENT OF EXISTING OFFICES

Existing offices are permitted uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the parking standards in Chapter 4.1, even if these requirements interfere with the redevelopment.

Section 3.6.80 - MIX OF HOUSING TYPES

A mix of permitted housing types is encouraged in the RS-12 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than 5 acres in size shall comply with the variety of housing types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.6.90 - COMPLIANCE WITH PEDESTRIAN ORIENTED DESIGN STANDARDS OF CHAPTER 4.10

3.6.90.01 - Required Compliance

The pedestrian oriented design standards of Chapter 4.10 shall apply to the following types of development in the RS-12 Zone:

- a.** All new buildings or structures for which a valid permit application has been submitted after December 31, 2000;
- b.** Developments subject to Conditional Development and/or Planned Development approval, as required by a condition(s) of approval(s); and
- c.** Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards, sections 4.10.70.02 through 4.10.70.05, with allowances for choices among some standards as identified in 4.10.70.01, provided that:
 1. The expansion adds floor area of more than 3,000 sq. ft.; or
 2. The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.

3.6.90.02 - Exceptions to Compliance

Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with the design standards of Chapter 4.10 provided that:

- a.** The expansion adds floor area of 500 sq. ft. or less; or
- b.** The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

Section 3.6.100 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian

oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

CHAPTER 3.7 MEDIUM-HIGH DENSITY - UNIVERSITY (RS-12(U)) ZONE

Section 3.7.10 - PURPOSE

This zone implements the Medium-High Density Residential Comprehensive Plan designation, which allows from 12 to 20 dwelling units per acre. It is intended to provide for medium-high density housing near the University that is compatible with existing development and consistent with the purpose of the RS-12 Zone. This zone also contains development standards to help address compatibility issues associated with the North Campus Area.

Section 3.7.20 - PERMITTED USES

3.7.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types
 - (a) Family
 - (b) Group Residential
 - (c) Group Residential/Group Care
 - (d) Residential Care Facility
 - (e) Fraternities and Sororities
2. Residential Building Types
 - (a) Single Detached
 - (b) Single Detached (Zero Lot Line)
 - (c) Single Attached (Zero Lot Line, 2 units)
 - (d) Attached (Townhouse)
 - (e) Duplex
 - (f) Multi-Dwelling
 - (g) Manufactured Dwelling Park (in accordance with Chapter 4.8 - Manufactured Dwelling Facility Standards)

3. Civic Use Types
 - (a) Community Recreation
 - (b) Postal Services - Customer
 - (c) Public Safety Services
 - (d) Religious Assembly
 - (e) Social Service Facilities
4. Commercial Use Types
 - (a) Professional and Administrative Offices, as defined in Chapter 1.6, existing prior to December 31, 2000. Expansions shall be subject to Conditional Development Review, as noted in section 3.7.20.02 below
 - (b) Lodging Services (Bed and Breakfast only)

b. Accessory Uses Permitted Outright

1. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
2. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9
3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6
5. Home Business, as defined in Chapter 1.6
6. Horticultural (personal use)
7. Model dwelling units
8. Other development customarily incidental to the primary uses in accordance with Chapter 4.3 - Accessory Development Regulations

9. Required off-street parking for uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation (personal use)
11. Tree, Row, and Field Crops (personal use)

3.7.20.02 - Special Development

a. Conditional Development - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

1. Colocated/attached facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions.
2. Colocated/attached facilities on nonresidential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9
3. Day Care, Commercial Facility, as defined in Chapter 1.6
4. Expansion of Offices, as defined in Chapter 1.6, existing prior to December 31, 2000
5. Conversion of a structure to a Professional and Administrative Services use type in accordance with section 3.7.60
6. Cultural Exhibits and Library Services
7. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9
8. Funeral and Interment Services (interring and cemeteries only)
9. Lodges, Fraternal and Civic Assembly
10. Major Services and Utilities
11. Minor Utilities subject to standards in Chapter 4.9
12. Participant Sports and Recreation (Indoor and Outdoor)
13. Schools

3.7.20.03 - General Development

- a. **Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.
1. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 45 ft. in height, whichever is less, in accordance with section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in section 4.7.70.b of Chapter 4.7 - Sign Regulations.

Section 3.7.30 - RS-12(U) DEVELOPMENT STANDARDS

Table 3.7-1

3.7.30.01 - RS-12(U) Development Standards - Standards Option

	Standard
a. Minimum Density	12 units per acre (applies to the creation of land divisions)
b. Maximum Density	20 units per acre (applies to the creation of land divisions)
c. Minimum Lot Area	2,200 sq. ft. per dwelling unit
d. Minimum Lot Width	25 ft.

<p>e. Setbacks**</p> <p>1. Front yard</p> <p>2. Rear yard and Side yards (interior attached townhouses exempt from interior side yard setbacks)</p> <p>(a) Single Detached (b) Single Attached and Zero Lot Line Detached (c) Duplex and Multi-Dwelling (d) Abutting a more restrictive zone</p> <p>3. Corner Lot</p>	<p>10 ft. minimum; 25 ft. maximum (unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained)</p> <p>5 ft. minimum and each lot must have a minimum 15 ft. usable yard either on the side or rear of each dwelling. Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.</p> <p>5 ft. minimum each side yard 0 ft. one side; 8 ft. minimum on opposite side¹</p> <p>10 ft. minimum each side</p> <p>10 ft. minimum</p> <p>10 ft. minimum on side abutting the street, vision clearance areas in accordance with section 4.1.40.c</p>
<p>f. Minimum Garage/Carport Setbacks</p> <p>1. Garage/carport entrance facing/parallel to the street)</p> <p>2. Garage/carport entrance sideways/perpendicular to street)</p>	<p>9 ft. minimum</p> <p>10 ft. minimum</p> <p>Setbacks from alleys in accordance with section 4.0.60.j Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards</p>

1 Prior to building permit approval, the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than 5 ft. in width.

<p>g. Setbacks from Properties Zoned Agricultural-Open Space (AG-OS)</p>	<p>When residential development is proposed next to AG-OS land, a minimum 50-ft.-wide continuous plant or plant/berm buffer is required. Additionally, the minimum setback adjacent to AG-OS is 100 ft. Additionally, the minimum setback adjacent to AG-OS is 100 ft. It is the applicant's responsibility to provide the buffer.</p>
<p>h. Maximum Structure Height</p>	<p>35 ft., not to exceed a solar envelope approved under chapters 2.18 or 4.6</p>
<p>i. Maximum Lot Coverage</p>	<p>70 percent of lot area maximum; interior attached townhouses exempt from this provision. Green area is calculated per lot.</p>
<p>j. Off-Street Parking</p>	<p>See Chapter 4.1</p>

**Outdoor components associated with heat pumps and similar equipment for residential structures shall not be placed within any required setback area. When located outside a setback area, but within 5 - 10 ft. of a property line, such equipment shall be screened on all sides with a solid fence or wall at least 1 ft. higher than the equipment. When located outside a setback area, but greater than 10 ft. from a property line, such equipment requires no screening. Equipment screening requirements for nonresidential structures shall be in accordance with Chapter 4.2.

Section 3.7.40 - MULTIPLE BUILDINGS ON ONE LOT OR SITE

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply to multiple residential buildings on a single lot or site in the RS-12(U) Zone:

- a.** Buildings with opposing windowed walls shall be separated by 20 ft.
- b.** Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths (refer to Chapter 4.10 - Pedestrian Oriented Design Standards).
- c.** Buildings with opposing blank walls shall be separated by 10 ft. As stated in "b" above, no blank walls are allowed to face streets, sidewalks, or multi-use paths (refer to Chapter 4.10).
- d.** Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
- e.** Buildings with courtyards shall maintain separation of opposing walls as listed in "a," "b," and "c" above.

- f. Where buildings exceed a length of 60 ft. or exceed a height of 30 ft., the minimum wall separation shall be increased. The rate of increased wall separation shall be 1 ft. for each 15 ft. of building length over 60 ft., and 2 ft. for each 10 ft. of building height over 30 ft.
- g. Driveways, parking lots, and common or public sidewalks or multi-use paths shall maintain the following separation from dwelling units built within 8 ft. of ground level.
 - 1. Driveways and parking lots shall be separated from windowed walls by at least 8 ft.; sidewalks and multi-use paths shall be separated by at least 5 ft.
 - 2. Driveways and parking lots shall be separated from living room windows by at least 10 ft.; sidewalks and multi-use paths shall be separated by at least 7 ft.
 - 3. Driveways and uncovered parking spaces shall be separated from doorways by at least 5 ft.

Section 3.7.50 - GREEN AREA, OUTDOOR SPACE, LANDSCAPING, AND SCREENING

3.7.50.01 - Green Area

- a. A minimum of 30 percent of the gross lot area (or a minimum of 20 percent for center-unit townhouses on interior lots) shall be retained and improved or maintained as permanent green area (landscaping, unprotected preservation areas, and/or pedestrian amenities such as sidewalks, plazas, multi-use paths, patios, decks, etc.) to ensure that the 70 percent maximum lot/site coverage standard of section 3.7.30 is met. A minimum of 10 percent of the gross lot area shall consist of vegetation (landscaping or naturally preserved vegetation).
- b. Landscaping within the required green area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants and with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent green areas.
- c. The required green area shall be designed and arranged to offer the maximum benefits to the occupants of the development and provide visual appeal and building separation. These provisions shall apply to all new

development sites and to an addition or remodeling of existing structures that creates new dwelling units.

3.7.50.02 - Private Outdoor Space Per Dwelling Unit

- a.** Private outdoor space shall be required at a ratio of 48 sq. ft. per dwelling unit. This private outdoor space requirement may be met by providing patios and balconies for some or all dwelling units, or by combining private outdoor space and common outdoor space as allowed by section 3.7.50.04.
- b.** Private outdoor space (patio or balcony) shall have minimum dimensions of 6- by 8-ft.
- c.** Private outdoor space shall be directly accessible by door from the interior of the individual dwelling unit served by the space.
- d.** Private outdoor space shall be screened or designed to provide privacy for the users of the space.
- e.** Private outdoor space may be considered as part of the 30 percent green area required under section 3.7.50.01, if it is located on the ground (e.g., upper-story balconies cannot be counted).

3.7.50.03 - Common Outdoor Space Per Dwelling Unit

- a.** In addition to the private outdoor space requirements of section 3.7.50.02, common outdoor space shall be provided in developments of 20 or more dwelling units, for use by all residents of the development, in the following amounts:
 - 1. Studio, one- and two-bedroom units: 200 sq. ft. per unit
 - 2. Three or more bedroom units: 300 sq. ft. per unit
- b.** The minimum size of any common outdoor space shall be 400 sq. ft., with minimum dimensions of 20- by 20-ft.
- c.** A common outdoor space may include any of the following, provided that they are outdoor areas: recreational facilities such as tennis, racquetball, and basketball courts, swimming pool and spas; gathering spaces such as gazebos, picnic, and barbecue areas; gardens; preserved natural areas where public access is allowed; and children's tot lots.
- d.** The common outdoor space may be considered as part of the 30 percent green area required under section 3.7.50.01. The common outdoor space shall not be located within any buffer or perimeter yard setback area.

- e. A children's tot lot shall be provided for each 20 units. The minimum dimensions for any tot lot shall be 20- by 20-ft., with a minimum size of 400 sq. ft. The tot lot shall include a minimum of three items of play equipment such as slides, swings, towers, and jungle gyms. Any one or a combination of the following shall enclose the tot lot: a 2.5- to 3-ft.-high wall, fence, or planter; or benches or seats.
- f. Where more than one tot lot is required, the developer may provide individual tot lots or may combine them into larger playground areas.
- g. Housing complexes that include 20 or more dwelling units designed for older persons do not require tot lots. However, common outdoor space shall be provided as specified in "a" through "d" above.

3.7.50.04 - Option to Combine Private and Common Outdoor Space

- a. The private and common outdoor space requirements may be met by combining them into areas for active or passive recreational use. Examples include courtyards and roof-top gardens with pedestrian amenities. However, where larger common outdoor spaces are proposed to satisfy private outdoor space requirements, they shall include pedestrian amenities such as benches or other types of seating areas.
- b. The combined outdoor space may be covered, but it shall not be fully enclosed.

3.7.50.05 - Outdoor Space Credits

A developer may request an outdoor space credit, not to exceed 25 percent of the total outdoor space requirement (private and common outdoor space), when an RS-12 development site is connected by public sidewalks to an improved public park located immediately adjacent to or directly across the street from the site. Additionally, for sites located within the Downtown Residential Neighborhood (as defined in Chapter 1.6), a developer may request an outdoor space credit that reduces or eliminates the common outdoor space requirements and/or reduces required private outdoor space by a maximum of 25 percent.

3.7.50.06 - Location of Green Area

In determining where green areas should be placed on a development site, consideration shall be given to the following:

- a. Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;

- b. Protecting lands where development more intensive than a green area use may have a “downstream” impact on the ecosystem of the vicinity. The ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;
- c. Enhancing park sites adjacent to the convergence of sidewalks and/or multi-use paths;
- d. Enhancing recreational opportunities near neighborhood commercial activity centers; and
- e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

Section 3.7.60 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE

The predominant purpose of the RS-12(U) Zone is to retain residential unit availability; however, within the zone are structures that, due primarily to their size, condition, or age, cannot be successfully, economically, and fully utilized for residential use. Therefore, the City may allow conversion through a Conditional Development, in accordance with Chapter 2.3 - Conditional Development, to the "Professional and Administrative Services" use type, using the review criteria below.

3.7.60.01 - Size Limitation

Structures must be 4,000 sq. ft. or more and built before December 31, 2000.

3.7.60.02 - Burden of Proof

The developer shall prove that:

- a. The structure cannot feasibly be used for the uses permitted in section 3.7.20 without creating undue financial hardship for both tenants and owners. This may be proved by meeting both of the following:
 - 1. Providing factual data and information on the potential costs of using the structure for residential use (e.g., heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, construction for parking, etc.) compared to estimated potential rent or purchase prices for tenants or owners; and
 - 2. Demonstrating that an earnest effort has been made to retain the structure for residential use through established marketing

procedures (e.g., advertising, brochures, telephone contact, contact with real estate and marketing professionals, etc.).

OR

- b.** It is in the best interest of the community to convert the structure to the Professional and Administrative Services use type. This may be proved by meeting both of the following:
 - 1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and
 - 2. Demonstrating that substantial alterations would be necessary to retain the structure for residential use and that alterations would result in the loss or reduction of historical or architectural significance.

3.7.60.03 - Development Site Design

To ensure that the character of the structure and site will be preserved after conversion, the applicant shall be required to submit plans (in addition to the site plan required in Chapter 2.3) that indicate the following:

- a.** Proposed exterior facade treatment;
- b.** Interior remodeling (showing major structural changes);
- c.** Landscaping;
- d.** Proposed signage;
- e.** Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of historically or architecturally significant elements; and
- f.** Any other structural or site changes that would affect the structure's character.

3.7.60.04 - Required Off-Street Parking

The City recognizes that section 3.7.60 generally applies to large structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, the following exception to Chapter 4.1 provisions regarding the location of required parking shall be permitted:

- a. Off-street parking may be permitted in any adjoining blocks where adequate parking can be made available.

Section 3.7.70 - REDEVELOPMENT OF EXISTING OFFICES

Existing Offices are permitted uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the parking standards contained in Chapter 4.1, even if these requirements interfere with the redevelopment.

Section 3.7.80 - MIX OF HOUSING TYPES

A mix of permitted housing types is encouraged in the RS-12(U) Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than 5 acres in size shall comply with the variety of housing types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.7.90 - COMPLIANCE WITH PEDESTRIAN ORIENTED DESIGN STANDARDS OF CHAPTER 4.10 AND ADDITIONAL DESIGN STANDARDS

3.7.90.01 - Pedestrian Oriented Design Standards of Chapter 4.10

a. Required Compliance

The pedestrian oriented design standards of Chapter 4.10 shall apply to the following types of development in the RS-12(U) Zone:

1. All new buildings or structures for which a valid permit application has been submitted after December 31, 2000;
2. Developments subject to Conditional Development and/or Planned Development approval, as required by a condition(s) of approval(s); and
3. Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards, sections 4.10.70.02 through 4.10.70.05, with allowances for choices among some standards as identified in 4.10.70.01, provided that:
 - (a) The expansion adds floor area of more than 3,000 sq. ft.; or

- (b) The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.

b. Exceptions to Compliance

Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with the design standards of Chapter 4.10 provided that:

- 1. The expansion adds floor area of 500 sq. ft. or less; or
- 2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

3.7.90.02 - Additional Design Standards

- a. **Building Roof** - Roofs shall be gabled or hip type roofs (minimum pitch 3:1) with at least a 30-in. overhang and using shingles or similar roof materials. Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within 300 ft. have roofs similar to what is proposed.
- b. **Building Materials (Exterior Walls)** - Lap/horizontal siding or walls of brick, masonry, or stone shall be required. Alternatives may be approved where the developer can demonstrate that abutting structures or the majority of structures within 300 ft. use materials similar to what is proposed.
- c. **Structure Features** - Development shall be designed to minimize negative visual impacts affecting the character of the neighborhood by considering the scale, bulk, and character of the nearby structures in relation to the proposed structure. Elements of concern include roof style, offsets in the building's exterior walls and in its roof, types of materials, and other architectural details.

Section 3.7.100 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

CHAPTER 3.8 HIGH DENSITY (RS-20) ZONE

Section 3.8.10 - PURPOSE

This is the primary zone that implements the High Density Residential Comprehensive Plan designation, which allows 20 or more dwelling units per acre. It is intended to provide areas for high density group residential dwelling units and other closely related and/or supportive uses in various areas within the City.

Section 3.8.20 - PERMITTED USES

3.8.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types
 - (a) Family
 - (b) Group Residential
 - (c) Group Residential/Group Care
 - (d) Residential Care Facilities
 - (e) Fraternities and Sororities
2. Residential Building Types
 - (a) Single Detached
 - (b) Single Detached (Zero Lot Line)
 - (c) Single Attached (Zero Lot Line, 2 units)
 - (d) Attached (Townhouse)
 - (e) Duplex
 - (f) Multi-Dwelling
3. Civic Use Types
 - (a) Community Recreation

- (b) Lodges, Fraternal and Civic Assembly
- (c) Postal Services - Customer
- (d) Public Safety Services
- (e) Religious Assembly
- (f) Schools
- (g) Social Service Facilities

4. Commercial Use Types

- (a) Professional and Administrative Offices, as defined in Chapter 1.6, existing prior to December 31, 2000. Expansions shall be subject to Conditional Development Review, as noted in section 3.8.20.02 below
- (b) Lodging Services (Bed and Breakfast only)

b. Accessory Uses Permitted Outright

- 1. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
- 2. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9
- 3. Essential Services
- 4. Day Care, Family, as defined in Chapter 1.6
- 5. Home Business, as defined in Chapter 1.6
- 6. Horticulture (personal use)
- 7. Model dwelling units
- 8. Other development customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations

9. Required off-street parking for uses permitted in the district in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation (personal use)
11. Tree, Row, and Field Crops (personal use)

3.8.20.02 - Special Development

a. Conditional Development - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

1. Colocated/attached facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
2. Colocated/attached facilities on nonresidential structures that increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9
3. Day Care, Commercial Facility, as defined in Chapter 1.6
4. Expansion of Offices, as defined in Chapter 1.6, existing prior to December 31, 2000
5. Conversion of a structure to a Professional and Administrative Services use type in accordance with section 3.8.60
6. Cultural Exhibits and Library Services
7. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9
8. Funeral and Interment Services (interring and cemeteries only)
9. Major Services and Utilities
10. Minor Utilities subject to standards in Chapter 4.9
11. Parking Services
12. Participant Sports and Recreation (Indoor and Outdoor)

3.8.20.03 - General Development

a. Plan Compatibility Review - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

1. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 75 ft. in height, whichever is less, in accordance with section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in section 4.7.70.b of Chapter 4.7 - Sign Regulations.

Table 3.8-1
Section 3.8.30 - RS-20 DEVELOPMENT STANDARDS

	Standard
a. Minimum Density	20 units per acre (applies to the creation of land divisions)
b. Maximum Density	No maximum
c. Minimum Lot Area	None
d. Minimum Average Lot Width	25 ft.

<p>e. Setbacks**</p> <p>1. Front, Side Yard, and Rear Yard</p> <p>(unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained)</p> <p>(interior attached townhouses exempt from interior side yard setbacks)</p> <p>2. Maximum Front Yard Setback</p> <p>3. Side and Rear Yard Setback Adjacent to Low Density Residential zone</p> <p>4. Corner Lot</p>	<p>10 ft. minimum, except that portions may be reduced to 5 ft. provided that:</p> <ol style="list-style-type: none"> 1. The 5-ft. setback is applied to 50 percent or less of the building face related to a yard space; 2. An average 10-ft. setback shall be provided along the building face; and 3. Where buildings exceed a length of 60 ft or exceed 3 stories, the above yard requirements shall be increased at a rate of 1 ft. for each 15 ft. of building length over 60 ft. and 2 ft. for each story over 3 stories. <p>25 ft.; interior buildings within a development are exempt from this requirement</p> <p>Equal to most restrictive setback in the Low Density Residential zone</p> <p>10 ft. minimum on side abutting the street, vision clearance areas in accordance with section 4.1.40.c</p>
<p>f. Minimum Garage/Carport Setbacks</p> <p>1. Detached and attached units</p> <p>(a) Garage/carport entrance facing/parallel to the street</p> <p>(b) Garage/carport entrance sideways/perpendicular to street</p> <p>2. Multi-dwelling units</p>	<p>19 ft. minimum</p> <p>10 ft. minimum</p> <p>Setbacks from alleys in accordance with section 4.0.60.j</p> <p>Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards</p> <p>Off-street parking and garages shall be located interior to the site (see Chapter 4.10)</p>

g. Setbacks from Properties Zoned Agricultural-Open Space (AG-OS)	When residential development is proposed next to AG-OS land, a minimum 50-ft.-wide continuous plant or plant/berm buffer is required. Additionally, the minimum setback adjacent to AG-OS is 100 ft. It is the applicant's responsibility to provide the buffer.
h. 1. Maximum Structure Height 2. Maximum Structure Height adjacent to RS-3.5, RS-5, RS-6, RS-9, and RS-9(U) Zones	65 ft. above grade or 5 stories , whichever is less See section 3.8.30.01 below
i. Maximum Lot Coverage	75 percent of the lot area maximum ¹ ; interior attached townhouses exempt from this provision. Green area is calculated per lot.
j. Off-Street Parking	See Chapter 4.1

**Outdoor components associated with heat pumps and similar equipment for residential structures shall not be placed within any required setback area. When located outside a setback area, but within 5 - 10 ft. of a property line, such equipment shall be screened on all sides with a solid fence or wall at least 1 ft. higher than the equipment. When located outside a setback area, but greater than 10 ft. from a property line, such equipment requires no screening. Equipment screening requirements for nonresidential structures shall be in accordance with Chapter 4.2.

3.8.30.01 - Structure Height and Building Mass

- a.** Primary structures in the RS-20 Zone shall not exceed a height of 65 ft. or five stories, whichever is less.
- b.** Where a property in the RS-20 Zone abuts a property in the RS-9 or RS-9(U) Zone, the height of structures in the RS-20 Zone is limited to a maximum of 35 ft. within a distance of 20 ft. from the Medium Density Residential property.

¹ Includes area occupied by buildings, parking, and circulation of automobiles.

Section 3.8.40 - MULTIPLE BUILDINGS ON ONE LOT OR SITE

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply to multiple residential buildings on a single lot or site in the RS-20 Zone:

- a.** Buildings with opposing windowed walls shall be separated by 20 ft.
- b.** Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths (refer to Chapter 4.10 - Pedestrian Oriented Design Standards).
- c.** Buildings with opposing blank walls shall be separated by 10 ft. As stated in "b" above, no blank walls are allowed to face streets, sidewalks, or multi-use paths (refer to Chapter 4.10).
- d.** Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
- e.** Buildings with courtyards shall maintain separation of opposing walls as listed in "a" through "c" above.
- f.** Where buildings exceed a length of 60 ft. or exceed a height of 30 ft., the minimum wall separation shall be increased. The rate of increased wall separation shall be 1 ft. for each 15 ft. of building length over 60 ft., and 2 ft. for each 10 ft. of building height over 30 ft.
- g.** Driveways, parking lots, and common or public sidewalks or multi-use paths shall maintain the following separation from dwelling units built within 8 ft. of ground level.
 - 1.** Driveways and parking lots shall be separated from windowed walls by at least 8 ft.; sidewalks and multi-use paths shall be separated by at least 5 ft.
 - 2.** Driveways and parking lots shall be separated from living room windows by at least 10 ft.; sidewalks and multi-use paths shall be separated by at least 7 ft.
 - 3.** Driveways and uncovered parking spaces shall be separated from doorways by at least 5 ft.

Section 3.8.50 - GREEN AREA, OUTDOOR SPACE, LANDSCAPING, AND SCREENING

3.8.50.01 - Green Area

- a.** A minimum of 25 percent of the gross lot area (or a minimum of 15 percent for center-unit townhouses on interior lots) shall be retained and improved or maintained as permanent green area (landscaping, unprotected preservation areas, and/or pedestrian amenities such as sidewalks, plazas, multi-use paths, patios, decks, etc.) to ensure that the 75 percent maximum lot/site coverage standard of section 3.8.30 is met. A minimum of 10 percent of the gross lot area shall consist of vegetation (landscaping or naturally preserved vegetation).
- b.** Landscaping within the required green area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants and with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent green areas.
- c.** The required green area shall be designed and arranged to offer the maximum benefits to the occupants of the development and to provide visual appeal and building separation. These provisions shall apply to all new development sites and to an addition or remodeling of existing structures that creates new dwelling units.

3.8.50.02 - Private Outdoor Space Per Dwelling Unit

- a.** Private outdoor space shall be required at a ratio of 48 sq. ft. per dwelling unit. This private outdoor space requirement may be met by providing patios and balconies for some or all dwelling units, or by combining private outdoor space and common outdoor space as allowed by section 3.8.50.04.
- b.** Private outdoor space (patio or balcony) shall have minimum dimensions of 6- by 8-ft.
- c.** Private outdoor space shall be directly accessible by door from the interior of the individual dwelling unit served by the space.
- d.** Private outdoor space shall be screened or designed to provide privacy for the users of the space.

- e. Private outdoor space may be considered as part of the 25 percent green area required under section 3.8.50.01 if it is located on the ground (e.g., upper-story balconies cannot be counted).

3.8.50.03 - Common Outdoor Space Per Dwelling Unit

- a. In addition to the private outdoor space requirements of section 3.8.50.02, common outdoor space shall be provided in developments of 20 or more dwelling units, for use by all residents of the development, in the following amounts:
 - 1. Studio, one- and two-bedroom units: 200 sq. ft. per unit
 - 2. Three or more bedroom units: 300 sq. ft. per unit
- b. The minimum size of any common outdoor space shall be 400 sq. ft., with minimum dimensions of 20- by 20-ft.
- c. A common outdoor space may include any of the following, provided that they are outdoor areas: recreational facilities such as tennis, racquetball, and basketball courts, swimming pool and spas; gathering spaces such as gazebos, picnic, and barbecue areas; gardens; preserved natural areas where public access is allowed; and children's tot lots.
- d. The common outdoor space may be considered as part of the 25 percent green area required under section 3.8.50.01. The common outdoor space shall not be located within any buffer or perimeter yard setback area.
- e. A children's tot lot shall be provided for each 20 units. The minimum dimensions for any tot lot shall be 20- by 20-ft., with a minimum size of 400 sq. ft. The tot lot shall include a minimum of three items of play equipment such as slides, swings, towers, and jungle gyms. Any one or a combination of the following shall enclose the tot lot: a 2.5- to 3-ft.-high wall, fence, or planter; or benches or seats.
- f. Where more than one tot lot is required, the developer may provide individual tot lots or may combine them into larger playground areas.
- g. Housing complexes that include 20 or more dwelling units designed for older persons do not require tot lots. However, common outdoor space shall be provided as specified in "a" through "d" above.

3.8.50.04 - Option to Combine Private and Common Outdoor Space

- a. The private and common outdoor space requirements may be met by combining them into areas for active or passive recreational use. Examples include courtyards and roof-top gardens with pedestrian amenities. However, where larger common outdoor spaces are proposed to satisfy private outdoor space requirements, they shall include pedestrian amenities such as benches or other types of seating areas.
- b. The combined outdoor space may be covered, but it shall not be fully enclosed.

3.8.50.05 - Outdoor Space Credits

When an RS-20 development site is connected by public sidewalks to an improved public park located immediately adjacent to or directly across the street from the site, a developer may request an outdoor space credit, not to exceed 25 percent of the total outdoor space requirement (private and common outdoor space). Additionally, for sites located within the Downtown Residential Neighborhood (as defined in Chapter 1.6), a developer may request an outdoor space credit that reduces or eliminates the common outdoor space requirements and/or reduces required private outdoor space by a maximum of 25 percent.

3.8.50.06 - Location of Green Area

In determining where green areas should be placed on a development site, consideration shall be given to the following:

- a. Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;
- b. Protecting lands where development more intensive than a green area use may have a “downstream” impact on the ecosystem of the vicinity. The ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;
- c. Enhancing park sites adjacent to the convergence of sidewalks and/or multi-use paths;
- d. Enhancing recreational opportunities near neighborhood commercial activity centers; and
- e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

Section 3.8.60 - CONVERSION OF A UNIT TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPES

The predominant purpose of the RS-20 Zone is to retain residential unit availability; however, within the zone are structures that, due primarily to their size, condition, or age, cannot be successfully, economically, and fully utilized for residential use. Therefore, the City may allow conversion through a Conditional Development, in accordance with Chapter 2.3, to the "Professional and Administrative Services" use type, using the review criteria below.

3.8.60.01 - Size Limitation

Structures must be 4,000 sq. ft. or more and built before December 31, 2000.

3.8.60.02 - Burden of Proof

The developer shall prove that:

- a. The structure cannot feasibly be used for the uses permitted in section 3.8.20 without creating undue financial hardship for both tenants and owners. This may be proved by meeting both of the following:
 1. Providing factual data and information on the potential costs of using the structure for residential use (e.g., heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, construction for parking, etc.) compared to estimated potential rent or purchase prices for tenants or owners; and
 2. Demonstrating that an earnest effort has been made to retain the structure for residential use through established marketing procedures (e.g., advertising, brochures, telephone contact, contact with real estate and marketing professionals, etc.).

OR

- b. It is in the best interest of the community to convert the structure to the Professional and Administrative Services use type. This may be proved by meeting both of the following:
 1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and
 2. Demonstrating that substantial alterations would be necessary to retain the structure for residential use and that alterations would result in the loss or reduction of historical or architectural significance.

3.8.60.03 - Development Site Design

To ensure that the character of the structure and site will be preserved after conversion, the applicant shall be required to submit plans (in addition to the site plan required in Chapter 2.3) that indicate the following:

- a. Proposed exterior facade treatment;
- b. Interior remodeling (showing major structural changes);
- c. Landscaping;
- d. Proposed signage;
- e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of historically or architecturally significant elements; and
- f. Any other structural or site changes that would affect the structure's character.

3.8.60.04 - Required Off-Street Parking

The City recognizes that section 3.8.60 generally applies to large structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, the following exception to Chapter 4.1 provisions regarding the location of required parking shall be permitted:

- a. Off-street parking may be permitted in any adjoining blocks where adequate parking can be made available.

Section 3.8.70 - REDEVELOPMENT OF EXISTING OFFICES

Existing offices are permitted uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the parking standards contained in Chapter 4.1 - Parking, Loading, and Access Requirements, even if these requirements interfere with the redevelopment.

Section 3.8.80 - MIX OF HOUSING TYPES

A mix of permitted housing types is encouraged in the RS-20 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than 5 acres in size shall comply with the variety of housing types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.8.90 - COMPLIANCE WITH THE PEDESTRIAN ORIENTED DESIGN STANDARDS OF CHAPTER 4.10

3.8.90.01 - Required Compliance

The pedestrian oriented design standards of Chapter 4.10 shall apply to the following types of development in the RS-20 Zone:

- a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2000;
- b. Developments subject to Conditional Development and/or Planned Development approval, as required by a condition(s) of approval(s); and
- c. Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards, sections 4.10.70.02 through 4.10.70.05, with allowances for choices among some standards as identified in 4.10.70.01, provided that:
 - 1. The expansion adds floor area of more than 3,000 sq. ft.; or
 - 2. The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.

3.8.90.02 - Exceptions to Compliance

Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with the design standards of Chapter 4.10 provided that:

- a. The expansion adds floor area of 500 sq. ft. or less; or
- b. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

Section 3.8.100 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

CHAPTER 3.9 MIXED USE RESIDENTIAL (MUR) ZONE

Section 3.9.10 - PURPOSE

The Mixed Use Residential (MUR) Zone is established to increase housing opportunities in close proximity to designated commercial zones. The MUR Zone is intended primarily for development of multi-family housing at densities high enough to support the retail uses of the adjacent commercial zones and to provide residents with direct and convenient access to commercial services.

Varied housing types are encouraged in the MUR Zone. Small-scale retail, office, and service uses are also allowed when they are developed as part of a mixed-use building. Design standards for the MUR Zone emphasize intensive development with building orientation to the street, as described in Chapter 4.10 - Pedestrian Oriented Design Standards. These design standards are tailored to the type of use proposed (e.g., townhouse, multi-family, mixed use).

Section 3.9.20 - GENERAL PROVISIONS

3.9.20.01 - Establishment of the MUR Zone

The MUR Zone designation shall apply to lands identified as MUR on the Official Zoning Map as of December 31, 2000, except as amended in accordance with the provisions of this chapter and Chapter 2.2 - Zone Changes. Through a legislative or quasi-judicial process consistent with Chapter 2.2 and Chapter 2.0 - Public Hearings, the MUR Zone may also be applied to properties designated Medium-High Density or High Density Residential on the Comprehensive Plan Map.

The following locational and dimensional criteria apply to the MUR Zone.

a. Locational Criteria

The following locational criteria shall be applied to zone changes, in conjunction with Chapter 2.2 - Zone Changes and Chapter 2.0 - Public Hearings.

1. The MUR Zone designation shall be applied only to properties that are contiguous with property designated Commercial on the Comprehensive Plan Map;
2. The outer boundary of the MUR Zone shall extend no farther than 450 ft. (1.5 to 2 blocks) from the edge of the adjacent commercially designated property. Variations from this locational criteria may be requested through the Planned Development process outlined in Chapter 2.5 - Planned Development; and

3. Unless designated on the Transportation Plan map, streets shall not make up the boundaries of an MUR Zone when the zone abuts a Low Density Residential zone, except for existing situations as of December 31, 2000.

b. Dimensional Criteria

A new MUR Zone shall consist of at least one whole legal lot or parcel if the lot or parcel is 1 acre or smaller in size. When multiple tax lots or parcels are included, portions of individual lots or parcels at least 1 acre in size may be included, provided the size of the remainder of each lot or parcel is developable under its zoning designation. Existing public street rights-of-way shall not count toward the total area of a zone.

Section 3.9.30 - PERMITTED USES

3.9.30.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types
 - (a) Family
 - (b) Group Residential
 - (c) Group Residential/Group Care
 - (d) Residential Care Facilities
 - (e) Fraternities and Sororities
2. Residential Building Types
 - (a) Single Detached
 - (b) Single Detached (Zero Lot Line)
 - (c) Single Attached (Zero Lot Line, 2 units)
 - (d) Attached (Townhouse)
 - (e) Duplex
 - (f) Multi-Dwelling in a "residential only" development (minimum density of 20 units/gross acre)

(g) Multi-Dwelling in a mixed use development that contains a minimum of 10 percent nonresidential use types (minimum density of 12 units/gross acre)

(h) Accessory Dwelling

3. Civic Use Types

(a) Cultural Exhibits and Library Services (limited to 3,000 sq. ft. per use)

(b) Postal Services - Customer

(c) Community Recreation

(d) Social Service Facilities

4. Commercial Use Types (limited to 3,000 sq. ft. of gross floor area per use)

(a) Business Support Services

(b) Convenience Sales and Personal Services

(c) Day Care, Commercial Facility, as defined in Chapter 1.6

(d) Eating and Drinking Establishments (sit down - 15 or fewer seats)

(e) Financial, Insurance, and Real Estate Services

(f) Food and Beverage Sales (e.g., deli, espresso bar)

(g) Laundry Services

(h) Lodging Services (Bed and Breakfast only)

(i) Professional and Administrative Offices

b. Accessory Uses Permitted Outright

1. Essential Services

2. Home Business, as defined in Chapter 1.6

3. Day Care, Family, as defined in Chapter 1.6

4. Required off-street parking for uses permitted in the zone, in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
5. Other development customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations

3.9.30.02 - Special Development

a. Conditional Development - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

1. Eating and Drinking Establishments (sit down - more than 15 seats)
2. Medical Services - Minor (limited to 3,000 sq. ft. gross floor area)
3. Lodging Services (limited to Bed and Breakfast with five or fewer bedrooms)
4. Religious Assembly (limited to 3,000 sq. ft. of gross floor area per use)
5. Major Services and Utilities (limited to 3,000 sq. ft. of gross floor area per use)
6. Schools

3.9.30.03 - General Development

a. Plan Compatibility Review - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

1. Minor utilities subject to standards in Chapter 4.9 - Additional Provisions
2. Projections (attached to the building) such as chimneys, spires, domes, towers, and flagpoles not used for human occupancy and exceeding 20 ft. over the height of the structure or 75 ft. in height, whichever is less, in accordance with section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in section 4.7.70.b of Chapter 4.7 - Sign Regulations.

3.9.30.04 - Prohibited Uses

All uses not explicitly listed in sections 3.9.30.01 through 3.9.30.03 are prohibited. For emphasis, the following uses are identified as prohibited:

- a. Automotive and Equipment Use Types
- b. Drive-Through Facilities
- c. Fuel Sales
- d. Car Washes
- e. Retail Sales - General
- f. Any other use not specifically listed in sections 3.9.30.01 through 3.9.30.03

Section 3.9.40 - MUR ZONE DEVELOPMENT STANDARDS

3.9.40.01 - Minimum/Maximum Residential Densities

- a. Minimum residential densities for strictly residential development within an MUR Zone shall be 20 units per gross acre.
- b. Minimum residential densities for developments that include mixed uses within an MUR Zone shall be 12 units per gross acre. For these mixed use developments, if less than 20 units per gross acre are provided, the development shall include a minimum of 10 percent of the total gross floor area in nonresidential uses.
- c. No maximum residential densities are established for the MUR Zone. Building heights regulate maximum densities.

3.9.40.02 - Nonresidential Uses

- a. Nonresidential uses in the MUR Zone shall not exceed a size of 3,000 sq. ft. of gross floor area per individual use and shall be limited to a maximum of 20 percent of the total gross floor area in the development site.
- b. Nonresidential uses shall be developed as part of a mixed use building that includes housing (with the exception of civic uses) and shall be developed to maintain a minimum density of 12 dwelling units per acre. When a development site is composed of two or more phases, each phase shall also meet this standard.

**Table 3.9-1
3.9.40.03 - Setbacks and Lot Coverage**

	Standard
a. Minimum Lot Area	None
b. Minimum Lot Width	None
<p>c. Setbacks</p> <ol style="list-style-type: none"> 1. Front and side yard 2. Rear yard setback 3. Side and rear yard setback adjacent to Low Density Residential zone 4. Corner Lot (Front porches may encroach up to 5 ft. into setback area, provided vision clearance is still met and the porch's finished floor elevation is at least 3 ft. higher than the street sidewalk) 5. Maximum setback against street** <ol style="list-style-type: none"> (a) Mixed Use Buildings (b) Multi-Dwelling Structures (c) Townhouses (Additions onto existing buildings are not subject to these maximum setbacks) 	<p>None, except as needed for Uniform Building Code compliance and vision clearance areas in accordance with section 4.1.40.c</p> <p>10 ft. minimum</p> <p>Equal to most restrictive setback in the Low Density Residential zone</p> <p>10 ft. minimum on side abutting the street, vision clearance areas in accordance with <<section 4.1.40>></p> <p>5 ft.</p> <p>15 ft.</p> <p>13 ft.</p>

<p>d. Minimum Garage/Carport Setbacks</p> <p>1. Detached and attached units</p> <p>(a) Garage/carport entrance facing/parallel to the street</p> <p>(b) Garage/carport entrance sideways/perpendicular to street</p> <p>2. Multi-dwelling units</p>	<p>19 ft. minimum</p> <p>10 ft. minimum</p> <p>Setbacks from alleys in accordance with section 4.0.60.j Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards Off-street parking and garages shall be located interior to the site (see Chapter 4.10)</p>
<p>e. Setbacks from Properties Zoned Agricultural-Open Space (AG-OS)</p>	<p>When an MUR development is proposed next to AG-OS land, a minimum 50-ft.-wide continuous plant or plant/berm buffer is required. Additionally, the minimum setback adjacent to AG-OS is 100 ft. It is the applicant's responsibility to provide the buffer.</p>
<p>f. Maximum Lot Coverage</p>	<p>80 percent of the lot area maximum¹; interior attached townhouses exempt from this provision. Green area is calculated per lot.</p>
<p>g. Off-Street Parking</p>	<p>See Chapter 4.1</p>

**Outdoor components associated with heat pumps and similar equipment for residential structures shall not be placed within any required setback area. When located outside a setback area, but within 5 - 10 ft. of a property line, such equipment shall be screened on all sides with a solid fence or wall at least 1 ft. higher than the equipment. When located outside a setback area, but greater than 10 ft. from a property line, such equipment requires no screening. Equipment screening requirements for nonresidential structures shall be in accordance with Chapter 4.2.

3.9.40.04 - Structure Height and Building Mass

- a.** Primary structures in the MUR Zone shall not exceed a height of 65 ft. or five stories, whichever is less.

¹ Includes area occupied by buildings, parking, and circulation of automobiles.

existing or planned street is located within the MUR Zone and also abutting the Low or Medium Density Residential zoning boundary, the street shall not be counted to satisfy the distance needed for the step-down in height (see figure for 3.9.40.c).

- e. Where a property in the MUR Zone abuts a property in the RS-3.5, RS-5, or RS-6 Zone, buildings on the perimeter of the MUR site and closest to the Low Density Residential Zone shall be limited to 150 ft. in length.

Section 3.9.50 - MULTIPLE BUILDINGS ON ONE LOT OR SITE

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply to multiple residential buildings on a single lot or site in the MUR Zone:

- a. Buildings with opposing windowed walls shall be separated by 20 ft.
- b. Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths (refer to Chapter 4.10 - Pedestrian Oriented Design Standards).
- c. Buildings with opposing blank walls shall be separated by 10 ft. As stated in "b" above, no blank walls are allowed to face streets, sidewalks, or multi-use paths (refer to Chapter 4.10).
- d. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
- e. Buildings with courtyards shall maintain separation of opposing walls as listed in "a" through "c" above.
- f. Where buildings exceed a length of 60 ft. or exceed a height of 30 ft., the minimum wall separation shall be increased. The rate of increased wall separation shall be 1 ft. for each 15 ft. of building length over 60 ft., and 2 ft. for each 10 ft. of building height over 30 ft.
- g. Driveways, parking lots, and common or public sidewalks or multi-use paths shall maintain the following separation from dwelling units built within 8 ft. of the ground level.
 - 1. Driveways and parking lots shall be separated from windowed walls by at least 8 ft.; sidewalks and multi-use paths shall be separated by at least 5 ft.
 - 2. Driveways and parking lots shall be separated from living room windows by at least 10 ft.; sidewalks and multi-use paths shall be separated by at least 7 ft.

3. Driveways and uncovered parking spaces shall be separated from doorways by at least 5 ft.

Section 3.9.60 - GREEN AREA, OUTDOOR SPACE, LANDSCAPING, AND SCREENING

3.9.60.01 - Green Area

- a. A minimum of 20 percent of the gross lot area (or a minimum of 10 percent for center-unit townhouses on interior lots) shall be retained and improved or maintained as permanent green area (landscaping, unprotected preservation areas, and/or pedestrian amenities such as sidewalks, plazas, multi-use paths, patios, decks, etc.) to ensure that the 80 percent maximum lot/site coverage standard of section 3.9.40.03 is met. A minimum of 10 percent of the gross lot area shall consist of vegetation (landscaping or naturally preserved vegetation).
- b. Landscaping within the required green area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants and with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent green areas.
- c. The required green area shall be designed and arranged to offer the maximum benefits to the occupants of the development and provide visual appeal and building separation. These provisions shall apply to all new development sites and to an addition or remodeling of existing structures that creates new dwelling units.

3.9.60.02 - Private Outdoor Space Per Dwelling Unit

- a. Private outdoor space shall be required at a ratio of 48 sq. ft. per dwelling unit. This private outdoor space requirement may be met by providing patios and balconies for some or all dwelling units, or by combining private outdoor space and common outdoor space as allowed by section 3.9.60.04.
- b. Private outdoor space (patio or balcony) shall have minimum dimensions of 6- by 8-ft.
- c. Private outdoor space shall be directly accessible by door from the interior of the individual dwelling unit served by the space.

- d. Private outdoor space shall be screened or designed to provide privacy for the users of the space.
- e. Private outdoor space may be considered as part of the 20 percent green area required under section 3.9.60.01, if it is located on the ground (e.g., upper-story balconies cannot be counted).

3.9.60.03 - Common Outdoor Space Per Dwelling Unit

- a. In addition to the private outdoor space requirements of section 3.9.60.02, common outdoor space shall be provided in developments of 20 or more dwelling units for use by all residents of the development, in the following amounts:
 - 1. Studio, one- and two-bedroom units: 200 sq. ft. per unit
 - 2. Three or more bedroom units: 300 sq. ft. per unit
- b. The minimum size of any common outdoor space shall be 400 sq. ft., with minimum dimensions of 20- by 20-ft.
- c. A common outdoor space may include any of the following, provided that they are outdoor areas: recreational facilities such as tennis, racquetball, and basketball courts, swimming pool and spas; gathering spaces such as gazebos, picnic, and barbecue areas; gardens; preserved natural areas where public access is allowed; and children's tot lots.
- d. The common outdoor space may be considered as part of the 20 percent green area required under section 3.9.60.01. The common outdoor space shall not be located within any buffer or perimeter yard setback area.
- e. A children's tot lot shall be provided for each 20 units. The minimum dimensions for any tot lot shall be 20- by 20-ft., with a minimum size of 400 sq. ft. The tot lot shall include a minimum of three items of play equipment such as slides, swings, towers, and jungle gyms. Any one or a combination of the following shall enclose the tot lot: a 2.5- to 3-ft.-high wall, fence, or planter; or benches or seats.
- f. Where more than one tot lot is required, the developer may provide individual tot lots or may combine them into larger playground areas.
- g. Housing complexes that include 20 or more dwelling units designed for older persons do not require tot lots. However, common outdoor space shall be provided as specified in "a" through "d" above.

3.9.60.04 - Option to Combine Private and Common Outdoor Space

- a. The private and common outdoor space requirements may be met by combining them into areas for active or passive recreational use. Examples include courtyards and roof-top gardens with pedestrian amenities. However, where larger common outdoor spaces are proposed to satisfy private outdoor space requirements, they shall include pedestrian amenities such as benches or other types of seating areas.
- b. The combined outdoor space may be covered, but it shall not be fully enclosed.

3.9.60.05 - Outdoor Space Credits

When an MUR development site is connected by public sidewalks to an improved public park located immediately adjacent to or directly across the street from the site, a developer may request an outdoor space credit not to exceed 25 percent of the total outdoor space requirement (private and common outdoor space). Additionally, for sites located within the Downtown Residential Neighborhood (as defined in Chapter 1.6), a developer may request an outdoor space credit that reduces or eliminates the common outdoor space requirements and/or reduces required private outdoor space by a maximum of 25 percent.

Note: Provisions for the Central Business Zone, the Central Business Fringe Zone, and the Neighborhood Center Zone reference the Mixed Use Residential development standards. The same outdoor space credits available for sites within the Downtown Residential Neighborhood shall be available to sites within the Central Business, Central Business Fringe, and Neighborhood Center zones.

3.9.60.06 - Location of Green Area

In determining where green areas should be placed on a development site, consideration shall be given to the following:

- a. Preserving otherwise unprotected natural resources and wildlife habitat on the site, especially as large areas rather than as isolated smaller areas, where there is an opportunity to provide a recreational or relaxation use in conjunction with the natural resource site;
- b. Protecting lands where development more intensive than a green area use may have a “downstream” impact on the ecosystem of the vicinity. The ecosystem in the vicinity could include stands of mixed species and conifer trees, natural hydrological features, wildlife feeding areas, etc.;
- c. Enhancing park sites adjacent to the convergence of sidewalks and/or multi-use paths;

- d. Enhancing recreational opportunities near neighborhood commercial activity centers; and
- e. Enhancing opportunities for passive relaxation and recreation for residents, employees, and/or visitors within a development site.

Section 3.9.70 - MIX OF HOUSING TYPES

A mix of permitted housing types is encouraged in the MUR Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than 5 acres in size shall comply with the variety of housing types requirements outlined in Chapter 4.9 - Additional Provisions.

Section 3.9.80 - COMPLIANCE WITH THE PEDESTRIAN ORIENTED DESIGN STANDARDS OF CHAPTER 4.10

3.9.80.01 - Required Compliance

The pedestrian oriented design standards of Chapter 4.10 shall apply to the following types of development in the MUR Zone:

- a. All new buildings or structures for which a valid permit application has been submitted after December 31, 2000;
- b. Developments subject to Conditional Development and/or Planned Development approval, as required by a condition(s) of approval(s); and
- c. Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards, sections 4.10.70.02 through 4.10.70.05, with allowances for choices among some standards as identified in 4.10.70.01, provided that:
 - 1. The expansion adds floor area of more than 3,000 sq. ft.; or
 - 2. The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.

3.9.80.02 - Exceptions to Compliance

Independent or cumulative expansions of a nonresidential structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with the design standards of Chapter 4.10 provided that:

- a.** The expansion adds floor area of 500 sq. ft. or less; or
- b.** The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

Section 3.9.90 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

CHAPTER 3.11 PROFESSIONAL AND ADMINISTRATIVE OFFICE (P-AO) ZONE

Section 3.11.10 - PURPOSE

The Professional and Administrative Office (P-AO) Zone implements the Professional Office Comprehensive Plan designation. The P-AO Zone is intended to establish suitable urban areas for diversified office uses in concentrated centers and in appropriate isolated locations. Purposes of this zone also include the following:

- a.** Accommodate location of intermediate uses between residential zones and areas of more intense development;
- b.** Afford opportunities for employment and for business and professional services in close proximity to residential neighborhoods and transportation facilities;
- c.** Provide a range of compatible and supportive uses;
- d.** Promote user convenience and the conservation of energy; and
- e.** Establish development standards that ensure consistency with the Comprehensive Plan.

Section 3.11.20 - PERMITTED USES

3.11.20.01 - Ministerial Development

a. Prior Established Uses Permitted

1. Uses existing prior to December 31, 2000, and in compliance (e.g., not a nonconforming use type) with the Code on that date.
2. Uses permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property.

b. Primary Uses Permitted Outright

1. Civic Use Types
 - (a) Administrative Services
 - (b) Parking Services
 - (c) Postal Services - Customer

(d) Public Safety Services

2. Commercial Use Types

(a) Business Support Services

(b) Finance, Insurance, Real Estate Services

(c) Medical Services

(d) Professional and Administrative Services

(e) Research Services

(f) Temporary Outdoor Markets

c. Accessory Use Types Permitted Outright

1. Day Care, Commercial Facility

2. Day Care, Family

3. Essential Services

4. Home Business (applicable to residential units) as defined in Chapter 1.6 - Definitions

5. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements

6. Other development customarily incidental to the primary uses in accordance with Chapter 4.3 - Accessory Development Regulations

7. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions

8. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9

3.11.20.02 - Special Development

b. Conditional Development - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

1. Animal Sales and Services
 - (a) Veterinary (Small Animals)
 - (b) Grooming
2. Major Services and Utilities
3. Participant Sports and Recreation - Indoor
4. Freestanding wireless telecommunication facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions
5. Freestanding wireless telecommunication facilities that do not meet the setback or spacing standard requirements of sections 4.9.60.02.b and 4.9.60.02.c of Chapter 4.9
6. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9
7. Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9

3.11.20.03 - General Development

a. Plan Compatibility Review - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

1. Drive-Through Facilities accessory to a permitted use (e.g., financial institutions)

2. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions
3. Projections such as chimneys, spires, domes and towers not used for human occupancy and exceeding 55 ft. in height in accordance with section 4.9.50 of Chapter 4.9. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U), the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less. Note: Flagpoles are subject to height requirements of section 4.7.70.b in Chapter 4.7 - Sign Regulations.
4. Residential use types permitted in the RS-20 Zone, which shall be developed either simultaneously with or following development of primary and accessory uses permitted outright. Residences shall be arranged and located for principal service to the employees or users of one or more primary uses on the same development site or in the immediate vicinity, subject to the regulations of sections 3.11.30 through 3.11.50.
5. Freestanding wireless telecommunication facilities up to 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

Section 3.11.30 - DEVELOPMENT STANDARDS

3.11.30.01 - Dimensional Requirements

Lot size permitted or authorized in this zone shall be adequate to fulfill the applicable minimum lot coverage, development criteria, and parking requirements of the zone.

3.11.30.02 - Setbacks

Setbacks from lot lines abutting the following:

- a. **Residential Zones** - Shall be equal to the most restrictive setback required in the abutting subject yards.

This area shall be established and maintained as a landscaped buffer area in accordance with the applicable standards of Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. No parking or loading areas or driveways shall occupy the landscaped buffer area.

- b. **Streets** - Minimum of 15 ft. from all street rights-of-way.
- c. **All Other Zones** - None.

- d. There are no requirements for separation between buildings or setbacks from any created interior lot lines other than those specified in the Uniform Building Code.

3.11.30.03 - Height of Structures

- a. Structures in the P-AO Zone shall not exceed a height of 45 ft., or three stories, whichever is less.
- b. Where the P-AO Zone abuts an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) Zone, the height of structures within the P-AO Zone shall be limited to a maximum of 30 ft. in height (generally two stories) within the first 50 ft. of the property line; and a maximum of 45 ft. in height when more than 50 ft. from contiguous residentially zoned property.

3.11.30.04 - Lot Coverage

Impervious surfaces such as building footprints, gravel, and pavement (excluding open space/landscape elements) shall not exceed 65 percent of the gross square footage of the site area.

Section 3.11.40 - DEVELOPMENT CRITERIA AND REQUIREMENTS LIST

The goals used in developing the following criteria were intended to make the criteria specific and quantifiable, and allow for flexibility in design. The elements of the list are grouped into three categories: General Design Requirements, Additional Site Design Requirements, and Additional Structure Design Requirements. Each element contains several criterion that are often interdependent or have strong causal relationships between each other.

3.11.40.01 - General Design Requirements

- a. All requirements of chapters 4.0 through 4.7 and Chapter 4.9 shall apply, unless more restrictive provisions are established in this chapter.
- b. The standards in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply, except for sections <<are these correct?>> <<4.10.70.02.d, 4.10.70.04.d, 4.10.70.05.a.1, and 4.10.70.05.b.6.>>

3.11.40.02 - Additional Site Design Requirements

The site design <<shall?>> should mitigate negative effects through the most effective arrangement of structures, parking areas, walks, entries, and landscaping.

- a. A minimum of 35 percent of the total lot area shall be retained as green area, landscaped with a mixture of vertical elements (trees, tall shrubs, and

hedges) and horizontal elements (grass, ground cover, etc.). Courtyards, decks, sidewalks, and other features (bike paths, areas of congregation, etc.) can be included in the open space requirement, except that a minimum of 10 percent of the lot area shall be landscaping or preserved vegetation. Parking areas and primary use structures are excluded.

- b.** A minimum of five of the following menu options shall apply:
1. Underground parking for all required parking;
 2. Parking arranged in small clusters of not more than 16 spaces in one cluster;
 3. Covered parking above grade for all of the required parking;
 4. Increase in landscaped area to 15 percent of the lot area;
 5. Provide trees on the site greater than 1.5-in. <<“in diameter”? Caliber is an odd choice>> caliber as measured 4 ft. <<above existing grade.>> <<same as “at breast height”?>>;
 6. Provide shrubs greater than the size typically found in gallon containers upon installation;
 7. Provide either dedicated open space or quasi-public open space (protected through scenic or view easements, deed restrictions, special setback requirements, and restriction of tree cutting, etc.) of 20 percent greater than that already provided through the 35 percent requirement in “a” above; and
 8. Provide at least 15 percent more bicycle parking facilities than that required in Chapter 4.1 - Parking, Loading, and Access Requirements. This may be achieved by providing more spaces and/or increasing the covered area.
- c.** All requirements of chapters 4.0 through 4.7 and Chapter 4.9 shall apply, unless more restrictive provisions are established in this chapter.

3.11.40.03 - Additional Structure Design Requirements

- a. Ground-Floor Windows and Doors** - A minimum of 30 percent of the length and 25 percent of the first 12 ft. in height from the adjacent grade of any street-facing facade shall contain windows and/or glass doors. Additional requirements for windows shall include the following:

1. Ground-floor windows shall be framed by bulkheads, piers, or sills where applicable (e.g., recessed window), with a top treatment such as a hood, awning or a storefront cornice separating the ground floor from the second story. (The “Base Treatment” standards in Chapter 4.10 under section 4.10.70.05.b.7.d and the “Top Treatment” standards under section 4.10.70.05.b.7.e shall be used as a guide for providing “bulkheads” and “cornices” that meet this standard.) Alternatively, all ground-floor windows shall provide a minimum 3-in. trim or 3-in. recession.
2. Window Type - Ground-floor windows used to comply with this section shall meet all of the following standards:
 - (a) Opacity of greater than 60 percent prohibited for any required window.
 - (b) Ground-floor windows shall allow views from adjacent sidewalks into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of windows shall be no more than 4 ft. above the adjacent exterior grade.
 - b. Windows on Commercial Stories above Ground Floors** - Each facade on commercial stories above the ground floor and that face a street or other public area accessible to the public shall include at least 20 percent window coverage.
- c.** A minimum of two of the following menu options shall apply:
 1. Pitched roofs (minimum 4:12 pitch);
 2. Transitional elements between public areas and structures such as landings, fences, foyers, patios, and gates;
 3. Inner courtyard or atrium; and/or
 4. Development that visually complements a residential neighborhood environment by using similar architectural style elements (i.e., vertical windows, and porches.)

Section 3.11.50 - OFF-STREET PARKING FACILITIES

Off-street parking facilities shall be provided on the site of each use as described in Chapter 4.1 - Parking, Loading, and Access Requirements.

Section 3.11.60 - VARIATIONS

Variations from development and design standards (i.e., standards in this chapter and other Code chapters that discuss parking, landscaping, public improvements, and pedestrian oriented design standards) may be allowed through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code, respectively.

CHAPTER 3.12
SA (SHOPPING AREA) DISTRICT

Section 3.12.10 - PURPOSES

This district implements the Commercial Use Comprehensive Plan designation. It is intended to provide for concentrations of small retail businesses, commercial and personal service activities and related uses necessary to satisfy the daily shopping and related needs of nearby residents. Purposes of this district also include:

- a. Locate a range of businesses for user convenience;
- b. Assure commercial development at a scale compatible with nearby residences;
- c. Preserve residential privacy; and
- d. Minimize hazards, noise, traffic congestion, and other related effects of commercial concentrations.

Section 3.12.20 - PERMITTED USES

3.12.20.01 - General Development

a. Primary Uses Permitted Outright

1. Civic Use Types:

- ▶ Administrative Services
- ▶ Cultural Exhibits and Library Services
- ▶ Lodge, Fraternal, and Civic Assembly
- ▶ Postal Services
- ▶ Public Safety Services

2. Commercial Use Types:

- ▶ Animal Sales and Services:
 - Veterinary (Small Animals)
 - Grooming
- ▶ Business Equipment Sales and Services
- ▶ Communications Services - Service Centers Only
- ▶ Convenience Sales and Personal Services
- ▶ Eating and Drinking Establishments, sit-down with capacity for 15 persons or less
- ▶ Financial, Insurance, and Real Estate Services
- ▶ Food and Beverage Retail Sales
- ▶ Personal Services - General
- ▶ Repair Services - Consumer

b. Accessory Uses Permitted Outright

- 1. Essential Services
- 2. Required off-street parking in accordance with Chapter 4.1
- 3. Other development customarily incidental to the primary use in accordance with Chapter 4.3
- 4. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft for whip antennas, including mounting, or by 10 ft for all other antennas, subject to the standards in Chapter 4.9.
- 5. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft for whip antennas, including mounting, or by 10 ft for all other antennas, subject to the standards in Chapter 4.9.

3.12.20.02 - Special Development - Uses Allowed Through Discretionary Review.

~~CHAPTER 3.13~~

~~SA(U) (SHOPPING AREA - UNIVERSITY) DISTRICT~~

~~Section 3.13.10 - PURPOSE~~

~~This district implements the Commercial Use Comprehensive Plan designation. This district is intended to provide for concentrations of small retail businesses, commercial, and personal service activities in areas that are adjacent to Oregon State University and which have a large concentration of pedestrian activity. The intent is to promote efficient commercial development of these areas by emphasizing their unique orientation to the pedestrian rather than to the automobile. Development shall reflect the predominant existing development pattern in the district and be compatible with nearby residential areas.~~

~~Section 3.13.20 - PERMITTED USES~~

~~3.13.20.01 - General Development~~

~~a. Primary Uses Permitted Outright:~~

~~1. Civic Use Types:~~

- ~~▶ Administrative Services~~
- ~~▶ Cultural Exhibits and Library Services~~
- ~~▶ Lodge, Fraternal, and Civic Assembly~~
- ~~▶ Parking Services~~
- ~~▶ Postal Services~~
- ~~▶ Public Safety Services~~

~~2. Commercial Use Types: (Intended to provide convenience shopping needs for the neighboring residential area as well as the more general retail and service needs of the university population):~~

- ~~▶ Animal Sales and Services:
 - ~~Veterinary (Small Animals)~~
 - ~~Grooming~~~~
- ~~▶ Business Equipment Sales and Services~~
- ~~▶ Communications Services - Service Centers Only~~
- ~~▶ Convenience Sales and Personal Services~~
- ~~▶ Eating and Drinking Establishments, Sit-down~~
- ~~▶ Fast Order Food Establishments~~
- ~~▶ Financial, Insurance, and Real Estate Services~~
- ~~▶ Food and Beverage Retail Sales~~
- ~~▶ Fuel Sales~~
- ~~▶ Personal Services - General~~
- ~~▶ Repair Services - Consumer~~
- ~~▶ Retail Sales - University~~

~~b. Accessory Uses Permitted Outright:~~

~~1. Essential Services~~

~~2. (a) Residential Use Types:~~

- ~~▶ Family~~
- ~~▶ Group Residential/Group Care~~

~~(b) Residential Building Type:~~

- ~~▶ Multi-Dwelling~~

~~3. Other development customarily incidental to the primary use in accordance with Chapter 4.3~~

CHAPTER 3.14

CS (COMMUNITY SHOPPING) DISTRICT

Section 3.14.10 - PURPOSE

This district implements the Commercial Use Comprehensive Plan designation. It is intended to provide for a wide range of commercial activities in a community scale shopping center.

Section 3.14.20 - PERMITTED USES

3.14.20.01 - General Development

a. Primary Uses Permitted Outright

1. Civic Use Types:

- ▶ Administrative Services
- ▶ Cultural Exhibits and Library Services
- ▶ Lodge, Fraternal, and Civic Assembly
- ▶ Postal Services
- ▶ Public Safety Services

2. Commercial Use Types:

- ▶ Animal Sales and Services:
 - Grooming
 - Kennels
 - Veterinary (small animals)
- ▶ Automotive and Equipment:
 - Cleaning
 - Repairing, Light Equipment
 - Sales/Rental: Light Equipment
- ▶ Building Maintenance Services
- ▶ Business Equipment Sales and Services
- ▶ Business Support Services
- ▶ Communication Services
- ▶ Construction Sales and Service
- ▶ Convenience Sales and Personal Services
- ▶ Financial, Insurance, and Real Estate Services
- ▶ Food and Beverage Sales
- ▶ Fuel Sales
- ▶ Funeral and Interment Services:
 - Undertaking
- ▶ Laundry Services
- ▶ Medical Services
- ▶ Personal Services - General
- ▶ Professional and Administrative Services
- ▶ Repair Services - Consumer
- ▶ Retail Sales - General
- ▶ Swap Meets

CHAPTER 3.14 NEIGHBORHOOD CENTER (NC) ZONE

Section 3.14.10 - PURPOSE

The Neighborhood Center (NC) Zone implements the Minor and Major Neighborhood Center Comprehensive Plan designations. The Neighborhood Center Zone is intended to provide for concentrations of civic uses, retail businesses, commercial and personal service activities, and residential/commercial mixed use developments in the core of comprehensive neighborhoods, as envisioned by the Comprehensive Plan.

Commercial uses in Minor Neighborhood Centers are intended to serve neighborhood shopping and office needs. Commercial uses in Major Neighborhood Centers are intended to serve broader community shopping and office needs in addition to the needs of the nearby neighborhood. Both Minor and Major Neighborhood Centers are encouraged to the maximum extent possible to include civic uses that support the nearby comprehensive neighborhood. In Major Neighborhood Centers, such civic uses may also serve a larger population.

The Neighborhood Center Zone also serves these purposes:

- a.** Locates a range of businesses within convenient walking and cycling distance of residential areas;
- b.** Ensures human-scale development oriented to pedestrian-friendly shopping streets;
- c.** Supports the use of alternative modes of transportation, including walking, riding transit, and bicycling;
- d.** Develops neighborhood cores at an appropriate human scale, while minimizing hazards, noise, traffic congestion, and other related effects of commercial concentrations;
- e.** Implements the Comprehensive Plan provisions for development of “Minor” and “Major” Neighborhood Commercial Centers by establishing Minor NC and Major NC zones on the Official Zoning Map; and
- f.** Provides useful public spaces serving the neighborhood core and surrounding uses.

Section 3.14.20 - GENERAL PROVISIONS

3.14.20.01 - Establishment of the NC Zone

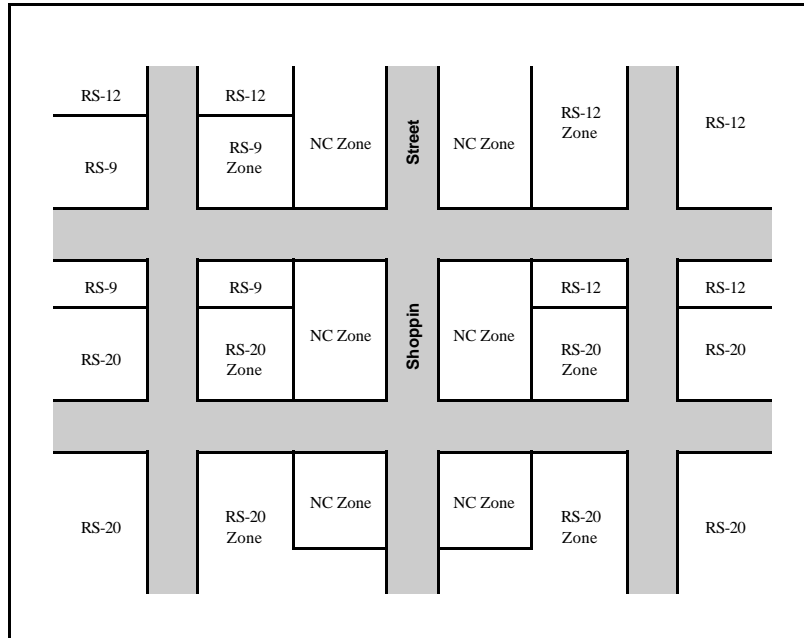
The NC Zone designation shall apply to lands identified as NC on the Official Zoning Map as of December 31, 2000, except as amended in accordance with the provisions of this chapter, Chapter 2.2 - Zone Changes, and applicable Comprehensive Plan policies. Zone changes to establish new NC zones may be applied only to properties designated Mixed Use Commercial (MUC) or Intensive Development Sector (IDS) on the Comprehensive Plan Map as of December 31, 2000, or properties to which one of these designations is applied through a subsequent or concurrent Comprehensive Plan Map Amendment. The NC Zone also may be applied through a legislative process in accordance with the procedures identified in Chapter 2.0 - Public Hearings. The designation of "Minor NC " or "Major NC" shall be applied when the zone is established.

The following locational and dimensional criteria shall apply to new NC zones.

a. Locational Criteria

The following locational criteria shall be applied to zone changes, in conjunction with Chapter 2.2 - Zone Changes.

1. The Major NC Zone designation may be applied only to parcels at or near an intersection of collector and/or arterial streets.
2. The Minor NC Zone may be applied to parcels at or near intersections of neighborhood collector, collector, or arterial streets. Intersections may also include a local street, provided that it intersects with a neighborhood collector, collector, or arterial street.
3. As much as practicable, NC Zone boundaries shall occur such that similar uses face each other along street frontages.



4. The Minor NC Zone shall have at least 100 ft. of frontage and the Major NC Zone at least 200 ft. of frontage either along an existing or planned shopping street, as defined in Chapter 4.0 - Improvements Required with Development, or along a dedicated public square or plaza.

AND EITHER

5. All portions of the NC Zone shall be located within 1/4 mile of existing or planned transit service, and any Major NC Zone shall be located at major intersections along transit routes on arterial streets.

OR

6. The NC Zone shall be located in areas determined, through a legislative process (in accordance with Chapter 2.0 - Public Hearings), to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood for Minor NC zones, and to the affected comprehensive neighborhood and larger community for Major NC zones.

b. Zone Size and Dimensions

The following size and dimensional criteria shall be applied to zone changes, in conjunction with Chapter 2.2 - Zone Changes.

1. A new NC Zone shall consist of at least one whole legal lot or parcel if the lot or parcel is 1 acre or smaller in size. When multiple tax lots or parcels are included, portions of individual lots or parcels at least

1 acre in size may be included, provided the size of the remainder of each lot or parcel is developable under its zoning designation. Existing public street rights-of-way shall not count toward the total area of a zone.

2. Minor NC zones shall not exceed 3 acres.
3. Major NC zones shall not exceed 12 acres.
4. Exceptions to "2" and "3" above may occur if a site is determined, through a legislative process (in accordance with Chapter 2.0 - Public Hearings), to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood.

c. Master Site Plan for Major Neighborhood Centers

A Master Site Plan for each Major NC Zone shall be required for applicable development, as defined in section 2.10.30 of Chapter 2.10 - Major Neighborhood Center Master Site Plan Requirements.

d. Variations

Variations from development and design standards (i.e., standards in this chapter and in other Code chapters that discuss parking, landscaping, public improvements, and pedestrian oriented design standards) may be allowed through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code, respectively.

Section 3.14.30 - PERMITTED USES

Land use in the NC Zone shall conform to the list of permitted use types in Table 3.14-1. Ministerial development involving use types permitted outright are identified with a "P." General development involving use types subject to Plan Compatibility Review (Chapter 2.13) are identified with a "PC." Special Development involving use types subject to Conditional Development Review (Chapter 2.3) and Planned Development Review (Chapter 2.5) are identified with a "CD" and a "PD," respectively. Uses identified with an "N" are not permitted.

Table 3.14-1 - Permitted Use Types		
Use Types	Permit Procedure	
	Minor NC	Major NC
a. Prior Established Uses¹		
1. Uses existing prior to December 31, 2000, and in compliance with the Code on that date	P	P
2. Uses permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property	P	P

1

Uses that were in existence and permitted in zoning prior to December 31, 2000, and are now located in NC zones, shall not be classified as nonconforming uses unless they have been discontinued for a period of at least 18 months, in which case the requirements of section 1.4.40.03 in Chapter 1.4 shall apply. Expansions and enlargements shall comply with all other applicable Code requirements. Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2000, are allowed pursuant to the requirements of section 1.4.50.02.

Table 3.14-1 - Permitted Use Types		
Use Types	Permit Procedure	
	Minor NC	Major NC
b. Civic Use Types²		
1. Administrative Services	P	P
2. Civic Assembly (maximum use size of 5,000 sq. ft.)	P	P
3. Civic Assembly (use size > 5,000 sq. ft.)	N	CD
4. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9	P	P
5. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9	P	P
6. Community Recreation	CD	PC
7. Cultural Exhibits and Libraries	P	P
8. Essential Services	P	P
9. Freestanding Wireless Telecommunication Facility	N	PC
10. Lodge and Fraternal (above ground floor only)	CD	PC
11. Major Services and Utilities (including hospitals, mass transit waiting stations or turnarounds, and schools (on second floors), but not including uses such as sanitary landfills, airports, or detention and correctional institutions)	CD	CD

²

A Civic use type that exceeds 5,000 sq. ft. must demonstrate through a Conditional Development Review that it primarily serves the immediate area. Parks, plazas, and similar public spaces are exempt from this provision.

Table 3.14-1 - Permitted Use Types			
Use Types		Permit Procedure	
		Minor NC	Major NC
12.	Minor Utilities, subject to Chapter 4.9 standards	PC	PC
13.	Parking Services	N	CD
14.	Postal Services: Customer	P	P
15.	Public Safety	P	CD
16.	Religious Assembly (maximum use size of 5,000 sq. ft.)	P	P
17.	Religious Assembly (use size > 5,000 sq. ft.)	N	CD
18.	University Services and Facilities	PC	PC
c.	Commercial Use Types (contained within enclosed building)		
1.	Agricultural Sales	N	CD
2.	Animal Sales and Service - Grooming, Kennels (indoor), Veterinary (small animals), but excluding other use types	P	P
3.	Automotive and Equipment, subject to the provisions of Chapter 4.10	N	CD
	(a) Car Wash	N	CD
	(b) Light Equipment Repairs	N	CD
	(c) Light Equipment Sales and Rentals	N	CD
4.	Building Maintenance Services	CD	P
5.	Business Equipment Sales and Services	P	P
6.	Business Support Services	P	P
7.	Day Care, Commercial Facility	CD	P
8.	Communication Service Establishments	CD	P
9.	Construction Sales and Services	CD	P
10.	Convenience Sales and Personal Services, except drive-through facilities	P	P

Table 3.14-1 - Permitted Use Types

Use Types	Permit Procedure	
	Minor NC	Major NC
11. Drive-Through Facilities	N	CD
12. Eating and Drinking Establishments, except drive-through facilities	P	P
13. Financial, Insurance, and Real Estate Services	P	P
14. Food/Beverage Retail, except drive-through facilities	P	P
15. Fuel Sales	N	CD
16. Funeral and Interment Services (cremating and undertaking only)	N	CD
17. Laundry Services	P	P
18. Lodging Services		
(a) Hotels/Motels - Above ground floor only	N	CD
19. Medical Services	P	P
20. Participant Sports and Recreation		
(a) Indoor	P	P
(b) Outdoor	N	CD
21. Professional and Administrative Services	P	P
22. Repair Services - Consumer	P	P
23. Research Services	PC	P
24. Retail Sales	P	P
25. Spectator Sports and Entertainment		
(a) Limited	CD	PC
(b) Other	N	CD
26. Technical Support Center - upper floors only	P	P
27. Telemarketing Center - upper floors only	P	P
28. Temporary Outdoor Markets, limited to farmers markets and similar uses	PC	P

Table 3.14-1 - Permitted Use Types		
Use Types	Permit Procedure	
	Minor NC	Major NC
d. Residential Use Types: Family, Group Residential, Group Residential/Group Care, Residential Care Facilities, Home Business ³	P	P
e. Residential Building Types: Attached (Townhouse), Multi-Dwelling. Any residential building type may be authorized through a Planned Development approval	PC	P
f. Accessory Uses ⁴		
1. Essential Services (contained within enclosed building)	P	P
2. Required off-street parking in accordance with Chapter 4.1	P	P
3. Other development customarily incidental to the primary use in accordance with Chapter 4.3 (contained within enclosed building)	P/PC	P
g. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) zone, the threshold is 20 ft. above the height of the structure or 45 ft. in height, whichever is less.	N	PC

Section 3.14.40 - NC ZONE DEVELOPMENT STANDARDS

3.14.40.01 - Use and Building Size

All development shall comply with the following standards for use and building size.

a. Minor NC Zone

- 1. The maximum size of a use shall be 5,000 sq. ft., except that uses fronting an arterial or collector street may be 15,000 sq. ft. per use.

3 Single-family residential units approved and constructed prior to annexation are allowed as nonconforming uses.

4 All accessory uses shall comply with the provisions of section 3.14.40.01.

2. The maximum building footprint shall be 20,000 sq. ft. per building except that the footprint of buildings fronting arterial or collector streets may be 25,000 sq. ft. Floor space exceeding 20,000 sq. ft. of gross floor area within one building footprint (or 25,000 sq. ft. for buildings on arterial or collector streets) shall be accommodated on additional floors (basements, full floors, partial floors, and/or mezzanines).

b. Major NC Zone

1. There is no maximum size of uses in the Major NC Zone, with the exception of the "Construction Sales and Services" use type. This use type shall not exceed 55,000 sq. ft. of total sales and storage area (not including parking), and no more than 50 percent of the site area shall be dedicated to unenclosed display/storage area.
2. The maximum building footprint shall be 55,000 sq. ft.
3. Floor space exceeding 55,000 sq. ft. of gross floor area within one building footprint shall be accommodated on additional floors (basements, full floors, partial floors, and/or mezzanines).

3.14.40.02 - Location of Residential Uses

In Minor and Major NC zones, housing shall not be permitted on a ground floor space that faces a shopping street. Housing on the ground floor is allowed if it faces a street other than a shopping street or is oriented to a courtyard, alley, lane, or other access set back from the shopping street that provides pedestrian access to public right-of-way in accordance with Chapter 4.10 - Pedestrian Oriented Design Standards.

3.14.40.03 - Location of Civic Use Types

Civic use types such as community buildings, government offices, recreation centers, and libraries should be located in central locations as highly visible focal points. Civic uses shall also be located within 300 ft. of transit stops, unless an exception is provided in accordance with section 3.14.20.01.a.5.

3.14.40.04 - Common Outdoor Space

NC zones shall include common outdoor space, such as a park, plaza, pedestrian promenade (e.g., shopping street sidewalks wider than the minimum required), or other public gathering area. The common outdoor space may be publicly or privately owned but must be accessible to the general public. Privately owned common outdoor space shall have a public access easement that meets the approval of the City Engineer.

Common outdoor space shall be located in a central or other location conducive to creating a focal point for the neighborhood center. The size of the common outdoor space shall be established through the Major Neighborhood Center Master Site Plan process (for Major NC zones) or through compliance with the lot coverage standards in section 3.9.40.07 of Chapter 3.9 - Mixed Use Residential (MUR) Zone. Residential components of the NC zones shall comply with the “green area” requirements of section 3.9.50.

3.14.40.05 - Commercial Floor Area Ratio and Preservation of Commercial Land Supply

Minimum commercial floor area ratios (FARs) are required for all property within the NC Zone. This requirement ensures that commercial land is preserved for primarily commercial purposes. For an explanation of how to apply/calculate FARs, refer to “Floor Area Ratio” in Chapter 1.6 - Definitions.

All commercial and mixed use developments shall comply with the following standards for commercial floor area.

a. Commercial Use Types

For commercial use types, the minimum floor area ratio (FAR) shall be 0.25 and the maximum FAR shall be 1.0.

b. Excluded Features

Residential uses and structured parking shall be excluded from the maximum FAR.

c. FAR Exceptions Process

To increase FARs above the established maximum, an applicant must apply for a Planned Development in accordance with Chapter 2.5 - Planned Development. In all cases, the primary use of the property shall remain commercial.

3.14.40.06 - Mixed Use Standards

a. Residential Ground-Floor Uses

Residential uses located on the ground floor shall not exceed 50 percent of the ground floor space per parcel. However, the Planned Development process may be used to transfer ground-floor commercial and residential uses among parcels in the same development (resulting in stand alone residential uses) provided that no more than 50 percent of the ground floor space in the entire development is residential.

b. Residential Density in Mixed Use Developments

The minimum residential density for mixed use developments involving stand-alone residential buildings shall be 20 units per gross acre. For mixed use buildings, no minimum densities are established. For this standard, residential densities shall be calculated only for the portion of the site being used for residential uses (including residential structures, parking areas, landscaping, circulation areas, etc.). Modifications to this standard can be requested through a Planned Development Review process in accordance with Chapter 2.5 - Planned Development.

3.14.40.07 - Setbacks

There is no minimum setback in NC zones. Maximum setbacks in NC zones shall conform to Table 3.14-2.

Ministerial development involving use types permitted outright are identified with a "P." General development involving use types subject to Plan Compatibility Review (Chapter 2.13) are identified with a "PC." Special Development involving use types subject to Planned Development Review (Chapter 2.5) are identified with a "PD."

Setback¹	Maximum	Permit Procedure
Front⁵	5 ft.	P
	20 ft.	PC
	>20 ft.	PD
Side⁶	none	P
Rear	none	P

3.14.40.08 - Structure Height

Structure heights shall comply with the following standards.

5 Where existing sidewalks are not consistent with the standards for shopping streets contained in section 4.0.60.l of Chapter 4.0, a building's minimum setback shall provide the opportunity for improvement of the sidewalk to these standards.

6 Corners require compliance with clear vision and pedestrian standards (i.e., building orientation and entrance standards)

a. Minor NC Zone

Structures shall not exceed a height of 35 ft. or three stories. Planned Development approvals may authorize buildings up to a maximum of 75 ft. or six stories in a Minor Neighborhood Center. For such approvals, all stories above the third shall be used only for residential purposes.

b. Major NC Zone

Structures shall not exceed a height of 75 ft. or six stories. All stories above the third shall be used only for residential purposes.

c. Step-Down Height

Where the NC Zone abuts an RS-3.5, RS-5, RS-9 or RS-9 (U) zone along a property line or alley, the height of structures within the NC Zone shall be limited to a maximum of 35 ft. within a distance of 20 ft. from this boundary.

3.14.40.09 - Alleys and Access Consolidation

- a.** Alleys shall be required for all new blocks created in NC zones, and provided in accordance with the standards in Chapter 4.0 - Improvements Required with Development. This standard is intended to apply to undeveloped sites that can accommodate new blocks developed in accordance with block standards in Chapter 4.0. Although adherence to this standard is encouraged, this standard is not necessarily intended to apply to redevelopment of, or intensification of uses on, developed sites in every case.
- b.** With development, access consolidation, particularly along arterials, shall be required to the maximum extent practicable. Access consolidation shall be accomplished as approved by the City Engineer, and/or as required by applicable access control plans approved by the City Council. Connectivity between adjacent parking and vehicle circulation areas and internal to development sites shall be implemented where practicable.

3.14.40.10 - Compliance with Pedestrian Oriented Design Standards

- a.** Independent or cumulative expansions of a commercial or civic structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with this section provided that:

 - 1. The expansion adds floor area of 500 sq. ft. or less; or

2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.
- b.** Independent or cumulative expansions of a commercial or civic structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards, sections 4.10.70.02 through 4.10.70.05, with allowances for choices among some standards as identified in 4.10.70.01, provided that:
1. The expansion adds floor area of more than 3,000 sq. ft.; or
 2. The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.
- c.** All new buildings or structures for which a valid permit application has been submitted after December 31, 2000, shall comply with all standards in Chapter 4.10 - Pedestrian Oriented Design Standards.

Section 3.14.50 - SHOPPING STREET REQUIREMENTS

Shopping streets are intended to be active pedestrian areas with a concentration of retail services and eating and drinking establishments on the ground floors of all buildings.

3.14.50.01 - Shopping Street Required

Every NC Zone shall include at least one shopping street consistent with the shopping street provisions in Chapter 4.0 - Improvements Required with Development, and/or a public square toward which ground-floor commercial and/or civic uses are oriented.

3.14.50.02 - Designation of Shopping Streets

A shopping street location shall be designated in one of the following ways:

- a.** Through an approval issued by a discretionary review body as part of a Special Development review (e.g., for a Major NC, approval by the Planning Commission); or
- b.** Through approval by the Director (e.g., for a Minor NC, a Director's Interpretation), provided that all shopping streets comply with all of the

standards for shopping street development in Chapter 4.0 - Improvements Required with Development.

When a shopping street location has been designated through one of the methods above, all future development shall be consistent with the shopping street standards specified in Chapter 4.0, or with standards specified in conditions of approval associated with a discretionary decision.

3.14.50.03 - Prohibited Location of Uses

The following uses, and those determined to have the same Use Type classification under Chapter 3.0 - Use Classifications, are prohibited from facing shopping streets, unless they are authorized as part of a Planned Development.

a. Residential Use Types on the Ground Floor

Ground-floor residential use types are prohibited from facing shopping streets. However, access to ground-floor or upper-floor residential uses is permitted via courtyards or common access pedestrian ways. Any access connection between the courtyards/common pedestrian ways and the shopping street shall be no wider than 20 ft., and such connections shall cumulatively constitute no more than 10 percent of any shopping street block face.

The courtyard or common access pedestrian area shall not be used in calculating the private outdoor space requirements of the associated residential uses. In addition, the longest side of the courtyard/common pedestrian way shall not face a parking lot.

b. Uses Highly Dependent on Automobile Circulation

These uses are prohibited from facing a shopping street:

Drive-Through Facilities; Eating and Drinking Establishments - Fast Order Food Drive-Through; Car Washes; and Fuel Sales.

c. Lodging Services Uses on the Ground Floor

Ground floor Lodging Services use types are prohibited from facing shopping streets. However, access to adjacent or upper floors of such uses is permitted via lobbies or common areas shared with other businesses.

d. Lodge and Fraternal Assembly Uses on the Ground Floor

Lodge and Fraternal Assembly use types are prohibited on the ground floor. However, access to adjacent or upper floors of such uses is permitted via lobbies or common areas shared with other businesses.

Section 3.14.60 - COMPLIANCE WITH THIS CODE

All development shall comply with applicable design standards and other provisions of the Code including, but not limited to, chapters 4.0, 4.1, 4.2, 4.6, 4.7, and 4.9. The block standards established in section 4.0.60 of Chapter 4.0 - Improvements Required with Development shall apply to development on undeveloped sites and are encouraged to the maximum extent practicable on redevelopment of developed sites.

1. Setbacks are measured from the right-of-way.

CHAPTER 3.15

LC (LINEAR COMMERCIAL) DISTRICT

Section 3.15.10 - PURPOSE

This district implements the Commercial Use Comprehensive Plan designation. It is intended to provide areas for those commercial uses and related services and businesses which require large land areas for structures and parking facilities and direct automobile access:

Section 3.15.20 - PERMITTED USES

3.15.20.01 - General Development

a. Primary Uses Permitted Outright

1. Civic Use Types:

- ▶ Administrative Services
- ▶ Clinic Services
- ▶ Cultural Exhibits and Library Services
- ▶ Lodges, Fraternal, and Civic Assembly
- ▶ Parking Services
- ▶ Postal Services
- ▶ Public Safety Services

2. Commercial Use Types:

- ▶ Agricultural Sales
- ▶ Animal Sales and Services:
 - Grooming
 - Kennels
 - Veterinary (large and small animals)
- ▶ Automotive and Equipment:
 - Cleaning
 - Fleet Storage
 - Parking
 - Repairing, Light Equipment
 - Sales/Rental: Farm Equipment
 - Sales/Rental: Heavy Equipment
 - Sales/Rental: Light Equipment
- ▶ Building Maintenance Services
- ▶ Business Equipment Sales and Services
- ▶ Business Support Services
- ▶ Communication Services
- ▶ Construction Sales and Service
- ▶ Convenience Sales and Personal Services
- ▶ Eating and Drinking Establishments - All Use Types
- ▶ Financial, Insurance, and Real Estate Services

CHAPTER 3.15 RIVERFRONT (RF) ZONE

Section 3.15.10 - PURPOSE

The Riverfront (RF) Zone implements the Central Business Comprehensive Plan designation for a portion of the core downtown area. It is intended to provide an area for commercial, civic, and residential uses, and to merge downtown with the Riverfront Commemorative Park in a pedestrian-friendly, multi-use neighborhood that focuses on the river. While the zone does not permit new low density building types, it does encourage dwelling units in, or attached to, buildings containing commercial activities.

Development in the Riverfront Zone is intended to enhance public safety and the pedestrian experience by encouraging the presence of citizens 24 hours a day. Allowed uses such as retail office and restaurants with windows to the sidewalk and a residential neighborhood promote the greatest public access and activity. Large-scale civic and cultural facilities are encouraged in the Riverfront Zone, provided the uses and activities promote the basic function of the zone. Such uses shall be reviewed for their character and contribution to the viability of the Riverfront Zone and to the Corvallis Central Business Zone, and may be reviewed under the Lot Development Option or Planned Development procedures outlined in chapters 2.12 and 2.5, respectively, should variations to development standards be needed.

Safe, adequate, and convenient parking for employees, customers, and residents is desired through the use of on-street parking and parking facilities that are functionally and visually compatible with the pedestrian orientation of the area. Structured parking facilities are encouraged to promote use densities that enhance the intended high level of neighborhood safety and pedestrian activity within the multi-use neighborhood. To the extent that they meet the other purposes of the RF Zone and other requirements of the Code, creative measures to provide needed parking within the RF Zone and potentially within the Central Business Zone are encouraged to foster community-preferred activities in the RF Zone.

Section 3.15.20 - GENERAL PROVISIONS

3.15.20.01 - Establishment of the RF Zone

The provisions of the RF Zone shall apply only to properties designated RF on the Official Zoning Map, effective December 31, 2000.

3.15.20.02 - Variations

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through

the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

Section 3.15.30 - PERMITTED USES

3.15.30.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Prior Established Use Types
 - (a) Use types existing prior to December 31, 2000, and in compliance with the Code on that date.
 - (b) Use types permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property.
2. Residential Use Types
 - (a) Family
 - (b) Group Residential
 - (c) Group Residential/Group Care
 - (d) Residential Care Facilities
3. Residential Building Types - Multi-Dwelling. In the RF Zone, this includes only non-ground-floor dwelling units in buildings intended primarily for commercial and civic uses; however, access areas such as stairways and lobbies are permitted on the ground floor adjacent to sidewalks.
4. Civic Use Types
 - (a) Administrative Services
 - (b) Social Service Facilities
 - (c) Community Recreation
 - (d) Cultural Exhibits and Library Services
 - (e) Lodges, Fraternal and Civic Assembly

- (f) Parking Services (structured parking, surface parking along alleys, or surface parking interior to sites(s) and accessed only via the alley)
- (g) Postal Services
- (h) Public Safety
- (i) Religious Assembly
- (j) Schools (above ground floor)
- (k) Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
- (l) Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.

5. Commercial Use Types

- (a) Animal Sales and Services
 - (1) Grooming
 - (2) Veterinary (small animals)
- (b) Business Equipment Sales and Services
- (c) Business Support Services
- (d) Communication Services
- (e) Convenience Sales and Personal Services
- (f) Day Care, Commercial Facility
- (g) Eating and Drinking Establishments, except drive-through facilities
- (h) Financial, Insurance, and Real Estate Services

- (i) Food and Beverage Sales
- (j) Medical Services
- (k) Participant Sports and Recreation
 - (1) Indoor
 - (2) Outdoor
- (l) Professional and Administrative Services
- (m) Repair Services - Consumer
- (n) Research Services
- (o) Retail Sales - General
- (p) Spectator Sports and Entertainment, Limited
- (q) Technical Support Center - upper floors only
- (r) Telemarketing Center - upper floors only
- (s) Lodging Services (Hotel/Motel) - In the RF Zone, this includes only non-ground-floor rooms; however, access areas such as stairways and lobbies are permitted on the ground floor adjacent to sidewalks.

6. Industrial Use Types

- (a) Limited Manufacturing
- (b) Technological Production

7. Parking Services, in accordance with this chapter

b. Accessory Uses Permitted Outright

- 1. Essential Services
- 2. Day Care, Family, accessory to a permitted residential use
- 3. Home Business, when conducted in conjunction with a permitted residential use

4. Off-street surface and/or structured parking, in accordance with this chapter
5. Other development customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations

3.15.30.02 - Special Development

- a. **Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.
 1. Occupied towers or penthouses over 75 ft. high, per section 3.15.40.02.

3.15.30.03 - General Development

- a. **Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.
 1. Minor Utilities, as projections only, subject to standards in Chapter 4.9 - Additional Provisions.
 2. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9. If adjacent to an RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less.

Section 3.15.40 - DEVELOPMENT STANDARDS

3.15.40.01 - Lot Area and Setback Requirements

- a. The RF Zone has no minimum parcel area and no minimum setbacks, except as provided in "b," below, and as required for vision clearance (e.g., at parking structure entrances and intersections).
- b. A building's occupied space shall extend to the street along at least 75 percent of the property line at the sidewalk. An unlimited setback can be applied to a maximum of 25 percent of the property line when development incorporates enhanced pedestrian spaces and amenities that occupy 100 percent of the additional setback area. Enhanced pedestrian spaces and amenities consist of publicly accessed features including plazas, arcades, courtyards, lawns, outdoor cafes, widened sidewalks, benches, shelters, street furniture, or kiosks. Enhanced pedestrian spaces shall open to the

sidewalk, include at least one adjoining entry into a building, and meet ground-floor development standards.

3.15.40.02 - Structure Height and Step-Backs

- a. Buildings shall be a minimum of three stories in height.
- b. Beginning with the third floor, step-backs of upper stories are permitted along sidewalks. A minimum 2.5 Floor Area Ratio shall be maintained.
- c. Maximum structure height shall be 75 ft.
- d. Structure height excludes parapets or pitched roofs.
- e. Occupied towers or penthouses above 75 ft. may be permitted subject to Conditional Development Review.

3.15.40.03 - Weather Protection

New development in the RF Zone shall include the provision and maintenance of at least a 6-ft.-wide weather-protected area adjacent to the sidewalk, with a minimum of 60 percent sidewalk coverage along the face of buildings, and no uncovered areas longer than 20 ft. Back-lit plastic awnings are prohibited.

3.15.40.04 - Ground-Floor Uses, Window Standards, and Primary Entrances

The applicable provisions of Chapter 4.10 - Pedestrian Oriented Design Standards and all of the following standards shall apply to development in the RF Zone. Where conflicts exist between this chapter and Chapter 4.10, the provisions of "a" through "d," below, shall prevail.

- a. Residential and Lodging Services uses shall not be permitted in ground-floor space; however, access areas (stairways, lobbies, etc.) are permitted on the ground floor adjacent to sidewalks.
- b. A minimum of 60 percent of the length of the building street frontage shall be glass with a maximum sill height above grade of 30 in. The glass shall extend no less than 84 in. above sidewalk grade. Tinted and/or mirrored glass/glazing is not permitted as ground-floor windows used to meet this standard along street facades.
- c. Buildings shall have at least one entrance oriented toward each abutting street or sidewalk, with the primary entrance oriented toward First Street, Second Street, or toward a corner where two streets intersect.

- d. Secondary entrances shall be required on larger buildings. The distance between a building's entrances cannot exceed 100 ft.

Section 3.15.50 - LANDSCAPING

Landscaping and screening shall be required in accordance with the Riverfront Commemorative Park Plan and associated graphics, which were approved by the City Council on February 26, 1997 and as amended over time.

Section 3.15.60 - OFF-STREET PARKING

3.15.60.01 - Standards for Off-Street Parking Facilities

- a. Vehicle entries/exits serving off-street parking facilities shall not be allowed along First Street.
- b. Alleys or vehicle accessways dividing blocks shall be constructed in the following manner:
 - 1. Unobstructed travel lane width shall be a minimum of 12 ft. for one-way alleys and 20 ft. for two-way alleys or vehicle accessway facilities.
 - 2. Where parking is provided along an alley or vehicle accessway, the following standards apply:
 - (a) The parking shall not interfere with required refuse and recycling facilities, utilities, or pedestrian facilities; and
 - (b) The unobstructed travel lane width abutting the parking spaces shall be a minimum of 14 ft. Alleys constructed before adoption of this Code are exempt from this requirement.
- c. Above- and/or below-ground parking structures shall meet the following design requirements::
 - 1. Where parking structures front streets, retail and other uses shall be required along the ground-level frontage, except that parking access entries/exits, when needed, may be located no farther east than the first 25 ft. immediately east of the alley or vehicle accessway; and
 - 2. Parking structures shall not be visible from any street in the RF Zone. Visibility shall be blocked along the streets (except down alleys or vehicle accessways) by occupiable building spaces that meet the RF Zone standards.

- d. Required parking may be provided through easements on properties within 200 ft. of a proposed development.

3.15.60.02 - Baseline Riverfront Zone Parking Requirements

- a. Parking requirements in the RF Zone are reduced from the standards required in Chapter 4.1 - Parking, Loading, and Access Requirements, and shall be as follows:

Table 3.15-1 Baseline Riverfront Zone Parking Requirements					
Floor Area Ratio Use Type	Parking Requirement				
	Restaurant	Retail	Office	Residential	Entertainment
FAR 2.0 Min. No Residential	1 space per 100 sq. ft.	1 space per 505 sq. ft.	1 space per 450 sq. ft.	1 space per unit	1 space per 6 seats
FAR 2.0 Min. with Residential	1 space per 150 sq. ft.	1 space per 560 sq. ft.	1 space per 480 sq. ft.	1 space per unit	1 space per 6 seats
FAR 2.5 Min. No Residential	1 space per 200 sq. ft.	1 space per 615 sq. ft.	1 space per 515 sq. ft.	1 space per unit	1 space per 6 seats
FAR 2.5 Min. with Residential	1 space per 250 sq. ft.	1 space per 670 sq. ft.	1 space per 550 sq. ft.	1 space per unit	1 space per 6 seats

- b. The baseline parking requirements shall apply to new development and to the remodeling, redevelopment, expansion, and change in use of buildings. The 2.0 minimum FAR standards apply only to expansions of existing 1-story buildings in the RF Zone.
- c. Up to 100 percent of required vehicle parking and covered bicycle parking for commercial uses may be met by contributing to a “fee-in-lieu-of” parking program established by the City.
- d. The total parking requirements for a proposed development shall be reduced by multiplying the footprint of the proposed building (not including surface parking) by the total public parking in the Riverfront Zone as of December 31, 2000, with the sum divided by total lot area in the Riverfront Zone. For example, 381,241 sq. ft. of lot area in the RF Zone and 562 parking spaces results in 0.001474 spaces per sq. ft. of building footprint or 1.5 spaces per 1,000 sq. ft.
- e. If new on-street parking is created by a property owner permanently surrendering an existing street entrance to his/her property (and which street entrance is not moved to another location), the property owner can receive an off-street parking reduction equal to two spaces for every one new on-street parking space created in the process of surrendering existing entrance(s). This credit may be applied to future building permits.

3.15.60.03 - Additional Allowed Reductions for Nonresidential Parking Requirements

- a. An applicant may substitute internal and secure employee bicycle parking for required off-street vehicle parking at a rate of four bicycle spaces per one parking space, up to a maximum of 10 percent of the required baseline from “b” above.
- b. For gross FAR in excess of 3.0, a parking credit shall be calculated at the rate of 0.25 spaces per 1,000 sq. ft. of the additional floor area.
- c. Residential Credit - A parking credit of 0.25 spaces per residential unit shall be allowed for each residential unit constructed in floor area that is in excess of the required 2.5 gross commercial FAR.
- d. Transit Credit - An applicant may use a secured (e.g., bonded) implementation of a Ride-Free or other approved Transportation Demand Management plan to reduce the baseline required parking by 5 percent. The recipient of the credit shall provide annual proof of implementation. The security shall be executed should the plan not be implemented. Security shall be posted for a 10-year period, after which time the bond may be recovered if proof is provided that the program has been continuously implemented.

3.15.60.04 - Structured Parking Credit and Incentive

Each structured parking space constructed shall count as two spaces against the required parking for a nonresidential development (i.e., a 50 percent reduction).

3.15.60.05 - Interim Parking Standards and Alternate Parking Proposals

Parking studies and analyses are currently underway by the City and the Parking Commission. New data may indicate the need to adjust parking requirements in section 3.15.60. Until the new data is available and any subsequent changes are formally incorporated into a revised section 3.15.60, a development may propose alternate methods of calculating parking requirements through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code, respectively.

Section 3.15.70 - SIDEWALKS

A public sidewalk shall adjoin every private/public property line, whether there is a street or not, except within alleys (unless otherwise required by this chapter). The sidewalk shall conform to City standards including the special standards adopted in the Riverfront Commemorative Park Plan and Drawings adopted by the City Council on February 26, 1997, as amended over time.

Section 3.15.80 - SIGNS

Refer to the Central Business Zone standards in Chapter 4.7 - Sign Regulations for sign regulations in the Riverfront Zone, with the following exceptions:

- a. Pole signs and monument signs are not permitted.
- b. Internally illuminated signs are not permitted. Neon signs are permitted.

Section 3.15.90 - COMPLIANCE WITH THE RIVERFRONT COMMEMORATIVE PARK PLAN AND THIS CODE

All development shall comply with applicable design standards and other provisions of the Riverfront Commemorative Park Plan and associated graphics, adopted by the City Council on February 26, 1997, and as amended over time. All development shall also comply with the applicable design standards and other provisions of the Code including, but not limited to, portions of Article IV chapters 4.0, 4.1, 4.2, 4.6, 4.7 and 4.9.

The block standards established in section 4.0.60 of Chapter 4.0 - Improvements Required with Development shall apply to development on undeveloped sites and are encouraged to the maximum extent practicable on redevelopment of developed sites.

If a design standard or other provision of the Riverfront Commemorative Park Plan conflicts with the standards of the Code, the Riverfront Commemorative Park Plan shall prevail.

CHAPTER 3.16 CENTRAL BUSINESS (CB) ZONE

Section 3.16.10 - PURPOSE

This zone implements the Central Business Comprehensive Plan designation. It is intended to provide an area for commercial uses, as well as civic and residential uses, and to provide all basic services and amenities required to keep the downtown the vital center of our community. While the zone does not permit new low density building types, it is not intended to preclude dwelling units in buildings containing commercial activities.

Section 3.16.20 - PERMITTED USES

3.16.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types
 - (a) Family
 - (b) Group Residential
 - (c) Group Residential/Group Care
 - (d) Residential Care Facilities
2. Residential Building Types
 - (a) Single Detached (existing prior to adoption of this Code)
 - (b) Single Detached (Zero Lot Line) (existing prior to adoption of this Code or when added to existing development on an underdeveloped site)
 - (c) Single Attached (Zero Lot Line, 2 units) (existing prior to adoption of this Code or when added to existing development on an underdeveloped site)
 - (d) Duplex (existing prior to adoption of this Code or when added to existing development on an underdeveloped site)
 - (e) Attached (Townhouse)
 - (f) Multi-Dwelling (In this zone, this includes dwelling units in commercial buildings)

- 3. Civic Use Types
 - (a) Administrative Services
 - (b) Social Service Facilities
 - (c) Community Recreation
 - (d) Cultural Exhibits and Library Services
 - (e) Lodges, Fraternal and Civic Assembly
 - (f) Parking Services
 - (g) Postal Services
 - (h) Public Safety Services
 - (i) Religious Assembly
- 4. Commercial Use Types
 - (a) Agricultural Sales
 - (b) Animal Sales and Services
 - 1. Grooming
 - 2. Kennels
 - 3. Veterinary (large and small animals)
 - (c) Automotive and Equipment
 - 1. Cleaning
 - 2. Fleet Storage
 - 3. Parking Services
 - 4. Repairing, Light Equipment
 - 5. Sales/Rental - Farm Equipment
 - 6. Sales/Rental - Heavy Equipment

7. Sales/Rental - Light Equipment

- (d) Building Maintenance Services
- (e) Business Equipment Sales and Services
- (f) Business Support Services
- (g) Communication Services
- (h) Construction Sales and Service
- (i) Convenience Sales and Personal Services
- (j) Eating and Drinking Establishments
- (k) Financial, Insurance, and Real Estate Services
- (l) Food and Beverage Sales
- (m) Fuel Sales
- (n) Funeral and Interment Services

1. Undertaking

- (o) Laundry Services
- (p) Lodging Services (Hotels/Motels and Bed & Breakfast Facilities)
- (q) Medical Services
- (r) Participant Sports and Recreation

1. Indoor and Outdoor

- (s) Personal Services - General
- (t) Professional and Administrative Services
- (u) Repair Services - Consumer
- (v) Research Services
- (w) Retail Sales - General

- (x) Spectator Sports - Entertainment, Limited
- (y) Temporary Outdoor Markets
- (z) Technical Support Center - upper floors only
- (aa) Telemarketing Center - upper floors only
- (bb) Wholesaling, Storage, and Distribution
 - 1. Mini-Warehouses
 - 2. Light
- 5. Industrial Use Type
 - (a) Limited Manufacturing

b. Accessory Uses Permitted Outright

- 1. Essential Services
- 2. Day Care, Family, accessory to a permitted residential use
- 3. Home Business, when conducted in conjunction with a permitted residential use
- 4. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
- 5. Other development customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations
- 6. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
- 7. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.

3.16.20.02 - Special Development

- a. **Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.
1. Major Services and Utilities
 2. Freestanding wireless telecommunication facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
 3. Freestanding wireless telecommunication facilities that do not meet the setback or spacing standard requirements of sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9.
 4. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.
 5. Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.

3.16.20.03 - Administrative Development

- a. **Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.
1. Drive-Through Facilities (e.g., Financial Institutions, Eating Establishments)
 2. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
 3. Projections such as chimneys, spires, domes, towers, and flagpoles, not used for human occupancy exceeding 75 ft. in height, in accordance with section 4.9.50 of Chapter 4.9. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U), the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less.
 4. Freestanding wireless telecommunication facilities up to 75 ft. in height, subject to the standards in Chapter 4.9.

Section 3.16.30 - DEVELOPMENT STANDARDS

3.16.30.01 - Lot Area and Setback Requirements

- a. There is no minimum lot area or setback (other than that required by the Uniform Building Code) for any civic, commercial, or industrial use type structure.
- b. The requirements for residential structures containing a residential use shall be in accordance with Chapter 3.9 - Mixed Use Residential (MUR) Zone standards.

3.16.30.02 - Structure Height

No structure shall exceed 75 ft. in height.

3.16.30.03 - Weather Protection

Within the Downtown Pedestrian Core Area (as defined in Chapter 1.6), new structures shall be constructed adjacent to street sidewalks and shall include the provision and maintenance of at least a 6-ft.-wide weather protected area over the sidewalk along the entire frontage of the structure.

Section 3.16.40 - LANDSCAPING, SCREENING, AND LIGHTING

Landscaping, screening, and lighting shall be required, in accordance with Chapter 4.2, except street trees shall be provided in accordance with the Downtown Tree Management Program contained in the Downtown Streetscape Plan, dated November 2, 1988.

Section 3.16.50 - OFF-STREET PARKING

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

Section 3.16.60 - COMPLIANCE WITH PEDESTRIAN ORIENTED DESIGN STANDARDS OF CHAPTER 4.10

- a. Independent or cumulative expansions of a commercial or civic structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with this section provided that:
 1. The expansion adds floor area of 500 sq. ft. or less; or

2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.
- b.** Independent or cumulative expansions of a commercial or civic structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards, sections 4.10.70.02 through 4.10.70.05, with allowances for choices among some standards as identified in 4.10.70.01, provided that:
1. The expansion adds floor area of more than 3,000 sq. ft.; or
 2. The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.
- c.** All new buildings or structures for which a valid permit application has been submitted after December 31, 2000, shall comply with Chapter 4.10 - Pedestrian Oriented Design Standards.

Section 3.16.70 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

CHAPTER 3.17 CENTRAL BUSINESS FRINGE (CBF) ZONE

Section 3.17.10 - PURPOSE

The Central Business Fringe Zone implements the Central Business Comprehensive Plan designation and is intended to allow commercial activity necessary to support regional shopping facilities located in the Central Business Zone. Because of its unique location, site development in this area should contribute to a visually attractive entrance to the downtown area.

Section 3.17.20 - PERMITTED USES

Uses permitted in the CBF Zone shall be the same as those permitted in Chapter 3.16 - Central Business (CB) Zone except for the following:

- a. All residential building types listed in Chapter 3.16 are permitted uses;
- b. Any new commercial use shall require a Plan Compatibility Review in accordance with Chapter 2.13 - Plan Compatibility Review; and
- c. Projections such as chimneys, spires, domes, towers, and flagpoles, not used for human occupancy exceeding 45 ft. in height, in accordance with section 4.9.50 of Chapter 4.9, shall require a Plan Compatibility Review in accordance with Chapter 2.13. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U), the threshold is 20 ft. above the height of the structure or 45 ft. in height, whichever is less.

Section 3.17.30 - DEVELOPMENT STANDARDS

3.17.30.01 - Dimensional Requirements

- a. **Lot Area** - There is no minimum lot area for any civic, commercial, or industrial use type structure. The requirements for residential structures shall be in accordance with Chapter 3.9 - Mixed Use Residential (MUR) Zone.
- b. **Setbacks** - Minimum setback for any civic, commercial, or industrial use type shall be 10 ft. in any front or exterior side yard. Setbacks for residential structures shall be in accordance with Chapter 3.9.

3.17.30.02 - Structure Height

No structure shall exceed 35 ft. in height.

3.17.30.03 - Off-Street Parking

- a. Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.
- b. Where there is an existing alley, access to parking areas from an adjacent alley shall be used to limit the use of any yard abutting a street for parking facilities.
- c. Shared access with neighboring sites (and the establishment of reciprocal access agreements) shall be used where practical.

3.17.30.04 - Landscaping, Lighting, and Screening

- a. Landscaping, lighting, and screening shall be required, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
- b. Significant vegetation associated with the site should be preserved or protected to the extent practicable.
- c. A minimum of 25 percent of the gross lot area shall be retained and developed as permanent green area (excluding parking and maneuvering areas). The area shall be landscaped with a mixture of vertical elements (trees, tall shrubs, and hedges) and horizontal elements (grass, ground cover, etc.). Patios, decks, sidewalks, areas for congregation, and other like features may be included in the landscaped green area requirement, except that a minimum of 15 percent of the required green area shall be landscaping or preserved vegetation.

3.17.30.05 - Design Standards

- a. Independent or cumulative expansions of a commercial or civic structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with this section provided that:
 - 1. The expansion adds floor area of 500 sq. ft. or less; or
 - 2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.
- b. Independent or cumulative expansions of a commercial or civic structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall

comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards, sections 4.10.70.02 through 4.10.70.05, with allowances for choices among some standards as identified in section 4.10.70.01, provided that:

1. The expansion adds floor area of more than 3,000 sq. ft.; or
 2. The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.
- c.** All new buildings or structures for which a valid permit application has been submitted after December 31, 2000, shall comply with Chapter 4.10 - Pedestrian Oriented Design Standards.
- d.** Additionally, pitched roofs (minimum 4:12 pitch) shall be used to retain the residential character of the area where there is a predominance of pitched roofs on 90 percent or more of the structures on the same block or adjacent $\frac{1}{2}$ blocks.

Section 3.17.40 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

CHAPTER 3.18
RSC (REGIONAL SHOPPING CENTER) DISTRICT

Section 3.18.10 - PURPOSE

This district implements the Commercial Use designation of the Comprehensive Plan. It is intended to provide a location for regional shopping center uses that are planned and developed as an integrated unit.

Section 3.18.20 - GENERAL PROVISIONS

3.18.20.01 - Establishment of the RSC District

This district may be requested by a property owner of lands identified on the Comprehensive Plan Map. Establishment of this district requires a public hearing by the Planning Commission in conjunction with a Conceptual Development Plan, in accordance with Section 2.5.40. At the time this district is designated, the Planning Commission shall also designate the underlying district in conformance with the Comprehensive Plan.

The applicant has 3 years from date of approval for the district change and Conceptual Development Plan to complete a Plan Compatibility Review and be issued a building permit for a primary use. If no permit has been issued prior to the expiration date, the district change and Conceptual Development Plan shall expire and the Director shall amend the Official District Map to remove the RSC district designation and reapply the previous district designation, except as provided below in 3.18.20.02.

3.18.20.02 - Time Extension

a. An owner of property with an RSC designation may apply to have that designation extended beyond the 3-year limit, provided that an application is properly filed before the expiration of the designation on forms provided by the Director.

b. The Director shall process the request and mail notice to owners and occupants of all properties within 100 ft of the subject property in accordance with Chapter 2.16. The Director may grant a 1-year extension of the expiration date upon finding that:

1. Unforeseen circumstances or conditions have caused the delay;

2. The applicant has demonstrated reasonable diligence in attempting to meet the time limits imposed; and

3. Facts upon which the approval was based have not changed to an extent sufficient to warrant refiling.

Applications for additional 1-year extensions may be filed in accordance with the above procedures.

CHAPTER 3.19

MIXED USE COMMUNITY SHOPPING (MUCS) ZONE

Section 3.19.10 - PURPOSE

The Mixed Use Community Shopping (MUCS) Zone implements the Mixed Use Commercial Comprehensive Plan designation in areas located outside Neighborhood Center (NC) zones and the Mixed Use General Commercial Zone. The MUCS Zone is applied to areas that are already largely developed, are mostly located between neighborhood centers, and are intended to transition to a more pedestrian- and human-scale environment.

The MUCS Zone is intended to provide for retail businesses and commercial and personal service activities of limited sizes (with larger uses in the Major Neighborhood Center Zone), and mixed use developments, accommodating both pedestrian oriented uses and a limited number of land uses that are more dependent on automobile circulation.

The MUCS Zone also serves these purposes:

- a.** Provides transitions from a linear pattern of commercial development toward a pedestrian-friendly environment;
- b.** Locates a range of complementary businesses close to each other;
- c.** Provides human-scale development to the greatest extent practicable;
- d.** Mitigates the adverse effects of automobile-oriented development on the pedestrian environment;
- e.** Supports the use of alternative modes of transportation, including walking, riding transit, and bicycling;
- f.** Minimizes hazards, noise, traffic congestion, and other related effects of commercial concentrations; and
- g.** Implements the Comprehensive Plan provisions for access management on arterial streets.

Section 3.19.20 - GENERAL PROVISIONS

3.19.20.01 - Establishment of the MUCS Zone

Zone changes to establish new MUCS zones may be applied only to properties designated Mixed Use Commercial (MUC) or Intensive Development Sector (IDS) on the Comprehensive Plan Map as of December 31, 2000, or as established through a subsequent or concurrent Comprehensive Plan Map amendment. The MUCS Zone also may be applied through a legislative process in accordance with Chapter 2.0 - Public Hearings. The following locational and dimensional criteria shall apply to any new MUCS Zone.

a. Locational Criteria

The following locational criteria shall be applied to zone changes, in conjunction with Chapter 2.2 - Zone Changes.

1. The MUCS Zone shall have at least 50 ft. of frontage along a collector or arterial street, as designated in the Corvallis Transportation Plan;

AND EITHER

2. All portions of the MUCS Zone shall be located within 1/4 mile of existing or planned transit service;

OR

3. The MUCS Zone shall be located in areas determined, through a legislative process, to be necessary to provide mixed use opportunities and services to the affected comprehensive neighborhood.

b. Zone Size and Dimensions

A new MUCS Zone shall consist of at least one "whole" legal lot or parcel if the lot or parcel is 1 acre or less in size. When multiple lots or parcels are included, portions of individual lots or parcels at least 1 acre in size may be included, provided the size of the remainder of each lot or parcel is developable under its zone designation. Public street rights-of-way shall not count toward the total area of a zone.

c. Variations

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code, respectively.

Section 3.19.30 - PERMITTED USES

Land use in the MUCS Zone shall conform to the list of permitted use types in Table 3.19-1. Ministerial Development involving use types permitted outright are identified with a "P." General Development involving use types subject to Plan Compatibility Review (Chapter 2.13) are identified with a "PC." Special Development involving use types subject to Conditional Development Review (Chapter 2.3) are identified with a "CD." Uses identified with an "N" are not permitted.

Table 3.19-1 Permitted Use Types	
<i>Use Types</i>	<i>Permit Procedure</i>
<p>a. Prior Established Uses</p> <p>1. Uses existing prior to December 31, 2000, and in compliance with the Code on that date ¹</p> <p>2. Uses permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property</p>	<p>P</p> <p>P</p>

1

Uses that were in existence and permitted in zoning prior to December 31, 2000, and are now located in the MUCS Zone, shall not be classified as nonconforming uses unless they have been discontinued for a period of at least 18 months, in which case the requirements of section 1.4.40.03 shall apply. Expansions and enlargements shall comply with all other applicable Code requirements.

Table 3.19-1 Permitted Use Types	
<i>Use Types</i>	<i>Permit Procedure</i>
<p>c. Accessory Uses</p> <ol style="list-style-type: none"> 1. Essential Services (contained within enclosed building) 2. Required off-street parking in accordance with Chapter 4.1 3. Other development customarily incidental to the primary use in accordance with Chapter 4.3 (contained within enclosed building) 4. Home Business 	<p>P</p> <p>P</p> <p>P</p> <p>P</p>
<p>d. Projections such as chimneys, spires, domes, and towers not used for human occupancy exceeding 75 ft. in height, in accordance with Chapter 2.13, unless adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) where the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less.</p>	<p>PC</p>
<p>e. Civic Use Types</p> <ol style="list-style-type: none"> 1. Administrative Services 2. Community Recreation 3. Essential Services 4. Lodge, Fraternal, and Civic Assembly (maximum use size of 7,500 sq. ft.) 5. Lodge, Fraternal, and Civic Assembly (use size > 7,500 sq. ft.) 6. Minor Utilities, subject to Chapter 4.9 standards 7. Major Services and Utilities (e.g., transit and similar facilities) 8. Parking Services 9. Public Safety Services 10. Social Service Facilities 	<p>P</p> <p>PC</p> <p>P</p> <p>P</p> <p>CD</p> <p>P</p> <p>PC</p> <p>PC</p> <p>PC</p> <p>P</p>

Table 3.19-1 Permitted Use Types		
Use Types	Permit Procedure	
11. Religious Assembly (maximum use size of 7,500 sq. ft.)	P	
12. Religious Assembly (use size > 7,500 sq. ft.)	CD	
13. University Services and Facilities	P	
14. Wireless Telecommunication Facilities		
(a) Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.	P	
(b) Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.	P	
(c) Freestanding Wireless Telecommunication Facilities	PC	
	<i>Up to 7,500 sq. ft.</i>	<i>> 7,500 sq. ft.</i>
f. Commercial Use Types (contained within enclosed building) ³		
1. Agricultural Sales and Service	P	P
2. Animal Sales and Service - Grooming; Kennels; Veterinary, Small Animals	P	P

³ All commercial use types shall comply with the provisions of section 3.19.40.02 - Thresholds for Determining the Applicable Review Procedure.

**Table 3.19-1
Permitted Use Types**

Use Types	Permit Procedure	
3. Animal Sales and Service - (large and small, and/or including use outside of building)	PC	CD
4. Automotive and Equipment - subject to the provisions of Chapter 4.10 - Pedestrian Oriented Design Standards		
(a) Light Equipment Sales/Rentals (including use outside of building)	P	P
(b) Car Wash	P	P
5. Fuel Sales	P	P
6. Building Maintenance Services	P	P
7. Business Equipment Sales and Services	P	P
8. Business Support Services	P	P
9. Communication Services	P	P
10. Construction Sales and Services	P	P
11. Convenience Sales and Personal Services, except drive-through uses (10,000 sq. ft. maximum use size)	P	P
12. Day Care, Commercial Facility	P	P
13. Drive-Through Facilities	CD	CD
14. Eating and Drinking Establishments, except drive-through facilities (10,000 sq. ft. maximum use size)	P	P
15. Financial, Insurance, and Real Estate Services	P	P
16. Food/Beverage Retail Sales, except drive-through facilities (10,000 sq. ft. maximum use size)	P	P
17. Funeral and Interment Services (cremating and undertaking)	P	P
18. Laundry	P	P
19. Lodging Services (Hotels/Motels)	P	CD
20. Medical Services	P	CD
21. Participant Sports and Recreation (indoor)	P	CD

Table 3.19-1 Permitted Use Types		
<i>Use Types</i>	<i>Permit Procedure</i>	
22. Professional and Administrative Services (above ground floor only)	P	PC
23. Repair Services - Consumer	P	P
24. Research Sales and Services	P	P
25. Retail Sales (15,000 sq. ft. maximum use size)	P	PC
26. Spectator Sports and Entertainment - Limited	P	CD
27. Swap Meets	PC	CD
28. Technical Support Center	P	CD
29. Telemarketing Center	P	CD
30. Temporary Outdoor Markets	PC	CD

Section 3.19.40 - DEVELOPMENT STANDARDS

3.19.40.01 - Use and Building Size

- a. The maximum size of a use is established in Table 3.19-1.
- b. The maximum building footprint shall be 25,000 sq. ft., except for Lodging Services use types and Residential use types, for which no limits are established.
- c. Any building containing over 25,000 sq. ft. of gross floor area shall accommodate the additional floor area on additional floors (full floors, partial floors and/or mezzanines comply with this standard).
- d. Building footprints in excess of 25,000 sq. ft. existing prior to December 31, 2000, and in conformance with the Code on that date, or constructed pursuant to a valid Conceptual or Detailed Development Plan approved prior to December 31, 2000, shall not be classified as nonconforming structures. In such structures, change in use from the use existing prior to December 31, 2000, and in conformance with the Code on that date to a use otherwise permitted, but for the maximum use size limitation, shall be permitted.

Similarly, in buildings with interior portions in excess of 10,000 sq. ft. existing prior to December 31, 2000, and in conformance with the Code on that date, change in use from an existing permitted use to a use otherwise

permitted, but for the maximum use size limitation, shall be permitted. In each case, the change of use shall be considered through the permit procedure identified in Table 3.19-1 - Permitted Use Types.

3.19.40.02 - Thresholds for Determining the Applicable Review Procedure (Commercial Uses)

The permit procedures for commercial uses in the MUCS Zone shall be as identified in Table 3.19-1. The size of each use is determined based on the total gross floor area of the use. For the purposes of the MUCS Zone, floor area also includes non-enclosed uses needed for automobile circulation associated with car washes, fuel sales, and drive-through facilities (e.g., areas needed for operational use, queuing, and service areas) except for customer and employee parking, as defined in Chapter 3.0 - Use Classifications.

3.19.40.03 - Commercial Floor Area Ratio

Minimum commercial floor area ratios (FARs) are required for all property with a Mixed Use Community Shopping designation. This requirement ensures that commercial land is preserved for primarily commercial purposes. For an explanation of how to apply/calculate FARs, refer to the definition of "Floor Area Ratio" in Chapter 1.6 - Definitions.

All commercial and mixed use developments shall comply with the following standards for commercial floor area:

- a.** For commercial use types, the minimum FAR shall be 0.25 and the maximum FAR shall be 1.0. When a project is composed of two or more phases, development in each phase shall fall within the minimum and maximum FAR requirements or an alternative FAR requirement proposed and approved through a Planned Development Review process.
- b.** Residential uses and structured parking shall not be included in the maximum FAR.
- c.** To increase the FAR above the established maximum, a proponent must apply for a Planned Development in accordance with Chapter 2.5. However, in all cases, the primary use of the property(ies) shall be commercial. As mentioned in "a" above, when a project is composed of two or more phases, development in each phase shall fall within the minimum and maximum FAR requirements or an alternative FAR requirement proposed and approved through a Planned Development Review process.

3.19.40.04 - Mixed Use Development

- a. Residential uses located on the ground floor shall not exceed 50 percent of the ground-floor space of the parcel; the Planned Development process may be used to transfer ground-floor commercial and residential uses between parcels in the same development, resulting in stand-alone residential structures, provided that no more than 50 percent of the ground-floor space in the development is residential.
- b. Mixed use developments shall comply with the green area standards in Chapter 3.9 - Mixed Use Residential (MUR) Zone, except that a minimum of 10 percent of the lot area shall be landscaping or preserved vegetation.
- c. The minimum residential density for mixed use projects involving stand alone residential buildings shall be 20 units per gross acre. For mixed use buildings, no minimum densities are established. For purposes of this standard, residential density shall be calculated only for the portion of the site being used for residential use. Modifications to the 20 units/acre density requirements for developments with stand-alone residential buildings can be requested through a Planned Development Review process in accordance with Chapter 2.5.

3.19.40.05 - Setbacks

- a. **Front Setback** - Structures may be built to the property line, but no closer to the street than the width of the standard planting strip and sidewalk for that street classification. A maximum setback of 20 ft. from either the property line or the line marking the outer boundary of the standard planting strip and sidewalk for that street classification shall apply to all building sites, except as provided in "1" through "3" below.
 1. **Exceptions for Improved Pedestrian and Automobile Circulation** - The maximum setback may be increased by 50 percent through a Conditional Development approval when the Planning Commission finds that an increased setback will provide for improved pedestrian circulation and safety and improved vehicular access management outside the public rights-of-way. For example, objectives for both pedestrians and vehicles can be met through the provision of shared driveways, connected parking lots, improved pedestrian connections between buildings and the street sidewalk, and internal connections between adjoining buildings. However, in no case shall parking facilities or circulation facilities (e.g., driveways, queues) be allowed between the building front and the street.

2. **Exceptions Granted through Conditional Development/Planned Development Review** - In conformance with section 3.19.20.01.c, the maximum setback may be increased to provide for the following features:
 - (a) Pedestrian amenities in conformance with Chapter 4.10 - Pedestrian Oriented Design Standards;
 - (b) An internal shopping street consistent with the requirements of section 4.0.60.m of Chapter 4.0 - Improvements Required with Development;
 - (c) Protection of significant trees and/or designated natural resources; or
 - (d) Compliance with other sections of this Code.
3. **Exceptions for Interior Buildings** - Buildings interior to a development site are exempt from this requirement provided other buildings on the site meet the requirement. However, in no case shall parking facilities or circulation facilities (e.g., driveways, queues) be allowed between the building front and the street.

b. Side and Rear Setbacks and Building Separations - The following setbacks shall apply:

1. No minimum setback adjacent to Mixed Use General Commercial (MUGC), Neighborhood Center (NC), and Industrial (GI, II) zones.
2. 20 ft. minimum setback adjacent to low and medium density residential zones; buffering shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
3. 10 ft. minimum setback adjacent to medium-high and high density residential zones; buffering shall be provided in accordance with Chapter 4.2.

3.19.40.06 - Alleys and Access Consolidation

- a. Alleys shall be required for all newly created blocks in the MUCS Zone and provided in accordance with the standards in Chapter 4.0 - Improvements Required with Development. This standard is intended to apply to undeveloped sites that can accommodate new blocks developed in

accordance with block standards in Chapter 4.0. Although adherence to this standard is encouraged, it is not necessarily intended to apply to redevelopment of, or intensification of uses on, developed sites.

- b. With development, access consolidation, particularly along arterials, shall be required to the maximum extent practicable. Access consolidation shall be accomplished as approved by the City Engineer, and/or as required by applicable access control plans approved by the City Council. Connectivity between adjacent parking and vehicle circulation areas and internal to development sites, shall be implemented where practicable.

3.19.40.07 - Compliance with Pedestrian Oriented Design Standards

- a. Independent or cumulative expansions of a commercial, industrial, or civic structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with this section provided that:
 - 1. The expansion adds floor area of 500 sq. ft. or less; or
 - 2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.
- b. Independent or cumulative expansions of a commercial, industrial, or civic structure in existence and in compliance with this Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards, sections 4.10.70.02 through 4.10.70.05, with allowances for choices among some standards as identified in 4.10.70.01, provided that:
 - 1. The expansion adds floor area of more than 3,000 sq. ft.; or
 - 2. The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.
- c. All new buildings or structures for which a valid permit application has been submitted after December 31, 2000, shall comply with Chapter 4.10 - Pedestrian Oriented Design Standards.

3.19.40.08 - Structure Height

No structure shall exceed 45 ft. in height.

3.19.40.09 - Monument Sign Exceptions

In cases where street visibility of a business in a conforming structure established prior to December 31, 2000, is significantly reduced due to new construction on adjacent property, and the 100-ft. minimum separation requirement for freestanding signs (section 4.7.80.02.c in Chapter 4.7 - Sign Regulations) otherwise precludes any street signage associated with the structure, a single monument sign a maximum of 8 ft. high and 32 sq. ft. in area, which otherwise meets the requirements of Chapter 4.7, is permitted.

Section 3.19.50 - COMPLIANCE WITH THIS CODE

All development shall comply with applicable design standards and other provisions of the Code including, but not limited to, chapters 4.0, 4.1, 4.2, 4.6, 4.7, and 4.9. The block standards established in section 4.0.60 of Chapter 4.0 - Improvements Required with Development shall apply to development on undeveloped sites and are encouraged to the maximum extent practicable on redevelopment of developed sites.

~~CHAPTER 3.20~~

~~MUC (MIXED USE COMMERCIAL) DISTRICT~~

~~Section 3.20.10 - PURPOSE~~

~~This district introduces some residential and industrial uses into areas with commercial designations on the Comprehensive Plan Map. It is intended to provide areas for commercial uses, as well as civic and residential uses, and to provide basic services and amenities at a scale appropriate to surrounding developments. Other objectives of the Mixed Use Commercial District include: expanding housing opportunities; allowing businesses to locate in a variety of settings; providing options for living, working, and shopping environments; facilitating more intensive use of land while minimizing potentially adverse impacts; and providing options for pedestrian-oriented lifestyles.~~

~~Section 3.20.20 - GENERAL PROVISIONS~~

~~3.20.20.01 - Establishment of the MUC District~~

~~The MUC district may be applied to Commercial designations on the Comprehensive Plan map or to lands designated through a legislative process. The district may also be applied to parcels which meet Land Development Code Section 2.2.30 criteria for district changes, and the following criteria for district location, dimensions, and size:~~

~~a. Locational Criteria~~

~~The following locational criteria shall be applied to district changes, in conjunction with Chapter 2.2 District Changes:~~

- ~~1. The MUC district shall have frontage from at least one of the following street classifications: Arterial Highway, Arterial, or Collector, as designated by the City of Corvallis Functional Classification System. However, frontage may be provided from a Neighborhood Collector street when a Planned Development district overlay is applied to the district;~~

~~AND EITHER~~

- ~~2. All portions of the MUC district shall be located within 1/4 mile of existing or planned transit service;~~

~~OR~~

- ~~3. The MUC district shall be located in areas determined, through a Planned Development process, to be necessary to provide mixed use opportunities and services to adjacent areas.~~

~~b. District Size and Dimensions~~

- ~~1. The site shall consist of at least one "whole" legal lot if the lot is one acre or less in size. When multiple tax lots are included, portions at least one acre in size of individual lots may be included, provided the size of the remainder of each lot is~~

CHAPTER 3.20 MIXED USE GENERAL COMMERCIAL (MUGC) ZONE

Section 3.20.10 - PURPOSE

The Mixed Use General Commercial (MUGC) Zone implements the Mixed Use Commercial Comprehensive Plan designation in areas located outside the Mixed Use Neighborhood Center Zone and Mixed Use Community Shopping Zone. It is intended to provide areas for those commercial and related services and businesses that generally require extensive outside storage, are not retail or office uses, or have characteristics with less pedestrian orientation than other commercial zones. Site and building design in the MUGC Zone is intended to comply with pedestrian- and human-scale policies of the Comprehensive Plan, while recognizing and providing for uses that may conflict with pedestrian access and the character of the other commercial zones.

Section 3.20.20 - GENERAL PROVISIONS

3.20.20.01 - Establishment of the MUGC Zone

Zone changes to establish new MUGC zones may be applied only to properties designated Mixed Use Commercial (MUC) or Intensive Development Sector (IDS) on the Comprehensive Plan Map as of December 31, 2000, or as established through a subsequent or concurrent Comprehensive Plan Map amendment. The MUGC Zone also may be applied through a legislative process in accordance with Chapter 2.0 - Public Hearings. The following locational and dimensional criteria shall apply to any new MUGC Zone.

a. Locational Criteria

The following locational criteria shall be applied to zone changes, in conjunction with Chapter 2.2 - Zone Changes.

1. The MUGC Zone shall have at least 50 ft. of frontage along a collector or arterial street, as designated in the Corvallis Transportation Plan;
2. New MUGC zones are discouraged from abutting land designated Low Density Residential on the Comprehensive Plan Map.

b. Zone Size and Dimensions

1. The minimum contiguous area for a new MUGC Zone is 5 acres. Additionally, when multiple lots or parcels are included, portions of individual lots or parcels at least 1 acre in size may be included, provided the size of the remainder of each lot or parcel is developable

under its zone designation. Public street rights-of-way shall not count toward the total area of a zone.

c. Variations

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

Section 3.20.30 - PERMITTED USES

Land use in the MUGC Zone shall conform to the list of permitted use types in Table 3.20-1. Ministerial development involving use types permitted outright are identified with a “P.” General development involving use types subject to Plan Compatibility Review (Chapter 2.13) are identified with a “PC.” Special Development involving use types subject to Conditional Development Review (Chapter 2.3) and Planned Development Review (Chapter 2.5) are identified with a “CD” and a “PD,” respectively. Uses identified with an “N” are not permitted.

Table 3.20 - 1 Permitted Use Types		Permit Procedure
Use Types		
a.	Prior Established Uses ¹	
1.	Uses existing prior to December 31, 2000, and in compliance with the Code on that date	P
2.	Uses permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property	P
b.	Civic Use Types	
1.	Essential Services, subject to Chapter 4.9 standards	P
2.	Lodge, Fraternal, and Civic Assembly	PC
3.	Minor Utilities, subject to Chapter 4.9 standards	P

¹

Uses that were in existence and permitted in zoning prior to December 31, 2000, and are now in the MUGC Zone, shall not be classified as nonconforming uses unless they have been discontinued for a period of at least 18 months, in which case, the requirements of section 1.4.30.03 shall apply. Expansions and enlargements shall comply with all other applicable Code requirements. Redevelopment and reconstruction of buildings in existence and permitted in zoning prior to December 31, 2000, are allowed pursuant to the requirements of section 1.4.30.

**Table 3.20 - 1
Permitted Use Types**

Use Types	Permit Procedure
<ul style="list-style-type: none"> 4. Major Services and Utilities (e.g., transit and similar facilities) 5. Parking Services 6. Parks, plazas, and similar open spaces 7. Public Safety Services 8. Religious Assembly 9. Wireless Telecommunication Facilities <ul style="list-style-type: none"> a. Colocated/attached wireless telecommunication facilities, subject to the standards in Chapter 4.9 b. Freestanding Wireless Telecommunication Facilities 	<ul style="list-style-type: none"> P P P P PC P PC
<ul style="list-style-type: none"> c. Commercial Use Types (contained within enclosed building) <ul style="list-style-type: none"> 1. Automotive and Equipment 2. Animal Sales and Service (Grooming, Kennels, Veterinary) 3. Building Maintenance Services 4. Construction Sales and Services 5. Communication Services 6. Fuel Sales 7. Funeral and Interment Services (cremating and undertaking) 8. Laundry (industrial laundry and cleaning services only) 9. Parking Lot Kiosk 10. Participant Sports and Recreation (indoor and outdoor) 11. Repair Services - Industrial or business related only 12. Lodging Services <ul style="list-style-type: none"> (a) Hotel/Motel (b) Campgrounds 	<ul style="list-style-type: none"> P P P P P P P P P P P N CD

Table 3.20 - 1 Permitted Use Types	
Use Types	Permit Procedure
13. Wholesale, Storage, and Distribution	P
d. Accessory Uses (contained within enclosed building)	
1. Day Care, Commercial Facility	P
2. Essential Services	P
3. Food and Beverage Retail Sales	P
4. Professional and Administrative Services	P
5. Required off-street parking in accordance with Chapter 4.1	P
6. One residence per development site developed simultaneously with or following development of primary and accessory uses permitted outright.	P
7. Other development customarily incidental to the primary use in accordance with Chapter 4.3	P
8. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) zone, the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less.	PC

Section 3.20.40 - DEVELOPMENT STANDARDS

3.20.40.01 - Use and Building Size Limitations

The maximum building footprint within the MUGC Zone is 55,000 sq. ft., which does not include outside storage associated with a use. There are no minimum or maximum square foot limitations for uses in the MUGC Zone.

3.20.40.02 - Lot Area

No minimum or maximum lot area standards are established in the MUGC Zone. Lot area shall be adequate to fulfill applicable Code requirements and standards of this district.

3.20.40.03 - Setbacks

- a. Front and Exterior Side Yard** - 10 ft. minimum and 25 ft. maximum setback. Buildings interior to a development site are exempt from this requirement provided other building(s) on the site meet the requirement. In no case shall parking facilities or circulation facilities (e.g., driveways, queues) be allowed between the building front and the street.
- b. Interior Side Yard** - 10 ft. minimum setback.
- c. Rear Yard** - 10 ft. minimum setback.

3.20.40.04 - Building Orientation

- a.** All new buildings shall comply with section 3.20.40.10 - Pedestrian Oriented Design Standards, below.
- b. Transit-Oriented Development** - In addition to the requirements of “a” above, when a building is located within 100 ft. of an existing or planned transit stop or route, the building and at least one of its entrances shall be oriented to the transit stop or route. This criterion is met by facing the entrance toward the bus stop or route and providing a direct pedestrian connection between the bus stop or route and the entrance, in conformance with section 4.10.70.02 of Chapter 4.10 - Pedestrian Oriented Design Standards.

3.20.40.05 - Gateway Standards

Standards in section 4.2.70 of Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting shall apply to development along a “Gateway Street,” as designated by the Comprehensive Plan.

3.20.40.06 - General Landscaping Standards

All developments shall conform to the landscaping requirements of Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. In addition, the following standards shall apply to developments in the MUGC Zone:

- a. Landscaping between MUGC Zone and Other Zones** - Landscaping and screening is required between MUGC zones and other zones, and shall consist of an effective combination of ground cover, shrubbery and trees, and fences and/or walls. Further, when a site abuts a residential or mixed use zone, landscaping shall be at least 6 ft. in height and at least 80 percent opaque as viewed from any point along the lot boundary within 18 months following establishment of a primary use type. Exceptions to this standard shall be provided for pedestrian accessways.

- b. **Storage and Refuse Areas** - Storage and refuse areas shall be screened in accordance with Chapter 4.2 so that materials stored in those areas are not visible from streets, accessways, and adjacent properties.

3.20.40.07 - Structure Height

No structure shall exceed 45 ft. in height.

3.20.40.08 - Performance Standards

Each use, activity, or operation in this zone shall comply with applicable local, state, and federal standards, and shall not create a nuisance because of odor, noise, vibration, dust, smoke, or gas.

3.20.40.09 - Off-Street Parking Facilities

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

3.20.40.10 - Pedestrian Oriented Design Standards

- a. Independent or cumulative expansions of a commercial, industrial, or civic structure in existence and in compliance with the Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with this section provided that:
 - 1. The expansion adds floor area of 500 sq. ft. or less; or
 - 2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.
- b. Independent or cumulative expansions of a commercial, industrial, or civic structure in existence and in compliance with the Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards, sections 4.10.70.02 through 4.10.70.05, with allowances for choices among some standards as identified in section 4.10.70.01, provided that:
 - 1. The expansion adds floor area of more than 3,000 sq. ft.; or
 - 2. The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.

Exception - Special window and weather protection requirements identified in “c,” below, shall apply to this section.

- c. New development in the MUGC Zone on any site undeveloped prior to January 1, 2001, shall conform with section 4.10.70 of Chapter 4.10 - Pedestrian Oriented Design Standards as follows:
 - 1. Section 4.10.70.02, “a” through “c”
 - 2. Section 4.10.70.03, “a” and “b”
 - 3. Section 4.10.70.04, “a” through “c” and “e”
 - 4. Section 4.10.70.05, “a.1” (except weather protection is required only at street-oriented entrances); “b.1” through “b.3,” and “b.5” through “b.6” (except a minimum of 20 percent of the length and 10 percent of the ground-floor wall area of any street-facing facade shall contain windows and/or glass doors); and “b.7(d)” through “b.7(e).”

Section 3.20.50 - COMPLIANCE WITH THIS CODE

All development shall comply with applicable design standards and other provisions of the Code including, but not limited to, chapters 4.0, 4.1, 4.2, 4.6, 4.7, and 4.9. The block standards established in section 4.0.60 of Chapter 4.0 - Improvements Required with Development shall apply to development on undeveloped sites and are encouraged to the maximum extent practicable on redevelopment of developed sites.

CHAPTER 3.21 MIXED USE TRANSITIONAL (MUT) ZONE

Section 3.21.10 - PURPOSE

This zone implements the Mixed Use Transitional (MUT) Comprehensive Plan designation. The MUT Comprehensive Plan designation should be applied to existing industrial areas that are identified, through an area refinement plan, as being desirable for transition over time to less intensive uses. The MUT Zone provides a mechanism to permit the introduction of new, less intensive uses while allowing general and intensive industrial uses to remain during an indefinite period of transition. It also addresses limitations on re-intensification of uses that have previously transitioned from general or intensive industrial uses to less intensive activities.

Key objectives of the MUT Zone include reducing conflicts between industrial and less intensive uses located nearby; providing an opportunity to develop a mix of non-industrial uses in the zone that are compatible with surrounding land uses; transitioning to new, less conflicting uses; and achieving the transition in a way that is fair and preserves value and flexibility for the industrial businesses located within the MUT Zone.

Section 3.21.20 - GENERAL PROVISIONS

3.21.20.01 - Establishment of the MUT Zone

The MUT Zone may be applied to properties with MUT designations on the Comprehensive Plan Map.

3.21.20.02 - Zone Size and Dimensions

The size of the MUT Zone shall be established through an area refinement plan. Public street rights-of-way shall not count toward the total area of the zone.

Section 3.21.30 - PERMITTED USES

Land use in the MUT Zone shall conform to the list of permitted use types in Table 3.21-1. Ministerial development involving use types permitted outright are identified with a "P." General development involving use types subject to Plan Compatibility Review (Chapter 2.13) are identified with a "PC." Special Development involving use types subject to Conditional Development Review (Chapter 2.3) and Planned Development Review (Chapter 2.5) are identified with a "CD" and a "PD," respectively. Uses identified with an "N" are not permitted.

**Table 3.21-1
Permitted Use Types**

<i>Use Types</i>	<i>Permit Procedure</i>
a. Civic Use Types	
1. Administrative Services	P
2. Social Service Facilities	P
3. Community Recreation	P
4. Cultural Exhibits and Library Services	P
5. Lodges, Fraternal and Civic Assembly	P
6. Major Services and Utilities (except Transit Facilities)	CD
7. Minor Utilities subject to standards in Chapter 4.9	PC
8. Parking Services	P
9. Public Safety Services	P
10. Religious Assembly	P
11. Transit Facilities	P
12. Freestanding wireless telecommunication facilities up to 60 ft. in height, subject to the standards in Chapter 4.9.	P
13. Freestanding wireless telecommunication facilities that do not meet the setback or spacing requirements of sections 4.9.60.02.b and 4.9.60.02.c, subject to the standards in Chapter 4.9.	CD
14. Freestanding wireless telecommunication facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9.	PC
15. Freestanding telecommunication facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9.	CD

**Table 3.21-1
Permitted Use Types**

<i>Use Types</i>	<i>Permit Procedure</i>
b. Commercial Use Types <ol style="list-style-type: none"> 1. Agricultural Sales 2. Animal Sales and Services <ol style="list-style-type: none"> (a) Grooming (b) Veterinary (small animals) (c) Indoor Kennels (with sound attenuation) 3. Automotive and Equipment <ol style="list-style-type: none"> (a) Car Wash (b) Fleet Storage (c) Parking Services (d) Light Equipment Repairs (e) Heavy Equipment Repairs 4. Building Maintenance Services 5. Business Equipment Sales and Services 6. Business Support Services 7. Communication Services 8. Construction Sales and Service 9. Convenience Sales and Personal Services 10. Day Care, Commercial Facility 11. Drive-Through Facilities 12. Eating and Drinking Establishments - Sit Down (more than 30 seats) 13. Eating and Drinking Establishments - Sit Down (30 seats or less) 	<p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center">CD</p> <p align="center">CD</p> <p align="center">CD</p> <p align="center">CD</p> <p align="center">CD</p> <p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center">CD</p> <p align="center">CD</p> <p align="center">P</p>

**Table 3.21-1
Permitted Use Types**

<i>Use Types</i>	<i>Permit Procedure</i>
14. Financial, Insurance, and Real Estate Services	P
15. Food and Beverage Sales	P
16. Funeral and Internment Services	P
17. Laundry Services	P
18. Lodging Services	P
19. Medical Services	P
20. Parking Lot Kiosks	P
21. Participant Sports and Recreation	P
22. Personal Services - General	P
23. Professional and Administrative Services	P
24. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) zone, the threshold is 20 ft. above the height of the structure or 65 ft. in height, whichever is less	PC
25. Repair Services - Consumer	P
26. Research Services	P
27. Retail Sales	P
28. Spectator Sports and Entertainment - Limited	P
29. Spectator Sports and Entertainment - Other (Indoor Facilities Only)	CD
30. Technical Support Center	P
31. Telemarketing Center	P
32. University Related Services	P
33. Wholesaling, Storage and Distribution	P

**Table 3.21-1
Permitted Use Types**

<i>Use Types</i>	<i>Permit Procedure</i>
<p>c. Industrial Use Types</p> <ol style="list-style-type: none"> 1. Limited Manufacturing - less than 20 employees per acre and not requiring a State or Federal air quality discharge permit, except for parking 2. General Industrial (subject to limitations in section 3.27.40 of Chapter 3.27) 3. Intensive Industrial (limited to properties zoned Intensive Industrial at the time of change to MUT, and subject to limitations in 3.27.40 of Chapter 3.27) 4. Limited Manufacturing - 20 or more employees per shift and/or requiring a State or Federal air quality discharge permit, except for parking. 5. Technological Production <ol style="list-style-type: none"> (a) < 20 employees per shift (b) 20 or more employees per shift 	<p align="center">P</p> <p align="center">CD</p> <p align="center">CD</p> <p align="center">CD</p> <p align="center">P</p> <p align="center">CD</p>
<p>d. Changes in operations of existing General and Intensive Industrial uses under the following conditions:</p> <ol style="list-style-type: none"> 1. A change in operation or increase in production that creates the need to secure approval from an environmental permitting agency to increase air, water, or noise emissions, unless such emission levels were approved by the City through a previous land use process; or 2. Specific limits or conditions related to operations, and/or physical expansion, established by a previous land use approval are exceeded. 	<p align="center">CD</p> <p align="center">CD</p>
<p>e. Re-establishment of a more Intensive Industrial Use:</p> <ol style="list-style-type: none"> 1. When a general or intensive industrial use is replaced with a less intensive use, Conditional Development approval shall be required to re-establish a general or intensive industrial use at that location. 	<p align="center">CD</p>

**Table 3.21-1
Permitted Use Types**

Use Types	Permit Procedure
<p>2. Sites proposed for re-establishment of a general or intensive industrial use shall be subject to current development standards for that use (e.g., landscaping, setbacks, screening). Deviations from such standards shall require approval of a Lot Development Option or Planned Development in addition to Conditional Development approval.</p>	<p align="center">CD</p>
<p>f. Residential Use and Building Types</p> <p>1. Residential Use Types - Family, Group Residential, Group Residential/Group Care, Residential Care Facilities</p> <p>2. Residential Building Types - Single Detached (existing prior to adoption of this Code), Single Attached (zero lot line-2 units), Duplexes (existing prior to the adoption of this Code), Attached (Townhouse), Multi-Dwelling (includes freestanding buildings and dwelling units in commercial or industrial buildings), Accessory Dwelling</p>	<p align="center">CD</p> <p align="center">CD</p>
<p>g. Accessory Uses</p> <p>1. Essential Services</p> <p>2. Day Care, Family</p> <p>3. Home Business, when conducted in conjunction with a permitted residential use.</p> <p>4. Required off-street parking in accordance with Chapter 4.1</p> <p>5. Other development customarily incidental to the primary use in accordance with Chapter 4.3</p> <p>6. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.</p>	<p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center">P</p> <p align="center">P</p>

Table 3.21-1 Permitted Use Types	
<i>Use Types</i>	<i>Permit Procedure</i>
7. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.	P

Section 3.21.40 - DEVELOPMENT STANDARDS FOR GENERAL AND INTENSIVE INDUSTRIAL USES

- a. All General Industrial Uses shall conform to the development standards of the General Industrial Zone.
- b. All Intensive Industrial Uses shall conform to the development standards of the Intensive Industrial Zone.

Section 3.21.50 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) for General and Intensive Industrial may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

Section 3.21.60 - DEVELOPMENT STANDARDS FOR CIVIC, COMMERCIAL, LIMITED MANUFACTURING, AND RESIDENTIAL USE TYPES

The following provisions identify development standards within the MUT Zone for all development of a civic, commercial, limited manufacturing, or residential use type. Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

3.21.60.01 - Minimum Lot Area and Setback Requirements

- a. A setback of not less than 25 ft. shall be provided along each MUT Zone boundary line abutting any residential (RS) zone. Off-street parking and loading shall be permitted in this area except within 15 ft. of the zone boundary line, which shall not be used for any permitted use, activity, or structure (other than fences, walls, driveways, or walks). Driveways, parking,

and loading areas adjacent to residential zones shall be landscaped and screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.

- b. Residential structures shall be developed in accordance with Chapter 3.8 - High Density (RS-20) Zone and the design guidelines in this chapter.
- c. For maximum permitted setbacks, refer to section 3.21.70.02.

3.21.60.02 - Structure Height

Structure height shall not exceed 45 ft. unless a site is developed as a Planned or Conditional Development and in a manner compatible with any adjacent residential property(ies), in which case the structure height may be increased up to 75 ft. (See section 3.21.70.09 - Neighborhood Compatibility).

3.21.60.03 - Green Area Standards

A minimum of 20 percent of the total site area shall be retained as green area. Green area may include landscape areas, natural areas, and/or pedestrian amenities (section 3.21.70.07), except that a minimum of 15 percent of the required green area shall be landscaping or preserved vegetation. The site design and building design standards of this chapter shall also be met. Structures, parking, and driveways of interior parking areas are not considered green area.

3.21.60.04 - Off-Street Parking

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements. Required parking shall be provided on the same site as the use or upon abutting property. Contiguity can be achieved across street rights-of-way except on arterial and collector streets where there is not a controlled intersection within 100 ft. of the subject property. Chapter 4.1 allows adjustments to minimum parking standards where transit service and bicycle parking are available. Additional flexibility for required vehicle parking may be granted in the MUT Zone in conformance with the following standards:

- a. Shared parking agreements may be used to provide additional reductions in required parking, provided the applicant demonstrates an adequate supply of parking for each use. Identification of surplus parking during peak periods or surplus capacity provided due to off-peak use are methods of demonstrating this adequacy.
- b. Additional flexibility to vehicle parking provisions may be granted through the Lot Development Option (when the site is less than 3 acres) or Planned Development procedures, Chapters 2.12 and 2.5, respectively. This flexibility is provided to encourage development patterns that reduce reliance on the automobile by taking advantage of alternate modes of travel.

Section 3.21.70 - DESIGN GUIDELINES AND STANDARDS FOR CIVIC, COMMERCIAL, LIMITED MANUFACTURING, AND RESIDENTIAL USE TYPES

3.21.70.01 - Coordinated Development

New development shall be designed in a manner that does not preclude development of adjacent property(ies) and that ensures the logical and efficient extension of public facilities and services, including but not limited to sanitary sewer, water, storm drainage, and street and pedestrian facility connections.

3.21.70.02 - Building Orientation and Maximum Setbacks

- a.** All new buildings in the MUT Zone shall be oriented to existing or proposed public streets or to private streets as approved by the City. Building orientation is demonstrated by placing buildings and their public entrances close to streets so that pedestrians have a direct and convenient route from the street sidewalk to building entrances.
- b.** At least one major public entrance should be oriented to each street that the building abuts. Corner entrances may be used to provide entrance orientation to two streets, provided that the length of the building adjacent to the street does not exceed 50 ft.
- c.** Building setbacks from streets or plazas shall not exceed 20 ft. except when necessary to preserve healthy, mature tree(s), to provide pedestrian amenities in conformance with section 3.21.70.07, or to accommodate handicapped access requirements. A further exception to these setback requirements may be considered when the site is fronted by more than two streets.

3.21.70.03 - Corner Building Entrances

For all new buildings or when redevelopment opportunities allow, the design of corner lot buildings should reinforce public intersections as public spaces. Corner building entrances with weather protection or other architectural features may be required to ensure that this guideline is met. The maximum allowable building setback in section 3.21.70.02 may be increased when the building design incorporates seating, plazas, and other public amenities, as defined by section 3.21.70.07.

3.21.70.04 - Weather Protection

- a. Where new industrial development is constructed adjacent to street sidewalks or pedestrian plazas, a 6-ft.-wide, weather-protected area (e.g., awnings or canopies) shall be provided over the primary entrance.
- b. Where new commercial or residential development is constructed adjacent to street sidewalks or pedestrian plazas, a 6-ft.-wide, weather-protected area (e.g., awnings or canopies) shall be provided along all portion of building(s) adjacent to the sidewalks and/or plazas.
- c. For existing development, weather protection, as identified in “a” and “b” above, shall be provided when there are alterations, repairs, or additions to existing structures. However, an exception to this weather protection standard may be requested where the applicant can demonstrate, to the satisfaction of the Director, that the cost of improvements to the existing structure is less than four times the cost of providing an awning. In addition, where weather protection is at least 4 ft. in width, an exception to this standard may be authorized.

3.21.70.05 - Landscaping and Screening

Landscaping and screening shall be required, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. The following additional standards apply to the MUT Zone:

- a. Street trees shall be required, consistent with Chapter 4.2. Species should be compatible with the design features identified in section 3.21.70.07, and shall provide continuity with nearby landscaping. A reduction to the number of required street trees may be granted when a development preserves healthy, mature tree(s) adjacent to the sidewalk.
- b. Screening of parking areas, drives, mechanical equipment, and solid waste receptacles shall be installed prior to building occupancy. Screening options include landscape plants, planters, ornamental walls, trellises, fences, or other features consistent with Chapter 4.2.
- c. Irrigation systems shall be installed to support landscaping.

3.21.70.06 - Street Connectivity and Internal Circulation

- a. For new structures and substantial improvements to existing development, an applicant may be required to provide street or driveway stubs and reciprocal access easements to promote connectivity, dispersal of traffic, and efficient circulation between uses and properties,.

- b. The maximum block perimeter shall be 1,800 ft., but in no case shall there be a distance of more than 400 ft. without a pedestrian way. Alternatives to this standard may be considered through the Planned Development process.
- c. Traffic lanes shall be internal to the site and shall not be located between buildings and sidewalks, except where drop-off facilities are provided (e.g., handicapped access). Such facilities shall be designed to meet Americans with Disabilities Act (ADA) requirements and provide for direct pedestrian circulation.

3.21.70.07 - Pedestrian Amenities

- a. For all new structures and substantial improvements in the MUT Zone, with the exception of existing residential dwellings and general and intensive industrial uses, the applicant shall provide pedestrian amenities. The number of pedestrian amenities provided shall comply with the following sliding scale.

Size of Structure or Substantial Improvement	Number of Amenities
< 25,000 sq. ft.	1
25,000 - 50,000 sq. ft.	2
> 50,000 sq. ft.	3

- b. Acceptable pedestrian amenities include:
 1. Sidewalks with ornamental treatments (e.g., brick pavers) or sidewalks 50 percent wider than required by the Code
 2. Benches and public outdoor seating
 3. Sidewalk planters
 4. Public art (e.g., sculpture, fountain, clock, mural, etc.) with a value equal to or greater than 1 percent of construction value of the new or expanded structure(s)
 5. Pocket parks (minimum usable area of 300 sq. ft.)
 6. Plazas (minimum usable area of 300 sq. ft.)
 7. Street trees of a caliper 50 percent wider than otherwise required by the Code (may include preservation of healthy mature trees adjacent to the street sidewalk)

8. Other improvements approved through the Lot Development Option (Chapter 2.12), or Planned Development process (Chapter 2.5)
 9. Additional weather protection in excess of requirements of section 3.21.70.04
- c. Pedestrian amenities shall comply with the following standards and guidelines:
1. Amenities should be visible and accessible to the general public from an improved street. Access to pocket parks, plazas, and sidewalks must be provided via a public right-of-way or a public access easement.
 2. The size or capacity of pedestrian amenities should be roughly proportional to their expected use, including use by employees, customers, residents, and other visitors. The minimum area standards for pocket parks and plazas may be increased based on this guideline.
 3. Amenities eligible for credit toward green area standards, and adjustment to the maximum 20-ft. setback standard, include plazas, pocket parks, seating areas, street furniture, and other areas that provide usable pedestrian space.
 4. Amenities should be consistent with the character and scale of the MUT area. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials should be suitable for outdoor use, easily maintained, and have a reasonably long life cycle (e.g., 10 years before replacement).
 5. When provided at or near a bus stop, amenities should conform to standards of the Corvallis Transit System.

3.21.70.08 - General Building Design Standards

Special attention to building design is required in the MUT Zone because of the intermixing of a wide variety of land uses. The following standards are intended to be specific and quantifiable, while allowing for flexibility in design. Additional flexibility is provided through the Planned Development and Lot Development Option review processes. This section provides both required and optional design elements.

a. Minimum Requirements

New structures and substantial improvements should be designed to provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Blank walls shall be avoided when practicable by complying with the following minimum requirements:

1. Ground-floor windows shall be provided for civic and commercial use types. The main front elevation(s) of buildings shall provide at least 60 percent windows or transparency at the pedestrian level. On corner lots, this provision applies to both street-facing elevations. The transparency is measured in lineal fashion (e.g., a 100-ft.-wide building facade shall have a total of at least 60 linear ft. of windows).
2. Ground-floor windows shall be provided for limited industrial use types. The main front elevation(s) of buildings shall provide at least 30 percent windows or transparency at the pedestrian level. On corner lots, this provision applies to two elevations. The transparency is measured in linear fashion (e.g., a 100-ft.-wide building facade shall have a total of at least 30 linear ft. of windows).
3. Ground-floor entrances shall include an offset (recesses, extensions, or other breaks in elevation) of at least 8 ft. in depth and of sufficient width to allow the entrance location to be easily discerned.
4. To break up vast expanses of single element building elevations, building design shall include a combination of architectural elements and features, including offsets, windows, entry treatments, wood siding, brick, stucco, synthetic stucco (e.g., EIFS), textured concrete block, or textured concrete.
5. Differentiation between ground-level spaces and upper stories shall be provided. For example, bays or balconies for upper levels, and awnings, canopies, or other similar treatments for lower levels can provide differentiation. Variation in building materials, trim, paint, ornamentation, windows, or other features such as the use of public art may also be used. Recognizing that other design solutions may be appropriate, a developer may propose alternatives for review and approval by the Director.
6. Privacy in residential developments, through effective window placement, sound-proofing, landscape screening, and/or orientation of outdoor living areas (e.g., balconies, porches, patios, etc.) shall be provided. Opposing windows at close distances should be offset horizontally or employ appropriate materials (e.g., frost-glazed, tinted, etc.) to protect privacy.

7. Access shall be designed to minimize interference with traffic circulation. Where necessary, additional rights-of-way shall be dedicated to maintain adequate circulation.

3.21.70.09 - Neighborhood Compatibility

a. Minimum Standards Adjacent to a Residential Zone

1. New building roof elevation(s) shall gradually step down so that the height of the proposed structure does not exceed the height(s) of adjacent residential structures(s) by more than one story. This provision applies to that portion of the structure closest (20-ft. minimum) to the adjacent residential structures.
2. New development adjacent to residential zones shall incorporate architectural characteristics compatible with residential development. Each new structure shall contain at least two of the following elements:
 - (a) Roofs with a minimum 4:12 pitch;
 - (b) Flat roofs with a cornice, or other decorative treatment;
 - (c) At the discretion of the Director, horizontal wood lap siding, brick, stone, or other material consistent with residential character;
 - (d) Vertical breaks in roof elevation; and/or
 - (e) Additional offsets in building elevation
3. The site design shall preserve healthy, mature trees on the site to the maximum extent practicable. Trees likely to create a hazard for the development or adjacent properties may be removed, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
4. Artificial lighting shall be arranged and constructed not to produce direct glare on adjacent residential properties.

CHAPTER 3.22 LIMITED INDUSTRIAL - OFFICE (LI-O) ZONE

Section 3.22.10 - PURPOSE

The Limited Industrial-Office (LI-O) Zone implements the Limited Industrial-Office Comprehensive Plan designation. It is intended to create and preserve areas where limited manufacturing, development oriented to the large-scale office industry (rather than small-scale, single-use, stand-alone office buildings), and related use types may locate, as defined and guided by this chapter.

Ancillary or customarily incidental non-industrial and non-office uses that support the primary use activity are permitted, such as administrative, sales, and service uses. Together, all of these uses are intended to reduce potentially adverse effects from, and provide a buffer between, General Industrial uses and non-industrial uses (e.g., neighborhood centers, residential and mixed use zones, etc.). The LI-O Zone development standards and design guidelines are intended to ensure quality appearance at community gateways, consistent with the Comprehensive Plan.

Section 3.22.20 - GENERAL PROVISIONS

3.22.20.01 - Establishment of the LI-O Zone

Zone changes to establish new LI-O zones may be applied only to properties designated Light Industrial-Office (LI-O) or Intensive Development Sector (IDS) on the Comprehensive Plan Map as of December 31, 2000, or as established through a subsequent or concurrent Comprehensive Plan Map amendment. The LI-O Zone also may be applied through a legislative or quasi-judicial process in accordance with Chapter 2.0 - Public Hearings. The following locational and dimensional criteria shall apply to any new LI-O Zone.

a. Locational Criteria

1. All portions of the LI-O Zone shall be located within 1/4 mile of existing or planned transit service, shall have at least 50 ft. of frontage along a collector or arterial street, and/or shall be contiguous to an industrial-zoned property that fronts onto a collector or arterial, as designated by the City's Transportation Plan; and
2. The LI-O Zone shall be located adjacent to an existing or planned General Industrial (GI) Zone, and function as a buffer between the GI Zone and adjacent non-industrial uses;

OR

3. The LI-O Zone shall be located in areas determined, through a Legislative process, to be necessary to provide employment opportunities and services to the community.

b. Zone Size and Dimensions

A new LI-O Zone shall consist of at least one “whole” parcel if the parcel is 1 acre in size or smaller. When multiple parcels are included, portions at least 1 acre in size of individual parcels may be included, provided the size of the remainder of each parcel is developable under its zone designation. Public street rights-of-way shall not count toward the total area of a zone.

3.22.20.02 - Variations

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

Section 3.22.30 - PERMITTED USES

Land use in the LI-O Zone shall conform to the list of permitted use types in Table 3.22-1. Ministerial development involving use types permitted outright are identified with a “P.” General development involving use types subject to Plan Compatibility Review (Chapter 2.13) are identified with a “PC.” Special Development involving use types subject to Conditional Development Review (Chapter 2.3) and Planned Development Review (Chapter 2.5) are identified with a “CD” and a “PD,” respectively. Uses identified with an “N” are not permitted.

Table 3.22 - 1 - Permitted Use Types	
Use Types	Permit Procedure
<p>a. Prior Established Uses ¹</p> <p>1. Uses existing prior to December 31, 2000, and in compliance with the Code on that date.</p>	P

1

Uses that were in existence and permitted under zoning in place prior to December 31, 2000, and are now located in the LI-O Zone, shall not be classified as nonconforming uses unless they have been discontinued for a period of at least 18 months, in which case the requirements of section 1.4.30.03 shall apply. Expansions, enlargements, redevelopment, and reconstruction shall comply with all other applicable Code requirements.

Table 3.22 - 1 - Permitted Use Types

Use Types	Permit Procedure
2. Uses permitted by the Code at the time of approval of a Conceptual or Detailed Development Plan overlying the subject property	P
b. Civic Use Types <ol style="list-style-type: none"> 1. Essential Services, subject to Chapter 4.9 standards 2. Minor Utilities, subject to Chapter 4.9 standards 3. Public Safety Services c. Commercial Use Types (contained within enclosed building) <ol style="list-style-type: none"> 1. Building Maintenance Services 2. Construction Sales and Services 3. Communication Services 4. Financial, Insurance, and Real Estate Services (when located in building containing over 10,000 sq. ft. of gross floor area) 5. Food/Beverage Retail Sales, when ancillary to primary use 6. Laundry (industrial laundry and cleaning services only) 7. Parking Lot Kiosk 8. Professional and Administrative Services (when located in building containing over 10,000 sq. ft. of gross floor area) 9. Repair Services - Industrial or business-related only 10. Research Sales and Services, when ancillary to a primary use 11. Technical Support Center 12. Telemarketing Center 	P PC P P P P P P P P P P P P P P P

Table 3.22 - 1 - Permitted Use Types	
Use Types	Permit Procedure
d. Industrial Use Types 1. Limited Manufacturing - does not require a State or Federal air quality discharge permit, but may include more than 20 employees per shift 2. Technological Production	 P P
e. Accessory Use Types (contained within enclosed building) 1. Essential Services 2. Required off-street parking in accordance with Chapter 4.1 3. Other development customarily incidental to the primary use in accordance with Chapter 4.3 4. Postal Services (retail/customer postal services)	 P P P P
f. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) zone, the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less.	 PC

Section 3.22.40 - LI-O DEVELOPMENT STANDARDS

3.22.40.01 - Lot Area

No minimum or maximum lot area standards are established for the LI-O Zone. Lot area shall be adequate to fulfill applicable Code requirements and standards of this zone.

3.22.40.02 - Setbacks

- a. Front Yard and Exterior Side Yard** - 25 ft. minimum and 40 ft. maximum setback. Through the procedures identified in section 3.22.40.08.c, an exception of up to 100 percent of the maximum setback may be granted for industrial use types with certain characteristics and that are located along a Gateway Street.

- b. **Interior Side Yard** - 25 ft. minimum setback.
- c. **Rear Yard** - 25 ft. minimum setback.

3.22.40.03 - Gateway Standards

Standards in section 4.2.70 of Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting shall apply to development along a "Gateway Street," as designated by the Comprehensive Plan.

3.22.40.04 - General Landscaping Standards

All developments shall conform to the requirements of Chapter 4.2. In addition, the following standards shall apply to developments in the LI-O Zone:

- a. **Landscaping Between LI-O Zone and Other Zones** - Landscaping and screening shall be required between LI-O zones and other zones, and shall consist of a combination of ground cover, shrubbery, and trees, and fences and/or walls in accordance with Chapter 4.2. Further, when a site abuts a residential or mixed use zone, landscaping shall be at least 6 ft. in height and at least 80 percent opaque as viewed from any point along the parcel boundary within 18 months following establishment of a primary use type. Exceptions to this standard shall be provided for pedestrian accessways.
- b. **Storage and Refuse Areas** - Storage and refuse areas shall be screened in accordance with Chapter 4.2. Stored materials shall not be visible from streets, accessways, and adjacent properties.

3.22.40.05 - Height of Structures

No structure shall exceed 45 ft. in height.

3.22.40.06 - Performance Standards

Each use, activity or operation within the LI-O Zone shall comply with applicable local, State, and Federal standards and not create a nuisance through odor, noise, vibration, dust, smoke, or gas.

3.22.40.07 - Off-Street Parking Facilities

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

3.22.40.08 - Pedestrian Oriented Design Standards

- a. Independent or cumulative expansions of a commercial, industrial, or civic structure in existence and in compliance with the Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with this section provided that:
 - 1. The expansion adds floor area of 500 sq. ft. or less; or
 - 2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.

- b. Independent or cumulative expansions of a commercial, industrial, or civic structure in existence and in compliance with the Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards, sections 4.10.70.02 through 4.10.70.05, with allowances for choices among some standards as identified in section 4.10.70.01, provided that:
 - 1. The expansion adds floor area of more than 3,000 sq. ft.; or
 - 2. The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.

- c. **Commercial, Civic, and Industrial Uses** - New commercial, civic, and industrial uses in the LI-O Zone shall conform to Chapter 4.10 - Pedestrian Oriented Design Standards, as follows:
 - 1. Section 4.10.70.02 - Building Orientation, "a" through "c" apply. The following standards also apply:
 - (a) Buildings located on parcels abutting South Third Street shall be oriented to that street; however, an exception to this requirement may be granted through Plan Compatibility Review (Chapter 2.13). In such cases, the setback may be increased by up to 100 percent of the requirement, and/or the orientation may be to another street, provided that one or more of the following additional factors are documented by the applicant:
 - 1. The required building orientation would inhibit reasonable operations of the business (e.g., the need for truck circulation around the building); and/or

2. The building height exceeds 35 ft. and is deemed incompatible with the gateway purposes of the LI-O Zone.
 - (b) When a building is located within 100 ft. of an existing or planned bus stop or route, the building and at least one of its entrances shall be oriented to the bus stop or route. This criterion is met by facing the entrance toward the bus stop and providing a direct pedestrian connection between the bus stop and the entrance, in conformance with the standards in section 4.10.70.02.
2. Section 4.10.70.03 - Pedestrian Circulation Standards, "a.1" and "a.2" apply for civic and commercial uses, and only "a.1," "a.5," and "a.6" apply for industrial uses.
3. Section 4.10.70.04 - Vehicle Circulation and Design Standards, "b" and "c" only apply.
4. For civic and commercial uses, section 4.10.70.05 - Standards and Menus for Pedestrian Features and Design Variety, "a.1" (except weather protection is required only at street-oriented entrances), "b.1" through "b.3," "b.5," "b.6," (except a minimum of 20 percent of the length and 10 percent of the ground-floor wall area of any street-facing facade shall contain windows and/or glass doors), and "b.7(d)" through "b.7(e)" apply. For industrial uses, "b.1" through "b.3" and "b.7(d)" and "b.7(e)" apply.
5. Building elevations used to meet the Building Orientation standards in "1" above shall provide a minimum of one of the following features to break up large building masses and provide human-scale design:
 - (a) Windows covering 20 percent of the facade; and/or
 - (b) Building Offsets or Projections
 1. A minimum of one 2-ft. offset or projection for every 100 ft. of horizontal distance; and/or
 2. Detailing, such as scored masonry, brick inlay, wainscoting, or similar facade materials. Paint color variation alone shall not be sufficient to meet this standard.

6. Pedestrian-Scale Building Entrances - Recessed entries, canopies, clear-story windows, and/or other similar features shall be used at the entries to buildings to create pedestrian scale.
- d. **Industrial Uses** - Exterior building materials shall consist of concrete tilt up, concrete masonry unit, brick, wood, or materials of similar quality. Metal building exteriors are permitted when used in conjunction with one or more of the other listed materials, but shall not exceed 50 percent of the exterior building surface.

3.22.40.09 - Pedestrian Accessibility

At a minimum, a pedestrian walkway shall be provided every 400 ft. along any street, connecting it to the next parallel street. In addition, a through-lot pedestrian walkway is required at any location where a public or private street pedestrian crossing (existing striped crossings, or pedestrian crossings adopted in approved plans) stubs to a parcel with no other through-lot pedestrian walkway within 200 ft.

Section 3.22.50 - COMPLIANCE WITH THIS CODE

All development shall comply with applicable design standards and other provisions of the Code including, but not limited to, chapters 4.0, 4.1, 4.2, 4.6, 4.7, and 4.9. The block standards established in section 4.0.60 of Chapter 4.0 - Improvements Required with Development shall apply to development on undeveloped sites and are encouraged to the maximum extent practicable on redevelopment of developed sites.

CHAPTER 3.23 LIMITED INDUSTRIAL (LI) ZONE

Section 3.23.10 - PURPOSE

This zone implements the Limited Industrial Comprehensive Plan designation. It is intended to create and preserve areas where limited manufacturing and related use types (described in Chapter 3.0 - Use Classifications) may locate. Limited manufacturing uses have few, if any nuisance characteristics. Also permitted are accessory non-industrial uses that support the primary use activity and are compatible with it, specifically administrative, sales, and service uses.

Section 3.23.20 - PERMITTED USES

3.23.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Civic Use Types
 - (a) Freestanding wireless telecommunication facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions
2. Commercial Use Types
 - (a) Animal Sales and Services
 1. Kennels
 2. Veterinary
 - (b) Technical Support Center - 20 or fewer employees per shift
 - (c) Telemarketing Center - 20 or fewer employees per shift
 - (d) Temporary Outdoor Markets
 - (e) Wholesaling, Storage, and Distribution - Light
3. Industrial Use Type
 - (a) Limited Manufacturing - 20 or fewer employees per shift and does not require a State or Federal air quality discharge permit, except for parking

4. Agricultural Use Types
 - (a) Horticulture
 1. Cultivation
 2. Storage
 - (b) Packing and Processing
 1. Limited

b. Accessory Uses Permitted Outright

1. Essential Services
2. One residence per development site and developed simultaneously with or following development of primary and accessory uses permitted outright.
3. Required off-street parking for uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.
4. Other development customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations.
5. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
6. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.

3.23.20.02 - Special Development

- a. **Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and other applicable provisions of this Code.

1. Limited Manufacturing - more than 20 employees per shift or requiring a State or Federal air quality discharge permit, except for parking.
2. Freestanding wireless telecommunication facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
3. Freestanding wireless telecommunication facilities that do not meet the setback or spacing standard requirements of sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9.
4. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.
5. Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.
6. Technical Support Center - more than 20 employees per shift.
7. Telemarketing Center - more than 20 employees per shift.

3.23.20.03 - General Development

- a. **Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.
 1. Any lot with more than one accessway 24 ft. or wider.
 2. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions.
 3. Projections such as chimneys, spires, domes and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with section 4.9.50 of Chapter 4.9 - Additional Provisions, unless adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U) zone, where the threshold is 20 ft. above the height of the structure or 55 ft. in height, whichever is less.

4. Freestanding wireless telecommunication facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9.

Section 3.23.30 DEVELOPMENT STANDARDS

3.23.30.01 - Lot Area

Lots shall be adequate to fulfill applicable Code requirements and standards of this zone.

3.23.30.02 - Setbacks

- a. **Boundary Area** - A setback of not less than 25 ft. shall be provided along each LI Zone boundary line abutting any residential, agriculture/open space, or special zone. Off-street parking and loading shall be permitted in this area except for 15 ft. nearest the zone boundary line, which shall not be used for any permitted use, activity, or structure (other than fences or walls) and shall be improved and maintained in accordance with section 3.23.30.03 below.

Exemptions from These Requirements

1. Those portions of property lines where driveways, accessways, and walkways are provided; and
2. Lands along the Southern Pacific Railroad line south from Avery Avenue to the City limits.

- b. **Along Streets** - The following minimum setbacks shall apply:

1. Arterial streets - 20 ft.
2. Collector streets - 20 ft.
3. All other streets - 20 ft.

Where a yard abuts both a street and a zone boundary line, the 10 ft. nearest the zone boundary line shall not be used for any permitted use, activity, or structure (other than fences or walls) and shall be improved and maintained in accordance with section 3.23.30.03 below. The boundary area in "a," above, may be counted in the calculation of required setbacks along streets.

- c. Except for those required by this section and the Uniform Building Code, no additional yards/setbacks are required.

3.23.30.03 - Landscaping and Screening

- a. Street trees shall be required, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
- b. Landscaping and screening required in section 3.23.30.02 above shall consist of an effective combination of ground cover, shrubbery, and trees, and fences and walls to serve as screening (buffer area) between the site and abutting zones. Further, when a site abuts a residential zone, landscaping shall be at least 6 ft. in height and at least 80 percent opaque as viewed from any point along the lot boundary within 18 months following establishment of a primary use type.
- c. An irrigation system shall be provided.
- d. Storage and refuse areas shall be screened in accordance with Chapter 4.2 so that materials stored within those areas shall not be visible from accessways and adjacent properties.
- e. Landscaping and lighting shall be provided within a parking area in accordance with Chapter 4.2.

3.23.30.04 - Height of Structures

No structure shall exceed 45 ft. in height.

3.23.30.05 - Performance Standards

Each use, activity, or operation within this zone shall comply with applicable local, State, and Federal standards, and shall not create a nuisance because of odor, noise, vibration, dust, smoke or gas.

3.23.30.06 - Off-Street Parking Facilities

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

Section 3.23.40 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

CHAPTER 3.24 GENERAL INDUSTRIAL (GI) ZONE

Section 3.24.10 - PURPOSE

This is the primary zone that implements the General Industrial Comprehensive Plan designation. It is intended to provide appropriate locations for a variety of general industrial uses including manufacturing and related activities with few, if any, nuisance characteristics. This zone prohibits residential uses except as authorized in Chapter 4.3 - Accessory Development Regulations.

Section 3.24.20 - PERMITTED USES

3.24.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Civic Use Types
 - (a) Major Services and Utilities
 - (b) Minor Utilities (with towers not exceeding 75 ft. in height) subject to standards in Chapter 4.9 - Additional Provisions
 - (c) Parking Services
 - (d) Public Safety Services
 - (e) Freestanding wireless telecommunication facilities up to 120 ft. in height, subject to the standards in Chapter 4.9.
2. Commercial Use Types
 - (a) Agricultural Sales
 - (b) Agricultural Services
 - (c) Animal Sales and Services
 1. Grooming (in conjunction with veterinary)
 2. Kennels
 3. Auctioning
 - (d) Automotive and Equipment

1. Fleet Storage
 2. Repairs - Heavy Equipment
 3. Sales/Rentals of Farm and Heavy Equipment
(Note: Sales/Rentals of Light Equipment requires a Conditional Development Review)
- (e) Building Maintenance Services
 - (f) Construction Sales and Services
 - (g) Laundry Services
 - (h) Research Services
 - (i) Scrap Operations
 - (j) Technical Support Center
 - (k) Telemarketing Center
 - (l) Temporary Outdoor Markets
 - (m) Wholesaling, Storage, and Distribution
 1. Light
 2. Mini Warehouses
3. Industrial Use Types
 - (a) General Industrial
 - (b) Limited Manufacturing
 - (c) Technological Production

b. Accessory Uses Permitted Outright

1. Essential Services
2. Required off-street parking for uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

3. Other development customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations.
4. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 20 ft., subject to the standards in Chapter 4.9 - Additional Provisions.

3.24.20.02 - Special Development

a. Conditional Development - Subject to review in accordance with Chapter 2.3 - Conditional Development and other applicable provisions of this Code.

1. Automotive and Equipment - Sales/Rentals, Light Equipment to be reviewed in accordance with section 3.24.30.07 below.
2. Freestanding wireless telecommunication facilities greater than 120 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
3. Freestanding wireless telecommunication facilities that do not meet the setback or spacing standard requirements of sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9.
4. Colocated/attached wireless telecommunication facilities that increase the height of the existing structures by more than 20 ft., subject to the standards in Chapter 4.9.

3.24.20.03 - Administrative Development

a. Plan Compatibility Review - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.

1. Explosive or Fuel Storage
2. Major Services and Utilities
3. Projections such as chimneys, spires, domes, towers, and flagpoles not used for human occupancy and exceeding 75 ft. in height, in accordance with section 4.9.50 of Chapter 4.9 - Additional Provisions.

Section 3.24.30 - DEVELOPMENT STANDARDS

3.24.30.01 - Lot Area

Lots shall be adequate to fulfill applicable Code requirements and minimum standards of this zone.

3.24.30.02 - Setbacks

- a. **Boundary Area** - A setback of not less than 100 ft. shall be provided from any residential, agriculture/open space, or Willamette River Greenway property line. Off-street parking and loading shall be permitted in this setback area, except for the 35 ft. nearest the residential, agriculture/open space, or Willamette River Greenway property line, which shall not be used for any permitted use, activity, or structure (other than fences or walls) and shall be maintained and improved in accordance with 3.24.30.03 below.

Exemptions from These Requirements

1. Those portions of property lines where driveways, accessways, and walkways are provided; and
2. Lands along the Southern Pacific Railroad line south from Avery Avenue to the City limits.

- b. **Along Streets** - The following minimum setback for any structure shall apply:

- | | | |
|----------------------|---|--------|
| 1. Arterial streets | - | 50 ft. |
| 2. Collector streets | - | 40 ft. |
| 3. All other streets | - | 25 ft. |

Where a yard abuts both a street and a zone boundary line, the 35 ft. nearest the zone boundary shall not be used for any permitted use, activity, or structure (other than fences or walls) and shall be maintained and improved in accordance with section 3.24.30.03 below. The boundary area as required in "a," above, may be counted in the calculation of required setbacks along streets.

- c. Except for those required in this section and the Uniform Building Code, no additional yards/setbacks are required.

3.24.30.03 - Landscaping, Lighting, Buffering, and Screening

- a. Landscaping, lighting, buffering, and screening required in section 3.24.30.02 above shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting and shall consist of a combination of street trees, ground cover, shrubbery, trees, fences, and walls to serve as screening (buffer area) between the site and abutting nonresidential zones. Further, when a site abuts a residential zone, landscaping shall be at least 6 ft. in height and at least 80 percent opaque as viewed from any point along the lot boundary within 18 months following the establishment of the primary use type.
- b. Storage and refuse areas shall be screened in accordance with Chapter 4.2 so that materials stored within those areas shall not be visible from accessways and adjacent residential zones.

3.24.30.04 - Height of Structure

No structure shall exceed 75 ft. in height.

3.24.30.05 - Performance Standards

Each use, activity, or operation within this zone shall comply with applicable local, State, and Federal standards and shall not create a nuisance because of odor, vibration, noise, dust, smoke, or gas.

3.24.30.06 - Off-Street Parking Facilities

Off-street parking shall be provided in accordance with Chapter 4.1.

3.24.30.07 - Special Provisions for Automotive and Equipment - Sales/Rentals, Light Equipment

The purpose of reviewing the Automotive and Equipment-Sales/Rentals, Light Equipment use type as a conditional use is to determine appropriateness of the use at a specific site based on the following criteria:

- a. The proposed site is needed due to a shortage of alternative sites that can accommodate this use.
- b. Permitting the use will not significantly reduce the overall supply and diversity of industrial land or negatively affect the developability of the balance of adjacent industrial land. Approval shall not be granted if the property was part of a larger parcel within the last 12 months.
- c. The site is a minimum of 2 acres and has frontage on an arterial.

Section 3.24.40 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

CHAPTER 3.25 INTENSIVE INDUSTRIAL (II) ZONE

Section 3.25.10 - PURPOSE

This is the primary zone that implements the Intensive Industrial Comprehensive Plan designation. It is intended to provide appropriate locations for intensive manufacturing activities that are characterized by their potential conflicts with residential and other land uses. Because this zone does not specifically prohibit any types of intensive industrial uses, all intensive industrial uses are reviewed through a Conditional Development process.

Section 3.25.20 - PERMITTED USES

3.25.20.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Civic Use Types
 - (a) Major Services and Utilities
 - (b) Minor Utilities (with towers not exceeding 75 ft. in height), subject to standards in Chapter 4.9 - Additional Provisions
 - (c) Parking Services
 - (d) Public Safety Services
 - (e) Freestanding wireless telecommunication facilities up to 120 ft. in height, subject to the standards in Chapter 4.9
2. Commercial Use Types
 - (a) Agricultural Sales
 - (b) Agricultural Services
 - (c) Animal Sales and Services
 1. Auctioning
 2. Grooming (in conjunction with veterinary)
 3. Kennels

- (d) Automotive and equipment
 - 1. Fleet storage
 - 2. Repairs - Heavy Equipment
 - 3. Sales/Rentals of Farm Equipment and Heavy Equipment
- (e) Building Maintenance Services
- (f) Construction Sales and Services
- (g) Laundry Services
- (h) Research Services
- (i) Scrap Operations
- (j) Temporary Outdoor Sales
- (k) Wholesaling, Storage, and Distribution
 - 1. Heavy
 - 2. Light
 - 3. Mini-Warehouses
- 3. Industrial Use Types
 - (a) Limited Manufacturing
 - (b) General Industrial
 - (c) Technological Production
- 4. Agricultural Use Type
 - (a) Animal Waste Processing

b. Accessory Uses Permitted Outright

- 1. Essential Services

2. Required off-street parking for uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.
3. Other development customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations.
4. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 20 ft., subject to the standards in Chapter 4.9 - Additional Provisions.

3.25.20.02 - Special Development

- a. **Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and other applicable provisions of this Code.
 1. Intensive Industrial Uses
 2. Established Intensive Industrial Uses, when either one of the following occurs:
 - (a) A change in operation or increase in production creates the need to secure approval from an environmental permitting agency to increase air, water, or noise emissions unless such emission levels were approved by the City through a previous land use process; or
 - (b) Specific limits or conditions related to operations, physical expansion, etc. established by a previous land use approval are exceeded.
 3. Freestanding wireless telecommunication facilities greater than 120 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
 4. Freestanding wireless telecommunication facilities that do not meet the setback or spacing standard requirements of sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9.
 5. Colocated/attached wireless telecommunication facilities that increase the height of the existing structures by more than 20 ft, subject to the standards in Chapter 4.9.

3.25.20.03 - General Development

- a. **Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.
 - 1. Explosive or Fuel Storage
 - 2. Projections such as chimneys, spires, domes, towers, and flagpoles not used for human occupancy and exceeding 75 ft. in height, in accordance with section 4.9.50 of Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9 or RS-9(U), the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less.

Section 3.25.30 DEVELOPMENT STANDARDS

3.25.30.01 - Lot Area

Lots shall be adequate to fulfill applicable Code requirements and standards of this zone.

3.25.30.02 - Setbacks

- a. **Boundary Area** - A setback of not less than 100 ft. shall be provided along each II Zone boundary line abutting any residential, agriculture/open space, or Willamette River Greenway zone. Off-street parking and loading shall be permitted in this area except for the 35 ft. nearest the zone boundary line, which shall not be used for any permitted use, activity, or structure (other than fences or walls) and shall be maintained and improved in accordance with section 3.25.30.03 below.

Exemptions from These Requirements

- 1. Those portions of property lines where driveways, accessways, or walkways are provided; and
 - 2. Lands along the Southern Pacific Railroad line south from Avery Avenue to the City limits.
- b. **Along Streets** - The following minimum setback for any structure shall apply:
 - 1. Arterial streets - 75 ft.
 - 2. Collector streets - 40 ft.

3. All other streets - 25 ft.

Where a yard abuts both a street and a zone boundary line, the 35 ft. nearest the zone boundary shall not be used for any permitted use, activity, or structure (other than fences or walls) and shall be maintained and improved in accordance with section 3.25.30.03 below. The boundary area as required in "a" above may be counted in the calculation of required setbacks along streets.

- c. Except for those required in this section and the Uniform Building Code, no additional yards/setbacks are required.

3.25.30.03 - Landscaping, Lighting, Buffering, and Screening

- a. Landscaping, lighting, buffering, and screening required in section 3.25.30.02 above shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting, and shall consist of a combination of street trees, ground cover, shrubbery, trees, fences, and walls to serve as screening (buffer area) between the site and abutting non-industrial zones. Further, when a site abuts a residential zone, landscaping shall be at least 6 ft. in height and at least 80 percent opaque as viewed from any point along the lot boundary within 18 months following the establishment of the primary use type.
- b. Storage and refuse areas shall be screened in accordance with Chapter 4.2 so that materials stored within those areas shall not be visible from accessways and adjacent residential zones.

3.25.30.04 - Height of Structure

No structure shall exceed 75 ft. in height.

3.25.30.05 - Off-Street Parking Facilities

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

Section 3.25.40 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

CHAPTER 3.26 RESEARCH TECHNOLOGY CENTER (RTC) ZONE

Section 3.26.10 - PURPOSE

This zone implements the Research Technology Use designation of the Comprehensive Plan. It is intended to provide locations for research and technology uses in a campus-like setting, with supporting commercial uses not to exceed 20 percent of the gross floor area, and to establish standards that address compatibility of the center with surrounding uses.

Section 3.26.20 - GENERAL PROVISIONS

3.26.20.01 - Establishment of the RTC Zone

This zone may be requested by an owner of property identified on the Comprehensive Plan Map as a potential RTC area. Establishment of this zone requires a public hearing by the Planning Commission in conjunction with a Conceptual Development Plan consistent with Chapter 2.5 - Planned Development. At the time this zone is designated, the Planning Commission shall also designate the underlying zone in conformance with the Comprehensive Plan.

The applicant has three years from date of approval for the zone change and Conceptual Development Plan to complete a Plan Compatibility Review and be issued a building permit for a primary use. If no building permit has been issued prior to the expiration date, the zone change and Conceptual Development Plan shall expire and the Director shall amend the Official Zoning Map to remove the RTC Zone, except as provided in section 3.26.20.02 below.

3.26.20.02 - Time Extension

- a.** An owner of property with an RTC designation may apply to have the designation extended beyond the 3-year limit, provided that an application, on forms provided by the Director, is properly filed before the expiration of the designation.
- b.** The Director shall process the request and mail notice to owners and occupants of all properties within 500 ft. of the subject property in accordance with Chapter 2.16 - Request for Interpretation. The Director shall grant a 1-year extension of the expiration date upon finding that:
 1. Unforeseen circumstances or conditions have caused the delay;
 2. The applicant has demonstrated reasonable diligence in attempting to meet the time limits imposed; and

3. Facts upon which the approval was based have not changed to an extent sufficient to warrant re-filing.

Applications for additional 1-year extensions may be filed in accordance with the above procedures.

Section 3.26.30 - PERMITTED USES

3.26.30.01 - Ministerial Development

- a. **Primary Uses Permitted Outright** - Consistent with a previously approved Conceptual Development Plan.

1. Civic Use Types

- (a) Administrative Services
- (b) Postal Services
- (c) Public Safety
- (d) University Services and Facilities
- (e) Freestanding wireless telecommunication facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

2. Commercial Use Types

- (a) Communications Services
- (b) Eating and Drinking Establishments - Sitdown (1 per development site)
- (c) Professional and Administrative Services (minimum building size of 800 sq. ft.)
- (d) Research Services
- (e) Technical Support Center
- (f) Telemarketing Center

3. Commercial and Residential Use Types (with the exception of temporary outdoor markets, the following use types are subject to the special limitations specified in section 3.26.40)

- (a) Business Equipment Sales and Service
- (b) Business Support Services
- (c) Convenience Sales and Personal Services
- (d) Eating and Drinking Establishments - Sitdown (where it exceeds the single allowed eating and drinking establishment for the entire site)
- (e) Financial, Insurance, and Real Estate Services
- (f) Day-Care, Commercial Facilities
- (g) Participant Sports and Recreation
- (h) Convenience Sales and Personal Services
- (i) Temporary Outdoor Markets

4. Industrial Use Types

- (a) Limited Manufacturing
- (b) Technological Production
- (c) Wholesaling, Storage, and Distribution-Light

b. Accessory Uses Permitted - In accordance with Chapter 2.13 - Plan Compatibility Review.

- 1. Essential Services
- 2. Other development customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations.
- 3. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
- 4. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.

3.26.30.02 - Special Development

- a. Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.
1. Freestanding wireless telecommunication facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
 2. Freestanding wireless telecommunication facilities that do not meet the setback or spacing standard requirements of sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9.
 3. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.
 4. Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.

3.26.30.03 - General Development

- a. Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.
1. Major Services and Utilities
 2. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
 3. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9. If adjacent to an RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less.
 4. Freestanding wireless telecommunication facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9.

Section 3.26.40 - DEVELOPMENT STANDARDS

The Conceptual Development Plan for the entire RTC site shall comply with the standards listed below. When the Planning Commission reviews a proposed Conceptual Development Plan for the entire RTC site, it shall also ensure that the plan limits the uses specified in section 3.26.30.01.a.3 to 20 percent or less of the gross floor area of the development site.

The purpose of special limitations regarding the uses in section 3.26.30.01.a.3 is to ensure that the proposed use or uses will serve the shopping and service needs primarily of employees and businesses of the uses in the RTC site. Building permits for these commercial uses shall be approved only when subordinate to other existing RTC development. Permits for these subordinate uses shall be issued concurrent with or following issuance of permits for the predominant uses and shall not exceed the maximum gross floor area limitation of 20 percent of uses established on the site at any time.

3.26.40.01 - Lot Area

Minimum lot area for a development site shall be 50 acres. Individual lot sizes shall be adequate to fulfill applicable Code requirements and minimum standards of this zone.

3.26.40.02 - Setbacks

- a. **Boundary Area** - The setback for the perimeter of a development site shall average 50 ft. along the building face for structures 30 ft. or less in building height. The minimum setback shall not be less than 30 ft. For a structure over 30 ft. in height, an additional setback of 2.5 ft. for every foot of height over 30 ft. shall be added to the average 50-ft. setback.
- b. **Streets** - Setbacks from streets along the perimeter of the development site shall average 60 ft. with a minimum setback of 40 ft.
- c. **Interior Lot Lines** - There are no requirements for separation between buildings or setbacks from any created interior lot lines other than those specified in the Uniform Building Code.

3.26.40.03 - Height of Structure

No structure shall exceed 75 ft. in height.

3.26.40.04 - Site Coverage

Building coverage shall not exceed 40 percent; total impervious surface (excluding green area elements) shall not exceed 60 percent of the entire development site. A minimum of 15 percent of the required green area shall be landscaping or preserved vegetation.

3.26.40.05 - Performance Standards

- a.** Each use, activity, or operation within this zone shall comply with applicable State and Federal standards and shall not create a nuisance because of odor, vibration, noise, dust, smoke, or gas.
- b.** Mechanical equipment, outdoor storage areas, trash receptacles, and parking lots shall be screened from view from public places and neighboring properties, to the extent practicable, through use of features such as berms, fences, facades, and dense landscaping in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
- c.** There shall be a 30-ft.-wide landscaped area in the boundary area containing trees and shrubs with a fence or a berm. Within the street setback area, a 40-ft.-wide landscaped area shall be provided.
- d.** Landscaping shall be in accordance with Chapter 4.2. Landscaped areas shall be irrigated with permanent facilities sufficient to maintain the plant materials and shall be covered by living plant material capable of attaining 90 percent ground coverage within three years.
- e.** Street trees are required in accordance with Chapter 4.2.
- f.** Long expanses of fences or walls along public streets shall be designed to prevent visual monotony through the use of offsets, landscaping, and change in materials.
- g.** Earth sculpting and other techniques shall be used to reduce building scale along the development site perimeter.
- h.** Where structures are set back less than 60 ft. along a perimeter street, the building arrangement shall provide for open space linkages such that the required open space extends from the street into the interior of the site.
- i.** Parking, loading, and access requirements shall be in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.
- j.** Access shall be designed to minimize interference with traffic movement on abutting streets. Where the Director determines it is necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.
- k.** Metal siding and roof surfaces shall be covered and maintained with nonreflective paint.

- l.** Artificial lighting shall be arranged and constructed not to produce direct glare on adjacent residential properties and shall be consistent with Chapter 4.2.
- m.** Signage shall be designed and oriented to primarily serve those within the RTC development. Structures or portions of structures used for commercial purposes shall be designed to serve primarily those within the RTC development.
- n.** Independent or cumulative expansions of a commercial or civic structure in existence and in compliance with the Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with this section, provided that:

 - 1. The expansion adds floor area of 500 sq. ft. or less; or
 - 2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.
- o.** Independent or cumulative expansions of a commercial or civic structure in existence and in compliance with the Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards, sections 4.10.70.02 through 4.10.70.05, with allowances for choices among some standards as identified in section 4.10.70.01, provided that:

 - 1. The expansion adds floor area of more than 3,000 sq. ft.; or
 - 2. The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.
- p.** All new buildings or structures for which a valid permit application has been submitted after December 31, 2000 shall comply with Chapter 4.10.
- q.** Section 3.27.50 (Design Guidelines and Standards) of Chapter 3.27 - Mixed Use Employment (MUE) Zone shall apply to industrial development within an RTC site.

Section 3.26.50 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

CHAPTER 3.27 MIXED USE EMPLOYMENT (MUE) ZONE

Section 3.27.10 - PURPOSE

This zone introduces some commercial and residential uses into areas with industrial designations on the Comprehensive Plan Map, while maintaining the City's supply of industrially designated lands. It is intended to provide a variety of employment uses, including limited industrial uses and commercial, civic, and residential uses, at a scale appropriate to surrounding employment areas. Key objectives of the Mixed Use Employment Zone include:

- a. Expand employment opportunities by allowing businesses to locate in a variety of locations;
- b. Provide services for employees in close proximity to their work place;
- c. Provide options for living, working, and shopping environments;
- d. Facilitate more intensive use of land while minimizing potentially adverse impacts; and
- e. Provide options for pedestrian oriented lifestyles.

Section 3.27.20 - GENERAL PROVISIONS

3.27.20.01 - Establishment of the MUE Zone

The MUE Zone shall be applied to properties with industrial designations on the Comprehensive Plan Map or to lands designated through a quasi-judicial or legislative process. When the zone is applied to parcels via the quasi-judicial Zone Change process, the proposal shall meet the zone change criteria of section 2.2.40 in Chapter 2.2 - Zone Changes, and the following criteria for zone location, dimensions, and size.

a. Locational Criteria

The following locational criteria shall be applied to zone changes, in conjunction with Chapter 2.2 - Zone Changes.

- 1. The MUE Zone shall be located in areas with lot sizes of generally less than 20 acres;

AND EITHER

2. All portions of the MUE Zone shall be located within 1/4 mile of existing or planned transit service;

OR

3. The MUE Zone shall be located in areas determined through a Planned Development process to be necessary to provide mixed use opportunities and services to adjacent areas.

b. Zone Size and Dimensions

1. The zone shall have a minimum size of ½ block or 1 acre. It may be composed of smaller parcels when the total area of the zone is equal to or greater than 1 acre. Public street rights-of-way shall not count toward the total area of a zone.
2. A Planned Development zoning overlay shall be applied to MUE zones that exceed 5 acres or involve multiple parcels. If all parcels within the zone are not concurrently developed, the Planned Development Review shall focus on the developing parcel and ensure that the proposed development does not preclude development of the adjacent parcels within the mixed use area.
3. The zone shall have a minimum of 50 ft. of frontage onto an existing or planned public street.

Section 3.27.30 - PERMITTED USES

3.27.30.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types
 - (a) Family
 - (b) Group Residential
 - (c) Group Residential/Group Care
 - (d) Residential Care Facilities
2. Residential Building Types
 - (a) Single Detached (existing prior to adoption of this Code)

- (b) Single Attached (zero lot line - 2 units)
- (c) Duplexes (existing prior to the adoption of this Code)
- (d) Attached (Townhouse)
- (e) Multi-Dwelling (includes freestanding buildings and dwelling units in commercial or industrial buildings)
- (f) Accessory Dwelling

All residential use types are subject to compliance with section 3.27.40.01 - Preservation of Industrial Land Supply.

3. Civic Use Types

- (a) Administrative Services
- (b) Social Service Facilities
- (c) Cultural Exhibits and Library Services
- (d) Lodges, Fraternal and Civic Assembly
- (e) Parking Services
- (f) Postal Services
- (g) Public Safety Services
- (h) Religious Assembly
- (i) Transit Facilities
- (j) Freestanding wireless telecommunication facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

A civic use type that exceeds 5,000 sq. ft. must demonstrate that it primarily serves the immediate area.

4. Commercial Use Types

- (a) Agricultural Sales
- (b) Animal Sales and Services

1. Grooming
 2. Veterinary
 3. Indoor Kennels (with sound attenuation)
- (c) Building Maintenance Services
 - (d) Business Equipment Sales and Services
 - (e) Business Support Services
 - (f) Communication Services
 - (g) Construction Sales and Service
 - (h) Convenience Sales and Personal Services
 - (i) Day Care, Commercial Facility
 - (j) Eating and Drinking Establishments - Sit Down (30 seats or less)
 - (k) Financial, Insurance, and Real Estate Services
 - (l) Food and Beverage Sales
 - (m) Laundry Services
 - (n) Participant Sports and Recreation (indoor facilities limited to less than 299 capacity)
 - (o) Professional and Administrative Services
 - (p) Repair Services - Consumer
 - (q) Research Services
 - (r) Retail Sales -General (limited to 10,000 sq. ft. of floor area per building)
 - (s) Technical Support Center (20 or fewer employees per shift)
 - (t) Telemarketing Center (20 or fewer employees per shift)

- (u) Temporary Outdoor Markets
- (v) Wholesaling, Storage and Distribution

Commercial use types included in the list above and classified as primary uses permitted outright in the Limited Industrial and/or General Industrial zones may be considered as “industrial uses” for the purposes of calculating minimum floor area ratios (FARs) as required by section 3.27.40.01 and as addressed in section 3.27.30.02.

5. Industrial Use Types

- (a) Limited Manufacturing - 20 or fewer employees per shift and does not require a State or Federal air quality discharge permit, except for parking
- (b) General Industrial Uses in association with sales
- (c) General Industrial Uses that do not result in the following nuisance conditions detectable from the boundaries of the subject property. Nuisance conditions can result from any of the following:
 - 1. Continuous, frequent, or repetitive noises or vibrations;
 - 2. Noxious or toxic fumes, odors, or emissions;
 - 3. Electrical disturbances; or
 - 4. Night illumination into residential areas.

Exceptions - Noise and vibrations from temporary construction; noise from vehicles or trains entering or leaving the site; noise and vibrations occurring less than 15 minutes per day; an odor detected for less than 15 minutes per day; and noise detectable only as part of a composite of sounds from various offsite sources.

b. Accessory Uses Permitted Outright

- 1. Essential Services
- 2. Day Care, Family Facility
- 3. Home Business, when conducted in conjunction with a permitted residential use

4. Required off-street parking in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
5. Other development customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations
6. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.
7. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.

3.27.30.02 - Special Development

- a. **Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and other applicable provisions of this Code.
 1. Automotive and Equipment
 - (a) Cleaning
 - (b) Fleet Storage
 - (c) Parking Services
 - (d) Repairing, Light Equipment and Heavy Equipment
 2. Drive-Through Facilities (financial institutions, eating establishments, etc.)
 3. Eating and Drinking Establishments - Sit Down (more than 30 seats)
 4. Community Recreation
 5. Major Services and Utilities (except Transit Facilities)
 6. Spectator Sports and Entertainment - Small Facilities (capacity less than 300)

7. Limited Manufacturing - more than 20 employees per shift and uses that do not result in the following nuisance conditions detectable from the boundaries of the subject property. Nuisance conditions can result from any of the following:
 - (a) Continuous, frequent, or repetitive noises or vibrations;
 - (b) Noxious or toxic fumes, odors, or emissions;
 - (c) Electrical disturbances; or
 - (d) Night illumination into residential areas.
8. Technical Support Center (more than 20 employees per shift)
9. Telemarketing Center (more than 20 employees per shift)
10. Freestanding telecommunication facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions
11. Freestanding wireless telecommunication facilities that do not meet the setback or spacing standard requirements of sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9.
12. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.
13. Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.

Exceptions - Noise and vibrations from temporary construction; noise from vehicles or trains entering or leaving the site; noise and vibrations occurring less than 15 minutes per day; an odor detected for less than 15 minutes per day; and noise detectable only as part of a composite of sounds from various offsite sources.

3.27.30.03 - General Development

- a. **Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 and other applicable provisions of this Code.

1. Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions
2. Transit Facilities
3. Projections such as chimneys, spires, domes, towers, and flagpoles not used for human occupancy and exceeding 55 ft. in height (unless the height limit for the subject property is 75 ft. per section 3.27.40.03, in which case the threshold is 75 ft.), in accordance with section 4.9.50 of Chapter 4.9 - Additional Provisions.
4. Non-industrial uses that exceed the square footage of industrial uses.
Note: Commercial use types listed in section 3.27.30.01.a.4 and classified as primary uses permitted outright in the Limited Industrial and/or General Industrial zones may be considered as “industrial uses” for the purposes of calculating these square footages.
5. Freestanding wireless telecommunication facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9.

Section 3.27.40 - DEVELOPMENT STANDARDS

The following provisions identify development standards within the MUE Zone. Additional flexibility is provided through the Planned Development (Chapter 2.5) and Lot Development Option (Chapter 2.12) review processes.

3.27.40.01 - Preservation of Industrial Land Supply

- a. A minimum floor area ratio (FAR) of 0.25 of industrial structure/use is required for all properties with a Comprehensive Plan Map designation of Industrial. This requirement is to ensure that industrial land is preserved for primarily industrial purposes. This provision does not apply when a commercial use in an industrially designated property is applied to an existing residential building that existed prior to the adoption of this MUE Zone. This provision also does not apply when a residential use is applied to an existing commercial building within an industrial zone that existed prior to the adoption of this MUE Zone. The industrial uses on an MUE site are required to be developed prior to or concurrently with residential and commercial uses, with the exception of residential and/or commercial uses in existence as of the adoption of this MUE Zone.
- b. When a project is composed of two or more phases, the mixed use site shall be reviewed as a Planned Development, and each phase shall meet the minimum 0.25 FAR as described in “a” above.

- c. Where the square footage of the non-industrial use(s) exceeds the square footage of the industrial uses(s), the development site shall be subject to a Plan Compatibility Review process.
- d. When a MUE Zone is approved for a site, a deed restriction recognizing the industrial character and underlying industrial land use designation of the property shall be recorded on the parcel(s) involved at the time the MUE Zone is approved.

Note: Commercial use types listed in section 3.27.30.01.a.4 and classified as primary uses permitted outright in the Limited Industrial and/or General Industrial zones may be considered as “industrial uses” for the purposes of calculating minimum floor area ratios (FARs) and square footages as required in this section. These provisions are intended to protect the City’s inventory of industrial land, in conformance with Statewide Goal 9 (Economic Development) and the Comprehensive Plan. By preserving a minimum amount of land in the MUE Zone that must be used for industrial (i.e., employment) purposes, the City can ensure compliance with Goal 9.

3.27.40.02 - Minimum Lot Area and Setback Requirements

- a. A setback of not less than 25 ft. shall be provided along each MUE Zone boundary line abutting any residential (RS) zone. Off-street parking and loading shall be permitted in this area except within 15 ft. of the zone boundary line, which shall not be used for any permitted use, activity, or structure (other than fences, walls, driveways, or walkways). Driveways, parking, and loading areas adjacent to residential zones shall be landscaped and screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
- b. The requirements for residential structures containing a residential use shall be in accordance with Chapter 3.8 - High Density (RS-20) Zone and the Mixed Use Design Guidelines in this chapter.
- c. For maximum permitted setbacks, refer to section 3.27.50.02.

3.27.40.03 - Structure Height

Structure height shall not exceed 45 ft. on sites that are zoned solely MUE or that have a Comprehensive Plan Map Designation of Limited Industrial or Research Technology. If a site is developed as a Planned Development and in a manner compatible with any adjacent residential property(ies), the structure height may be increased to 75 ft. consistent with section 3.27.50.09. If a site’s Comprehensive Plan Map designation is General Industrial or Intensive Industrial, structure heights may be 75 ft.

3.27.40.04 - Green Area Standards

A minimum of 20 percent of the total site area shall be retained as green area. Green area may include landscape areas, natural areas, and/or pedestrian amenities consistent with section 3.27.50.07, except that a minimum of 10 percent of the required site shall be landscaping or preserved vegetation. The site and building design standards of this chapter shall also shall be met. Structures, parking, and driveways of interior parking areas are excluded from the green area. Landscaping and lighting shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.

3.27.40.05 - Off-Street Parking

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements. Required parking shall be provided on the same site as the use or upon abutting property. Street right-of-way shall be excepted when determining contiguity, except on arterials and collectors where there is not a controlled intersection within 100 ft. of the subject property. Chapter 4.1 allows adjustments to minimum parking standards when transit service and bicycle parking are available. Additional flexibility for required vehicle parking may be granted in the MUE Zone in conformance with the following standards:

- a. Shared parking agreements may be used to provide additional reductions in required parking, provided that the applicant demonstrates an adequate supply of parking for each use. Identification of surplus parking during peak periods or surplus capacity provided due to off-peak use are methods of demonstrating this adequacy.
- b. Additional flexibility to vehicle parking provisions may be granted through the Lot Development Option when the site is less than 3 acres, or through the Planned Development procedure (chapters 2.12 and 2.5, respectively). This flexibility is provided to encourage development patterns that reduce the reliance on the automobile by taking advantage of alternate modes of travel.

Section 3.27.50 - DESIGN GUIDELINES AND STANDARDS

3.27.50.01 - Coordinated Development

New development shall be designed in a manner not to preclude development of adjacent property(ies) and to ensure the logical and efficient extension of public facilities and services, including but not limited to sanitary sewer, water, storm drainage, street, and pedestrian facility connections.

3.27.50.02 - Building Orientation and Maximum Setbacks

- a. All new buildings in the MUE Zone shall be oriented to existing or proposed public streets or to private streets as approved by the City. Building

orientation is demonstrated by placing buildings and their public entrances close to streets so that pedestrians have a direct and convenient route from the street sidewalk to building entrances.

- b.** At least one major public entrance should be oriented to each street that the building abuts. Corner entrances may be used to provide entrance orientation to two streets, provided that the length of the building adjacent to the street does not exceed 50 ft.
- c.** Building setbacks from streets or plazas shall not exceed 20 ft., except where necessary to preserve healthy, mature tree(s); to provide pedestrian amenities in conformance with section 3.27.50.07; or to accommodate handicapped access requirements. A further exception to these setback requirements may be considered when the site is fronted by more than two streets.

3.27.50.03 - Corner Building Entrances

For all new buildings or when redevelopment opportunities allow, the design of corner lot buildings should reinforce public intersections as public spaces. As an example, corner building entrances with weather protection or other architectural features may be required to ensure that this guideline is met. The maximum allowable building setback may be increased when the building design incorporates seating, plazas, and other public amenities, as defined by section 3.27.50.07.

3.27.50.04 - Weather Protection

- a.** Where new industrial development is constructed adjacent to street sidewalks or pedestrian plazas, a 6-ft.-wide, weather-protected area (e.g., awnings or canopies) shall be provided over the primary entrance.
- b.** Where new commercial or residential development is constructed adjacent to street sidewalks or pedestrian plazas, a 6-ft.-wide, weather-protected area (e.g., awnings or canopies) shall be provided along the portion of building(s) adjacent to the sidewalks and/or plazas.
- c.** For existing development, weather protection as identified in “a” and “b” above shall be provided when alterations, repairs, or additions to existing structures are made. However, an exception to meeting this weather-protection standard may be requested where the applicant can demonstrate, to the satisfaction of the Director, that the cost of improvements to the existing structure is less than four times the cost of providing an awning. In addition, where weather protection is at least 4 ft. in width, an exception to this standard may be authorized.

3.27.50.05 - Landscaping and Screening

Landscaping and screening shall be required in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. The following additional standards apply to the MUE Zone:

- a. Street trees shall be required, consistent with Chapter 4.2. Species should be compatible with the design features identified in section 3.27.50.07, and shall provide continuity with nearby landscaping. A reduction in the number of required street trees may be granted when a development preserves healthy, mature tree(s) adjacent to the sidewalk.
- b. Screening of parking areas, driveways, mechanical equipment, and solid waste receptacles shall be provided and installed prior to building occupancy. Screening options include landscape plants, planters, ornamental walls, trellises, fences, or other features consistent with Chapter 4.2.
- c. Irrigation systems shall be installed to support landscaping.

3.27.50.06 - Street Connectivity and Internal Circulation

- a. For new structures and substantial improvements to existing development, an applicant may be required to provide street or driveway stubs and reciprocal access easements to promote efficient circulation between uses and properties, and to promote connectivity and dispersal of traffic.
- b. The maximum block perimeter shall be 1,800 ft., but in no case shall there be a distance of more than 400 ft. without a pedestrian walkway. Alternatives to this standard may be considered through the Planned Development process.
- c. Traffic lanes shall be internal to the site and not located between the building(s) and the sidewalk(s), except where drop-off facilities are provided (e.g., handicapped access). Such facilities shall be designed to meet Americans with Disabilities Act (ADA) requirements and provide for direct pedestrian circulation.

3.27.50.07 - Pedestrian Amenities

- a. All new structures and substantial improvements in the MUE Zone, with the exception of existing residential dwellings, shall provide pedestrian amenities. The number of pedestrian amenities provided shall comply with the following sliding scale.

**Size of Structure or
Substantial Improvement**

**Number of
Amenities**

< 25,000 sq. ft.	1
25,000 - 50,000 sq. ft.	2
> 50,000 sq. ft.	3

- b.** Acceptable pedestrian amenities include:
1. Sidewalks with ornamental treatments (e.g., brick pavers) or sidewalks that are 50 percent wider than required by this Code.
 2. Benches and public outdoor seating.
 3. Sidewalk planters.
 4. Public art (e.g., sculpture, fountain, clock, mural, etc.) with a value equal to or greater than 1 percent of the construction value of the structure(s).
 5. Pocket parks (minimum usable area of 300 sq. ft.).
 6. Plazas (minimum usable area of 300 sq. ft.).
 7. Street trees of a caliper 50 percent wider than required by this Code (may include preservation of healthy, mature trees adjacent to the street sidewalk).
 8. Other improvements approved through the Lot Development Option or Planned Development process.
 9. Additional weather protection in excess of the requirements of section 3.27.50.04.
- c.** Pedestrian amenities shall comply with the following standards and guidelines:
1. Amenities should be visible and accessible to the general public from an improved street. Access to pocket parks, plazas, and sidewalks must be provided via a public right-of-way or a public access easement.
 2. The size or capacity of pedestrian amenities should be roughly proportional to their expected use, including use by employees, customers, residents, and other visitors. The minimum area standards for pocket parks and plazas may be increased based on this guideline.

3. Amenities that are eligible for credit toward open space standards and adjustment to the maximum 20-ft. setback standard, include plazas, pocket parks, seating areas, and other areas that provide usable pedestrian space and street furniture.
4. Amenities should be consistent with the character and scale of the MUE area. For example, similarity in awning height, bench style, planter materials, street trees, and pavers is recommended to foster continuity in the design of pedestrian areas. Materials should be suitable for outdoor use, easily maintained, and have a reasonably long life cycle (e.g., 10 years before replacement).
5. When provided at or near a bus stop, amenities should generally conform to standards of the Corvallis Transit System.

3.27.50.08 - General Building Design Standards

Mixed use zones require special attention to building design because of the intermixing of land uses in such areas. The following standards are intended to be specific and quantifiable, while allowing for flexibility in design. Additional flexibility is provided through the Planned Development and Lot Development Option review processes. This section provides both required and optional design elements.

a. Minimum Requirements

New structures and substantial improvements should provide architectural relief and interest, with emphasis at building entrances and along sidewalks, to promote and enhance a comfortable pedestrian scale and orientation. Blank walls shall be avoided when practicable by complying with the following minimum requirements:

1. Ground-floor windows shall be provided for civic and commercial use types. The main front elevation(s) of buildings shall provide at least 60 percent windows or transparency at the pedestrian level (on corner lots, this provision applies to two elevations). The transparency is measured in linear fashion (e.g., a 100-ft.-wide building facade shall have a total of at least 60 linear ft. of windows).
2. Ground-floor windows shall be provided for industrial use types. The main front elevation(s) of buildings shall provide at least 30 percent windows or transparency at the pedestrian level (on corner lots, this provision applies to two elevations). The transparency is measured in linear fashion (e.g., a 100-ft.-wide building facade shall have a total of at least 30 linear ft. of windows).

3. Ground-floor entrances shall include an offset (recesses, extensions or other breaks in elevation) of at least 8 ft. in depth and of sufficient width to easily discern the entrance location.
4. To break up vast expanses of single-element building elevations, building design shall include a combination of architectural elements and features such as offsets, windows, entry treatments, wood siding, brick, stucco, synthetic stucco (e.g., EIFS), textured concrete block, textured concrete, etc.
5. Provide differentiation between ground-level spaces and upper stories. For example, bays or balconies for upper levels and awnings, canopies, or other similar treatments for lower levels can provide differentiation. Variation in building materials, trim, paint, ornamentation, windows, or other features such as public art may also be used. Recognizing that other design solutions may be appropriate, a developer may propose alternatives for review and approval by the Director.
6. Ensure privacy in residential developments through effective window placement, sound-proofing, landscape screening, and/or orientation of outdoor living areas (e.g., balconies, porches, patios, etc.). Opposing windows at close distances should be offset horizontally or should employ appropriate materials (e.g., frost-glazed, tinted, etc.) to protect privacy.
7. Access shall be designed to minimize interference with traffic circulation. Where necessary, additional rights-of-way shall be dedicated to maintain adequate circulation.

3.27.50.09 - Neighborhood Compatibility

a. Minimum Standards Adjacent to a Residential Zone

1. New building roof elevation(s) shall gradually step down so that the height of the proposed structure does not exceed the height(s) of adjacent residential structures(s) by more than one story. This provision applies to that portion of the structure closest (20 ft., minimum) to the adjacent residential structures.
2. New development adjacent to residential zones shall incorporate architectural characteristics compatible with residential development. Each new structure shall contain a minimum of at least two of the following elements:
 - (a) Roofs with a minimum 4:12 pitch;

- (b) Flat roofs with a cornice or other decorative treatment;
 - (c) Horizontal wood lap siding, brick, stone, or other material that, at the discretion of the Director, is consistent with residential character;
 - (d) Vertical breaks in roof elevation; and/or
 - (e) Additional offsets in building elevation.
3. The site design shall preserve healthy, mature trees on the site to the maximum extent practicable. Trees likely to create a hazard for the development or adjacent properties may be removed, consistent with Chapter 4.2.
 4. Artificial lighting shall be consistent with Chapter 4.2.

Section 3.27.60 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

CHAPTER 3.30 WILLAMETTE RIVER GREENWAY (WRG) ZONE OVERLAY

Section 3.30.10 - PURPOSE

The Willamette River Greenway Zone is an overlay zone that coincides with the adopted Greenway boundary and applies to all development permitted by the underlying zones. The objectives of this zone and this chapter are as follows:

- a.** Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River;
- b.** Maintain or improve air and water quality within the Greenway;
- c.** Implement goals and policies of the State's Willamette River Greenway Program as required by the Oregon Revised Statutes;
- d.** Implement policies of the City's Comprehensive Plan;
- e.** Establish standards and requirements for the use of lands within the Willamette River Greenway in the City of Corvallis;
- f.** Provide for review of any intensification of use, change of use, or development within the Greenway;
- g.** Increase and maintain public access to and along the Willamette River to create urban recreational opportunities, provide linkages to other transportation corridors, and provide for multiple use of urban land; and
- h.** Ensure development is consistent with floodwater flow mitigation and management of a natural resource.

Section 3.30.20 - CONDITIONAL DEVELOPMENT

Development within this zone, regardless of its classification in the underlying zone, requires Conditional Development approval in accordance with the provisions of Chapter 2.3 - Conditional Development. In addition to notification requirements of Chapter 2.0 - Public Hearings, written public notice and a notice of disposition shall be mailed to the Oregon Department of Parks and Recreation. "Development" as used in this section includes change of use or intensification of land or water uses except for those activities listed as exemptions in section 3.30.30 below. "Development" also includes proposed increases in air discharges that require permit approval by the Oregon Department of Environmental Quality (DEQ).

Section 3.30.30 - EXEMPTIONS

The following development activities do not require Conditional Development approval:

- a.** Customary dredging and channel maintenance conducted under permit from the State;
- b.** Seasonal increases in gravel operations under permit from the State;
- c.** Erosion control operations not requiring a permit from the Oregon Division of State Lands and that constitute a reasonable emergency necessary for safety or the protection of property.
- d.** Scenic easements acquired under ORS 390.332 and their maintenance as authorized by that statute and ORS 390.368.
- e.** Addition or modification by public utilities for existing utility lines, wires, fixtures, equipment, circuits, appliances, and conductors.
- f.** Flood emergency procedures and the maintenance and repair of existing flood control facilities.
- g.** Signs, markers, aids, and similar items, placed by a public agency to serve the public.
- h.** Residential accessory development (excluding structures), such as lawns, gardens, and play areas outside of the Riparian Management Zone, as defined in Chapter 1.6 - Definitions.
- i.** Storage of equipment or material associated with permitted uses, providing it complies with applicable provisions of this Code.
- j.** Minor repairs or alterations to an existing structure for which no building permit is required.
- k.** A change of use of a building or other structure that does not substantially alter or affect the land or water upon which it is situated.
- l.** Landscaping.
- m.** Construction of driveways.
- n.** Maintenance and repair, usual and necessary for the continuance of an existing use.

- o. Reasonable emergency procedures necessary for the safety or protection of property.
- p. Other activities similar to those listed in "a" through "o" above. The Director shall make such determinations and provide notice in accordance with Chapter 2.16 - Request for Interpretation.

Section 3.30.40 - REVIEW CRITERIA

Conditional Development within the Willamette Greenway Zone may be approved only when the Planning Commission, after considering cumulative effects within the City's Greenway, finds that:

- a. Public access to and along the river shall be provided to the maximum extent practicable and to the extent that public access does not interfere with established uses on the property.
- b. Significant fish and wildlife habitats shall be protected.
- c. Significant natural and scenic areas, viewpoints, and vistas shall be preserved.
- d. The quality of air, water, and land resources in the Greenway shall be protected to the maximum extent practicable.
- e. Areas of annual flooding, floodplains, and wetlands shall be protected in their natural state to the maximum extent practicable to maintain their natural, physical, and biological functions.
- f. The natural vegetative fringe along the river shall be protected and enhanced to the maximum extent practicable to ensure scenic quality, protection of wildlife, protection from erosion, and screening of uses from the river.
- g. Any public recreational use or facility shall not substantially interfere with established uses on adjoining property.
- h. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.
- i. Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise, and safety, and to guarantee necessary reclamation.
- j. Development, change, or intensification of use shall provide the maximum possible landscaped area, open space, or vegetation between the activity and the river.

- k. Development shall be sited to maximize distance from the river to the greatest extent practicable.
- l. In applying "a" through "k" above to development proposals within the Willamette River Greenway, consideration should be given to the Corvallis 2020 Vision Statement, Comprehensive Plan, Downtown Streetscape Plan, Riverfront Commemorative Park Plan, and other applicable City documents. However, where conflicts arise, direction must be taken from the Corvallis Comprehensive Plan and this Code.

Section 3.30.50 - DEVELOPMENT STANDARDS

Proposed development within the Willamette Greenway Zone shall comply with the following standards, except as provided below.

a. Site Modifications

1. Except as provided in section 3.30.30 above, existing predominant topographical features of the bank line and escarpment shall be protected and maintained.
2. Disturbance necessary for construction or establishment of a water-related or water-dependent use, as defined in Chapter 1.6 - Definitions, and measures necessary to reduce existing or potential bank and escarpment erosion, landslides, or flood hazard conditions may be permitted upon approval by the Director.
3. Stability shall be assured considering the stress imposed on the bank and land area between the low water mark of the river and top of the bank.
4. The hydraulic and flood carrying capacity of the river and the hydraulic effect of the river on the bank shall be considered and steps taken to ensure minimal adverse effects by and upon the proposal.
5. The applicant shall establish, to the satisfaction of the Planning Commission, that steps have been taken to minimize the effects of the proposal on the Riparian Management Zone, as defined in Chapter 1.6.
6. If applicable, the applicant shall submit certification by a registered professional engineer that the standards specified in "2" and "3" above have been met. Where necessary to properly evaluate a proposal, an applicant may be required to furnish further studies such as a soils survey and analysis, foundation study, or hydrologic study performed by competent professionals.

- b. **Riparian Vegetation** - Vegetative ground cover and trees upon the site shall be protected, conserved, and maintained according to the following provisions:

1. Riparian vegetation removed during development shall be replaced with indigenous (native) species that are compatible with and enhance the riparian environment.
 2. Trees of 8-in. or greater diameter measured at a height of 4 ft. above grade shall not be removed in the Riparian Management Zone except as follows:
 - (a) Where necessary as approved by the Planning Commission to accommodate a water-related or water-dependent use; or
 - (b) Where the tree(s) are deemed hazardous by the Park and Recreation Services Manager.
 3. Plans for removal and replacement of riparian vegetation shall be submitted to and approved by the Director prior to any excavation, grading, or construction.
- c. Landscaping** - In addition to any landscaping requirements in the underlying zone, the following provisions shall apply:
1. All areas of the site within the WRG Zone shall be landscaped, except the following:
 - (a) Areas covered by a structure, parking, driveways or other permitted use;
 - (b) Areas requiring stabilization methods other than landscaping. Such stabilization shall be designed to not contribute to future instability of the bank, both on the site and on adjacent properties; and
 - (c) Areas maintained in natural vegetation.
 2. Required landscaped areas shall be continuously maintained, irrigated with permanent facilities sufficient to maintain the plant material, and covered by living plant material capable of attaining 90 percent ground coverage within three years. Landscaping and lighting shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
 3. Living plant materials shall be compatible with and enhance the riparian environment.
- d. Structures** - All buildings and structures, including supporting members, and all exterior mechanical equipment shall be screened, colored, or surfaced to blend with the riparian environment. Surfaces shall be nonreflective.

e. **Signs and Graphics** - In addition to compliance with applicable provisions relating to signs and graphics in Chapter 4.7 - Sign Regulations, no sign or graphic display inconsistent with the purposes of the Greenway shall have a display surface oriented toward or visible from the Willamette River.

f. **Parking and Unenclosed Storage Areas**

1. Parking, loading, and unenclosed storage areas located within the WRG Zone shall be screened from the river to the extent practicable in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements and Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
2. Parking, loading, and unenclosed storage areas located outside of but adjacent to the WRG Zone shall be screened from such zone to the extent practicable.

g. **Greenway Setback**

Minimum building setback distances from the ordinary high water line of the Willamette River as are follows:

1. Lands in the WRG Zone from the northern City limits to the southern edge of 777 NE Second Street (Assessor Map No. 11-5-35AD, Tax Lot 3000) - 20 ft. westerly from top of bank
2. Lands in the WRG Zone from the southern edge of 777 NE Second Street (Assessor Map No. 11-5-35AD, Tax Lot 3000) to Harrison Street - 50 ft.
3. Lands in the WRG Zone between Harrison Street and "B" Street, at the top of the river bank including the existing bikepath - a landscaping strip sufficient to separate the bikepath is required
4. Lands in the WRG south of "B" Street to the southerly City limits - 100 ft.

Setback distances do not apply to water-dependent uses that require a river bank location or water-related uses that require direct access to the river.

CHAPTER 3.31 HISTORIC PRESERVATION OVERLAY (HPO) ZONE

Section 3.31.10 - PURPOSE

The Historic Preservation Overlay (HPO) applies to all structures and sites listed on the Corvallis Register of Historic Landmarks and Districts. The procedural provisions implementing this chapter are located in Article II - Administrative Procedures.

The HPO Zone is intended to do the following:

- a. Implement, through Chapter 2.9 - Historic Preservation Provisions, the historic and cultural resource policies of the Comprehensive Plan; and
- b. Encourage preservation, rehabilitation, and adaptive use of sites and structures that are indicative of Corvallis' history and architectural and cultural heritage.

Section 3.31.20 - PERMITTED USES

Uses permitted in the HPO Zone shall be the same as uses permitted in the underlying zone.

Section 3.31.30 - IMPLEMENTATION

Chapter 2.9 - Historic Preservation Provisions contains procedural requirements for the following:

- a. Section 2.9.30 - Procedures for Establishment of a Historic Preservation Overlay Zone Designation
- b. Section 2.9.40 - Procedures for Alteration of a Historic Resource and Construction of New Structures of 120 Sq. Ft. or Less; and
- c. Section 2.9.50 - Procedures for New Construction Over 120 Sq. Ft.
- d. Section 2.9.70 - Procedures for Demolition or Moving a Historic Structure;
- e. Section 2.9.60 - Procedures for Removing a Historic Overlay Zone;

CHAPTER 3.32 PLANNED DEVELOPMENT (PD) ZONE OVERLAY

Section 3.32.10 - PURPOSE

The Planned Development (PD) Zone overlay can be applied in conjunction with any other zone. Property with a PD zoning designation shall be developed in accordance with the provisions of Chapter 2.5 - Planned Development.

The PD Zone overlay is intended to do the following:

- 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 use 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.

Section 3.32.20 - PERMITTED USES

Permitted uses consist of any uses listed in the underlying zone and approved as part of a Conceptual and Detailed Development Plan, in accordance with Chapter 2.5 - Planned Development.

Section 3.32.30 - IMPLEMENTATION

Property may be designated with a PD Zone overlay in any of the following ways:

- a.** With approval of a Conceptual Development Plan in accordance with Chapter 2.5 - Planned Development;
- b.** Upon annexation in accordance with Chapter 2.6 - Annexations;
- c.** In conjunction with a Comprehensive Plan Map change in accordance with Chapter 2.1 - Comprehensive Plan Amendment Procedures; or
- d.** In conjunction with a zone map change in accordance with Chapter 2.2 - Zone Changes.

Section 3.32.40 - INITIATION

A PD Zone overlay may be initiated in any of the following ways:

- a.** An application filed by a property owner for a Planned Development in accordance with Chapter 2.5 - Planned Development; or
- b.** By the hearing authority in conjunction with an annexation, Comprehensive Plan Map amendment, or Official Zoning Map change when the hearing authority finds the applicable zone standards are not adequate to do any of the following:
 - 1.** Address circulation or other common facilities issues;
 - 2.** Resolve issues related to an unusual site configuration, steep topography, or significant natural feature;
 - 3.** Ensure comprehensive planning and coordinated development where the property is large and/or has mixed uses; or
 - 4.** Address compatibility issues where desirable to locate more intensive land uses next to less intensive residential land uses.

CHAPTER 3.36 OREGON STATE UNIVERSITY (OSU) ZONE

Section 3.36.10 - PURPOSE

This zone implements Comprehensive Plan policies that encourage coordination between the University and City in planning and review of campus development. Coordination with campus development is essential due to the physical size of the University and its related effects on City facilities and services. This zone provides a process for timely review of such mutual concerns as parking, access to campus, location and size of buildings, availability of campus-oriented housing, and public utilities. Not all property in this zone is owned by the University, but has been identified as land needed for future expansion.

The OSU Zone is intended to do the following:

- a. Facilitate University development;
- b. Ensure compatibility of OSU development with surrounding areas;
- c. Ensure adequacy of public utilities and transportation facilities; and
- d. Expedite the development review process.

Section 3.36.20 - GENERAL PROVISIONS

In conjunction with this zone, a Physical Development Plan for campus development was originally adopted in 1986 and has been revised periodically by the University. Major revisions to this plan are required to be submitted for review and approval by the City in accordance with the Conceptual Development Plan review procedures in Chapter 2.5 - Planned Development. The Physical Development Plan must be compatible with Comprehensive Plan policies and responsive to the unique requirements of the proposed use and its relationship with and effects on the surrounding community.

The Conceptual Development Plan process facilitates a comprehensive approach of possible benefits and effects of University development rather than project-by-project review. Any major modification in the Physical Development Plan, as defined in Chapter 2.5, requires a public hearing before the Planning Commission in accordance with Chapter 2.0 - Public Hearings. At the discretion of the University, a Conceptual Development Plan may be submitted prior to a Detailed Development Plan to establish land use approval.

Minor changes may be approved, conditionally approved, or denied by the Director. Notice shall be provided in accordance with Chapter 2.16 - Request for Interpretation, if the site is within 300 ft. of the OSU boundary. Appeals of a Director's decision may be filed in accordance with Chapter 2.19 - Appeals.

Section 3.36.30 - PERMITTED USES

3.36.30.01 - Ministerial Development

a. Primary Uses Permitted Outright

1. Residential Use Types
 - (a) Family
 - (b) Group Residential
 - (c) Group Residential/Group Care
 - (d) Residential Care Facilities
 - (e) Fraternities and Sororities
2. Residential Building Types
 - (a) Single Detached
 - (b) Single Detached (Zero Lot Line)
 - (c) Duplex
 - (d) Single Attached (Zero Lot Line, 2 Units)
 - (e) Attached (Townhouse)
 - (f) Multi-Dwelling
3. Civic Use Types
 - (a) Administrative Services
 - (b) Community Recreation
 - (c) Cultural Exhibits and Library Services
 - (d) Lodge, Fraternal, and Civic Assembly
 - (e) Parking Services
 - (f) Public Safety Services

- (g) Religious Assembly
- (h) University Services and Facilities
- (i) Freestanding wireless telecommunication facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

4. Commercial Use Types

- (a) Communication Services
- (b) Professional/Administrative Services
- (c) Research Services
- (d) Temporary Outdoor Sales
- (e) Commercial facilities and services of a scale that serves the immediate needs of students, faculty, university staff, and/or research-related functions of the University

5. Industrial Use Types

- (a) Technological Production

b. Accessory Uses Permitted Outright

- 1. Essential Services
- 2. Day Care, Family, as defined in Chapter 1.6
- 3. Home Business, as defined in Chapter 1.6
- 4. Major Services and Utilities
- 5. Minor Utilities, subject to standards in Chapter 4.9 - Additional Provisions
- 6. Other development customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations.
- 7. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft. for

whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions.

8. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.

3.36.30.02 - Special Development

- a. **Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

1. Uses that require a State or Federal air quality discharge permit (except for parking).
2. Traffic and/or parking consequences of any proposed development. The proposed development itself shall not be the subject of the public hearing if consistent with the Physical Development Plan and if it complies with the standards of the OSU Zone.

Following the close of the public hearing and depending on whether the University has adequately addressed traffic and parking impacts, the Planning Commission shall approve, conditionally approve or deny the proposed traffic and parking aspects of the development. Satisfactory resolution of any denial through additional public hearing process(es) shall be accomplished prior to occupancy of the development.

3. Freestanding wireless telecommunication facilities greater than 75 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
4. Freestanding wireless telecommunication facilities that do not meet the setback or spacing standard requirements of sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9.
5. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.

6. Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9.

3.36.30.03 - General Development

- a. **Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.
 1. Freestanding wireless telecommunication facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
 2. Projections such as chimneys, spires, domes, towers, and flagpoles not used for human occupancy and exceeding 20 ft. above the height of the structure or 70 ft. in height, whichever is less, in accordance with section 4.9.50 of Chapter 4.9 - Additional Provisions.

Section 3.36.40 - DEVELOPMENT STANDARDS

3.36.40.01 - Residential Use Standards

Residential building types shall be developed in accordance with the standards in Chapter 3.8 - High Density (RS-20) Zone and Chapter 3.9 - Mixed Use Residential (MUR) Zone.

3.36.40.02 - Civic and Commercial Use Standards

a. Setbacks for Structures

1. Private streets - Minimum setback shall be 50 ft. from the centerline;
2. Along public streets, average setback from a property line shall be 60 ft. with a minimum setback of 40 ft.; and
3. Structures within 400 ft. of the zone boundary shall have a minimum setback from a property line twice the height of the structure, except when abutting a public street.

- b. Maximum building height for structures within 400 ft. of the zone boundary shall be 60 ft. Other structures within the main campus shall be limited to a maximum height of 112 ft.

- c. Each use, activity, or operation shall comply with applicable State and Federal standards and not create a nuisance because of odor, noise, vibration, dust, smoke, or gas.
- d. Artificial lighting shall be arranged and constructed to not produce direct glare on adjacent residential properties or otherwise interfere with the use and enjoyment of adjacent properties.
- e. Off-street parking, loading, and access requirements shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements, except where modified by the Physical Development Plan.
- f. Street trees shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
- g. Mechanical equipment, outdoor storage areas, trash receptacles, and parking lots shall be screened from view from public places and neighboring properties through the use of features such as berms, fences, facades, and dense landscaping in accordance with Chapter 4.2.
- h. Long expanses of fences along public streets shall include offsets, landscaping, and change in materials to prevent visual monotony.

Section 3.36.50 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

CHAPTER 3.37 AGRICULTURE-OPEN SPACE (AG-OS) ZONE

Section 3.37.10 - PURPOSE

This zone is intended to recognize areas within the City suitable for agricultural research use and for uses compatible with agricultural and horticultural research use types. The characteristics of such use types typically result in preservation of large open space areas. Residential uses are accessory to the primary uses.

Section 3.37.20 - PERMITTED USES

3.37.20.01 - Ministerial Development

** Asterisks indicate uses not allowed within properties having a Comprehensive Plan Map designation of Open Space-Conservation. There are a limited number of outright permitted uses within properties having a Comprehensive Plan Map designation of Open Space-Conservation.

a. Primary Uses Permitted Outright

1. Civic Use Types

- (a) Freestanding wireless telecommunication facilities up to 60 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions**

2. Agriculture Use Types

- (a) Animal Husbandry**
- (b) Aquaculture**
- (c) Horticulture, Cultivation, and Storage**except as in "2" below
 - 1. With ability to add buildings**
 - 2. Without ability to add buildings
- (d) Research Facilities and Services related to the above use types**except as in "2" below
 - 1. With ability to add buildings**
 - 2. Without ability to add buildings

- (e) Row Field Crops **except as in "2" below
 - 1. With ability to add buildings**
 - 2. Without ability to add buildings
- (f) Tree Crops **except as in "2" below
 - 1. With ability to add buildings**
 - 2. Without ability to add buildings

b. Accessory Uses Permitted Outright

- 1. Animal Sales, Services - Veterinary**
- 2. Animal Waste Processing**
- 3. Packing and Processing - Limited**
- 4. Essential Services
- 5. Required off-street parking for uses permitted in this zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
- 6. Other development customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations
- 7. Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9 - Additional Provisions
- 8. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9

3.37.20.02 - Special Development

** Asterisks indicate uses not allowed within properties having a Comprehensive Plan Map designation of Open Space-Conservation.

a. Conditional Development - Subject to review in accordance with Chapter 2.3 - Conditional Development.

1. Commercial Use Types

(a) Animal Sales and Services**

1. Horse Stables
2. Kennels
3. Stockyards
4. Veterinary

(b) Lodging Services - Campground (Willamette Park only)

2. Agriculture Use Types

(a) Packing and Processing, General**

(b) Horticulture, Cultivation, and Storage, on lands with Comprehensive Plan Map designation of Open Space-Conservation, and with the ability to add buildings

(c) Research Facilities and Services related to the above use types, on lands with Comprehensive Plan Map designation of Open Space-Conservation, and with the ability to add buildings

(d) Row Field Crops, on lands with Comprehensive Plan Map designation of Open Space-Conservation, and with the ability to add buildings

(e) Tree Crops, on lands with Comprehensive Plan Map designation of Open Space-Conservation, and with the ability to add buildings

3. Civic Use Types

(a) Community Recreation (public parks only)

(b) Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9 - Additional Provisions

- (c) Freestanding wireless telecommunication facilities that do not meet the setback or spacing standard requirements of sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9
- (d) Colocated/attached wireless telecommunication facilities on multi-family (three or more stories) residential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9
- (e) Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of the existing structures by more than 17 ft. for whip antennas, including mounting, or by 10 ft. for all other antennas, subject to the standards in Chapter 4.9
- (f) Participant Sports and Recreation - Outdoor

3.37.20.03 - General Development

a. Plan Compatibility Review - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.

1. Civic Use Types

- (a) Accessory Dwelling Units subject to Chapter 4.3 - Accessory Development Regulations
- (b) Major Utilities
- (c) Minor Utilities subject to Chapter 4.9 - Additional Provisions
- (d) Projections such as chimneys, spires, domes, towers, and flagpoles not used for human occupancy and exceeding 75 ft. in height, in accordance with section 4.9.50 of Chapter 4.9, except adjacent to an RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) zone where the threshold is 20 ft. above the height of the structure or 75 ft. in height, whichever is less.
- (e) Freestanding wireless telecommunication facilities 61- to 75-ft. in height, subject to the standards in Chapter 4.9, unless prohibited by restrictions on public lands.

2. Agricultural Use Types

- (a) Horticulture, Cultivation, and Storage, on lands with Comprehensive Plan Map designation of Open Space-Conservation, and without the ability to add buildings
- (b) Research Facilities and Services related to the above use types, on lands with Comprehensive Plan Map designation of Open Space-Conservation, and without the ability to add buildings
- (c) Row Field Crops, on lands with Comprehensive Plan Map designation of Open Space-Conservation, and without the ability to add buildings
- (d) Tree Crops, on lands with Comprehensive Plan Map designation of Open Space-Conservation, and without the ability to add buildings

Section 3.37.30 - PERFORMANCE STANDARDS

Each use, activity, or operation within this zone shall comply with applicable local nuisance and animal control ordinances and State and Federal standards.

Section 3.37.40 - SETBACKS

The following minimum setbacks shall apply to all structures other than fences or walls in the AG-OS Zone.

- a. **Boundary Area** - A setback of not less than 25 ft. shall be provided along each AG-OS Zone boundary line abutting any residential zone.
- b. **Along Streets** - The following minimum setbacks shall apply:
 - 1. Arterial streets - 100 ft.
 - 2. Collector streets - 70 ft.
 - 3. All other streets - 25 ft.

Section 3.37.50 - SPECIAL BUFFERING

When residential development is proposed next to AG-OS land being used for a use type marked with asterisks in section 3.27.20, a minimum 50-ft.-wide continuous plant or plant/berm buffer is required. The responsibility of providing such a buffer shall be that of the applicant of the proposed new development, whether for residential or agriculture uses.

Additionally, a minimum building setback of 100 ft. shall be maintained adjacent to AG-OS lands being used for a use type marked with asterisks as noted in section 3.27.20. Roads may be located within this 100-ft. setback area, provided the minimum 50-ft.-wide required plant or plant/berm buffer is provided between the road and adjacent AG-OS use(s).

Section 3.37.60 - VARIATIONS

Variations from development and design standards (i.e., the standards in this chapter and in other chapters addressing parking, landscaping, public improvements, and pedestrian oriented design standards) may be achieved through the Planned Development and Lot Development Option processes outlined in chapters 2.5 and 2.12 of the Code.

CHAPTER 4.0 IMPROVEMENTS REQUIRED WITH DEVELOPMENT

Section 4.0.10 - PURPOSES

This chapter provides general information regarding improvements required with development. It is intended to clarify timing, extent, and standards for improvements. In addition to the standards in this chapter, standards for specific situations are contained in chapters 4.1 through 4.10. Finally, improvements required with development shall meet construction specification standards established by the City Engineer and amended over time.

Section 4.0.20 - TIMING OF IMPROVEMENTS

- a.** All improvements required by the standards in this chapter shall be installed concurrently with development, as follows:
 - 1. Where a land division is proposed, each proposed lot shall have required public and franchise utility improvements installed or secured prior to approval of the final plat, in accordance with the provisions of sections 2.4.40.08 of Chapter 2.4 - Subdivisions and Major Replats.
 - 2. Where a land division is not proposed, the site shall have required public and franchise utility improvements installed or secured prior to occupancy of structures, in accordance with the provisions of section 2.4.40.08 of Chapter 2.4.
- b.** Where specific approval for a phasing plan has been granted for a planned development and/or subdivision, improvements shall be phased in accordance with that plan.

Section 4.0.30 - PEDESTRIAN REQUIREMENTS

- a.** Sidewalks shall be required along both sides of all streets, as follows:
 - 1. Sidewalks shall be a minimum of 5 ft. wide on local, local connector, and cul-de-sac streets. The sidewalks shall be separated from curbs by a tree planting area that provides at least 6 ft. of separation between the sidewalk and curb.
 - 2. Sidewalks along arterial, collector, and neighborhood collector streets shall be separated from curbs by a planted area. The planted area shall be a minimum of 12 ft. wide and landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of 6 ft. wide along arterial highways and 5 ft. wide along arterial, collector, and neighborhood collector streets.

3. The timing of the installation of sidewalks shall be as follows:
 - (a) Sidewalks and planted areas along arterial, collector, and neighborhood collector streets shall be installed with street improvements.
 - (b) Except as noted in “(c)” below, construction of sidewalks along local, local connector, and cul-de-sac streets may be deferred until development of the site and reviewed as a component of the building permit. However, in no case shall construction of the sidewalks be completed later than three years from the recording of the final plat. The obligation to complete sidewalk construction within three years will be outlined in a deed restriction on affected parcels and recorded concurrently with the final plat.
 - (c) Where sidewalks on local, local connector, and cul-de-sac streets abut common areas, drainageways, or other publicly owned areas, or where offsite local, local connector, and cul-de-sac street extensions are required and sufficient right-of-way exists, the sidewalks and planted areas shall be installed with street improvements.

b. Safe and convenient pedestrian facilities that minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this section, "safe and convenient" means pedestrian facilities that are free from hazards and that provide a direct route of travel between destinations.
2. Pedestrian rights-of-way connecting cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide. When these connections are less than 220 ft. long (measuring both the onsite and the offsite portions of the path) or when they directly serve 10 or fewer onsite dwellings, the paved improvement shall be no less than 5 ft. wide. Connections that are either longer than 220 ft. or serve more than 10 onsite dwellings shall have wider paving widths as specified in section 4.0.40.c. Maintenance of the paved improvement shall be the responsibility of adjacent property owners. Additionally, a minimum of 5 ft. of landscaping shall be provided on either side of these pedestrian facilities, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. Maintenance of the landscaping shall also be the responsibility of adjacent property owners.

3. Internal pedestrian circulation shall be encouraged in new developments by clustering buildings, constructing convenient pedestrian ways, and/or constructing skywalks where appropriate. Pedestrian walkways shall be provided in accordance with the following standards:
 - (a) To maximize direct pedestrian travel, the onsite pedestrian circulation system shall connect the sidewalk on each abutting street to the main entrance of the primary structure on the site.
 - (b) Walkways shall be provided to connect the onsite pedestrian circulation system with existing or planned pedestrian facilities that abut the site but are not adjacent to the streets abutting the site. When sidewalks or multi-use paths are provided, such as occurs through cul-de-sacs or to provide pedestrian connections through areas where vehicles cannot travel, these facilities shall be bordered on both sides by a minimum of 5 ft. of landscaping. Additionally, solid fencing shall be limited to a maximum height of 4 ft. along these areas to increase visibility and public safety. Portions of fences above 4 ft. in height are allowed, provided they are designed and constructed of materials that are open a minimum of 50 percent.
 - (c) Walkways shall be as direct as possible and avoid unnecessary meandering.
 - (d) Walkway/driveway crossings shall be minimized, and internal parking lot circulation design shall maintain ease of access for pedestrians from abutting streets, pedestrian facilities, and transit stops.
 - (e) With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or maneuvering areas by grade, different paving material, or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City Engineer. (This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked onsite unless an unusual parking lot hazard exists).
- c. Where a development site is traversed by or adjacent to a future trail linkage identified within either the Corvallis Transportation Plan or the Trails Master Plan, improvement of the trail linkage shall occur concurrently with development. Dedication of the trail to the City shall be provided in accordance with section 4.0.100.d.
- d. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).

- e. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning Commission or Director may require offsite pedestrian facility improvements concurrently with development.

Section 4.0.40 - BICYCLE REQUIREMENTS

- a. On-street bike lanes shall be required on all arterial, collector, and neighborhood collector streets and constructed at the time of street improvements.
- b. Safe and convenient bicycle facilities that minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:
 - 1. For the purposes of this section, "safe and convenient" means bicycle facilities that are free from hazards and that provide a direct route of travel between destinations.
 - 2. Bicycle/pedestrian rights-of-way connecting cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft. wide. Maintenance of the paved improvement shall be the responsibility of adjacent property owners. Additionally, a minimum of 5 ft. of landscaping shall be provided on either side of these bicycle/pedestrian facilities, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. Maintenance of the landscaping shall also be the responsibility of adjacent property owners.
- c. Adequate widths for bicycle/pedestrian facilities shall be provided in accordance with the following standards:
 - 1. Where long-term bicycle and pedestrian usage is expected to be relatively low (such as in a neighborhood vs. community-wide facility), multi-use paths shall be 8 ft. wide and aligned to ensure adequate sight distance.
 - 2. The standard width for two-way multi-use paths shall be 10 ft.
 - 3. In areas with projected high bicycle volumes or multiple use by bicyclists, pedestrians, and joggers, multi-use paths shall be 12 ft. wide.
- d. To provide for orderly development of an effective bicycle network, bicycle facilities installed concurrently with development of a site shall be extended through the site to the edge of adjacent property(ies).

Section 4.0.50 - TRANSIT REQUIREMENTS

- a. Development sites located along existing or planned transit routes shall, where appropriate, incorporate bus pull-outs and shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the Corvallis Transit System.
- b. Development sites at or near existing or planned transit stops shall provide safe, convenient access to the transit system, as follows:
 - 1. All commercial and civic use developments shall provide a prominent entrance oriented toward arterial, collector, and neighborhood collector streets, with front setbacks reduced as much as possible to provide access for pedestrians, bicycles, and transit.
 - 2. All developments shall provide safe, convenient pedestrian walkways between the buildings and the transit stop, in accordance with the provisions of section 4.0.30.b.

Section 4.0.60 - PUBLIC AND PRIVATE STREET REQUIREMENTS

- a. Traffic evaluations shall be required of all development proposals in accordance with the following:
 - 1. The traffic evaluation shall be submitted to the City Engineer for review and shall be prepared by a licensed transportation engineer. The proposed evaluation shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. The applicant shall complete the evaluation and present the results with an overall site development proposal.
 - 2. If the traffic evaluation identifies level-of-service conditions less than the minimum standard established in the Corvallis Transportation Plan, improvements and funding strategies mitigating the problem shall be considered concurrently with a development proposal.
- b. Location of new arterial, collector, and neighborhood collector streets shall conform to the Corvallis Transportation Plan.
- c. Although through-traffic movement on new local connector and local streets usually is discouraged, this may not be practical for particular neighborhoods. Local connector or local street designations shall be applied in newly developing areas based on review of a street network plan and, in some cases, a traffic study provided with the development application. The decision regarding which of these designations will be applied is based on a number of factors, including density of development, anticipated traffic volumes, and the potential for through traffic.

Street network plans must provide for connectivity within the transportation system to the extent that, generally, both local connector and local streets will be created

within a development. Identified traffic calming techniques (bulbed intersections, etc.) can reduce traffic speeds and, where included, are to be constructed at the time of development. To further address traffic speeds and volumes on local connector and local streets, the following street designs, along with other designs intended to reduce traffic speeds and volumes, shall be considered:

1. Straight segments of local connector and local streets should be less than 1/4-mile in length, and include design features such as curves and "T" intersections.
 2. Cul-de-sacs should not exceed 600 ft. nor serve more than 18 dwelling units.
 3. Street designs that include traffic calming, where appropriate, are encouraged.
- d.** Private streets, though discouraged in conjunction with land divisions, may be considered within a development site provided all the following conditions are met:
1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties;
 2. The development site remains in one ownership, or adequate mechanisms are established (e.g., a homeowners' association with the authority to enforce payment) to ensure that a private street installed with a land division will be adequately maintained;
 3. Where a private street is installed in conjunction with a land division, development standards (including paving standards) consistent with City standards for public streets shall be used to protect the interests of future homeowners; and
 4. The private street is located within a separate tract.
- e.** Development sites shall be provided with access from a public street or a private street that meets the criteria in "d" above, both improved to City standards in accordance with the following:
1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrently with development. Where a development site abuts an existing private street not improved to City standards, and the private street is allowed per the criteria in "d" above, the abutting street shall meet all the criteria in "d" above and be improved to City standards along the full frontage of the property concurrently with development.

2. Half-width street improvements, as opposed to full-width improvements, are generally not acceptable. However, these may be approved by the Planning Commission or Director where essential to the reasonable development of the property. Approval for half-width street improvements may be allowed when other standards required for street improvements are met and when the Planning Commission or the Director finds that it will be possible to obtain the dedication and/or improvement of the remainder of the street when property on the other side of the half-width street is developed.
 3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities, the Planning Commission or Director may require offsite street improvements concurrently with development.
- f. To provide for the orderly development of adjacent properties, public streets and private streets that meet all the criteria in “d” above shall be installed concurrently with development of a site and shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:
1. Temporary dead ends created by this requirement may be installed without turn-arounds, subject to the approval of the Fire Marshal.
 2. Drainage facilities shall be provided to properly manage stormwater runoff from temporary dead ends.
- g. The Planning Commission or Director may require the extension of public and private street improvements through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a land division incidental to the development, a land partition shall be completed concurrently with the development, in accordance with Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments.
- h. Names for new streets shall not duplicate or create confusion with names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and are subject to approval of the Director.
- i. To provide off-street loading and/or access to parking areas, alleys shall be provided in commercial and industrial zones to serve abutting properties unless other permanent provisions are approved by the Planning Commission or Director.
- j. Alley standards shall be as follows:
1. **Standards for Alleys Serving both Residential and Nonresidential Use Types**

- (a) Alleys serving residential use types shall be privately owned, with the exception of existing publicly owned alleys. Alleys serving nonresidential use types may be private, but are strongly encouraged to be public.
- (b) Alleys shall be concrete and designed consistent with City Engineering Standards;
- (c) Alleys shall be clearly marked to prohibit parking, unless designed to accommodate it;
- (d) An alley serving six or more dwelling units shall be contained within a separate, privately owned tract of land, and required setbacks shall be measured from the tract property lines of the alley;
- (e) Alleys shall be unobstructed at least to their minimum required width. Service areas provided adjacent to alleys shall not encroach into the alleys;
- (f) Site layouts of alleys may include, but are not limited to, straight alleys, "T-shaped" alleys, "L-shaped" alleys, etc.;
- (g) Although emergency access to structures is provided via streets the majority of the time, in cases where an alley provides required emergency access to a structure(s), the alley shall be a minimum of 20 ft. wide and have adequate turning radii on curves (or on "T's" and "L's"), where needed, to accommodate emergency vehicles;
- (h) Developments that intend to have garbage pick-up services and/or loading facilities from alleys shall have adequate turning radii on curves (or on "T's" and "L's"), where needed, to accommodate service vehicles and large trucks;
- (i) Public access easements shall be provided for all private alleys;
- (j) Private alleys shall be maintained by adjacent property owners, a property owners' association, or through a privately administered arrangement instituted by the developer. Maintenance responsibilities for private alleys shall be identified in deed restrictions filed with the final plat or prior to the issuance of final occupancy permits in cases where there is no plat to be filed; and
- (k) Utilities within alleys shall be placed underground.

2. Additional Standards for Alleys Serving Residential Use Types

- (a) One-way alleys shall have a minimum width of 12 ft., and two-way alleys a minimum width of 16 ft. One-way alleys shall be clearly designed as one-way alleys and shall be signed accordingly;
- (b) Alley segments shall not exceed 350 ft.;
- (c) Street trees shall be provided on either side of the alley tract (outside the tract) at the rate of one tree per lot, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. Such street trees are also required in cases where the Director approves an exception to the requirement for the alley to be in a separate tract (for infill developments less than 2 acres in size);
- (d) Structures other than garages may be located along the outside boundaries of alleys (no setback required), provided they do not interfere with either the circulation of vehicles into garages or visual clearance;
- (e) Garages accessed by one-way alleys shall be angled from the alley 0 degrees to 45 degrees to assist with vehicle access and assist drivers in determining that the alley is one-way. Garages installed consistent with this requirement may be located along the outside boundaries of one-way alleys (no setback required); and
- (f) Garages adjacent to two-way alleys shall be located no closer than 14 ft. from the centerline of the alley unless they are angled from the alley 0 degrees to 45 degrees, in which case they may be located along the outside boundaries of the alleys (no setback required).

3. Additional Standards for Alleys Serving Nonresidential Use Types (unless specified differently by the underlying zone)

- (a) One-way alleys shall have a minimum width of 12 ft., and two-way alleys a minimum width of 20 ft. One-way alleys shall be clearly designed as one-way alleys and shall be signed accordingly;
- (b) Parking may be provided on one side of an alley, but not on both sides. Where parking is provided on one side of a one-way alley, the alley shall be a minimum width of 14 ft. (exclusive of parking);
- (c) Where parking is provided, it shall not interfere with service areas, utilities, or pedestrian facilities. Such parking may be 45-degree angled parking, parallel parking, or 90-degree parking, provided the parking stalls (and related back-up areas) are designed consistent with the City's Off-Street Parking and Access Standards, established by and available through the City Engineer and amended over time. Rather than widen alleys to allow for adequate back-up areas for 90-

degree parking stalls, applicants are encouraged to provide longer parking stalls; and

- (d) Where alleys provide access to parking lots or parking structures with 15 or more spaces, the alleys shall be a minimum of 20 ft. wide.

k. Locations, grades, alignments, and widths for all public and private streets shall be considered in relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided that the safety and capacity of the street network is not adversely effected. The following standards shall apply:

1. Grading (cuts and fills) shall be minimized by not exceeding 8 vertical ft. for an individual cut or fill and not exceeding 16 vertical ft. for a combination cut/fill. Streets shall be designed along natural contours.
2. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in the Corvallis Transportation Plan and/or provide for continuation of the existing street network in the surrounding area.
3. Grades shall not exceed 6 percent on arterial streets, 10 percent on collector and neighborhood collector streets, and 15 percent on local, local connector, and cul-de-sac streets.
4. As far as practicable, arterial, collector, and neighborhood collector streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in "T" intersections are unavoidable, they shall leave a minimum of 200 ft. between the nearest edges of the two rights-of-way.
5. Local street intersections shall be located a minimum of 125 ft. from any other street intersection.
6. Centerline radii of curves shall not be less than 500 ft. on arterial streets, 300 ft. on collector and neighborhood collector streets, and 100 ft. on local, local connector, and cul-de-sac streets.
7. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:
 - (a) The intersection of an arterial, collector, or neighborhood collector street with another arterial, collector, or neighborhood collector street shall have a minimum of 100 ft. of straight (tangent) alignment perpendicular to the intersection;

- (b) The intersection of a local, local connector, or cul-de-sac street with another street shall have a minimum of 50 ft. of straight (tangent) alignment perpendicular to the intersection; and
 - (c) Where right-angle intersections are not possible, exceptions may be granted by the City Engineer provided that these intersections have a minimum corner radius of 20 ft. along the right-of-way lines of the acute angle.
 - (d) All intersections shall have a minimum curb corner radius of 20 ft.
- 8. Right-of-way and improvement widths shall be as specified in the Transportation Plan and Table 4.0-1- Street Functional Classification System.
- I. Where standards do not exist to address unusual situations, the Planning Commission or Director may require special design standards recommended by the City Engineer as conditions of development approval.

CHAPTER 4.1 PARKING, LOADING, AND ACCESS REQUIREMENTS

Section 4.1.10 - PURPOSES

The regulations in this chapter are established to provide appropriate location and design of parking and loading areas and appropriate location, design, and capacity of accesses. The parking requirements are intended to provide sufficient parking in close proximity to the various uses for residents, customers, and/or employees and to maintain traffic carrying capacity of nearby streets. These regulations apply to both motorized vehicles (hereafter called vehicles) and bicycles.

Section 4.1.20 - GENERAL PROVISIONS

- a. Provision and Maintenance** - The provision of required off-street parking for vehicles and bicycles, and loading facilities for vehicles, is a continuing obligation of the property owner. Building or other permits will be issued only after receipt of site plans drawn to a suitable scale that show the location of permanent parking and loading facilities. New vehicle and bicycle parking spaces shall be provided in accordance with the provisions of this Code.
- b. Unspecified Requirements** - Vehicle and bicycle parking requirements for uses not specified in this chapter shall be determined by the Director based upon the requirements of similar uses.
- c. New Structures** - When a structure is constructed, onsite vehicle and bicycle parking and loading spaces shall be provided in accordance with section 4.1.30 below.
- d. Alteration of Existing Structures** - When an existing structure is altered to the extent that the existing use is intensified, vehicle and bicycle parking shall be provided in the amount required for such intensification.

When increased intensity requires no more than two additional vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative, and when the net effect of one or more changes generates a need for more than two spaces, they shall be provided in accordance with the provisions of this chapter. Additional spaces shall be required for the intensification but not for the original use. New vehicle and bicycle parking spaces shall be provided in accordance with the provisions of this Code.

- e. Change in Use** - When an existing structure is changed from one use type to another, as listed in section 4.1.30, and the vehicle and bicycle parking requirements for each use type are the same, no additional parking shall be required. When the change in use requires no more than two additional vehicle and/or bicycle spaces, no additional parking facilities shall be required. However,

where a change in use results in a requirement for more than two additional vehicle and/or bicycle parking spaces, additional parking space shall be provided to compensate for the increased intensity of use. New vehicle and bicycle parking spaces shall be provided in accordance with the provisions of this Code.

- f. **Inoperative Motor Vehicles** - In any residential zone, all motor vehicles incapable of movement under their own power or lacking legal registration shall be stored in a completely screened space, garage, or carport.
- g. **Mixed Uses** - When several uses occupy a single structure or lot, the total required vehicle and bicycle parking shall be the sum of the requirements of individual uses. Exceptions to this provision for shared parking may be considered through the Planned Development process outlined in Chapter 2.5 - Planned Development.
- h. **Conflicting Parking Requirements** - When a building or use is planned or constructed in such a manner that more than one standard is applicable, the use that requires the greater number of parking spaces shall govern.
- i. **Availability of Parking Spaces** - Required vehicle and bicycle parking spaces shall be unobstructed, and available for the parking of vehicles and bicycles of residents, customers, patrons, and employees only. Required spaces shall not be used for storage of vehicles or materials, or for parking of vehicles or bicycles used in conducting the business or conducting the use, and shall not be used for sale, repair, or servicing of any vehicle or bicycle.

j. **Location of Required Parking**

1. **Vehicles**

- (a) Vehicle parking shall be located consistent with Chapter 4.10 - Pedestrian Oriented Design Standards, such that it does not separate buildings from streets except for driveway parking associated with single-family development. An exception may also be granted for up to two parking spaces per dwelling unit for duplexes and triplexes, provided that these spaces are within driveway areas designed to serve individual units in the duplexes and triplexes. Parking to the side of buildings is allowed in limited situations, as outlined in Chapter 4.10.
- (b) Vehicle parking required for residential uses in accordance with RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, and RS-12(U) zone provisions shall be provided on the development site of the primary structure. Except where permitted by section 4.1.50.02 below, required parking for all other use types in other zones, as well as residential uses developed in accordance with RS-20 and Mixed Use Residential provisions, shall be provided on the same site as the use

or upon abutting property. Street right-of-way shall be excepted when determining contiguity, except on arterials, collectors, and neighborhood collectors, where a controlled intersection is not within 100 ft. of the subject property.

2. **Bicycles** - Bicycle parking required for all use types in all zones shall be provided on the development site in accordance with section 4.1.70 below.

k. Unassigned Parking in Residential Zones

1. **Vehicles** - Multi-dwelling units with more than 10 required vehicle parking spaces shall provide unassigned parking. The unassigned parking spaces shall consist of at least 15 percent of the total required parking spaces and be located such that they are available for shared use by all occupants within the development.
2. **Bicycles** - Multi-dwelling units with more than 10 required bicycle parking spaces shall provide bicycle shared parking. The shared parking spaces shall consist of at least 15 percent of the total required parking spaces and be located such that they are available for shared use by all occupants within the development.

- l. Bedroom Size Determination** - Multi-dwelling units having a bedroom in excess of 160 sq. ft. shall provide added vehicle and bicycle parking of 0.5 parking spaces for each oversized bedroom.

- m. Fractions** - When the sum of the required vehicle and/or bicycle parking spaces is a fraction of a space, and the fraction is equal to or greater than 0.5, a space shall be required. If the fraction is less than 0.5, an additional space shall not be required.

- n. Assessment District Exemption** - Sites and structures located in a municipal parking assessment district shall not be subject to off-street parking facility requirements for vehicles.

- o. Maximum Parking Allowed** - No site shall be permitted to provide more than 30 percent in excess of the minimum off-street vehicle parking required by section 4.1.30 below, except as indicated in "p," below.

- p. Structured Parking Required** - For commercial, office, and industrial development with vehicle parking in excess of the minimum required, up to 200 unstructured vehicle parking spaces shall be allowed for each of the first three stories of structures within the development site, not to exceed the maximum parking allowed in "o," above. All non-required vehicle parking in excess of the 200 per story shall be located in underground or structured parking facilities. In such cases, the parking maximum may be increased to 50 percent in excess of the minimum

off-street vehicle parking required by section 4.1.30 below. **Note:** When multiple structures are located on an individual development site, the parking associated with each floor of all structures on the development site shall be added together when calculating the threshold of 200 spaces per story in this provision. For this section, required handicapped spaces do not count toward the minimum parking requirement.

q. Parking Reduction Allowed

1. A reduction of up to 10 percent of required vehicle parking may be allowed if a transit stop, developed consistent with Corvallis Transit System guidelines and standards, is located onsite or within 300 ft.
2. A reduction of up to 10 percent of required vehicle parking may be obtained through the provision of bicycle parking as follows:
 - (a) For every eight required bicycle parking spaces, required vehicle parking may be reduced by one space, up to the maximum of a 10 percent vehicle parking reduction; or
 - (b) For every four additional bicycle parking spaces provided over the minimum requirement, required vehicle parking may be reduced by one space, up to the maximum of a 10 percent vehicle parking reduction. Fifty percent of these additional bicycle parking spaces shall be covered, consistent with section 4.1.70.d.1.

Additional reductions of vehicle parking spaces may be granted through the Lot Development Option procedures in Chapter 2.12 or the Planned Development procedures in Chapter 2.5.

r. Handicapped Parking Exception

Required handicapped spaces do not count toward the maximum parking spaces allowed pursuant to sections 4.1.20.o and 4.1.20.p above.

Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS

a. Residential Uses Per Building Type

1. **Single Detached and Single Attached (Zero Lot Line), and Manufactured Homes**
 - (a) **Vehicles** - 2 spaces per dwelling unit
 - (b) **Bicycles** - None required
2. **Duplex, Attached, and Multi-Dwelling**

(a) **Vehicles**

- | | | | |
|----|---------------------------|---|---------------------|
| 1. | Studio or Efficiency Unit | - | 1 space per unit |
| 2. | 1 Bedroom Unit | - | 1 space per unit |
| 3. | 2 Bedroom Unit | - | 1.5 spaces per unit |
| 4. | 3 Bedroom Unit | - | 2.5 spaces per unit |

(b) **Bicycles**

- | | | | |
|----|---------------------------|---|---------------------|
| 1. | Studio or Efficiency Unit | - | 1 space per unit |
| 2. | 1 Bedroom Unit | - | 1 space per unit |
| 3. | 2 Bedroom Unit | - | 1.5 spaces per unit |
| 4. | 3 Bedroom Unit | - | 2 spaces per unit |

The required bicycle parking may be located within a structure, in accordance with the provisions of section 4.1.70.

3. **Group Residential**

(a) **Vehicles**

1. Fraternities, sororities, cooperatives, and boarding houses - 3 spaces per 5 occupants at capacity (capacity to be based on criteria set forth in the Oregon Structural Specialty Code).
2. Retirement homes, intermediate care facilities, and halfway houses - 1 space per 3 persons for which sleeping facilities are provided (based on the maximum number of people to be accommodated).

(b) **Bicycles**

1. Fraternities, sororities, cooperatives, and boarding houses - 3 spaces per 5 occupants at capacity (capacity to be based on criteria set forth in the Oregon Structural Specialty Code).
2. Retirement homes, intermediate care facilities, and halfway houses - 10 percent of required vehicle parking or 2 spaces, whichever is greater.

4. **Group Care**

- (a) **Vehicles** - 1 space per 1,000 sq. ft. of gross floor area
- (b) **Bicycles** - 10 percent of required vehicle parking or 2 spaces, whichever is greater

b. **Civic Use Types**

Unless noted otherwise, number of spaces refer to vehicle parking requirements, and the number of spaces for bicycle parking shall be 10 percent of required vehicle parking or 2 spaces, whichever is greater. However, where fewer than 3 vehicle spaces are required, then only one bicycle parking space shall be required.

1. **Administrative Services** - 1 space per 400 sq. ft. of gross floor area
2. **Community Recreation Buildings** - 1 space per 200 sq. ft. of gross floor area
3. **Cultural Exhibits and Library Services**
 - (a) **Vehicles** - 1 space per 200 sq. ft. of gross floor area
 - (b) **Bicycles** - 30 percent of required vehicle parking
4. **Day Care/Small Schools** - 2 spaces per classroom
5. **Hospitals** - 1 space per 1,000 sq. ft. of gross floor area
6. **Lodge, Fraternal, and Civic Assembly** - For that area without eating or drinking facilities - 1 space per 4 fixed seats (24 linear in. of bench shall be considered 1 seat). For that area with eating or drinking facilities - 1 space per 4 fixed seats or stools and one space per 50 sq. ft. of dining or drinking area where there are no fixed seats.
7. **Public Safety Services** - 2 spaces per bed (sleeping accommodations) or as per administrative service requirements.
8. **Religious Assembly** - 1 space per 4 fixed seats (24 linear in. of bench shall be considered 1 seat) and 1 space per 50 sq. ft. of public assembly area where there are no fixed seats.
9. **Schools**
 - (a) **Vehicles**
 - (1) Preschool/Kindergarten - 2 spaces per teacher
 - (2) Elementary - 2 spaces per classroom
 - (3) Middle School/Junior High - 3 spaces per classroom
 - (4) Senior High, Vocational (or similar institutions), or University - 6 spaces per classroom
 - (b) **Bicycles**
 - (1) Preschool/Kindergarten - 10 percent of required vehicle parking

- (2) Elementary - 8 spaces per classroom
- (3) Middle School/Junior High - 8 spaces per classroom
- (4) Senior High - 8 spaces per classroom
- (5) Vocational (or similar institutions), or University - 8 spaces per classroom, plus 25 percent of required vehicle parking

c. Commercial Use Types (for accompanying office and indoor service areas)

Unless noted otherwise, number of spaces refer to vehicle parking requirements, and the number of spaces for bicycle parking shall be 10 percent of required vehicle parking or 2 spaces, whichever is greater. However, where fewer than 3 vehicle spaces are required, then only one bicycle parking space shall be required.

- 1. **Administrative and Professional Services** - 1 space per 400 sq. ft.
- 2. **Agricultural Sales** - 1 space per 400 sq. ft. of gross floor area for accompanying office and indoor service area
- 3. **Agricultural Services** - 1 space per 400 sq. ft. of gross floor area
- 4. **Animal Sales and Services**
 - (a) **Auctioning** - 1 space per 50 sq. ft. of gross floor area
 - (b) **Grooming** - 1 space per 400 sq. ft. of gross floor area
 - (c) **Horse Stables** - exempt
 - (d) **Kennels** - exempt
 - (e) **Stockyards** - 1 space per 5,000 sq. ft. of gross floor area
 - (f) **Veterinary** - 1 space per 400 sq. ft. of gross floor area
- 5. **Automotive and Equipment**
 - (a) **Cleaning** - 1 space per 400 sq. ft. of gross floor area
 - (b) **Fleet Storage** - 1 space per 400 sq. ft. of storage area
 - (c) **Repairs/Heavy Equipment** - 1 space per 800 sq. ft. of gross floor area
 - (d) **Repairs/Light Equipment** - 1 space per 400 sq. ft. of gross floor area
 - (e) **Sales/Rentals, Farm Equipment** - 1 space per 500 sq. ft. of gross floor area
 - (f) **Sales/Rentals, Heavy Equipment** - 1 space per 800 sq. ft. of gross floor area
 - (g) **Sales/Rentals, Light Equipment** - 1 space per 400 sq. ft. of gross floor area
 - (h) **Storage, Non-Operating Vehicles** - 1 space per 400 sq. ft. of gross floor area

- (i) **Storage, Recreational Vehicles and Boats** - 1 space per 400 sq. ft. of gross floor area
- 6. **Building, Maintenance and Services** - 1 space per 400 sq. ft. of gross floor area
- 7. **Business Equipment Sales and Services** - 1 space per 400 sq. ft. of gross floor area
- 8. **Business Support Services** - 1 space per 400 sq. ft. of gross floor area
- 9. **Communication Services** - 1 space per 400 sq. ft. of gross floor area
- 10. **Construction Sales and Service** - 1 space per 400 sq. ft. of gross floor area
- 11. **Convenience Sales and Personal Services** - 1 space per 400 sq. ft. of gross floor area
- 12. **Eating or Drinking Establishments** - 1 space per 4 fixed seats or stools (24 lineal in. of bench shall be considered 1 seat) and 1 space per 50 sq. ft. of dining or drinking area where there are no fixed seats
- 13. **Explosive Storage** - 1 space per 5,000 sq. ft. of gross floor area
- 14. **Financial, Insurance, and Real Estate Services** - 1 space per 400 sq. ft. of gross floor area
- 15. **Food and Beverage Retail Sales** - 1 space per 400 sq. ft. of gross floor area
- 16. **Fuel Sales** - 1 space per 400 sq. ft. of gross floor area
- 17. **Funerals and Interment Services**
 - (a) **Crematory and Undertaking** - 1 space per 4 fixed seats (24 lineal in. of bench shall be considered 1 seat) and 1 space per 50 sq. ft. of public assembly area where there are no fixed seats
 - (b) **Interring and Cemeteries** - exempt
- 18. **Laundry Service** - 1 space per 400 sq. ft. of gross floor area
- 19. **Lodging Services**
 - (a) **Vehicles**
 - (1) **Campground** - 1 space per designated camping space

- (2) Lodging - 1 space per guest room or suite
- (b) **Bicycles**
 - (1) Campground - Exempt
 - (2) Lodging - 10 percent of required vehicle parking
- 20. **Medical Services** - 1 space per 200 sq. ft. of gross floor area
- 21. **Participant Sports or Recreation**
 - (a) **Vehicles**
 - (1) Indoor
 - (a) Bowling areas - 3 spaces per alley and 5 spaces as required for eating and drinking area
 - (b) All others - 1 space per 4 fixed seats (24 lineal in. of bench shall be considered 1 seat) for visitor seating and 1 space per 4 participants based on projected participant capacity
 - (2) Outdoor
 - (a) 1 space per 4 fixed seats (24 lineal in. of bench shall be considered 1 seat) for visitor seating and 1 space per 4 participants based on projected participant capacity
 - (b) **Bicycles** - 20 percent of required vehicle parking
- 22. **Personal Services, General** - 1 space per 400 sq. ft. of gross floor area
- 23. **Regional Shopping Center** - 1 space per 300 sq. ft. of gross floor area
- 24. **Repair Services, Consumer** - 1 space per 400 sq. ft. of gross floor area
- 25. **Research Services** - 1 space per 300 sq. ft. of gross floor area
- 26. **Retail Sales, Bulky Merchandise** - 1 space per 800 sq. ft. of gross floor area (e.g., furniture or motor vehicles)
- 27. **Retail Sales, General** - 1 space per 400 sq. ft. of gross floor area
- 28. **Scrap Operations** - 1 space per 400 sq. ft. of gross floor area
- 29. **Spectator Sports and Entertainment**

- (a) **Vehicles** - 1 space per 4 fixed seats (24 in. of bench shall be considered 1 seat) and 1 space per 50 sq. ft. where there are no fixed seats
 - (b) **Bicycles** - 20 percent of required vehicle parking
- 30. **Swap meets** - 1 space per 4 fixed seats (24 in. of bench shall be considered 1 seat) and 1 space per 50 sq. ft. where there are no fixed seats
 - 31. **Technical Support Center** - 1 space per 150 sq. ft. of gross floor area
 - 32. **Telemarketing Center** - 1 space per 150 sq. ft. of gross floor area
 - 33. **Wholesaling, Storage, and Distribution** - 1 space per 5,000 sq. ft. of gross floor area

d. Industrial Use Types

Unless noted otherwise, number of spaces refer to vehicle parking requirements, and the number of spaces for bicycle parking shall be 10 percent of required vehicle parking or 2 spaces, whichever is greater. However, where fewer than 3 vehicle spaces are required, then only one bicycle parking space shall be required.

- 1. **Limited Manufacturing** - 1 space per 400 sq. ft. of gross floor area or 1 space per employee on the largest shift, whichever is greater
- 2. **Technological Production, General Industrial, Intensive Industrial** - 1 space per 1,000 sq. ft. of gross floor area or 1 space per employee on the largest shift, whichever is greater

e. Agricultural Use Types - exempt

f. Extractive Use Types - exempt

Section 4.1.40 - STANDARDS FOR OFF-STREET PARKING AND ACCESS

All off-street parking facilities, vehicle maneuvering areas, driveways, loading facilities, accessways, and private streets shall be designed, paved, curbed, drained, striped, and constructed to the standards set forth in this section and the City's Off-Street Parking and Access Standards, established by and available through the City Engineer and amended over time. A permit from Development Services Division shall be required to construct parking, loading, and access facilities, except for single detached, duplexes, single attached, attached, and manufactured dwellings.

a. Access to Arterial, Collector, and Neighborhood Collector Streets

1. Off-street facilities shall be designed and constructed with turnaround areas to prevent back-up movement onto arterial streets.
2. Location and design of all accesses to and/or from arterial, neighborhood collector, and collector streets (as designated in the Corvallis Transportation Plan) are subject to review and approval by the City Engineer. Accesses shall be located a minimum of 150 ft. from any other access or street intersection. Exceptions to this may be granted by the City Engineer. Evaluations of exceptions shall consider the posted speed for the street on which access is proposed, constraints due to lot patterns, and effects on the safety and capacity of the adjacent public street, bicycle, and pedestrian facilities.
3. When developed property will be expanded or altered in a manner that significantly affects onsite parking or circulation, both existing and proposed accesses shall be reviewed under the standards in "2" above. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.

b. Access to Unimproved Streets

Development may occur without access to a street built to City standards when that development constitutes infill on an existing substandard public street. A condition of development shall be to prepay the City for future street improvements according to current policies and procedures. This shall be required with approval of any of the following applications:

1. Land partitions;
2. Conditional Development;
3. Building permits for new nonresidential construction or structural additions to nonresidential structures (except accessory development); or
4. Building permits for new residential units.

The City Engineer may allow the developer to sign an irrevocable petition for public street improvements in lieu of prepayment if it is determined that:

1. Existing development along a particular street corridor is so extensive that the ability to fund a future street improvement project through the collection of additional prepayment fees is limited; or
2. Future improvement scenarios are uncertain to the extent that an estimate for street improvements cannot be generated with any degree of confidence.

c. Vision Clearance

1. Except within the Central Business (CB) Zone, vision clearance areas shall be provided at the intersections of all streets and at the intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of vision clearance shall be determined from standards adopted by the City Engineer that consider functional classification of the streets involved, type of traffic control present at the intersection, and designated speed for the streets.
2. Traffic control devices, street lights, and utility installations approved by the City Engineer are permitted within vision clearance areas.

d. Backing or Maneuvering of Vehicles - For developments requiring four or more parking spaces, vehicular backing or maneuvering movements shall not occur across public sidewalks or within any public street other than an alley, except as approved by the City Engineer. An exception to this provision may be granted for up to two parking spaces per dwelling unit for duplexes and triplexes (for a total of six spaces), provided that these spaces are within driveway areas designed to serve individual units within the duplexes and triplexes (e.g. a triplex might be designed such that a driveway led to each unit and two spaces could be accommodated in each dwelling unit's driveway). Evaluations of other requests for exceptions shall consider constraints due to lot patterns and effects on the safety and capacity of the adjacent public street and on bicycle and pedestrian facilities.

e. Screening - All parking areas containing four or more spaces and all parking areas in conjunction with an off-street loading facility shall require screening in accordance with zoning requirements and Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. Where not otherwise specified by zone requirements, screening along a public right-of-way shall include a minimum 5-ft.-wide plant buffer adjacent to the right-of-way.

f. Lighting - Lighting shall be consistent with the provisions outlined in Chapter 4.2.

g. Setbacks - Where vehicles will be backing out from a driveway to the public right-of-way, all off-street parking shall be provided with a minimum 19-ft. setback from the sidewalk or future sidewalk to a garage or carport. Where no sidewalk location has been established, a 19-ft. setback from the right-of-way edge to the parking structure shall be used.

Nothing in this section shall imply or permit a lesser setback than that required by any other section of this Code.

h. Sidewalks - Sidewalks shall be required in accordance with the provisions of section 4.0.30 of Chapter 4.0 - Improvements Required with Development.

i. Driveways

1. Driveways shall be surfaced as required by standards established by the City Engineer. No point along the driveway length shall traverse a slope in excess of 15 percent. The location and design of the driveway within the lot frontage shall provide for unobstructed sight per the vision clearance requirements in section 4.1.40.c. Requests for exceptions to these requirements will be evaluated by the City Engineer, who will consider the physical limitations of the lot and the safety impacts to vehicular, bicycle, and pedestrian traffic.
2. Single-family (attached or detached) and duplex development shall be limited to a maximum 20-ft.-wide curb cut. An exception to this provision may be granted in situations where steep terrain (in excess of a 15 percent grade) prevents compliance. Additional exceptions to this requirement may be obtained through the Lot Development Option or Planned Development procedures outlined in chapters 2.12 and 2.5, respectively.

- j. Access between Sites via Parking Lots and/or Drives** - Where vehicular circulation between sites is appropriate to reduce offsite traffic impacts and/or to provide convenience for customers and/or delivery vehicles, vehicular connections between commercial developments shall be provided via parking lots and/or drives.

Section 4.1.50 - MODIFICATION TO PARKING REQUIREMENTS

Vehicle parking requirements may be modified as follows.

4.1.50.01 - Compact Car Spaces

Up to 40 percent of the required parking spaces may be reduced in size to accommodate compact cars. Compact car spaces should be located near the entrance to any lot or parking aisle.

4.1.50.02 - Group Care Facilities

Required parking spaces may be reduced in number for uses such as group care facilities where it can be demonstrated that vehicle use or ownership is significantly lower than for other dwelling or lodging facilities.

Section 4.1.60 - STANDARDS FOR OFF-STREET LOADING FACILITIES

Every retail or industrial use or premises mentioned in sections 4.1.30.c and 4.1.30.d with a gross floor area of 10,000 sq. ft. or more shall provide at least one off-street loading space onsite. One additional space shall be provided for each additional 20,000 sq. ft. or fraction thereof greater than 10,000 sq. ft.

Off-street loading facilities shall conform with the following standards:

- a. Each loading berth shall be at least 35- by 10-ft. and shall have a minimum height clearance of 14 ft.;
- b. Sufficient space for turning and maneuvering of vehicles shall be provided on the site in accordance with the standard specifications established by the City Engineer;
- c. Entrances and exits shall be provided at locations approved in accordance with applicable City ordinances and State statutes;
- d. No off-street loading facilities shall be required where buildings abut a public alley, provided that loading operations can be conducted from the alley in accordance with applicable traffic and parking ordinances; and
- e. Screening for off-street loading is required and shall be the same as screening for parking lots in accordance with section 4.1.40.

Section 4.1.70 - STANDARDS FOR BICYCLE ACCESS AND PARKING

All bicycle parking facilities required in conjunction with development shall conform to the standards in this section. Bicycle parking shall be located onsite with safe, convenient access to the public right-of-way, and shall conform to the Bicycle Rack Specifications adopted by the City Engineer, as amended over time.

a. Location

- 1. Safe, convenient pedestrian access shall connect the bicycle parking area to the main entrance of the site's principle use.
- 2. If the bicycle parking area is located within the vehicle parking area, the bicycle facilities shall be separated from vehicular maneuvering areas via curbing or other barriers to prevent damage to parked bicycles.
- 3. Curb cuts shall be installed to provide safe, convenient access to bicycle parking areas.
- 4. Where bicycle parking facilities are not directly visible and apparent from the public right-of-way, entry and directional signs shall be used to direct bicyclists to the facility.
- 5. Bicycle parking facilities shall be placed in a location convenient to the main entrance of the site's principal use.

6. For security and convenience, bicycle parking facilities shall be located in areas visible to the adjacent sidewalks and/or vehicle parking areas within the site.

b. Dimensions

1. Bicycle parking spaces shall be a minimum of 6- by 2-ft.
2. Overhead clearance in covered areas shall be at least 7 ft.
3. A minimum 5-ft.-wide aisle shall be provided beside or between each row of bicycle parking.

c. Enclosures and Racks

1. Bicycle parking facilities shall include lockable enclosures (lockers) in which the bicycle is stored or stationary objects (racks) to which bicycles may be locked.
2. Lockers and racks shall be securely anchored to the pavement or to a structure.
3. Bicycle racks and covered bicycle parking shall be designed consistent with the standards of the City Engineer.

d. Covering

1. At minimum, 50 percent of the required bicycle parking shall be covered unless the facility is in a public park or in the Central Business Zone.
2. If vehicle parking is covered, a proportionate amount of bicycle parking shall also be covered. However, the minimum amount specified in "1" above shall be provided.
3. Covering for bicycle parking facilities shall be permanent and shall provide protection from precipitation.
4. Covering may be provided by an independent outdoor structure, a parking garage, a wide roof overhang, or a wide awning. Bicycle parking facilities may also be located within buildings, provided the other requirements of this section are met.

e. Lighting

1. For security and convenience, lighting shall be provided in bicycle parking areas such that the facilities are thoroughly illuminated and visible from adjacent sidewalks and/or vehicle parking areas during all hours of use.

Lighting shall be consistent with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.

CHAPTER 4.2 LANDSCAPING, BUFFERING, SCREENING, NATURAL RESOURCE PROTECTION, AND LIGHTING

Section 4.2.10 - PURPOSES

The City recognizes the aesthetic and economic value of landscaping and encourages its use to establish a pleasant community character, unify developments, and buffer or screen unsightly features; to soften and buffer large-scale structures and parking lots; and to aid in energy conservation by providing shade from the sun and shelter from the wind. The community desires and intends all properties to be landscaped and maintained.

This chapter prescribes standards for landscaping, buffering, and screening, as well as some standards for natural resource protection and lighting. While this chapter provides standards for frequently encountered development situations, detailed planting plans and irrigation system designs, when required, shall be reviewed by the City with this purposes clause as the guiding principle.

Section 4.2.20 - GENERAL PROVISIONS

a. Significant Plants, Habitat Areas, and Trees

1. **Significant Plants and Trees Defined** - Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development. Trees of 8 in. or greater diameter measured at a height of 4 ft. above grade (dbh - diameter at breast height) and shrubs (excluding blackberries, poison oak, and similar noxious vegetation) over 4 ft. in height are considered significant.

Also considered significant are plants, plant communities, and habitat areas for fish and wildlife found on the site that are listed as threatened or endangered with the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as well as significant native vegetation as defined in the Oregon Natural Heritage Plan (1998), which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species.

2. **Preservation Plan** - Where the preservation of significant natural features is required by this Code, by a particular proposal, and/or by conditions of approval, no development permits shall be issued until a significant natural features Preservation Plan has been reviewed and approved by the Director. The Preservation Plan shall be developed by a certified arborist and shall comply with the purposes clause and specific standards in this chapter and any proposal(s) and/or conditions of approval that apply to the particular project. Additionally, plants to be saved and methods of protection shall be

indicated on the Preservation Plan submitted for approval. Trees shall be preserved as specified in “3” below.

3. **Preservation Method for Trees, Vegetation and Habitat Areas** - Existing trees may be considered preserved only if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the perimeter of the tree’s “circle of protection.” A circle of protection is created by a radius in feet that equals the diameter in inches of the tree trunk at 4 ft. above grade (e.g., a 15-inch diameter tree creates a 15-ft. radius of protected area). Existing vegetation and habitat areas may be considered preserved only if no cutting, filling, or compaction of the soil takes place within the vegetation’s or habitat area’s circle of protection.

A circle of protection for vegetation or a habitat area is created by defining a circle around the vegetation or habitat area, the perimeter of which is located 5 ft. outside of the vegetation’s dripline or edge, or habitat area’s edge, whichever is applicable. In addition, the tree, vegetation, or habitat area shall be protected from damage during construction by a construction fence located outside the identified circle of protection. All construction fencing shall be installed prior to any grading and excavation of a development site.

b. Required Landscaping

1. **Landscaping and Irrigation Plans** - Where a landscape plan is required by this Code, by a particular proposal, and/or by conditions of approval, detailed planting plans, irrigation plans, and other related plans shall be submitted for review and approval with building permit applications and/or prior to the recordation of a Final Plat. Building permits (including foundation permits) shall not be issued until the Director has determined that the plans comply with the purposes clause and specific standards in this chapter, and any specific proposal(s) and/or conditions of approval that apply to the particular project. On a case-by-case basis, and where no significant natural features would be impacted, the Director may grant an exception and allow the issuance of permits. Required landscaping shall be reviewed and approved by the Director, and in no case shall landscaping be less than that required by this chapter. Landscaping shall consist of groundcover, shrubbery, and trees.
2. **Installation** - All required landscaping and related improvements (irrigation, etc.) shall be completed prior to the issuance of a Certificate of Occupancy. Additionally, all required landscaping and related improvements within the public right-of-way, and/or required by conditions of approval in conjunction with recording of the Final Plat, shall be completed or financially guaranteed prior to the recording of a Final Plat. If an applicant chooses to financially secure landscaping and related improvements in order to record a Final Plat,

such financial security shall be consistent with the provisions of this Code, shall be reviewed and approved by the Director, and shall be for an amount at least equivalent to 120 percent of the cost of the installation of the landscaping and related improvements.

3. **Coverage within Three Years** - All required landscaping shall provide a minimum 90 percent ground coverage within three years. A financial guarantee shall be provided for new residential development (with the exception of areas within single-family or duplex lots), new nonresidential development, and nonresidential redevelopment that involves a 3,000 sq. ft. or 20 percent expansion (whichever is less, except that 20 percent expansions less than 500 sq. ft. are exempt). The financial guarantee shall cover maintenance for a 3-year period from the date that the landscaping was installed by the applicant and accepted by the City. This guarantee shall be established prior to the issuance of a Final Certificate of Occupancy and prior to recording of a Final Plat. Additionally, this guarantee shall be consistent with the provisions of this Code, shall be reviewed and approved by the Director, and shall be for an amount that is at least equivalent to 50 percent of the cost of installation of required landscaping and related improvements, plus 20 percent of the 50 percent figure.

To release this guarantee at the end of the 3-year period, the developer shall provide a report to the Director. This report shall be prepared by a licensed arborist or licensed landscape contractor and shall verify that 90 percent ground coverage has been achieved (either by successful plantings or by the installation of replacement plantings). The Director shall approve the report prior to release of the guarantee.

- c. Appropriate care and maintenance of landscaping onsite and landscaping in the adjacent right-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. A City permit is required to plant, remove, or prune any trees in a public right-of-way. Landscaping, buffering, and screening required by the Code shall be maintained. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind.
- d. Planters and boundary areas used for required plantings shall have a minimum diameter of 5 ft. Where the curb or the edge of these areas are used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of 7.5 ft.
- e. With the exception of single-family and duplex development, irrigation systems shall be required in all zones to ensure survival of plant materials in required landscape areas, unless waived by the Director. Where required, a detailed irrigation system plan shall be submitted with building permit applications. The plan shall indicate source of water, pipe location and size, and specifications of backflow devices. The

irrigation system shall use 100 percent sprinkler head-to-head coverage or sufficient coverage to ensure 90 percent coverage of plant materials in three years.

- f. In no case shall shrubs, conifer trees, or other screening be permitted within vision clearance areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would be hazardous to pedestrians and vehicles.

Section 4.2.30 - REQUIRED TREE PLANTINGS

Tree plantings in accordance with the following standards are required for all landscape areas, including but not limited to parking lots for four or more cars, public street frontages, private streets, multi-use paths, sidewalks that are not located along streets, alleys, and along private drives more than 150 ft. long.

Along streets, trees shall be planted in designated landscape parkway areas or within areas specified in a City-adopted street tree plan. Where there is no designated landscape parkway area, street trees shall be planted in yard areas adjacent to the street. Along alleys, trees shall be planted on the sides of the alleys at a minimum of one tree per lot and the trees shall be located within 10 ft. of the alley. Along sidewalks and multi-use paths not located along streets (e.g., pedestrian and bicycle connections between cul-de-sacs or between residential areas and neighborhood centers, etc.), a minimum 5-ft.-wide landscaping buffer is required on either side of the facility. Within these buffers, trees shall be planted at least every 30 ft. Conditions of approval for individual development projects may require additional tree plantings (e.g., to mitigate removal of other trees, or as part of landscape buffering or screening efforts).

The distance between required trees shall be determined by the type of tree used. Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief.

4.2.30.01 - Street Trees

Table 4.2-1

Medium-canopy trees (trees that normally reach 30-50 ft. in height within 30 years)	- Maximum 30 ft. on center spacing
Large-canopy trees (trees that normally reach 30-50 ft. in height within 30 years, but exceed 50 ft. in height at maturity)	- Maximum 50 ft. on center spacing

4.2.30.02 - Parking Lot Trees

Table 4.2-2

- | | |
|--|--------------------------------|
| Medium-canopy trees
(trees that normally reach 30-50 ft. in height within 30 years) | - Minimum one tree per 8 cars |
| Large-canopy trees
(trees that normally reach 30-50 ft. in height within 30 years, but exceed 50 ft. in height at maturity) | - Minimum one tree per 12 cars |

4.2.30.03 - Tree Planting Restrictions

- a. Trees may not be planted within 5 ft. of permanent hard surface paving or walkways, unless special planting techniques and specifications are used and particular species of trees are planted as approved by the Director. These limitations apply most frequently in areas such as landscape parkways, pedestrian walkways, and plaza areas (where there may be tree grates).
- b. Unless approved otherwise by the City Engineer, trees also may not be planted:
 - 1. Within 10 ft. of fire hydrants and utility poles;
 - 2. Within 20 ft. of street light standards;
 - 3. Within 5 ft. from an existing curb face (except where required for street trees);
 - 4. Within 10 ft. of a public sanitary sewer, storm drainage, or water line; or
 - 5. Where the Director determines the trees may be a hazard to the public interest or general welfare.
- c. Trees shall be pruned to provide a minimum clearance of 8 ft. above sidewalks and 12 ft. above street and roadway surfaces.

4.2.30.04 - Trees Planted near Weather Protection

Where street trees are required in combination with weather protection features (such as awnings), the trees shall be allowed to grow and their canopies shall be trimmed above the weather protection features.

Section 4.2.40 - BUFFER PLANTINGS

Buffer plantings are used to reduce apparent building scale, provide a transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect. At minimum, this mix shall consist of trees, shrubs, and groundcover, and may also consist of existing vegetation (e.g., in natural areas that will be preserved).

At minimum, buffering is required in areas identified through conditions of approval, in areas required by other provisions within this Code, in through-lot areas, and as required below.

4.2.40.01 - Parking, Loading, and Vehicle Maneuvering Areas

Buffering is required for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. A perimeter landscaping buffer a minimum of 5 ft. wide shall be provided around parking areas; a perimeter landscaping buffer a minimum of 10 ft. wide shall be provided around trees. Additionally, where parking abuts this perimeter landscape buffer, either parking stops shall be used or planters shall be increased in width by 2.5 ft. Onsite plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. Low-lying ground cover and shrubs balanced with vertical shrubs and trees shall be used to buffer the view of these facilities. Decorative walls and fences may be used in conjunction with plantings, but may not be used alone to comply with buffering requirements.

In addition to any pedestrian refuge areas, each landscaped island within and around parking lot areas shall include one or more shade canopy trees. Each island shall be of a length greater than 8 ft. in its smallest dimension, include at least 80 sq. ft. of ground area per tree to allow for root aeration, and have raised concrete curbs. Connecting walkways through parking lots shall have one or more canopy shade trees per 40 linear ft. of such walkway, planted in landscape areas within 5 ft. of the walkway. Driveways through or to parking lots shall have one or more canopy shade trees per 40 linear ft. of and along each side of such driveway, planted in landscape areas within 5 ft. of the driveway.

Section 4.2.50 - SCREENING (HEDGES, FENCES, WALLS, AND BERMS)

Screening is required where unsightly views or visual conflicts must be obscured or blocked and/or where privacy and security are desired. Fences and walls used for screening may be constructed of wood, concrete, stone, brick, wrought iron, or other commonly used fencing/wall materials. Acoustically designed fences and walls shall also be used where noise pollution requires mitigation.

Where landscaping is used for required screening, it shall be at least 6 ft. in height and be at least 80 percent opaque, as seen from a perpendicular line of sight, within 18 months following establishment of the primary use of the site.

A chainlink fence with slats shall qualify for screening only if a landscape buffer is provided in compliance with section 4.2.40 above.

4.2.50.01 - Height Limit

The height of hedges, fences, walls, and berms shall be measured from the lowest adjoining finished grade, except where screening is required for parking, loading, storage, and similar areas. In these cases, height shall be measured from the finished grade of such improvements. Screening is not permitted within vision clearance areas, as determined by the City Engineer.

- a. Hedges, fences, and walls shall not exceed 3 ft. in height within any required yard adjacent to a street or within the through-lot easement area of a lot. The Director may grant an exception to this provision under the following circumstances:
 1. Where required by the Planning Commission to meet screening requirements;
 2. Where an applicant wishes to allow portions of a screen to encroach up to 2 ft. into an exterior side yard (excluding the front yard area). This type of encroachment pertains to a screen that is designed and constructed with offsets to prevent visual monotony. In this situation, the hedge, fence, or wall shall not exceed 5 ft. in height and shall maintain vision clearance standards; or
 3. Where an applicant wishes to allow portions of a screen to encroach up to 5 ft. into a through-lot easement area. This type of encroachment pertains to a screen that is designed and constructed with offsets to prevent visual monotony. In this situation, the hedge, fence, or wall shall maintain an average setback of 20 ft. from the rear property line, shall not exceed 5 ft. in height, and shall maintain vision clearance standards. Gates are required in rear-yard fences on through lots since it remains the property owner's responsibility to maintain the area outside the fence. In multi-dwelling developments or planned developments and subdivisions, a 20-ft.-wide planting area shall be established between the sidewalk and the fence. The planting area shall be designed to minimize maintenance and to ensure that coniferous trees are planted at least 15 ft. from the sidewalk.

- b. Notwithstanding the height restrictions outlined in “a” above, the height of solid fences and walls shall be limited to a maximum of 4 ft. along the boundaries of sidewalks and multi-use paths, provided these facilities are not adjacent and not parallel to streets (e.g., pedestrian and bicycle connections between cul-de-sacs or between residential areas and neighborhood centers, etc.). The limitation on these solid forms of screening is intended to increase visibility and public safety. Portions of fences above 4 ft. in height are allowed, provided that the fences and/or walls are designed and constructed of materials that are open a minimum of 50 percent. Fence and wall heights shall be measured from the grade of the sidewalk or multi-use path. Fences and walls along sidewalks and multi-use paths shall be located outside of any associated rights-of-way and/or easement areas.
- c. Hedges, fences, and walls may exceed 3 ft. in rear and interior side yards, except when these yards abut a sidewalk or multi-use path, in which case provisions in “b” above apply. Fences and walls over 6 ft. high require building permit approval prior to construction.
- d. Earthen berms up to 6 ft. in height may be used to comply with screening requirements. The slope of a berm may not exceed 3:1. The faces of a berm’s slope shall be planted with ground cover, shrubs, and trees.
- e. Long expanses of fences and walls shall be designed to prevent visual monotony through the use of offsets, changes of materials and textures, or landscaping.
- f. Chainlink fences are prohibited within 100 ft. of the identified gateway within the Limited Industrial-Office Zone, unless they are screened in accordance with landscape screening requirements in this chapter.

4.2.50.02 - Service Facilities and Outdoor Storage Areas

Trash dumpsters, gas meters, ground-level air conditioning units and other mechanical equipment, other service facilities, and outdoor storage areas shall be appropriately screened with a fence, wall, or plantings, consistent with the landscape screening provisions in this section. When located adjacent to a residential zone, outdoor components associated with heat pumps, ground-level air conditioning units and similar kinds of equipment that create noise, shall not be placed within any required setback area. Additionally, if such equipment is located adjacent to a residential zone and between 5 - 10 ft. of a property line, it shall be screened with a solid fence or wall at least 1 ft. higher than the equipment. When such equipment is located adjacent to a residential zone and outside a required setback line, and is greater than 10 ft. from a property line, standard screening requirements in this section shall apply.

4.2.50.03 - Swimming Pools

Swimming pools more than 18 in. deep shall be surrounded and screened with a minimum 4-ft. high secured fence or wall. The fence or wall must have a self-latching gate in accordance with Chapter 9 of the City's Municipal Code.

4.2.50.04 - Detention Facilities

Detention facilities (such as ponds) shall be graded so that the sides of the facilities are no steeper than 3:1. Additionally, the facilities shall be landscaped with plant materials that provide erosion control and biofiltration.

Section 4.2.60 - PROHIBITED STREET TREES

Section 10.01.020 of the Municipal Code prohibits the following species of trees within public rights-of-way and parking strips: bamboo, poplar, willow, conifer, cottonwood, fruit and nut trees (other than ornamental), and ailanthus. Additionally, because of concerns regarding tree root interactions with sanitary sewer lines, Section 10.01.030 of the Municipal Code prohibits willow, cottonwood, and poplar trees from being planted anywhere in the City, unless the City Manager approves an exception for a situation where the tree roots are unlikely to interfere with a public sewer.

Section 4.2.70 - GATEWAY PROVISIONS

Development in designated gateway areas, as defined in the Comprehensive Plan, shall comply with the additional provisions of this section.

4.2.70.01 - Gateway Provisions for Development along South Third Street

Within the Limited Industrial-Office (LI-O), Mixed Use General Commercial (MUGC), and Mixed Use Community Shopping (MUCS) zones, the following standards shall apply:

- a. Street Trees and Streets** - A double row of street trees along street frontages as shown below shall be required. Properties zoned MUCS are exempt from this double row of trees requirement. Other street improvements, such as for sidewalks, bicycle lanes, transit facilities, and roadways, shall conform to the provisions of chapters 4.0 through 4.10.
- b. Landscaping** - Areas within required setbacks adjacent to a Gateway Street (gateway landscape area) shall be landscaped with a combination of ground cover, shrubbery, and trees to serve as buffering between the development and the Gateway Street, in accordance with this chapter. While properties zoned MUCS shall provide required landscaping, they are exempt from the portion of this requirement that pertains to buffering of buildings.

Screening shall block views of the paved surfaces of parking and circulation areas for pedestrians on the abutting public sidewalk (i.e., on South Third Street) in accordance with this chapter and the following special screening standards:

1. Screening shall be provided with planted berms (maximum slope of 3:1) or other effective terrain features, but shall not block the view(s) of building facades from the Gateway Street (see graphic in section 4.2.70.01.a); and
2. Mulch, rocks, and other non-plant ground cover material shall not be permitted as screening, but shall be allowed to aid in the establishment of plants and to control erosion.

- c. Fences and Walls** - Fences and walls within required setbacks adjacent to a Gateway Street shall not exceed 36 in. above finished grade, and shall have a minimum average setback of 12 ft. from the Gateway Street right-of-way. The setback shall be landscaped in accordance with “b” above. Straight

fence or wall segments shall not exceed 50 ft. in length without an offset or pillar measuring at least 2 ft. in depth. Pillars shall have a clearly defined base and cap and be constructed of brick, masonry, wood, or similar quality material. Cyclone fences shall not be permitted. Fences and walls associated with required screening of service facilities (e.g., trash dumpsters, gas meters, ground-level air conditioning units and other mechanical equipment within required setback areas) shall be located no closer than 25 ft. from a Gateway Street.

- d. **Signs, Facilities, and Features** - Monument signs, pedestrian and transit facilities, and water quality/quantity features (e.g., drainageways and detention ponds) approved by the City are allowed within the Gateway landscape area.
- e. **Parking and Vehicle Circulation** - Parking and vehicle circulation areas shall not be placed closer than 25 ft. from a Gateway Street right-of-way. Such areas shall not be visible from a Gateway Street, as provided in “b,” above. Where the Gateway Street is used to comply with section 3.22.40.09, parking and circulation areas shall not be placed between the subject building and the Gateway Street.
- f. **Pole-Mounted Signs** - Pole-mounted signs are prohibited within 100 ft. of any Gateway Street’s right-of-way.
- g. **Monument Signs.** Monument signs on properties along Gateway Streets shall be limited to 8 ft. in height.

4.2.70.02 - Reserved for Gateway Provisions for other Parts of the City -
(Provisions to be established as part of a future Code Update process)

Section 4.2.80 - SITE AND STREET LIGHTING

Pursuant to City Council Policy 91-9.04, *“The City of Corvallis is interested in well shielded, energy efficient street lighting sources that direct the light source downward where it is needed, not up or sideways where it is wasted and causes glare, light trespass, and bright skies.”*

All developers shall submit for approval a proposed lighting plan that meets the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. This criteria is satisfied upon compliance with the provisions listed below and shall be substantiated by the applicant’s submittal of the necessary information to demonstrate compliance (e.g., information including but not limited to manufacturers’ specifications):

- a. For safety purposes, lighting shall be provided in all areas designed to include pedestrian activities (e.g., streets, sidewalks, multi-use paths, parking lots, buildings, and plazas).
- b. With the exception of lighting for public streets, which is maintained by the City through a contract with an electric company, all other lighting used to illuminate streets, buildings, sidewalks, multi-use paths, parking lots, plazas, or the landscape, shall be evaluated during the plan review process associated with requests for permits.
- c. Site lighting that may be confused with warning, emergency, or traffic signals is prohibited.
- d. Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare and unnecessary diffusion on adjacent property. Compliance with this provision shall be demonstrated by ensuring that, when evaluated from a point 4 ft. above the ground, bulbs of light fixtures are not visible from adjacent property.
- e. All new subdivision street lights and future street-light luminaire replacements within the existing street-light system shall be flat-lens fully shielded luminaires.
- f. Standard placement of street lights shall be at intersections, in the middle of long blocks, and in dead end streets and long cul-de-sacs.
- g. Background spaces such as parking lots shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and of protecting people and property. Foreground spaces, such as building entrances and plaza seating areas, shall use local lighting that defines the space without glare.

CHAPTER 4.3 ACCESSORY DEVELOPMENT REGULATIONS

Section 4.3.10 - PURPOSE

These provisions are intended to establish the relationship between principal and accessory development and to specify criteria for regulating accessory developments.

Section 4.3.20 - ACCESSORY USES ENCOMPASSED BY PRINCIPAL USES

In addition to the designated primary, accessory, special, or administrative development uses, each zone shall provide for accessory developments identified in this chapter. When a proposed accessory use is not specified, the Director shall determine the appropriateness of the use and whether it is customarily associated with, and subordinate to, the principal development. The Director shall base the decision on the similarity of the proposed accessory development to those developments specifically identified as accessory to the principal developments, and on the relationship between the proposed accessory development and principal development. The Director's determination shall be made in accordance with procedures in Chapter 2.16 - Request for Interpretation.

Section 4.3.30 - ACCESSORY DEVELOPMENTS SUBJECT TO CONTROLS

Accessory developments shall be subject to the same requirements as the principal uses within each zone, except as otherwise provided below:

- a. Accessory development involving nonconforming uses and structures is subject to the requirements of Chapter 1.4 - Nonconforming Development;
- b. In a residential zone, a side and/or rear yard may be reduced to 3 ft. for an accessory structure erected more than 60 ft. from property lines adjacent to streets (other than an alley);
- c. In a residential zone, the rear yard of a corner lot may be reduced to 8 ft. for an accessory structure and its projections erected more than 25 ft. from property lines adjacent to streets;
- d. Fences shall be considered accessory structures and are subject to the requirements of section 4.2.50 of Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting;
- e. An accessory structure shall not exceed a height of 14 ft. nor occupy more than 35 percent of a required yard; and

- f. Patios and decks not exceeding 30 in. in height from grade and open to the sky are considered accessory structures, but shall require Plan Compatibility review in accordance with Chapter 2.13 when they are within 5 ft. of any property line.

Section 4.3.40 - RESIDENTIAL USE TYPES

- a. Accessory structures shall not become additional permanent living areas and, with the exception of decks, shall be detached from the primary residence.
- b. Subject to the restrictions and limitations specified in this Code, the following types of accessory structures shall be permitted in zones where Residential use types are permitted:
 - 1. Private garages
 - 2. Children's playhouses
 - 3. Radio and television antennas (personal use)
 - 4. Sheds
 - 5. Shops
 - 6. Barns
 - 7. Kennels for dog and cat keeping
 - 8. Gazebos
 - 9. Solar and wind energy systems, including solar collectors, storage facilities, distribution components, and wind generation devices
 - 10. Other necessary and customary developments as determined by the Director in accordance with section 4.3.20 above and Chapter 2.16 - Request for Interpretation

Section 4.3.50 - CIVIC, COMMERCIAL, INDUSTRIAL, AGRICULTURAL, OR EXTRACTIVE USE TYPES

Accessory development customarily associated with, and subordinate to, the principal Civic, Commercial, Industrial, Agricultural, or Extractive use types shall be permitted where these use types are authorized.

4.3.50.01 - Industrial and Agriculture/Open Space Zones

- a.** A single dwelling unit shall be permitted in industrial and agricultural/open space zones, provided that the uses are for and in accordance with the following:
1. **Caretaker or Superintendent** - On a lot or building site with a permitted industrial use and occupied exclusively by a caretaker or superintendent of such industrial use and his/her family;
 2. **Farm Owner or Operator** - On a lot or building site having a net area of at least 5 acres being farmed and occupied exclusively by the owner or operator and his/her family;
 3. **Kennel Owner or Operator** - On a lot or building site with a kennel, and occupied by the owner or operator; or
 4. **Residential Development in a Limited Industrial Zone** - On a lot or building site in the Limited Industrial Zone with residential development in accordance with section 3.23.20.01.b.2 of Chapter 3.23 - Limited Industrial (LI) Zone.
- b.** Retail outlets, cafeterias, and offices accessory to the primary use, developed during or following development of the primary use.

CHAPTER 4.4 LAND DIVISION STANDARDS

Section 4.4.10 - PURPOSES

The land division standards in this chapter are intended to preserve, protect, and promote the public health, safety, convenience, and general welfare. These standards are implemented in conjunction with the subdivision, expedited land division, and partition procedures in chapters 2.4, 2.5, and 2.14, respectively, and with Chapter 4.0 - Improvements Required with Development.

Section 4.4.20 - GENERAL PROVISIONS

4.4.20.01 - Applicability

All land divisions shall be in compliance with the requirements of the applicable zone and this chapter, as well as with all other applicable provisions of this Code. Modifications to these requirements may be made through a Planned Development (Chapter 2.5).

4.4.20.02 - Blocks

- a. **General** - Length, width, and shape of blocks shall be based on the provision of adequate lot size, street width, and circulation, and on the limitations of topography.
- b. **Size** - Blocks shall be sized in accordance with the block perimeter provisions within Chapter 4.0 - Improvements Required with Development.

4.4.20.03 - Lot Requirements

- a. **Size and Shape** - Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, and depth shall generally not exceed 2.5 times the average width. Lot sizes shall not be less than required by the Code for the applicable zone. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed, unless offsite parking is approved per Chapter 4.1 - Parking, Loading, and Access Requirements.
- b. **Access** - Each lot shall abut a street other than an alley for a distance of at least 25 ft. unless the lot is created through a land partition or minor replat, in which case section 4.4.30.01 below shall apply. Exempt from this provision are residential developments involving detached single-family, 2-

unit attached single-family, or duplex dwellings in which front doors are less than 100 ft. from a street and are accessed by a sidewalk or multi-use path, and in which vehicular access is provided via an alley. Also exempt from this provision are residential (except as specified above), commercial, and industrial lots in which front doors are less than 200 ft. from a street and are accessed by a sidewalk or multi-use path, and in which vehicular access is provided via an alley.

- c. **Through Lots** - Through lots shall be avoided except where essential to overcome specific disadvantages of topography and orientation. A planting screen easement at least 20 ft. wide shall be required between through lots and adjacent streets, in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. No vehicular rights of access shall be permitted across this planting screen easement. All through lots having frontage on parallel or approximately parallel streets shall provide the required front yard on each street, except as specified in Chapter 4.2.
- d. **Lot Side Lines** - Side lines of lots, as much as practicable, shall be at right angles to the street the lots face.
- e. **Lot Grading** - Lot grading shall conform to the City's excavation and fill provisions.
- f. **Building Lines** - Building setback lines may be established in a final plat or included in covenants recorded as a part of a final plat.
- g. **Large Lots** - In dividing land into large lots that have potential for future further subdivision, a conversion plan shall be required. The conversion plan shall show street extensions, utility extensions, and lot patterns to indicate how the property may be developed to Comprehensive Plan densities and to demonstrate that the proposal will not inhibit development of adjacent lands.

Section 4.4.30 - SPECIAL PROVISIONS FOR LOTS CREATED THROUGH LAND PARTITIONS OR MINOR REPLATS

In addition to complying with the provisions of section 4.4.20 above, partitions and minor replats shall be subject to the following standards and procedures.

4.4.30.01 - Accessway

- a. For residential lots, access requirements of section 4.4.20.03.b. may be reduced and combined to provide an accessway (a narrow strip of land connecting a parcel to a dedicated right-of-way or private street within a separate tract) in accordance with the following:

1. An accessway to a single lot and one dwelling unit shall be a minimum of 17 ft. wide;
2. An accessway to a single lot and two dwelling units or combined accessways to two lots and two dwelling units shall be a minimum of 23 ft. wide;
3. An accessway to a single lot with more than two dwelling units shall be a minimum of 28 ft. wide;
4. A combined accessway to two or three lots and three or four dwelling units with a common drive shall be a minimum of 28 ft. wide; and
5. A combined accessway to two or three lots and five or more dwelling units with a common drive shall be a minimum of 34 ft. wide.

The accessway ensures access to the parcel. Actual pavement widths within an accessway are in accordance with the City's Off-Street Parking and Access Standards, established by and available through the City Engineer and amended over time.

- b.** Accessways must connect to a dedicated right-of-way at least 40 ft. wide and paved to City standards. An exception to the paving requirements for the existing dedicated right-of-way may be allowed if all of the following conditions are met:
1. The accessway connects to a street paved to a minimum of 20 ft. wide;
 2. The accessway serves a single lot and not more than two dwelling units;
 3. The property owner signs an irrevocable petition for public street improvements and records it with the property through the Benton County Recorder's Office; and
 4. The property owner demonstrates that the grade of the property will allow foundation drainage to be carried by gravity (without pumping) to a public storm drain or other drainage facility approved by the City Engineer.
- c.** The City Engineer may require that any private accessway or driveway over 50 ft. long or serving two or more lots shall be constructed at the same time that the adjacent public street is constructed. This provision includes all required drainage, sewage, and utility facilities.

4.4.30.02 - Lot Width

The minimum lot width shall be as required by the applicable zone.

4.4.30.03 - Lot Area

The lot area shall be as required by the applicable zone and shall be provided entirely within the building site area exclusive of any accessway (see the figure below).

4.4.30.04 - Front Yard Determination

If the partitioned lot is a flag lot, the property owner may determine the location of the front yard, provided that no side yard is less than 10 ft. long.

4.4.30.05 - Site Improvements

These requirements shall be in addition to others in Chapter 4.0 - Improvements Required with Development.

- a. Screening** - A screen shall be provided along the property line of a lot of record where a paved driveway is within 5 ft. of the lot line; if the driveway is shared, the lot is exempt from this provision. Screening also may be required to maintain privacy for abutting lots. These screening requirements may be waived if the adjacent affected property owner consents in writing to such a waiver. Required screening shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
- b. Fire Protection** - The Fire Chief may require installation of a fire hydrant and turnarounds if the length of an accessway would have a detrimental effect on fire fighting capabilities.

4.4.30.06 - Existing Vegetation

Significant beneficial vegetation including trees and shrubbery shall be preserved wherever possible, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.

4.4.30.07 - Reciprocal Easements

If a common driveway serves more than one lot, a reciprocal easement to ensure access rights shall be recorded with the approved partition map.

CHAPTER 4.5 FLOOD CONTROL AND DRAINAGEWAY PROVISIONS

Section 4.5.10 - PURPOSES

The flood control and drainageway provisions in this chapter are intended to reduce flood damage and loss of life in areas subject to periodic flooding. They are also intended to protect open, natural streams and drainageways as an integral part of the City environment and to maintain both hydrological and biological functions of an open drainageway system in accordance with the Corvallis Drainage Master Plan.

An open drainageway system is necessary to manage stormwater drainage, minimize maintenance costs, protect properties adjacent to drainageways, improve water quality, protect riparian plant and fish and wildlife habitats, and provide opportunities for trail linkages.

Section 4.5.20 - APPLICABILITY

These provisions apply to areas in the 100-year flood plain as identified by the Federal Emergency Management Agency (FEMA) and/or the Corvallis Drainage Master Plan, and to other natural drainageways and properties adjoining natural drainage areas that collect stormwater.

Section 4.5.30 - GREATER RESTRICTIONS

This chapter of the Code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 4.5.40 - DISCLAIMER OF LIABILITY

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by human-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Corvallis, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

Section 4.5.50 - PROCEDURES

Compliance of development applications with the provisions of this chapter shall be determined through the development review processes identified in section 1.2.110 of

Chapter 1.2 - Legal Framework of the building permit review process. Applications for building permits or other permits for structures and other development activities located in the flood plain or adjoining a natural drainage area shall be submitted and reviewed to ensure sites are reasonably safe from flooding before any permits are issued or before improvements, construction, or development begins.

4.5.50.01 - Application Requirements

Applications for development in the flood plain or in an adjoining natural drainage area shall contain the following information:

- a. A description of the extent to which any watercourse will be altered or affected as a result of proposed development;
- b. The elevation in relation to the National Geodetic Vertical Datum (NGVD) of the lowest floor (including basement) of all new structures; and
- c. The elevation in relation to the NGVD to which any existing structure has been or is proposed to be flood proofed and certification by a registered professional engineer ensuring that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in section 4.5.60.03 below.

Applications shall be reviewed to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

4.5.50.02 - City Responsibility

It shall be the City's responsibility to record and maintain as a public record the elevation and flood proofing information for new construction and substantial improvements, along with related information as required for submittal by this chapter of the Code.

4.5.50.03 - Interpretation of Flood Insurance Rate Map Boundaries

When a boundary on the Flood Insurance Rate Map appears to conflict with actual field conditions, the City Engineer shall interpret the exact location of the boundaries of the flood plain. Where FEMA base flood elevation information is unavailable for flood hazard areas, the City Engineer shall use other available data to apply standards in the floodway fringe and floodway.

Section 4.5.60 - STANDARDS IN THE FLOODWAY FRINGE

Development within the floodway fringe (zones A, AH, A1-A30, AE, and AO on the Flood Insurance Rate Map), including residential and nonresidential structures and the public

and private facilities serving these structures, shall be constructed to minimize flood damage. Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities shall be designed and/or otherwise elevated or located to prevent water from entering or accumulating within the components during flood conditions.

The following standards are required in the floodway fringe.

4.5.60.01 - Anchoring

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All manufactured dwellings shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors as approved by the Building Official.

4.5.60.02 - Residential Construction

New construction and substantial improvement (as defined in Chapter 1.6 - Definitions) of any residential structure, including mobile and manufactured homes, shall have the finished grade of any nonhabitable space at or above the base flood elevation. The lowest floor, including basement, of any habitable space shall be elevated to a minimum of 1 ft. above base flood elevation.

Accessory structures and fully enclosed nonhabitable areas below the lowest floor are prohibited unless designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement shall follow the standards outlined in Chapter 31, Division I of the Structural Specialty Code, and shall meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than 1 sq. in. for every sq. ft. of enclosed area subject to flooding shall be provided;
- b. The bottom of all openings shall be no higher than 1 ft. above grade; and
- c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

4.5.60.03 - Nonresidential Construction

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have either the finished grade of any

nonhabitable space at or above the base flood elevation and the lowest floor, including basement, of any habitable space elevated 1 ft. above the level of the base flood elevation, or:

- a. Be flood proofed so that the structure is watertight 1 ft. above the base flood level;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered professional engineer or architect to ensure that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications, and plans.

Designs for meeting these requirements shall follow the standards outlined in Chapter 31, Division I, of the Structural Specialty Code.

Nonresidential structures that are elevated but not flood proofed must meet the same standards for space below the lowest floor as described in section 4.5.60.02 above.

Applicants proposing to flood proof nonresidential buildings shall be notified that the flood insurance premiums are based on rates for structures with a lowest floor that is 1 ft. below the flood-protected level.

Section 4.5.70 - STANDARDS IN THE FLOODWAYS

New construction, substantial improvements, and encroachments are prohibited within the 0.2-ft.-rise floodway. The floodway is the portion of the flood plain where high volumes of moving water flow through streams or drainageways as determined by the most recent data. Nonstructural development, such as parking lots, may be permitted within the floodway when certification by a registered professional engineer is provided to the satisfaction of the City Engineer showing that encroachments will not result in any increase in flood levels and/or flood hazards during a base flood event as defined in Chapter 1.6 - Definitions.

Section 4.5.80 - DRAINAGEWAY DEDICATIONS

Because development either increases the amount of surface water runoff or decreases the time to peak flow destined for the drainageway, any new development, expansion, or redevelopment proposed on land adjoining an open, natural drainageway shall require either dedication or granting of an easement of lands suitable for conveying stormwater and maintaining and operating an effective open drainageway system.

The dedication or easement is intended to satisfy the purposes cited in section 4.5.10 above and shall be reviewed and approved by the City Engineer.

a. Dedication - A drainageway dedication shall be required when:

1. A parcel of land is divided into two or more parcels, whether by land partition or subdivision;
2. A permitted development of any kind (building, parking lot, etc.) is proposed on a vacant parcel of any size;
3. A Detailed Development Plan is proposed in accordance with Chapter 2.5 - Planned Development for a parcel, regardless of whether structures exist;
4. A Special or Administrative Development is proposed for a vacant parcel of any size; or
5. Development is proposed on a partially developed parcel, and the proposed new development constitutes an increase of 50 percent or more in impervious coverage of the parcel. The effects of new development shall be cumulative from the date of adoption of this Code, and when the net effect of one or more changes results in an increase of 50 percent or more in impervious cover of the parcel, a dedication shall be required.

b. Easement - A drainageway easement shall be required with further development of any partially or fully developed parcel, when no items listed in "a" above apply. The easement shall contain sufficient restrictions on the use of the area to satisfy the purposes cited in section 4.5.10 above. Restrictions shall apply to structural improvements, regrading, or decrease in vegetative cover.

c. When a dedication or an easement is required, the following width shall be provided.

1. The dedication or easement area shall include the drainage channel plus additional width as determined by the following formula:

$$\text{WFTOB} = 1.5x + 5 \text{ ft.}$$

where:

$$\text{WFTOB} = \text{Width From Top Of Bank (i.e., the width of the dedicated or easement area needed on each side of a drainageway channel).}$$

x = Width of channel from top of bank to top of bank as determined by the City Engineer, or 30 ft., whichever is less.

Note: In the formula (1.5x + 5 ft.), the +5 ft. can be waived when the City Engineer finds that there is minimal risk that impervious cover, compaction, or trenching activities will occur in this 5-ft. area.

2. In some situations, the width of the protected drainageway needs to be wider than specified in "1" above, due to the natural sloughing and realigning of the stream that is anticipated when channel side slopes are greater than 2:1 (27 degrees from horizontal). In situations where the channel's side slopes are greater than 2:1, the protected drainage area shall be the channel width plus additional width as determined by the following formula:

$$\text{WFTOB} = 1.5x * 1.6 + 5 \text{ ft.}$$

3. If the 0.2-ft.-rise floodway boundary (as determined by maps on file with the City Engineer) extends beyond the required width as specified above, additional dedication or easement widths shall be provided as needed to encompass the floodway.
4. If the federally designated 100-year flood plain (as determined by maps on file with the City Engineer) extends beyond the required width as specified above, additional dedication or easement widths shall be provided for flood management or to preserve riparian areas. Such dedications or easements shall not exceed 50 ft. as measured from the top of the bank.
5. The City Engineer may reduce the required dedication or easement width under the following circumstances:
 - (a) Where the requirements as specified above conflict with development that is already constructed and is a permitted use in the zone; or
 - (b) Where the requirements as specified above would result in a parcel that cannot be developed under the standards of the applicable zone.

CHAPTER 4.6 SOLAR ACCESS

Section 4.6.10 - PURPOSES

Solar energy can make a significant long-term contribution to the City's energy supply. This chapter is intended to encourage the use of solar energy by protecting solar access in new residential subdivisions and residential Planned Developments.

Section 4.6.20 - PERFORMANCE STANDARD

Residential subdivisions and Planned Developments on parcels of more than 1 acre shall be designed so that solar access protection, as defined in Chapter 1.6 - Definitions, is available at ground level to the following:

- a. South face of existing residential buildings adjacent to the development;
- b. In residential subdivisions, a minimum of 80 percent of lots with sufficient east/west dimension to allow orientation of the long axis of buildings to use solar energy; and
- c. In Planned Developments, a minimum of 80 percent of the buildings with sufficient east/west dimension to allow orientation of the long axis of the buildings to use solar energy.

Section 4.6.30 - WAIVER OF STANDARD IN SUBDIVISIONS

A waiver from the requirements of section 4.6.20 above may be granted by the Planning Commission to the minimum extent necessary to do the following:

- a. Preserve existing vegetation;
- b. Reflect physical land development constraints related to the shape or topography of the site;
- c. Accommodate north-facing slopes of 10 percent or more; or
- d. Meet City design requirements for provision of streets, drainageways, utilities, landscaping, density, housing type variations, and location of buildings consistent with minimum setbacks.

Section 4.6.40 - ADJUSTMENTS TO IMPLEMENT SOLAR STANDARD IN SUBDIVISIONS

For residential subdivisions approved by the Planning Commission or City Council, modifications to solar provisions on a lot-by-lot basis may be authorized by the Director,

without public notice, under any of the following conditions:

- a. Where the affected property is developed and the change would not affect an existing dwelling;
- b. Where the affected property is vacant and the Director finds that the proposed change will still maintain a 1,400 sq. ft. building area on the affected lot where the long side of a dwelling located in this area would have solar access;
- c. Where the proposed change would not increase shade on the affected dwelling more than that resulting from a 6-ft.-high fence on the property line; or
- d. Where the Director finds that an error in the original solar calculations has been made so that a 2-story house cannot be centered on the height-restricted lot.

Any other modifications shall be in accordance with Chapter 2.12 - Lot Development Option.

Section 4.6.50 - WAIVER OF STANDARD IN PLANNED DEVELOPMENTS

For residential Planned Developments, a waiver from the requirements of section 4.6.20 may be granted by the Planning Commission based on the provisions of section 4.6.30 or to the minimum extent necessary to do the following:

- a. Meet a broad range of residential needs by encouraging use of innovative site development techniques and a mix of dwelling types; or
- b. Address future housing needs in the community by encouraging affordable housing, as defined in Chapter 1.6 - Definitions, to increase housing choices.

A waiver may not be granted under this section unless the applicant demonstrates that the loss of solar access for current and future generations has been mitigated by a substantial increase over Uniform Building Code requirements in energy efficiency of the proposed dwellings.

CHAPTER 4.7 SIGN REGULATIONS

Section 4.7.10 - PURPOSES

The City's sign regulations serve the community by doing the following:

- a. Requiring sound construction and maintenance of signs, and by limiting the number of visual images communicated;
- b. Providing an equitable opportunity to use signs as a communication medium outside of public rights-of-way;
- c. Providing standards for location, size, type, and number of signs; and
- d. Providing reasonable limits on the magnitude and extent of graphic communication presented to the public.

Section 4.7.20 - OFFENSES

Any person who erects, installs, maintains, alters, repairs, removes, or uses a sign in violation of the provisions in this chapter or of the Corvallis Building Code shall be committing a Class B infraction subject to the penalties set forth in section 4.7.120.02 of this chapter. Any person who causes or permits any of these actions shall also be in violation of these regulations.

Section 4.7.30 - SIGN MAINTENANCE REQUIRED

Signs shall be maintained to protect the public safety, present a neat appearance, and prevent deterioration.

- a. A permit is not required for normal maintenance and repair of a sign or sign structure, such as painting, repainting, and cleaning.
- b. A permit is required for structural and electrical modifications, including changes of sign size, shape, and location.

Section 4.7.40 - NONCONFORMING SIGNS

- a. The following shall be considered nonconforming signs:
 1. Signs that existed when these regulations were adopted, that have an approved City, County, or State sign permit, and that conformed to the provisions of Ordinance 72-57 as amended, but do not conform to sign regulations in this chapter; and

2. Signs on lands annexed to the City and that have an approved County or State sign permit.
- b. Nonconforming signs may continue to be used until altered, replaced, or moved, at which time the sign shall be brought into conformance with all provisions of this Code.
- c. Abandoned nonconforming signs shall be removed within 180 days. A new sign permit at the same address shall not be issued until the abandoned nonconforming sign is removed. Where a new business fails to remove nonconforming signs from the premises, the property owner shall be responsible for their removal.

Section 4.7.50 - PROHIBITED SIGNS

No person shall erect, install, maintain, alter, repair, remove, or use (or cause or allow such action) any sign unless specifically authorized by these regulations. No permit shall be issued for the erection, display, or maintenance of any sign in violation of these regulations. The following types of signs are specifically prohibited:

- a. Signs that obstruct the vision clearance area (as defined in Chapter 4.1 - Parking, Loading, and Access Requirements) of a street or driveway intersection in zones that have a front-yard setback requirement;
- b. Signs that obstruct ingress or egress through any door, window, fire escape, standpipe, or like facility required or designated for safety or emergency use;
- c. Signs that may be confused with public traffic signs or highway identification signs, or appear graphically similar to these types of signs;
- d. Signs that use words such as "STOP," "SLOW," "CAUTION," "LOOK," "DANGER," or any other word, phrase, symbol, or character that may mislead or confuse motorists;
- e. Signs or sign structures determined by the Building Official to constitute a hazard to the public safety or health by reason of poor structural design or construction, inadequate maintenance, lack of repair, or dilapidation;
- f. Signs located on or above public rights-of-way without written consent of the applicable jurisdiction, unless permitted by sections 4.7.70 through 4.7.90 below. This includes, but is not limited to: sandwich boards, posters on utility poles, political signs in parking strips, and signs on sidewalks;
- g. Signs that flash, blink, fluctuate, or have chaser, scintillating, or speller effects, including search lights;

- h.** Signs that move or have any moving part. This includes movement by mechanical, electrical, or kinetic means, wind currents, or any other means;
- i.** Signs that inflate, including balloons and blimps;
- j.** Pennants, flags, and banners. See section 4.7.70.b regarding official national, state, and local flags and section 4.7.80.05 regarding temporary banners;
- k.** Signs that have copy changeable by other than manual means (except time and temperature signs that are part of a permanent sign);
- l.** Roof signs including those projecting more than 4 ft. above an eave on sloped roofs, or 4 ft. above the parapets on flat roofs;
- m.** Signs with visible A-frames, trusses, or guy wires as part of the sign or sign structure;
- n.** Signs placed on, affixed to, or painted on any motor vehicle, trailer, or other mobile structure not registered, licensed, and insured for use on public highways; and
- o.** Handbills (including any notice, placard, poster, showbill, dodger, circular, pamphlet, booklet, letter, folder, sheet, sticker, or banner) except as permitted by the Corvallis Criminal Code.

Section 4.7.60 - SIGN PERMIT PROCEDURE

Unless exempt through section 4.7.70, a sign permit is required for installation of each sign and billboard.

- a.** A completed sign permit application accompanied by the appropriate fee shall be submitted for review to the Development Assistance Center.
- b.** The Director shall review the sign permit application to ensure it is complete and accompanied by the appropriate fee, and that the proposed sign complies with the requirements of this Code and other City ordinances. A permit shall be issued only when all of these criteria have been met.
- c.** An approved sign permit does not replace, supersede, or waive structural or electrical standards and permits required by the Corvallis Building Code. These other permits must also be obtained prior to work on the installation of a sign.
- d.** The applicable permit review fee shall be doubled if sign installation is begun before the permit is obtained. Payment of the double fee shall not relieve any person from full compliance with these regulations.

- e. The permit shall expire if a sign is not installed within 180 days from the date of a sign permit application approval. Reapplication shall include a new, fully completed application form and a new permit review fee. The application must comply with the findings in "b" above, including any amendments to these regulations adopted since the previous permit approval.
- f. An approved sign permit may be revoked by the Director if the sign is not constructed and installed as approved, if incorrect information was provided on the application, or if the City approved the permit in error. A decision of the Director may be appealed to the Land Development Hearings Board in accordance with Chapter 2.19 - Appeals.
- g. All signs shall be subject to inspection and reinspection by the Director. Footing inspections may be required for all signs having footings.

Section 4.7.70 - EXEMPTIONS FROM SPECIFIC REQUIREMENTS OF REGULATIONS

The following types of graphic communication are exempt from one or more requirements of this chapter, but shall comply with other applicable provisions. They are not subject to allocation limits specified in sections 4.7.80 and 4.7.90 below. Limitations on number and size of these classes of signs, if any, are noted below.

- a. Signs erected in a public right-of-way by an agent of the City, Benton County, the State of Oregon, the U.S. Government, or a public utility are exempt from the provisions of these regulation. Exempt signs include:
 - 1. Street identification signs; and
 - 2. Traffic control, safety, warning, hazard, construction, and related signs.
- b. One official national, state, and local government flag or banner per property when installed in a manner that meets City ordinances and when flown and maintained with the respect due to these symbols of honor and authority, as specified by the U. S. Flag Code, are exempt from the provisions of these regulations. As per Section 4 of the Flag Code, the American flag should never be used for advertising purposes.

The flag structure shall not exceed 20 ft. in height or a height 10 percent greater than the maximum height of the primary structure on the property, whichever is greater. All structures over 10 ft. in height supporting flags require a Building Permit and inspection(s) of the footing and structure, as per the Corvallis Building Code, prior to installation of the structure.

- c. Campaign signs related to local, state, or national elections shall be exempt from the permit requirements and allocation limitations, provided they comply with the

following: campaign signs shall be limited to the time period between 90 days preceding the election date to 15 days following the election date; and campaign signs shall be located only on private property and outside of vision clearance areas.

- d. Signs required by City ordinance, County ordinance, or State or Federal law are exempt from the provisions of these regulations. Examples include address numbers, street names, public notices, restaurant health inspection ratings, handicapped access signs, and Civil Defense Shelter signs.
- e. One permanent memorial sign or tablet per property that displays only historical information, name of a building, date of erection, and/or logo, is exempt from the provisions of these regulations. Sign area shall not exceed 10 sq. ft.
- f. Permanent signs directing and guiding traffic and parking on private property, not to exceed 6 sq. ft. and limited to one sign per driveway entrance or street frontage are exempt from the provisions of these regulations. Other signs that designate reserved parking spaces or are related to traffic or parking regulations, if limited to 2 sq. ft., are also exempt.
- g. A non-illuminated blade sign (one per entrance to a building) placed above a walkway and under weather-protecting awnings, marquees, and parapets is exempt from the sign area limits of sections 4.7.80 and 4.7.90 below and from the limitation of two attached signs per occupant or business. An approved permit is required prior to installation. (See section 4.7.80.06 below for additional blade sign standards.)
- h. Signs that communicate only to persons inside buildings or building complexes or on private property shall be exempt from the provisions of these regulations.
- i. Signs, decorations, and displays inside of windows or attached to the inside of a window are exempt from these requirements, except those signs prohibited by section 4.7.50.
- j. Temporary signs conforming with this chapter shall be exempt from the permit requirements.

Section 4.7.80 - ALLOCATION PROVISIONS AND DESIGN STANDARDS BY TYPE OF SIGN

The following provisions and design standards organized by type of sign specify how the total sign allocation may be used. Unless specified elsewhere in these regulations, the sign allocation for a property shall be determined by multiplying the length of a property's primary frontage by the "primary frontage multiple," which is identified for each zone in section 4.7.90 below.

4.7.80.01 - General Sign Standards

- a.** All signs and sign structures shall comply with the standards of these regulations and with the provisions of the Corvallis Building Code. Unless otherwise permitted by these regulations, no sign shall exceed 200 sq. ft. in area.
- b.** Sign allocation for a given frontage may be apportioned to attached signs and, if permitted by these regulations, to free-standing and temporary signs. That portion of the sign allocation used by a business or tenant for attached signage on a given frontage shall be used in not more than two signs. If property frontage allocation for attached signs exceeds the maximum sign area size of the zone, additional allocation may be used in additional sign(s), provided that an 8-ft. separation is maintained between signs.
- c.** Sign area allocation for a primary frontage may be used for attached sign(s) that face a secondary frontage, limited to one sign per establishment. The amount of allocation used for secondary frontage signs shall be subtracted from and shall not exceed the total sign allocation for the property.
- d.** The maximum projection of attached signs facing secondary frontages shall be 6 in., except no sign shall project over a public alley.
- e.** Minimum setback from the curb face where signs are permitted over a public street right-of-way shall be 2 ft.
- f.** Where illuminated signs are permitted, illumination may be provided by internal lighting or external spot lighting unless otherwise specified. In no case shall this illumination cause direct glare on adjacent properties or streets.
- g.** Up to two poles, each with a maximum diameter of 6 in., may be placed within the vision clearance area (as defined in section 4.1.40 of Chapter 4.1 - Parking, Loading, and Access Requirements) and used to support a sign above a vision clearance area. Any other intrusion into the vision clearance area by a sign or its supporting structure is prohibited without written approval of the City Engineer.

4.7.80.02 - General Requirements for Free-Standing Signs

- a.** Monument signs are free-standing signs that are roughly rectilinear in shape, generally with a consistent width down to or no more than 2 ft. from the ground surface, and are limited to maximum heights as specified in section 4.7.90.

- b. Pole signs are free-standing signs that have more than 2 ft. of support elements that attach the sign to the ground surface, and are limited to maximum heights as specified in section 4.7.90. Pole signs are prohibited in gateway areas.
- c. Minimum separation between free-standing signs on the same side of a public right-of-way shall be 100 ft., unless specified differently by the applicable zone.
- d. Minimum clearance for pole signs above a pedestrian walkway shall be 10 ft.
- e. The following diagram illustrates the terms applicable to free-standing signs under this section and section 4.7.90.

4.7.80.03 - General Requirements for Attached Signs

- a. Where an attached sign projects more than 6 in., minimum clearance above a pedestrian walkway shall be 7.5 ft.
- b. In residential zones, an attached sign shall not extend above the top of a wall, eave, or parapet. In other zones, an attached sign may extend up to 4 ft. above a wall, eave, or parapet on the exterior of the building face.
- c. Where an attached sign projects more than 1 ft., the edge of the sign face closest to the building shall not project more than 6 in.
- d. For attached signs (other than awnings and marquees) that project more than 1 ft., a minimum separation of 5 ft. for each foot of projection shall be maintained between signs to facilitate visibility. No attached sign shall project more than 8 ft. from the building face.
- e. The following diagram illustrates the terms applicable to attached signs under this section and section 4.7.90.

4.7.80.04 - General Requirements for Temporary Signs Other Than Banner Signs

One temporary sign per property (other than banner signs) maintained in sound condition, appearance, and repair, shall be allowed. Maximum sign area and height for a temporary sign shall be as specified for each zone in section 4.7.90 below. Total sign area of temporary signs shall reduce, and shall not exceed, total sign

allocation of a property. A temporary sign installed and used in compliance with these regulations is exempt from permit requirements.

4.7.80.05 - General Requirements for the Use of Banner Signs

Banner signs are allowed in all office, OSU, commercial and industrial zones, and in residential zones for properties with a primary frontage measuring greater than 200 ft.

- a. Banner signs require an approved sign permit. Banners shall be used consistent with either option provided below in a calendar year. The first banner permit issued on a property shall determine the option chosen. The options are:
 1. Each property is limited to three sign permits for banners per year. The maximum sign area for a banner shall be 16 sq. ft. Each sign permit for a banner shall be valid for 30 consecutive days, after which time the banner shall be removed; or
 2. Each property is limited to two sign permits for banners per year. The maximum sign area for a banner shall be 100 sq. ft. Each sign permit for a banner shall be valid for seven consecutive days, after which time the banner shall be removed.
- b. All banners shall be securely attached flush with a building face and comply with the maximum sign height provisions for attached signs in the applicable zone. The sign area of a banner sign shall not reduce a property's sign allocation.

4.7.80.06 - General Requirements for Blade Signs

- a. One non-illuminated blade sign (above the walkway and under weather protecting awnings, marquees, and parapets) placed at each entrance to a building shall be allowed. An approved sign permit is required prior to installation. Blade signs are exempt from the limitation of two attached signs per occupant or business, as discussed in section 4.7.80.01.b above.
- b. Vertical dimension of a blade sign shall not exceed 1 ft. and the width shall not exceed 90 percent of the width of the weather protection, for a maximum sign area per sign of 4 sq. ft.

Section 4.7.90 - ALLOCATION PROVISIONS AND SIGN STANDARDS BY ZONE

The following provisions and design standards, organized by zone designation, specify how a property's total sign allocation may be used. Unless specified elsewhere in these

regulations, total sign allocation shall be determined by multiplying the length of the property's primary frontage by the primary frontage multiple, which varies from zone to zone as described below.

4.7.90.01 - Sign Standards for All Residential Zones Except MUR

Table 4.7-1 and its associated special instructions outline the sign standards for all residential zones (RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), and RS-20) except the Mixed Use Residential (MUR) Zone.

Table 4.7-1 - Residential Zones Except MUR					
Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height	Maximum Sign Projection	Setback
Attached	0.10 sq. ft.	5 sq. ft.	16 ft.	6 in.	NA
Temporary	0.10 sq. ft.	5 sq. ft.	4 ft.	NA	NA

Special Instructions

- a. Attached signs shall not extend above eaves.
- b. Unless specified below, signs shall be limited to one frontage.
- c. Where a primary frontage exceeds 100 ft.:
 - 1. Permanent monument signs are allowed (minimum setback is 5 ft.);
 - 2. Maximum height for temporary and monument signs is 6 ft.;
 - 3. Maximum sign area is 16 sq. ft.; and
 - 4. Illuminated signs are permitted.
- d. Banner signs that comply with section 4.7.80.05 shall be permitted on properties with more than 200 ft. of primary sign frontage.

4.7.90.02 - Sign Standards for the MUR Zone and the Monroe Avenue Minor NC

Table 4.7-2 and its associated special instructions outline the sign standards for the Mixed Use Residential (MUR) Zone and the part of the Neighborhood Center Zone that is a Minor Neighborhood Center (Minor NC) on the north side of Monroe Avenue between 14th and 26th streets

Table 4.7-2 - MUR and Monroe Avenue Minor NC Zones					
Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height	Maximum Sign Projection	Setback
Attached	1.5 sq. ft.	32 sq. ft.	20 ft.	See 4.7.80	NA
Monument	1.5 sq. ft.	32 sq. ft.	6 ft. for MUR 8 ft. for Minor NC	See 4.7.80	5 ft.
Temporary	1.5 sq. ft.	5 sq. ft.	6 ft.	See 4.7.80	5 ft.

Special Instructions

- a. Attached signs may project over the right-of-way.
- b. Height of attached signs shall not exceed 4 ft. above the eave or parapet.
- c. Banner signs that comply with section 4.7.80.05 are permitted.
- d. Illuminated signs are permitted.

4.7.90.03 - Sign Standards for the Minor NC (Except Monroe Avenue), PA-O, and RTC Zones

Table 4.7-3 and its associated special instructions outline the sign standards for the Minor Neighborhood Center (Minor NC) elements of the Neighborhood Center Zone (except Monroe Avenue) and the Professional and Administrative Offices (P-AO) and Research Technology Center (RTC) zones.

Table 4.7-3 - Minor NC (Except Monroe Avenue), PA-O, and RTC Zones					
Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height	Maximum Sign Projection	Setback
Attached	1.5 sq. ft.	100 sq. ft.	25 ft.	See 4.7.80	NA
Monument	1.5 sq. ft.	100 sq. ft.	8 ft. for Minor NC, 12 ft. for PA-O and RTC	See 4.7.80	5 ft.
Pole	1.5 sq. ft.	100 sq. ft.	20 ft. Prohibited in Minor NC	See 4.7.80	5 ft.
Temporary	1.5 sq. ft.	5 sq. ft.	6 ft.	See 4.7.80	NA

Special Instructions

- a. Height of attached signs shall not exceed 4 ft. above the eave or parapet.
- b. Banner signs that comply with section 4.7.80.05 shall be permitted.
- c. Illuminated signs are permitted.

4.7.90.04 - Sign Standards for the Major NC, MUCS, MUGC, CB, CBF, LI-O, LI, GI, II, MUT, MUE, and RF Zones

Table 4.7-4 and its associated special instructions outline the sign standards for the Major Neighborhood Center (Major NC) element of the Neighborhood Center Zone, the Mixed Used Community Shopping (MUCS), Mixed Use General Commercial (MUGC), Central Business (CB), Central Business Fringe (CBF), Limited Industrial-Office (LI-O), Limited Industrial (LI), General Industrial (GI), Intensive Industrial (II), Mixed Use Transitional (MUT), Mixed Use Employment (MUE), and Riverfront (RF) Zones. Further restrictions on the RF Zone are contained in section 3.15.80 of Chapter 3.15 - Riverfront (RF) Zone.

Table 4.7-4 - Major NC, MUCS, MUGC, CB, CBF, LI-O, LI, GI, II, MUT, MUE, and RF Zones					
Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height	Maximum Sign Projection	Setback
Attached	1.5 sq. ft.	200 sq. ft.	25 ft.	See 4.7.80	NA
Monument	1.5 sq. ft.	200 sq. ft.	12 ft. unless specified differently per zone or gateway standards	See 4.7.80	NA
Pole	1.5 sq. ft.	200 sq. ft.	25 ft. unless specified differently per zone. Prohibited in gateways and Major NC	See 4.7.80	NA
Temporary	1.5 sq. ft.	5 sq. ft.	6 ft.	See 4.7.80	NA

Special Instructions

- a. Attached signs may project over the right-of-way only in the CB Zone.
- b. Height of attached signs shall not exceed 4 ft. above the eave or parapet.
- c. Illuminated signs are permitted.
- d. Banner signs that comply with section 4.7.80.05 shall be permitted.

4.7.90.05 - Sign Standards for Oregon State University (OSU) Zone

Sign regulations for the OSU Zone vary, depending on the location and visual impact of the sign in relation to properties surrounding the zone. The following part of the OSU Zone is called the "exemption area": the area east of 30th Street, south of Johnson Street and Monroe Avenue, west of the east boundary of the OSU Zone, and north of Western Boulevard and Oak Creek.

- a. Any sign inside the exemption area shall be exempt from these regulations, provided that:
 - 1. The sign is more than 100 ft. inside the exemption area;
 - 2. The sign has a sign area of less than 32 sq. ft.; and
 - 3. The sign doesn't function as a graphic communication to people outside the exemption area.
- b. Any sign located in the OSU Zone but outside the exemption area shall be exempt from these regulations, provided the sign does not function as a graphic communication to people on adjacent streets or private property.
- c. All other signs in the OSU Zone outside the exemption area shall have a sign area not greater than 32 sq. ft. Monument signs shall not exceed 6 ft. in height, and attached signs shall not vertically or horizontally project more than 6 in. from a building. Pole signs are prohibited. Unless otherwise exempt, signs along the boundary shall have a minimum separation of 100 ft. An approved Corvallis Sign Permit is required prior to installation of any sign not exempt by the provisions of section 4.7.70 and sections 4.7.80.03, 4.7.80.05 "a" and "b," and 4.7.80.06 above.
- d. In cases where OSU believes that graphic communication needs exceed allocation provisions or the specified sign area and height, OSU may petition the Planning Commission for approval to exceed limitations as a modification of the Physical Development Plan (see Chapter 3.36 - Oregon State University (OSU) Zone).

4.7.90.06 - Sign Standards for the Historic Preservation (HP) Zone

A sign to be placed on property in a Historic Preservation Zone shall comply with the provisions in this chapter and in Chapter 2.9 - Historic Preservation Provisions.

4.7.90.07 - Sign Standards for the Willamette River Greenway (WRG) Zone

A sign to be placed on property in the Willamette River Greenway Zone and visible from the Willamette River shall be consistent with the purposes of the Greenway, as stated in Chapter 3.30 - Willamette River Greenway (WRG) Zone Overlay.

4.7.90.08 - Sign Standards for the Agriculture-Open Space (AG-OS) Zone

A sign to be placed on property in the Agriculture-Open Space Zone shall comply with the standards for uses in residential zones.

4.7.90.09 - Signs in Planned Developments

A sign plan shall be required for all Planned Developments (see Chapter 2.5), whether or not variations from the requirements of this chapter are requested. The plan shall establish the location and allocation guidelines for signs in a way that ensures all parties in the development have an equitable opportunity to communicate through signs without creating undue negative effects on surrounding properties. The sign plan shall be reviewed as follows:

- a. The sign plan shall be reviewed by the Planning Commission concurrently with the Detailed Development Plan.
- b. Before approving the sign plan, the Commission shall find that the signs in the proposed sign plan comply with this Code and/or are compatible with the types of development (existing and future) surrounding the Planned Development.
- c. A sign permit for each sign in a Planned Development shall be obtained prior to construction or installation. A proposed sign shall comply with these regulations and any additional guidelines or conditions specified in the approved sign plan before a permit may be issued for the sign.
- d. Modifications of a Planned Development sign plan shall follow the provisions for a Major Planned Development Modification outlined in Chapter 2.5 - Planned Development.

Section 4.7.100 - SIGN CONSTRUCTION STANDARDS

This section provides material, design, construction, and safety clearance standards for the construction of signs.

4.7.100.01 - Materials for Permanent Signs

Materials for construction of permanent signs or sign structures shall be of the quality and grade specified in Chapter 4 of the Uniform Sign Code as published by the International Conference of Building Officials.

4.7.100.02 - Materials for Temporary Signs

Temporary signs shall be constructed of weather-resistant paper, cloth, canvas, wood, plastic, metal, or other material with sufficient structural integrity to withstand wind and moisture, so as to maintain appearance and service for the term of use.

4.7.100.03 - Design and Construction of Signs

Signs and sign structures shall be designed and constructed as specified in the Corvallis Building Code.

4.7.100.04 - Clearances For Signs

- a.** Signs shall not be placed close to electrical conductors or in other unsafe locations.
- b.** No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe.
- c.** No sign shall obstruct any building openings to the extent that light or ventilation is reduced to a point below that required by the Corvallis Building Code.
- d.** Signs erected within 5 ft. of exterior wall openings shall be constructed of noncombustible material or approved plastics.

Section 4.7.110 - VARIANCE TO STANDARDS

There may be rare instances where a combination of strict application of the standards in this chapter and/or public safety concerns may preclude signs as a communication medium for a primary frontage. In these cases, it may be appropriate to vary a particular standard to enable a property owner to use signage in a manner similar to other properties in the zone.

- a.** To request a variance, an applicant shall submit a completed Sign Variance application and appropriate review fee.
- b.** The Land Development Hearings Board shall hold a public hearing and provide notice on the application in accordance with Chapter 2.0 - Public Hearings.
- c.** A variance request shall not be granted for any of the following:
 - 1. Size of a proposed sign;
 - 2. Limitations on visibility resulting from required landscaping;
 - 3. Location of buildings or other structures;
 - 4. Lack of exposure on a primary sign frontage;
 - 5. Convenience or economic hardship to the applicant; or
 - 6. Inclusion of signs otherwise prohibited by these regulations.

- d. To approve a sign variance request, the Land Development Hearings Board must find that the application meets all of the following criteria:
 - 1. The proposed sign is not of a type prohibited by these regulations;
 - 2. The variance is the minimum remedy necessary to eliminate the hardship;
 - 3. The variance does not substantially subvert the basic regulating formula relating the amount of sign area to the amount of sign frontage; and
 - 4. No alternative solution that complies with these regulations is available to the applicant.
- e. The Land Development Hearings Board shall impose such conditions on the approval as necessary to achieve the purposes of these regulations.
- f. The decision of the Land Development Hearings Board shall be final unless appealed to the City Council in accordance with Chapter 2.19 - Appeals.
- g. Where a sign approved through variance procedures is not installed within one year, the variance approval shall expire and all work must fully comply with this Code.

Section 4.7.120 - ADMINISTRATIVE

4.7.120.01 - Enforcement

The Director shall administer and enforce sign regulations and is authorized to issue citations for violations in accordance with Chapter 1.3 - Enforcement.

4.7.120.02 - Violations

Violations of these regulations shall be considered a Class B infraction and are subject to the procedures provided in ORS 153.110 through 153.310, as now constituted.

- a. A person cited for a violation shall be fined up to \$100.00.
- b. Each day a sign is in violation shall be considered a new violation.

4.7.120.03 - Ordered Removal

The Director may order removal of any sign erected or maintained in violation of these regulations.

- a. The Director shall deliver a warning notice that the sign is in violation of these regulations. The notice shall be provided to individuals using the sign, to the owner of the sign or enterprise, and/or to the property owner.
- b. The notice shall allow three working days for removal of temporary signs and 14 working days for removal of permanent signs.
- c. If the owner or permittee fails to remove the sign as directed in the warning notice, the Director may issue a citation and may remove the sign. Any expense related to removal shall be paid by the owner or permittee of the sign. If such persons cannot be found, the expense shall be paid by the owner of the building, structure, or property to which the sign is affixed.
- d. If the condition of the sign presents an immediate threat to public safety, the Director may order immediate removal of the sign, without prior notice. Any expenses related to removal shall be paid by the owner or permittee of the sign. If such persons cannot be found, the expense shall be paid by the owner of the building, structure, or property.

4.7.120.04 - Limitation of Liability

The City shall not be held responsible for any damage to persons or property by reason of approval, disapproval, or the issuance of a sign permit authorized herein, or inspection or reinspection of a sign as authorized by this chapter.

CHAPTER 4.8 MANUFACTURED DWELLING FACILITY STANDARDS

Section 4.8.10 - PURPOSES

The provisions in this chapter are established to ensure a safe and healthful living environment for residents of manufactured dwelling facilities and to ensure that manufactured dwelling facilities can provide affordable quality housing compatible with adjacent land uses. In addition, these provisions are intended to ensure compliance with State regulations governing review of manufactured dwelling facility development.

Section 4.8.20 - AREA REQUIREMENTS

- a. The minimum size for a manufactured dwelling facility (as defined in Chapter 1.6 - Definitions) is 5 acres.
- b. The minimum size for a manufactured home space is 3,000 sq. ft. ORS 446.100(c) requires that the space be at least 30 ft. wide and 40 ft. long.

Section 4.8.30 - PERMITTED STRUCTURES

- a. Manufactured homes and mobile homes, as defined in Chapter 1.6 - Definitions.
- b. Accessory structures - Structures customarily incidental to the primary use in accordance with Chapter 4.3 - Accessory Development Regulations.

Section 4.8.40 - SETBACK AND SEPARATION FOR THE FACILITY PERIMETER

- a. **Setback between Facility Structures and Abutting Properties** - Between the abutting property and any dwelling or accessory facility structure or facility road a minimum setback shall be required equal to the rear yard setback specified by the zone of the abutting property, but not less than 5 ft.
- b. **Setback between Facility Structures and a Public Street Right-of-Way** - Between the public right-of-way and any dwelling or accessory facility structure, an average setback of 25 ft. shall be required along the public street, with a minimum setback equal to the front yard setback of the zone.

Section 4.8.50 - FACILITY PERIMETER TREATMENT

- a. **Perimeter Treatment Adjacent to Abutting Properties** - A sight-obscuring fence or wall 6 ft. in height shall surround each manufactured dwelling facility, except as specified below for lands adjacent to public streets. Plantings in the required setback area shall be used to reinforce this buffer.

b. Perimeter Treatment Adjacent to Public Streets - An applicant can choose one of two options for perimeter treatment adjacent to public streets:

1. **Option I** - A 6-ft.-high sight-obscuring screen shall be provided through the use of fencing and vegetation and/or earth sculpting and vegetation.

(a) **Fencing** - Fences shall have an average 15-ft. setback from the public right-of-way and shall meet vision clearance requirements. Fencing closer than 15 ft. to the public right-of-way shall be subject to the zone's restrictions on front yard fencing. Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use of offsets, landscaping, and change in materials.

(b) **Earth Sculpting** - Earth sculpting shall be used in conjunction with plant materials and, when combined, the screen shall be 6 ft. high in two years. This combination of earth sculpting and plant materials is subject to the following standards:

(1) At a minimum, the earth sculpting shall include a berm with a slope grade not exceeding 40 percent (1:2.5) on the side facing the street. The slope for the side facing the facility may vary.

(2) At least one row of deciduous and/or evergreen shrubs spaced not more than 5 ft. apart shall be planted on this berm.

(3) Lawn, low-growing evergreen shrubs, and evergreen ground cover shall cover the balance of the setback area.

2. **Option II**

- (a) A manufactured home space that abuts the perimeter setback shall be a minimum of 5,000 sq. ft.
- (b) Manufactured homes abutting a public street shall have staggered setbacks and a variety of living unit orientations such as indicated below. The required offsets between adjacent dwellings shall be at least 8 ft. as measured perpendicular from the street; or
- (c) An alternative to the above is to use a uniform setback but provide a substantial (greater than 30 degrees) acute or obtuse angle from the street, such as indicated below; or
- (d) A third alternative is to establish an 8-ft. minimum building offset by using attached garages or triple-wide expansions such as indicated below.
- (e) Driveway access on local public streets shall occur at the maximum frequency of one access for every two dwellings. Access from

individual dwellings shall not be permitted on arterial streets. Access to collector streets shall be subject to review by the City Engineer.

Section 4.8.60 - SETBACK AND SEPARATION FOR STRUCTURES WITHIN THE FACILITY

- a. Dwellings shall be separated by at least 10 ft. on all sides.
- b. Dwellings shall be placed at least 14 ft. apart if a flammable or combustible fuel storage vessel is located on or between units.
- c. Dwellings shall be separated from facility buildings by at least 10 ft.
- d. Any structure and a facility street or any structure and a sidewalk intended for public use shall be separated by at least 5 ft.
- e. Accessory structures and dwellings shall be separated as follows:
 - 1. An accessory building shall be separated at least 6 ft. from any dwelling or other accessory building on adjacent space, except in the case of section 4.8.70.b below.
 - 2. When a double carport or garage is built to serve two adjacent dwellings, a minimum 3-ft. separation shall be provided between the double carport and any adjacent structure, dwelling, or accessory facility structure. As an alternative, a 1-hour fire wall separation may be provided through the center of a double carport serving an adjacent dwelling.

Section 4.8.70 - SITE DEVELOPMENT STANDARDS

a. Parking and Accessways

- 1. **Parking** - Off-street parking facilities shall be provided onsite in accordance with Chapters 4.1 - Parking, Loading, and Access Requirements and 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
- 2. **Street Widths** - Facility streets shall be a minimum width of 20 ft. If on-street parking is permitted, ORS 446.095(1) requires a minimum width of 30 ft. Streets serving more than 12 dwelling spaces shall be a minimum width of 24 ft. Streets serving more than 30 dwelling spaces shall be a minimum width of 28 ft.

3. **Street Standards** - Streets shall be paved to standards adopted by the City Engineer.
4. **Dead End Streets** - Dead end streets over 400 ft. in length shall have a standard cul-de-sac bulb with a 38-ft. curb-side radius. Shorter dead end streets shall have a turnaround approved by the City Engineer.
5. **Walkways** - Paved walkways, at least 5 ft. wide and accessible to wheelchairs, shall be provided to connect facility buildings to a facility street or public street. In addition, for an area with more than 25 dwelling spaces, a street sidewalk (or an equivalent pedestrian walkway) shall be provided to connect the area to a public sidewalk.
6. **Lighting** - Private facility roadways shall be lighted at intersections and pedestrian crossings. Fixtures shall not produce direct glare on adjacent properties.
7. **Street Signs** - Street identification signs shall be provided according to applicable City requirements if 50 or more manufactured dwelling spaces are on the site.
8. **Fire Access** - Access for fire protection services shall permit fire apparatus to approach within 100 ft. of each dwelling. In addition, each manufactured dwelling space shall have direct access to a street to permit emergency escape. This access shall be an unobstructed area not less than 14 ft. wide.

b. Siting of Dwellings within the Facility

1. Dwellings shall have staggered setbacks and a variety of dwelling unit orientations such as indicated below. The required offsets between adjacent dwellings shall be at least 8 ft. as measured perpendicular from the street; or

2. An alternative to the above is to use a uniform setback but provide a substantial (greater than 30 degrees) acute or obtuse angle from the facility street, such as indicated below.

c. Public and Private Facilities

1. Each manufactured dwelling facility space shall be provided with water, sanitary sewer, storm drainage, and street facilities; and electrical power, telecommunication, cable television, and natural gas services in accordance with Chapter 4.0 - Improvements Required with Development.
2. Applications for manufactured dwelling facilities that would adjoin an open, natural drainageway or would be located in a floodway fringe shall be reviewed in accordance with Chapter 4.5 - Flood Control and Drainageway Provisions.

d. Play Areas - A separate play area shall be provided in all manufactured dwelling facilities that accommodate children unless each manufactured dwelling space has a minimum size of 4,000 sq. ft. A required play area shall be at least 2,500 sq. ft. in area with no dimension less than 30 ft. At least 100 sq. ft. of play area shall be provided for each manufactured dwelling space less than 4,000 sq. ft.

e. Space Coverage - Not more than 60 percent of a manufactured dwelling space shall be occupied by a dwelling and any other attached or detached structure used in conjunction with such dwelling.

f. Decks - Each manufactured dwelling space shall have at least one private or semi-private outdoor space adjacent to the dwelling, constructed of concrete, asphalt, flagstone, wood, or other equivalent surface material totaling at least 120 sq. ft. of area and not less than 8 ft. wide in any dimension.

g. Skirting - Each mobile home or manufactured home located in a manufactured dwelling facility shall have continuous skirting that, in design, color, and texture, appears to be an integral part of the exterior walls or the foundation of the dwelling.

Section 4.8.80 - LANDSCAPE PLAN

A landscape plan is required prior to issuance of building permits. This plan shall be drawn to scale and shall show the location of existing trees and vegetation proposed to be removed or to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, contour lines indicating any proposed earth sculpting, and other pertinent landscape information.

a. Plant Coverage and Maintenance

Required landscape areas shall be covered by living plant materials capable of attaining 90 percent ground coverage within three years. The plant materials shall be continuously maintained and irrigated with permanent facilities.

b. Plantings in Perimeter Area

In addition to the requirements specified in section 4.8.50 above and in Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting, landscaping shall be used to screen decks and storage areas from the public roadway. Plant masses shall also be established between perimeter dwellings to reduce negative visual effects of roads and vehicle storage areas located within the facility.

c. Plantings along Facility Streets

1. **Street Trees** - Street trees shall be provided in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
2. **Planting Continuity** - To provide continuity, trees of the same or similar species shall be planted along facility streets. The consistent use of lighting fixtures, fencing styles, and carports can complement this street tree pattern.

3. **Street Focal Points** - The real or visually apparent end of a street shall be planted heavily either with foreground plants or (as below) with background plants.

d. **Planting for Energy Efficiency** - Appropriate plant materials shall be used to cool dwellings in the summer and help insulate them in the winter. Possible applications are illustrated below.

CHAPTER 4.9 ADDITIONAL PROVISIONS

Section 4.9.10 - PURPOSES

Some types of uses have special development standards to improve their compatibility with surrounding land uses. In certain other situations, there are exceptions to the regulations not addressed elsewhere in the Code. This chapter includes special development standards for manufactured homes on individual lots, minor utilities, accessory dwelling units in residential zones, wireless telecommunication facilities, and commercial day care and school facilities. The chapter also includes exceptions to building heights and projections, and housing type variation requirements per residential zone.

Section 4.9.20 - MANUFACTURED HOME DESIGN STANDARDS

Manufactured homes as defined in Chapter 1.6 - Definitions are allowed in all residential zones. Manufactured homes placed on individual lots shall meet the following criteria:

- a. Multi-sectional structure (e.g., double-wide, 2-story, or "L"-shaped) and enclosing a floor area of not less than 1,000 sq. ft.;
- b. Backfill style foundation or skirting of pressure-treated wood, masonry, or continuous concrete footing wall construction, complying with the minimum set-up standards of the adopted Manufactured Dwelling Administrative Rules, Chapter 918;
- c. Pitched roof with a minimum 3 ft. in height for each 12 ft. in width;
- d. Non-reflective siding and roofing;
- e. Manufacturer's certification that exterior thermal envelopes meet performance standards specified by State law for single-family dwellings constructed under the State One and Two Family Dwelling Specialty Code;
- f. Garage or carport with exterior materials the same as the main unit; and
- g. Comply with the provisions of Chapter 4.10 - Pedestrian Oriented Design Standards.

Section 4.9.30 - MINOR UTILITIES

Minor utilities (as defined in Chapter 3.0 - Use Classifications) require Conditional Development approval in accordance with Chapter 2.3 - Conditional Development when placed in a residential zone, or Plan Compatibility Review in accordance with Chapter 2.13 - Plan Compatibility Review when located in a commercial zone. In addition to

complying with these review criteria, minor utilities shall meet the following siting standards:

- a. The setback from the base of a minor utility structure to any lot in an adjoining residential zone shall be at least 20 percent of the structure height.
- b. If scientifically validated evidence demonstrates the level of electric magnetic fields (EMFs) produced by the minor utility poses a health hazard based on nationally accepted standards, the City Council may require removal of the minor utility after conducting a public hearing in accordance with Chapter 2.0 - Public Hearings.

Section 4.9.40 - ACCESSORY DWELLING UNITS IN THE RS-3.5, RS-5, RS-6, RS-9, AND RS-9(U) ZONES

Accessory dwelling units (ADUs) constructed between March 14, 1996 and April 30, 1998 in accordance with Code provisions in effect at that time shall be recognized as legal conforming uses and structures. ADUs constructed after April 30, 1998 shall be recognized as legal conforming uses and structures if they were constructed in accordance with standards in this section. To be considered legal conforming uses and structures, ADUs also shall be constructed with applicable building permits and follow established City procedures.

In addition to complying with the specific requirements of the zone, ADUs are subject to special development provisions. The developer can choose to develop the ADU in accordance with the Ministerial Development Option or the General Development Option listed below.

4.9.40.01 - Ministerial Development Option

Accessory dwelling units (hereafter called ADUs) under this option shall meet the following standards:

- a. The owner of the lot shall occupy either the principal residence or the ADU;
- b. Provisions made for drainage, water, and sewage waste shall meet City and Building Code standards;
- c. The ADU shall meet all applicable City codes (e.g., setback standards for the primary residence, height standards, building code provisions, etc);
- d. The lot requirements (width, depth, etc.) on which the principal residence and the ADU are located shall be met;
- e. The ADU shall be architecturally integrated with the primary dwelling unit through the use of the following:

1. **Roofs** - New roofs shall be similar to those on the primary structure in the pitch of roof (+/- 10 degrees) and width of roof overhang (+/- 20 percent). Roof materials shall be the same as on the primary residence. Where multiple roof pitches are proposed, roof pitch compliance can also be met if the majority of roof area meets the above standard and the remaining area has a slope of 4:12 or greater;
 2. **Building Materials for Exterior Walls** - New walls shall be constructed of the same materials and in the same pattern as exist on the primary residence;
 3. **Window Appearance** - New windows shall be the same size and type, and with the same window trim, as exist on the majority of all windows on the primary residence. This provision can be waived to accommodate the following:
 - (a) The "View Windows" criterion listed below; or
 - (b) The window is interior to the lot but its size, type, and trim match any minority window on the primary residence.
 4. **View Windows** - Second-story windows facing the nearest side yard shall use opaque glass or, if clear glass, the bottom of the window shall be 5 ft. or more above floor elevation. This provision does not apply when the windows face an abutting garage or building wall where no windows exist;
 5. **Color** - ADUs shall have the same color of siding, trim, and roof as exists on the primary structure; and
 6. **Balconies** - Balconies on the second floor or higher are permitted only if outside a setback area and facing the nearest side yard. This provision does not apply when the balcony faces an abutting garage.
- f. The ADU shall not exceed either 40 percent of the gross floor area of the primary structure (exclusive of garages), or the gross floor area of a two-car garage (480 sq. ft.), whichever is greater, but in no case shall the ADU exceed 900 sq. ft.;
- g. **Entrance Door** - The primary entrance door to a detached ADU shall be located 5 ft. or more toward the interior of the lot from the abutting side yard setback lines. The extra 5-ft. setback is not required when an existing or created screen is located between the ADU and the property line. The screen needs to be at least 80 percent opaque to a height of at least 6 ft.

with the intent of interrupting a line of sight toward the first-floor windows and toward the yard area on abutting properties;

- h. Walkways** - Walkways to the primary entrance door of an ADU shall maintain at least a 5-ft. separation from the side property line. This provision does not apply if an existing or proposed screen is located between the ADU and the property line. The screen shall be at least 80 percent opaque to a height of at least 6 ft. to interrupt a line of sight toward the first-floor windows and toward the yard area on abutting properties;
- i.** If the parking requirement for the primary dwelling unit is met, no additional off-street parking needs to be provided for the ADU. However, should off-street parking be provided, the parking area shall not be located within any required front or side yard;
- j.** A garage may be converted to an ADU if the off-street parking requirement for the primary dwelling unit is met and the structure conforms to all required setbacks of the primary residence;
- k.** In the RS-3.5 and RS-5 zones, the minimum lot area to establish an ADU shall be 8,000 and 6,000 sq. ft, respectively;
- l.** In the RS-6, RS-9, and RS-9(U) zones, the minimum lot area to establish an ADU shall be 3,500 sq ft. for a detached unit and 2,500 sq. ft. for an attached unit;
- m.** Prior to issuance of a building permit for an ADU, the City shall require that a deed restriction be recorded on the property. The deed restriction shall state that, as a condition for the issuance of the building permit for the ADU, the property owner must reside on the premise or the ADU may not be used as a residence; and
- n.** Only one ADU shall be allowed on a lot or contiguous lots under one ownership.

4.9.40.02 - General Development Option

Accessory Dwelling Units under this option shall meet the following standards.

4.9.40.02.01 - Purpose

This option is intended to minimize compatibility concerns related to ADUs with respect to architecture, window design, primary entry door location and the related walkway to this door, while facilitating the development of ADUs. The following provisions implement related Comprehensive Plan policies.

4.9.40.02.02 - Procedures

When an ADU development application is filed using the General Development Option, it shall be reviewed in accordance with the procedures specified in Chapter 2.13 - Plan Compatibility Review. However, the criteria for review shall be those specified in section 4.9.40.02.03 below.

4.9.40.02.03 - Review Criteria

In addition to complying with the specific requirements of the zone, ADUs are subject to the following provisions:

- a. The owner of the lot must occupy either the principal residence or the ADU;
- b. Adequate provisions shall be made for drainage, water, and sewage waste;
- c. The ADU shall meet all applicable City codes (e.g., setback standards for the primary residence, height standards, building code provisions, etc.);
- d. The lot requirements (width, depth, etc.) on which the principal residence and the ADU are located shall be met;
- e. The ADU shall be architecturally integrated with the primary dwelling unit through the use of the following:
 1. **Roofs** - New roofs shall be similar in pitch, overhang, and materials to that of the primary residence;
 2. **Building Materials for Exterior Walls** - New walls shall be constructed of materials and patterns similar in appearance to those on the primary residence;
 3. **Windows** - New windows and window trim shall be similar in appearance to those on the primary residence unless variations are needed to protect the privacy of abutting properties; and
 4. **Color** - ADUs shall have the similar color of siding, trim, and roof as exists on the primary structure.
- f. The ADU shall not exceed either 40 percent of the gross floor area of the primary dwelling unit (exclusive of garages), or the gross floor

area of a two-car garage (480 sq. ft.), whichever is greater, but in no case shall the ADU exceed 900 sq. ft.;

- g.** The entrance to the ADU shall be oriented or appropriately buffered to protect the privacy of, and otherwise minimize impacts to, adjacent properties;
- h.** If the parking requirement for the primary dwelling unit is met, no additional off-street parking needs to be provided for the ADU. However, should off-street parking be provided, the parking area shall not be located within any required front or side yard;
- i.** A garage may be converted to an ADU provided that the off-street parking requirement for the primary dwelling unit is met and the structure conforms to all required setbacks of the primary residence;
- j.** In the RS-6 Zone, the minimum lot area to establish an ADU shall be 6,500 sq. ft.;
- k.** In the RS-9 and RS-9(U) zones, the minimum lot area to establish an ADU shall be 5,000 sq. ft.;
- l.** Prior to issuance of a building permit for an ADU, the City shall require that a deed restriction be recorded on the property. The deed restriction shall state that, as a condition for the issuance of the building permit for the ADU, the property owner must reside on the premise or the ADU may not be used as a residence; and
- m.** Only one ADU shall be allowed on a lot or contiguous lots under one ownership.

Section 4.9.50 - EXCEPTIONS TO BUILDING HEIGHTS AND PROJECTIONS

4.9.50.01 - General Exceptions to the Building Height Limitations

Projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, and other similar objects (excluding flagpoles and wireless telecommunications facilities) not used for human occupancy are subject to the height limitations specified in each zone. Such structures exceeding a zone's height limitations may be permitted subject to Chapter 2.13 - Plan Compatibility Review, and upon a finding by the State of Oregon Aeronautics Division that the proposed structure does not pose a hazard to air traffic.

Flagpoles are subject to section 4.7.70.b of Chapter 4.7 - Sign Regulations, which limits their height to 20 ft. or 110 percent of the maximum height of a primary

structure, whichever is greater. Wireless telecommunication facilities are subject to section 4.9.60 below.

4.9.50.02 - Projections from Buildings

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, fireplaces, and flues may project up to 3 ft. into a required yard, provided that a minimum 30-in. setback is maintained from any property line. Larger encroachments into front yard areas are allowed in residential zones, as specified in those zoning chapters of this Code. However, no architectural features shall be located within a vision clearance area as defined in section 4.1.40 of Chapter 4.1 - Parking, Loading, and Access Requirements. For the purposes of this section, “architectural features” shall not include any portion of a structure built for the support, conveyance, occupancy, shelter, or enclosure of persons, chattels, or property of any kind.

Section 4.9.60 - WIRELESS TELECOMMUNICATION FACILITIES

4.9.60.01 - Siting Criteria and Review Procedures

Wireless telecommunication facilities (as defined in Chapter 3.0 - Use Classifications) may be permitted outright, may require Plan Compatibility Review in accordance with Chapter 2.13 - Plan Compatibility Review, or may require Conditional Development approval in accordance with Chapter 2.3 - Conditional Development, depending on the type of facility (colocated/attached or freestanding) and its proposed location. Uses that are permitted outright require building permits only.

All facilities in the Willamette River Greenway Zone Overlay are subject to the provisions of Chapter 3.30 - Willamette River Greenway (WRG) Zone Overlay. All facilities in the Historic Preservation Zone Overlay are subject to the provisions of Chapter 2.9 - Historic Preservation Provisions. All wireless telecommunication facilities and their related appurtenances located in areas with a Planned Development Overlay (except residential zones) are exempt from the requirements to have an approved Conceptual Development Plan and/or Detailed Development Plan in accordance with sections 2.5.40 and 2.5.50 of Chapter 2.5 - Planned Development. Facilities proposed for location in residential zones with a Planned Development Overlay shall be treated as a minor modification to the approved Conceptual and/or Detailed Development Plan, and processed accordingly.

4.9.60.02 - Standard Requirements

All wireless telecommunication facilities must demonstrate compliance with the following standard requirements prior to a City-required final inspection. Only alternative setbacks and spacing requirements are allowed, provided they are approved under the Conditional Development process in accordance with Chapter 2.3 - Conditional Development.

a. Height - No wireless telecommunication facility shall exceed 150 ft. in height except where attached to an existing structure that exceeds 150 ft. in height and the attached antennas do not increase the total height of that structure. All wireless telecommunication facilities are exempt from the provisions in section 4.9.50. Additional height limitations are defined under allowed uses for individual development zones (chapters 3.1 through 3.37).

b. Setbacks

1. Setbacks for freestanding wireless telecommunication facilities, including associated ground-level equipment, are as follows:
 - (a) A facility shall be set back by a distance greater than or equal to two times the height of the facility structure, including attached antennas, from the nearest property line of any property that either contains an existing residential use or is located in a residential development zone.
 - (b) A facility located on a site adjacent to the Corvallis Gateway Corridor (defined as the right-of-ways of highways 99W and 20/34 that are within the Corvallis city limits), shall be set back from the right-of-way by a distance greater than or equal to three times the height of the facility structure, including attached antennas.
 - (c) All said facilities shall comply with the setback requirements of the underlying development zone.
2. Ground-level equipment associated with colocated/attached wireless telecommunication facilities shall meet the setback requirements of the underlying development zone. When the ground-level equipment is on a site abutting a residential zone or an existing residential use, this equipment shall be set back from the nearby residential property line(s) by at least 25 ft.

c. Spacing

1. A facility greater than or equal to 100 ft. in height, including attached antennas, must be separated from other freestanding wireless telecommunication facilities by at least 3,000 ft.

2. A facility between 51 and 99 ft. in height, including attached antennas, must be separated from other freestanding wireless telecommunication facilities by at least 1,500 ft.
3. A facility under 51 ft. in height, including attached antennas, must be separated from other freestanding wireless telecommunication facilities by at least the height of the facility's structure.

d. Colocation

1. A freestanding wireless telecommunication facility shall be approved only if the applicant demonstrates that it is not feasible to site the facility on an existing structure. The application shall document that alternative sites within a radius of least 2,000 ft. have been considered and are technologically unfeasible or unavailable. The application also must document why colocation is impractical on existing structures for one or more of the following reasons: structural support limitations, safety considerations, lack of available space, failure to meet service coverage area needs, or unreasonable economic constraints.
2. Freestanding wireless telecommunication facilities shall be designed to accommodate future colocation, as follows:
 - (a) Facilities up to 120 ft. in height shall accommodate at least two facilities/providers.
 - (b) Facilities between 120 ft. and 150 ft. in height shall be designed to accommodate at least three facilities/providers.

e. Compliance with Emission Standards - All facility applications shall contain documentation showing that the emissions of the proposed facility, and the cumulative emissions of this facility and any collocated or nearby facilities, will meet the occupational/controlled and general population/uncontrolled electromagnetic radiation emission standards established by the Federal Communications Commission, 47 CFR §1.1310.

f. Painting - All facilities shall be painted in a non-reflective color to match the existing or attached structure and/or to blend into the surrounding environment. Alternative neutral colors may be approved by the Director.

g. Landscaping/Screening - All ground-level facilities shall be screened in accordance with the provisions of section 4.2.50 of Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.

- h. Noise Reduction** - All applications shall contain documentation showing that the noise levels from the proposed facility will meet the following standards:

 - 1. A facility located on a site adjacent to a residential development zone or existing residential uses must limit noise levels to 35 dBA or less, as measured at the residential property line(s).
 - 2. A facility located on any other site must comply with the industrial and commercial quiet-area noise standards established by the Oregon State Department of Environmental Quality, OAR 340-35-035, Table 9.

- i. Lighting** - No lighting of wireless telecommunication facilities is allowed, except as required by the Federal Aviation Administration (FAA). Required lighting shall be shielded from the ground, to the extent practicable. The application for a facility subject to FAA requirements shall document compliance with FAA requirements.

- j. Signage** - Warning and safety signs, up to 3 sq. ft. in area, are allowed. All other signs are prohibited.

- k. Site Access** - Site access is subject to the provisions of section 4.1.40 of Chapter 4.1 - Parking, Loading, and Access Requirements. The facility operator shall implement measures to prohibit unauthorized site access.

- l. Decommissioning** - A facility shall be removed by the facility owner or operator within six months from the date the facility ceases to be operational. The Director may grant a 6-month extension to this requirement. Requests for extensions must be in writing and must be received by the Director within the initial 6-month period. The property owner shall bear the ultimate responsibility for removal of decommissioned facilities.

Section 4.9.70 - COMMERCIAL DAY CARE AND SCHOOL FACILITY REGULATIONS

4.9.70.01 - Area Per Child

A minimum of 2,500 sq. ft. of outdoor play area shall be provided for 15 or fewer children, with 75 additional sq. ft. provided for each additional child. Any such play area within or abutting a residential zone or residential land uses shall be enclosed by a decorative wood fence or masonry wall, and shall have a minimum width of 5 ft. of landscape screening in accordance with the landscape screening provisions in Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. The height of such fencing and landscape screening shall be a minimum of 6 ft. Where access to commercial day care facilities is provided by other than local streets, an off-street vehicular bay or driveway shall be provided for

the purpose of loading and unloading children. There shall be an indoor floor space reserved for play and/or school purposes of 40 sq. ft. per child.

Section 4.9.80 - HOUSING TYPE VARIATION REQUIREMENTS PER RESIDENTIAL ZONE

A variety of housing types shall be provided for residential developments, in accordance with the provisions outlined in Table 4.9-1 beginning on the next page.

**Table 4.9-1
ALLOWED HOUSING TYPES BY ZONE**

BUILDING TYPES, PER CHAPTER 1.6	ALLOWED HOUSING TYPES BY ZONE							HOUSING TYPES TO BE USED TO SATISFY VARIATION REQUIREMENTS (CHOOSE FROM THIS LIST TO MEET HOUSING VARIATION REQUIREMENTS)
	RS-3.5	RS-5	RS-6	RS-9 & RS-9(U)	RS-12 & RS-12(U)	RS-20	MUR	
Detached Single-Family								1. Detached SF # 1,200 sq. ft.
								2. Detached SF , 1,200 sq. ft.
Detached Single-Family (Zero Lot Line)								3. Detached SF # 1,200 sq. ft.
								4. Detached SF , 1,200 sq. ft.
Accessory Dwelling Unit								5. Accessory Dwelling
Attached Single-Family (Zero Lot Line) (2 units)								6. Attached Single-Family (2 units) (ea. unit on an individual lot)
Duplex								7. Duplex units
Attached (more than 2 units)								8. Dwellings with 3-5 units (each unit on an individual lot or each unit individually owned within a multi-unit structure)*. Townhouses, Rowhouses, Flats, Condominiums. * RS-5 Zone limited to a max. of 3 attached units per structure

**Table 4.9-1
ALLOWED HOUSING TYPES BY ZONE**

BUILDING TYPES, PER CHAPTER 1.6	ALLOWED HOUSING TYPES BY ZONE							HOUSING TYPES TO BE USED TO SATISFY VARIATION REQUIREMENTS (CHOOSE FROM THIS LIST TO MEET HOUSING VARIATION REQUIREMENTS)
	RS-3.5	RS-5	RS-6	RS-9 & RS-9(U)	RS-12 & RS-12(U)	RS-20	MUR	
								<p>9. Dwellings with , 5 units (each unit on an individual lot or each unit with an individual ownership within a multi-unit structure).</p> <p>Townhouses, Rowhouses, Flats, Condominiums</p>
Multi-Dwelling								<p>10. Triplexes and fourplexes (each unit not individually owned)*</p> <p>* RS-5 Zone limited to triplexes</p>
Multi-Dwelling, continued								<p>11. Apartment buildings with , 4 units (each unit not individually owned)</p>
OPTION B for RS-12, RS-12(U), and 20 zones								<p>Minimum of three types of apartment buildings in terms of number of units per building (must vary by at least 2 units). Each type shall comprise at least 10 percent of the buildings (e.g., may have a combination of buildings with 8, 10, and 12 units/building, etc.)</p>
								<p>Minimum of two types of units in terms of number of bedrooms and each type shall comprise at least 25 percent of the total number of units:</p> <p>Dwelling units with # 1 bedroom Dwelling units with 2 bedrooms Dwelling units with \$ 3 bedrooms</p>

For RS-3.5, RS-5, RS-6, RS-9, and RS-9(U) zones: Darker shading indicates permitted housing and building types. (See next page for an explanation of lighter shading.)

- A. Developments less than 5 acres in size - No housing or building type variation requirements, although variations are encouraged.
- B. Developments 5-10 acres in size - At least two housing or building types required. Each required housing or building type shall be at least 20 percent of the total units.
- C. Developments greater than 10 acres in size - At least three housing or building types required. Each required housing or building type shall be at least 20 percent of the total units.

For RS-12, RS-12(U), RS-20, and MUR zones: Lighter shading indicates permitted housing and building types. Dark shading indicates "Option B" discussed below.

- A. Developments less than 5 acres in size - No housing or building type variation requirements, although variations are encouraged.
- B. Developments 5-10 acres in size - Comply with Option A **or** Option B below:

Option A

At least two housing or building types required (from lightly shaded choices)

Each required housing or building type shall be at least 20 percent of the total units.

Option B

Comply with both apartment building and bedroom requirements in darkly shaded areas.

- C. Developments greater than 10 acres in size: Comply with Option A **or** Option B below:

Option A

At least three housing or building types required (from lightly shaded choices) areas.

Each required housing or building type shall be at least 20 percent of the total units.

Option B

Comply with both apartment building and bedroom requirements in darkly shaded areas.

Additionally, add a second housing or building type (from lightly shaded choices) that is at least 20 percent of the total units.

CHAPTER 4.10 PEDESTRIAN ORIENTED DESIGN STANDARDS

Section 4.10.10 - PURPOSE

The pedestrian oriented design standards in this chapter are established to do the following:

- a.** Implement applicable policies of the Comprehensive Plan;
- b.** Foster human-scale development that emphasizes pedestrian rather than vehicular features;
- c.** Promote pedestrian oriented buildings, pedestrian amenities, and landscaping that contribute positively to an appealing streetscape;
- d.** Promote an environment where developed areas, recreational areas, and multi-use paths are accessible to all;
- e.** Promote pedestrian safety by increasing the visibility and vitality of pedestrian areas;
- f.** Ensure direct and convenient access and connections for pedestrians and bicyclists;
- g.** Augment the sidewalk and multi-use path system for pedestrians;
- h.** Provide a connected network of sidewalks and multi-use paths;
- i.** Encourage street activity to support livable neighborhoods and vital commercial areas;
- j.** Ensure that developments contribute to the logical continuation of the City's street and block form, and/or establish block patterns in parts of the City where they do not exist;
- k.** Provide a sense of diversity and architectural variety, especially in residential areas, through the use of varied site design layouts and building types and varied densities, sizes, styles, and materials;

- l. Encourage development and building designs that promote crime prevention and personal and community safety; and
- m. Encourage development and building designs that maintain some level of privacy for individual dwelling units.

Section 4.10.20 - APPLICABILITY

The pedestrian oriented design standards shall apply to those chapters in the Code that reference compliance with this chapter.

Section 4.10.30 - OPTIONS FOR REVIEW

Three options are available for review of a development's compliance with the pedestrian oriented design standards. These options include:

- a. **Clear and Objective Review** - Applications shall demonstrate compliance with the standards in this chapter. Compliance allows applications to proceed with ministerial review when they consist of outright permitted uses or when they have already obtained the necessary discretionary review approvals.
- b. **Lot Development Option** - Adjustments to the standards may be requested through the Lot Development Option procedures outlined in Chapter 2.12 - Lot Development Option.
- c. **Discretionary Reviews Involving Public Hearings** - Flexibility beyond the allowances described in "b" above may be requested as a Planned Development review. However, to achieve this flexibility, the provisions within Chapter 2.5 - Planned Development apply.

Section 4.10.40 - APPLICATION OF STANDARDS

- a. **Residential Uses** - For all residential uses, the applicable residential standards shall apply.
- b. **Commercial, Industrial, and Civic Uses** - For all commercial, industrial, and civic uses, the applicable commercial, industrial, and civic standards shall apply.
- c. **Mixed Use Buildings** - For mixed use buildings, the applicable provisions for each use component shall apply to that portion of the building. For example, if a mixed use building has ground-floor retail and residential above, the standards for commercial, industrial, and civic uses shall apply to the commercial portion, and

the residential standards shall apply to the remainder of the building. If a conflict exists between standards, the standard that provides more pedestrian amenities applies.

- d. **Orientation to Streets** - Where a lot or parcel fronts on three or more streets, the requirements of this chapter (e.g., building orientation, location of parking) apply to only two of these streets.

Section 4.10.50 - STANDARDS FOR DETACHED SINGLE-FAMILY, 2-UNIT ATTACHED SINGLE-FAMILY, AND DUPLEX RESIDENTIAL BUILDING TYPES

4.10.50.01 - Building Orientation, Privacy, and Facades Adjacent to Pedestrian Areas

- a. **Orientation of Dwellings** - All dwellings shall be oriented to existing or proposed public or private streets (see Chapter 4.0 - Improvements Required with Development for public and private street standards), with the exception that accessory dwelling units constructed in accordance with Chapter 4.9 - Additional Provisions may be accessed from an alley. Private streets used to meet this standard must include the elements in Chapter 4.0.

The orientation standard is satisfied when the following provisions are met:

1. Primary building entrances shall face the streets or be directly accessed by a sidewalk or multi-use path less than 100 ft. long; and
 2. Primary dwelling unit entrances shall open directly to the outside and shall not require passage through a garage or carport to gain access to the dwelling.
- b. **Privacy** - If the side wall of a dwelling or accessory dwelling is on or within 3 ft. of the property line, ground-floor windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.
 - c. **Windows and Doors** - Any facade facing streets, sidewalks, and multi-use paths (including garage facades) shall contain a minimum area of 15 percent windows and/or doors. Gabled areas need not be included in the base wall calculation when determining this minimum 15 percent requirement.

- d. **Grading (Cuts and Fills)** - Structures and onsite improvements shall be designed to fit the natural contours of the site by minimizing cuts and fills. Cuts and fills shall be considered to be minimized by not exceeding 8 vertical ft. for an individual cut or fill and not exceeding 16 vertical ft. for a combination cut/fill. The maximum cut or fill used to establish any driveway shall not exceed 8 vertical ft., except that overall vertical heights of these cuts or fills may exceed 8 ft. where slopes on a site exceed 20 percent. In these cases, an overall maximum vertical height of 14 ft. may be achieved by use of more than one cut or fill, provided that a minimum 5-ft. planted bench is constructed between the two cuts or fills (excepting that improvements such as sidewalks, stairs, patios, etc. that cross the bench are not planted).

4.10.50.02 - Ratio of Garage/Carport Facade to Street, Placement, and Materials

- a. **Ratio of Garage/Carport Facade to Street for Dwellings with Front-Loaded Garages/Carports**
1. **Lots \geq 50 Ft. in Width** - For dwellings with front-loaded garages/carports (attached garages/carports with entrances facing the same street as the dwelling's entrance), the width of the garage wall (not just the doors) or carport facing the street shall be no more than 50 percent of the length of the dwelling's street-facing facade.
 2. **Lots $<$ 50 Ft. in Width** - For dwellings with front-loaded garages (attached garages with entrances facing the same street as the dwelling's entrance), the area of the garage wall or facing the street shall be no more than 50 percent of the area of the dwelling's street-facing facade. The area shall be measured in sq. ft. and, with the exception of gabled areas and second stories, the entire facade of the garage shall be measured (i.e., the interior of the garage would determine the width of the garage facade, not just the garage doors). For dwellings with front-loaded carports, the carports shall be subject to the same restrictions outlined in "1" above.
 3. **Exception** - Where the street-facing facade of a dwelling is less than 24 ft. wide, the garage wall facing the street may be up to 12 ft. wide if the garage meets one of the following:

- (a) Interior Living Area above the Garage - The living area may not be set back more than 4 ft. from the street-facing garage wall;
or
- (b) Covered Balcony - A covered balcony above the garage is:
 - (1) At least the same width as the street-facing garage wall;
 - (2) At least 6 ft. deep; and
 - (3) Accessible from the interior living area of the dwelling unit.

- b. Garage and Carport Placement** - Garages and carports shall be placed only as indicated in the options below. The applicant shall indicate the proposed options on plans submitted for building permits. Additionally, measurements may be taken from the second floor of homes, provided the second floor spans across the entire garage/carport.

Garage/Carport Placement Options:

1. Vehicular entrances are at the rear of a dwelling unit (attached to or detached from the dwelling unit) and accessed from the street. Where two adjacent dwelling units use this option, a shared driveway shall be encouraged.
2. Vehicular entrances face the street and are recessed at least 4 ft. from the front wall of the dwelling. The recess from the front wall of the dwelling shall be measured from the front wall of the living space area, not from the front porch, a bay window, or other projection or architectural feature.
3. Vehicular entrances are accessed from an alley. Garage/carport setbacks from alleys are outlined in section 4.0.60.j of Chapter 4.0 - Improvements Required with Development. Garage/carport entrances may be located parallel to (facing) an alley, perpendicular to (not facing) an alley, or angled up to 45 degrees to an alley.
4. Vehicular entrances are perpendicular to the street (garage/carport is sideways). The garage wall facing the street shall provide a minimum area of 15 percent windows and/or doors.

5. Vehicular entrances are oriented diagonally to the street. The garage wall facing the street shall provide a minimum area of 15 percent windows and/or doors. To determine whether the portion of the garage that “faces” the street complies with section 4.10.50.2.a, the width of the front garage wall shall be measured as the length of the leg of a right triangle parallel to the street, where the hypotenuse of the triangle is the front of the garage.
 6. Vehicular entrances face the street and garages are located beneath the main floor and front door entrance to the dwelling unit, provided the garage/carport entrances are flush with or set behind the front wall of the dwelling unit. This option addresses the “basement garage” scenario in hillside areas.
 7. Vehicular entrances face the street and are flush with or recessed up to 4 ft. from the front wall of the dwelling, and a front porch is provided with a minimum size of 6 ft. deep by 10 ft. wide (60 sq. ft.). A minimum of 60 percent of the porch shall be covered to provide weather protection.
 8. Vehicular entrances face the street and are flush with or recessed up to 4 ft. from the front wall of the dwelling, and the garage/carport is a single-car garage/carport that is a maximum of 12 ft. wide.
 9. Vehicular entrances face the street and are recessed at least 2 ft. from the front wall of the dwelling, and the dwelling includes a second floor that cantilevers over the garage/carport at least 2 ft. The recess from the front wall of the dwelling shall be measured from the front wall of the living space area, not from the front porch, a bay window, or other projection or architectural feature. Additionally, the second floor that cantilevers over the garage/carport shall run the full length of the garage/carport.
- c. Garage and Carport Materials** - Garages and carports, when provided, shall be constructed of the same building materials as the dwelling.

4.10.50.03 - Menus for Pedestrian Features and Design Variety

- a. Pedestrian Features Menu** - Each home shall incorporate a minimum of one of the following three pedestrian features. The applicant shall indicate the proposed options on plans submitted for building permits. While not all

of the pedestrian features are required, the inclusion of as many as possible is strongly encouraged.

1. **Elevated Finished Floor** - An elevated finished floor a minimum of 2 ft. above the grade of the nearest street sidewalk or streetside multi-use path.
2. **Front Porches/Patios** - A front porch or front patio a minimum size of 6 ft. deep by 10 ft. wide (60 sq. ft.), and covered by a minimum of 60 percent to provide weather protection.
3. **Sidewalk/Walkway to Front Door** - A minimum 3-ft.-wide walkway constructed of a permanent hard surface (not gravel) and located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.

b. Design Variety Menu - Each home shall incorporate a minimum of three of the following eight building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.

1. **Roof Pitch** - A minimum 4 to 12 roof pitch.
2. **Increased Roof Pitch** - A minimum 6 to 12 roof pitch. Provision of this increased roof pitch does not allow an applicant to count both this option and "1" above as options that have been met. An applicant shall receive "credit" only for "1" or this option.
3. **Eaves** - Eaves with a minimum 18-inch overhang.
4. **Building Materials** - At least two different types of building materials (including, but not limited to, stucco and wood, brick and stone, etc.) or a minimum of two different patterns of the same building material (e.g., scalloped wood and lap siding, etc.) on facades facing streets. These requirements are exclusive of foundations and roofs and pertain only to the walls of a structure.
5. **Trim** - A minimum of 2.25-inch trim or recess around windows and doors that face the street. Although not required, wider trim is strongly encouraged.

6. **Increased Windows** - A minimum area of 20 percent windows and/or dwelling doors on facades (including garage facades) facing streets, sidewalks, and multi-use paths. Gabled areas need not be included in the base wall calculation when determining this minimum 20 percent calculation.
7. **Architectural Features** - At least one architectural feature included on dwelling facades that face the street. Architectural features are defined as bay windows, covered porches greater than 60 sq. ft. in size, balconies above the 1st floor, dormers related to living space, or habitable cupolas. If a dwelling is oriented such that its front facade (facade with the front door) is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.
8. **Architectural Details** - Architectural details used consistently on dwelling facades. Architectural details are defined as exposed rafter or beam ends, eave brackets, windows with grids or divided lights, or pergolas/trellis work integrated into building facades. If a dwelling is oriented such that its front facade (facade with the front door) is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

Section 4.10.60 - STANDARDS FOR ATTACHED SINGLE-FAMILY DWELLINGS 3 UNITS OR GREATER, TOWNHOME, TRIPLEX, FOURPLEX, AND APARTMENT RESIDENTIAL BUILDING TYPES

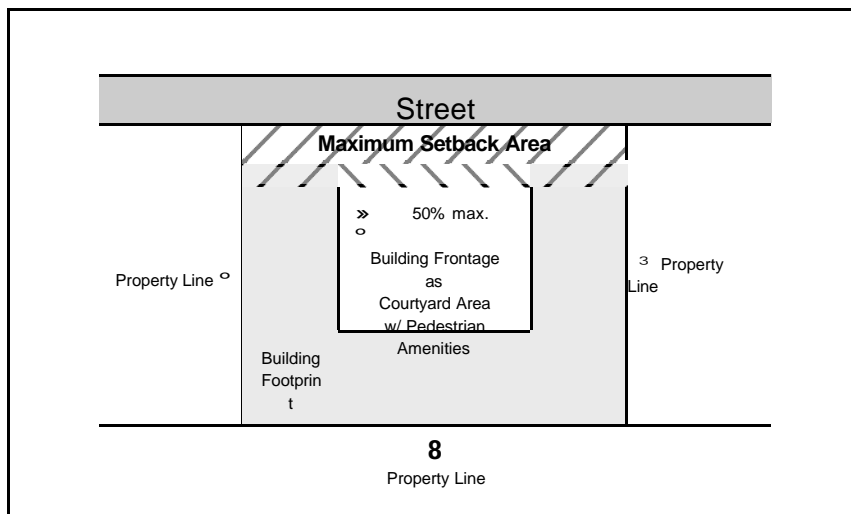
4.10.60.01 - Building Orientation, Entrances, and Facades Adjacent to Pedestrian Areas

All building orientations, facades, and entrances shall comply with the following standards.

- a. **Orientation of Buildings** - All dwellings shall be oriented to existing or proposed public or private streets (see Chapter 4.0 - Improvements Required with Development for public and private street standards), with the exception that accessory dwelling units constructed in accordance with Chapter 4.9 - Additional Provisions may be accessed from an alley. Private streets used to meet this standard must include the elements in Chapter 4.0.

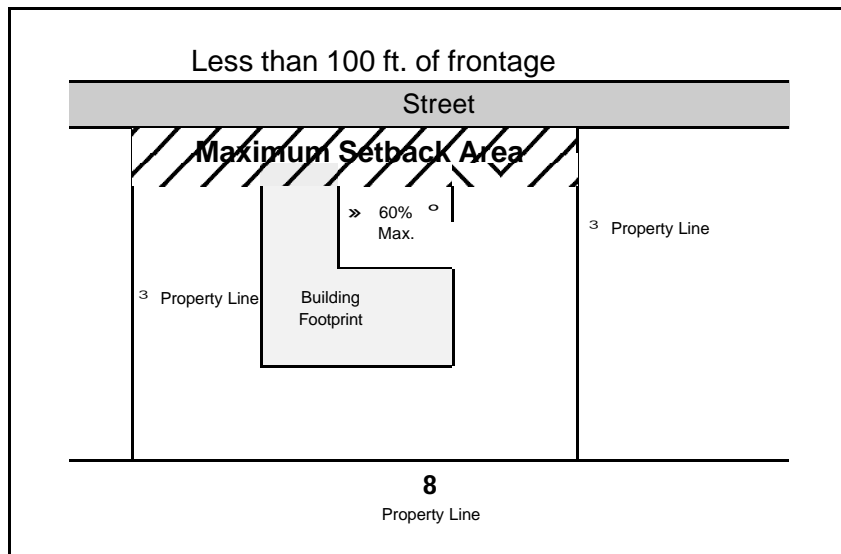
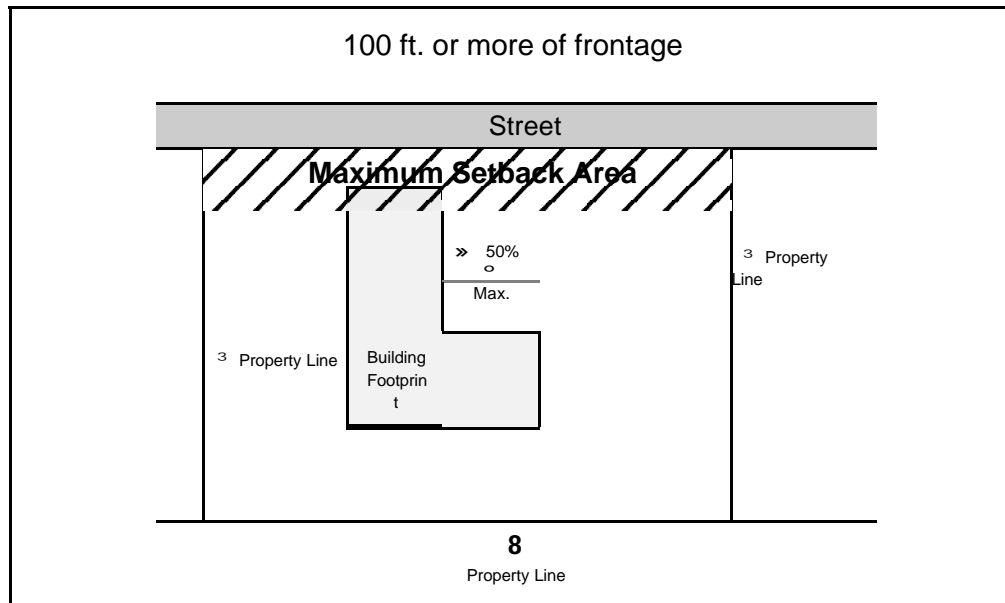
1. Primary building entrances shall face the streets or be directly accessed by a sidewalk or multi-use path less than 200 ft. long. Primary entrances may provide access to individual units, clusters of units, courtyard dwellings, or common lobbies. Entrances shall open directly to the outside and shall not require passage through a garage or carport to gain access to the doorway.

2. Open courtyard space may increase up to 50 percent of the building front beyond the maximum setback. Open courtyard space is usable space that shall include pedestrian amenities such as benches, seating walls, or similar furnishings, and shall include landscaping. For example, an apartment building in a Mixed Use Residential Zone is required to have a front yard setback of no more than 15 ft. If a developer desires to construct a “U-shaped” building with a pedestrian courtyard in the center, then one half the width of the building (based upon the lineal footage of the building’s street frontage) could be located farther back than the maximum setback of 15 ft.



3. Off-street parking and vehicular circulation shall not be placed between buildings and the streets to which those buildings are primarily oriented, except for driveway parking associated with single-family development. An exception may also be granted for up to two parking spaces per dwelling unit for triplexes, provided these spaces are within driveway areas designed to serve individual units within the triplexes. Parking to the side of buildings is allowed in limited situations, as outlined in section 4.10.60.02 below.

- b. **Percentage of Frontage** - On sites with 100 ft. or more of public or private street frontage, at least 50 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in section 4.10.60.01.a.2 above. For sites with less than 100 ft. of public or private street frontage, at least 40 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone, except that variations from this provision shall be allowed as outlined in section 4.10.60.01.a.2 above.



- c. **Windows and Doors** - Any facade facing streets, sidewalks, and multi-use paths (including garage facades) shall contain a minimum area of 15 percent windows and/or doors. Gabled areas need not be included in the base wall calculation when determining this minimum 15 percent requirement.

- d. **Grading (Cuts and Fills)** - Structures and onsite improvements shall be designed to fit the natural contours of the site by minimizing cuts and fills. Cuts and fills shall be considered to be minimized by not exceeding 8 vertical ft. for an individual cut or fill and not exceeding 16 vertical ft. for a combination cut/fill. The maximum cut or fill used to establish any driveway shall not exceed 8 vertical ft., except that overall vertical heights of these cuts or fills may exceed 8 ft. where slopes on a site exceed 20 percent. In these cases, an overall maximum vertical height of 14 ft. may be achieved by use of more than one cut or fill, provided that a minimum 5-ft. planted bench is constructed between the two cuts or fills (excepting that improvements such as sidewalks, stairs, patios, etc. that cross the bench are not planted).

4.10.60.02 - Parking Location

a. Standards

1. Parking lots shall be placed to the rear of buildings. Ministerial exceptions to this standard allow parking to the side of a building if required parking cannot be accommodated to the rear. These ministerial exceptions may be granted in the following cases:
 - (a) Where lot depth is less than 75 ft.;
 - (b) Where parking on the side would preserve significant natural features that exist to the rear of a site, and that would be disturbed by the creation of parking to the rear of structures on a site;
 - (c) Where a common outdoor space at least 200 sq. ft. in size is proposed to the rear of a site, and parking in the rear would prohibit the provision of this common outdoor space area for residents of a development site; and/or
 - (d) Where parking on the side would solve proximity issues between dwelling unit entrances and parking spaces. A

proximity issue in this case involves a situation where a parking lot to the rear is in excess of 100 ft. from the entrances to the dwelling units being served by the parking lot.

2. On corner lots, parking areas shall not be located within 30 ft. of a roadway intersection, as measured from the center of the curb radius to the edge of the parking area (curb or wheel stop).

4.10.60.03 - Ratio of Garage/Carport Facade to Street, Placement, and Materials

Provisions for the ratio of garage and carport facades to the street, placement, and materials shall be as outlined in section 4.10.50.02.

4.10.60.04 - Menus for Pedestrian Features and Design Variety

- a. **Pedestrian Features Menu for Triplexes, Fourplexes, and Townhomes** - Each triplex, fourplex, or townhome shall incorporate a minimum of one of the following three pedestrian features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the pedestrian features are required, the inclusion of as many as possible is strongly encouraged.
 1. **Elevated Finished Floor** - An elevated finished floor a minimum of 2 ft. above the grade of the nearest street sidewalk or streetside multi-use path.
 2. **Front Porches/Patios** - A front porch or front patio for each ground-floor dwelling unit, with a minimum size of 6 ft. deep by 10 ft. wide (60 sq. ft.), and with a minimum of 60 percent of the porch or patio covered to provide weather protection.
 3. **Sidewalk/Walkway to Front Door** - A minimum 3-ft.-wide walkway constructed of a permanent hard surface (not gravel) and located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.
- b. **Design Variety Menu** - Each structure shall incorporate a minimum of four of the following nine building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.

1. **Roof Types** - Roofs that have gable, hip, or gambrel forms (minimum pitch 4 to 12) with at least a 6-in. overhang. Mixed use buildings may provide flat roofs with a decorative cap, such as a parapet or cornice, that is a distinctive element from the main wall of the building.
2. **Trim** - A minimum of 2.25-in. trim or recess around windows and doors that face the street. Although not required, wider trim is strongly encouraged.
3. **Building and Roof Articulation** - Exterior building elevations that incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall be designed to occur on each floor and at a minimum of every 45 ft. To satisfy this requirement, at least two of the following three choices shall be incorporated into the development:
 - (a) Offsets or breaks in roof elevation of 3 ft. or more in height, cornices at least 2 ft. or more in height, or at least 2-ft. eaves;
 - (b) Recesses (e.g., decks, patios, courtyards, entrances, etc.) with a minimum depth of 2 ft. and minimum length of 4 ft.; and/or
 - (c) Extensions/projections (e.g., floor area, porches, bay windows, decks, entrances, etc.) that have a minimum depth of 2 ft. and minimum length of 4 ft.
4. **Building Materials** - Buildings shall have a minimum of two different types of building materials (including, but not limited to stucco and wood, brick and stone, etc.) or a minimum of two different patterns of the same building material (e.g., scalloped wood and lap siding, etc.) on facades facing streets. These requirements are exclusive of foundations and roofs, and pertain only to the walls of a structure.
5. **Increased Eaves Width** - Eaves with a minimum 18-in. overhang.
6. **Increased Windows** - A minimum area of 20 percent windows and/or dwelling doors on facades (including garage facades) facing streets, sidewalks, and multi-use paths. Gabled areas need not be included in the base wall calculation when determining this minimum 20 percent calculation.

7. **Increased Roof Pitch** - A minimum 6 to 12 roof pitch with at least a 6-in. overhang. Provision of this increased roof pitch does not allow an applicant to count both this option and "1" above as options that have been met. An applicant shall receive "credit" only for "1" or this option.
8. **Architectural Features** - At least one architectural feature included on dwelling facades that face the street. Architectural features are defined as bay windows, oriels, covered porches greater than 60 sq. ft. in size, balconies above the first floor, dormers related to living space, or habitable cupolas. If a dwelling is oriented such that its front facade (facade with the front door) is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.
9. **Architectural Details** - Architectural details used consistently on dwelling facades that face streets. Architectural details are defined as exposed rafter or beam ends, eave brackets, windows with grids or true divided lights, or pergolas integrated into building facades. If a dwelling is oriented such that its front facade (facade with the front door) is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

4.10.60.05 - Service Areas, Roof-Mounted Equipment, and Private Outdoor Space

- a. **Service Areas** - When provided, service areas (e.g., trash receptacles) shall be located to provide truck access and shall not be placed within any required setback area. When located outside a setback area, but within 5-10 ft. of a property line, such service areas shall be screened on all sides with a solid fence or wall at least 1 ft. higher than the equipment within the service area and also screened with landscaping (in accordance with landscape screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting). When located outside a setback area, but greater than 10 ft. from a property line, such service area shall still be screened, but may be screened with landscaping only (in accordance with landscape screening provisions of Chapter 4.2).

Service areas for residential building types other than single-family, duplex, and triplex units shall be located a minimum of 20 ft. from both onsite and

offsite residential buildings. Transformers shall also be screened with landscaping.

When service areas are provided within alleys, the alleys shall be constructed in accordance with the provisions in Chapter 4.0 - Improvements Required with Development.

- b. Roof-Mounted Equipment** - Roof-mounted equipment (heating, ventilation, air conditioning equipment, etc.) shall have screening features (such as a parapet, wall, or other sight-blocking feature) at least equal in height to the equipment and constructed of materials used in the building's exterior construction. The roof-mounted equipment shall be painted to match the roof.
- c. Private Outdoor Space** - Outdoor space shall be provided consistent with the outdoor space standards for the Mixed Use Residential Zone in Chapter 3.9 - Mixed Use Residential (MUR) Zone.

4.10.60.06 - Pedestrian Circulation

a. Applicability

These additional pedestrian circulation standards apply to all residential developments with eight or more units.

b. Standards

- 1. Continuous Internal Sidewalks** - Continuous internal sidewalks shall be provided throughout the site. Discontinuous internal sidewalks shall be permitted only where stubbed to a future internal sidewalk on abutting properties, future phases on the property, or abutting recreation areas and pedestrian connections.
- 2. Separation from Buildings** - Internal sidewalks shall be separated a minimum of 5 ft. from dwellings, measured from the sidewalk edge closest to any dwelling unit. This standard does not apply to the following:
 - (a) Sidewalks along public or private streets used to meet building orientation standard, or
 - (b) Mixed use buildings and multi-family densities exceeding 30 units per acre.

- c. **Connectivity** - The internal sidewalk system shall connect all abutting streets to primary building entrances. The internal sidewalk system shall connect all buildings on the site and shall connect the dwelling units to parking areas, bicycle parking, storage areas, all recreational facility and common areas, and abutting public sidewalks and multi-use paths.
- d. **Sidewalk and Multi-use Path Surface Treatment** - Public internal sidewalks shall be concrete and shall be at least 5 ft. wide. Private internal sidewalks shall be concrete, or masonry; and shall be at least 5 ft. wide. Public multi-use paths (i.e., paths for bicycles, pedestrians, and emergency vehicles) shall be concrete and shall be at least 12 ft. wide. Private multi-use paths shall be of the same materials as private sidewalks, or asphalt, and shall be at least 12 ft. wide. All materials used for sidewalks and multi-use paths shall meet City Engineering standards.
- e. **Crossings** - Where internal sidewalks cross a vehicular circulation area or parking aisle, they shall be clearly marked with contrasting paving materials. Additional use of other measures to clearly mark a crossing, such as an elevation change, speed humps, or striping is encouraged.
- f. **Safety Adjacent to Vehicular Areas** - Where internal sidewalks parallel and abut a vehicular circulation area, sidewalks shall be raised a minimum of 6 in., or shall be separated from the vehicular circulation area by a minimum 6-in. raised curb. Landscaping that meets the requirements for separated sidewalks adjacent to streets shall be provided.
- g. **Lighting** - Lighting shall be provided consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.

Section 4.10.70 - STANDARDS FOR COMMERCIAL, INDUSTRIAL, AND CIVIC DEVELOPMENT

4.10.70.01 - Applicability

- a. All new commercial, industrial, and civic building types and associated features (such as parking lots) within all zones that refer to section 4.10.70 shall comply with sections 4.10.70.02 through 4.10.70.05.
- b. Independent or cumulative expansions of a commercial, industrial, or civic structure in existence and in compliance with the Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid

Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall not be required to comply with this section provided that:

1. The expansion adds floor area of 500 sq. ft. or less; or
 2. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area.
- c.** Independent or cumulative expansions of a commercial, industrial, or civic structure in existence and in compliance with the Code on December 31, 2000, or constructed after December 31, 2000 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2000, shall comply with the requirements of sections 4.10.70.02 through 4.10.70.05, subject to the following provisions that allow choices among some standards, provided that:
1. The expansion adds floor area of more than 3,000 sq. ft.; or
 2. The expansion adds floor area of more than 500 sq. ft. and is equivalent to more than 20 percent of the existing structure's gross floor area.
- d.** Pedestrian oriented design requirements for commercial, industrial, or civic structure expansions identified in section 4.10.70.01.c, above, are as follows:
1. Applicants shall choose at least four standards from sections 4.10.70.02 - Building Orientation and 4.10.70.03 - Pedestrian Circulation Standards, with a minimum of one standard from each (this criterion does not apply if the expansion/enlargement is an upper story addition only). If the expansion/enlargement is for space not open to customers or to the public, applicants must choose only one standard from section 4.10.70.02 and two standards from section 4.10.70.03.
 2. New parking shall comply with the Vehicle Circulation and Design Standards in sections 4.10.70.04.b through 4.10.70.04.d. For new drive-throughs, 4.10.70.04.e shall apply. Site improvements and expansions shall comply with the grading requirements of section 4.10.70.02.f.

3. Applicants shall choose the option in section 4.10.70.05.b.6.a or the option in section 4.10.70.05.b.6.b and, if in the Neighborhood Center Zone, applicants shall also comply with section 4.10.70.05.b.6.c.
 4. Applicants shall choose at least two of the five standards from section 4.10.70.05.b.7.a through 4.10.70.05.b.7.e. If the expansion/enlargement is for space not open to customers or to the public, applicants must choose only one standard from section 4.10.70.05.b.7.a through 4.10.70.05.b.7.e.
- e. The required standards applicable to expansions shall be applied either to the portion of the building being expanded, or in equal proportion to portions of the original building not in compliance with respect to the standard. For example, where windows may be required, but the security of a proposed storage room is needed, the applicant may install windows on other portions of the building not in compliance with the window provisions to satisfy the requirements.
 - f. Expansions proposed for sites containing existing parking lots not in compliance with the parking lot design standards in this chapter and in Chapter 4.1 - Parking, Loading, and Access Requirements, and containing parking spaces in excess of the minimum required for the existing development on the site shall first use the excess parking spaces to satisfy the parking requirements of the expansion, and shall modify those portions of the parking lot(s) associated with the proposed expansion in accordance with the design standards in this chapter and in Chapter 4.1. The modifications shall comply with the parking lot design standards to the maximum extent that they can be accommodated by the existing site development.

4.10.70.02 - Building Orientation

All buildings shall be oriented to existing or proposed public or private streets (see Chapter 4.0 - Improvements Required with Development for public and private street standards). Buildings on corner parcels shall be oriented to both streets bordering the property. Private streets used to meet this standard must include the elements in Chapter 4.0.

The building orientation standard is met when all of the following criteria are met:

- a. **Street Frontage Setback** - At least 50 percent of the building's linear frontage is located within the maximum setback established for the zone for

structures that have street frontage (except as provided elsewhere in this chapter for development in the Neighborhood Center Zone). Expansion of a structure existing prior to December 31, 2000, and in conformance with the Code on that date is deemed to meet this criterion, provided the area of expansion is between the street and the existing building frontage.

- b. Entrances** - All building sides that face an adjacent (public or private) street include at least one customer entrance. When the site is adjacent to more than one street, corner entrances at an angle of up to 45 degrees (from the largest of the two adjacent streets) may be substituted for separate entrances on adjacent streets. If the building does not have frontage along an adjacent street, direct pedestrian access to the street may be achieved by a sidewalk or courtyard connecting to a street no farther than 100 ft. from the building's pedestrian entrance. Buildings of less than 3,000 sq. ft. fronting on only one street may provide the customer entrance on the side of the building in lieu of the front, if a sidewalk or courtyard provides a direct pedestrian connection of less than 50 ft. between the entrance and the street.
- c. Parking and Vehicle Circulation** - Off-street parking or vehicular circulation shall not be placed between buildings and streets used to comply with this standard. Where allowed by the underlying zone, outdoor vehicle display lots for sale of autos, noncommercial trucks, motorcycles, trailers with less than 10,000 lbs. gross cargo weight, motor homes, and boats may be located adjacent to streets. The parking lot perimeter landscaping requirements of section 4.2.40 of Chapter 4.2 shall be met.
- d. Neighborhood Center (NC) Zone Special Provisions** - Buildings in the Neighborhood Center Zone shall comply with the following additional standards:

 - 1. Buildings shall be oriented to designated shopping streets, public open space, or a public park; and
 - 2. On designated shopping streets in the NC Zone, 80 percent of the building front shall be within the maximum setback. The maximum setback may be waived if pedestrian amenities occupy the extended setback area. Pedestrian amenities are defined in section 4.10.70.05.
- e. Exception for Enhanced Pedestrian Environment** - Within a Minor Neighborhood Center, an exception to the requirement that all buildings on

corner parcels front both streets may be granted through the process identified in Chapter 2.16 - Request for Interpretation if the proposed shopping street's design and layout can be shown to provide a pedestrian environment that is clearly superior (through enclosure of the shopping street, etc.) to the environment that would result from the corner orientation. For Major Neighborhood Centers, such exceptions may be granted, based on the same standard, through the process identified in Chapter 2.10 - Major Neighborhood Center Master Site Plan Requirements.

- f. **Grading (Cuts and Fills)** - Structures and onsite improvements shall be designed to fit the natural contours of the site by minimizing cuts and fills. Cuts and fills shall be considered to be minimized by not exceeding 8 vertical ft. for an individual cut or fill and not exceeding 16 vertical ft. for a combination cut/fill. The maximum cut or fill used to establish any driveway shall not exceed 8 vertical ft., except that overall vertical heights of these cuts or fills may exceed 8 ft. where slopes on a site exceed 20 percent. In these cases, an overall maximum vertical height of 14 ft. may be achieved by use of more than one cut or fill, provided that a minimum 5-ft. planted bench is constructed between the two cuts or fills (excepting that improvements such as sidewalks, stairs, patios, etc. that cross the bench are not planted).

4.10.70.03 - Pedestrian Circulation Standards

- a. **Requirements for New Development and Options for Expansions of a Commercial, Industrial, or Civic Structure, Consistent with Section 4.10.70.01.c**
 - 1. **Continuous Internal Sidewalks and Multi-use Paths** - A continuous internal sidewalk (and needed sidewalk crossings), no less than 5 ft. wide, shall be provided from public sidewalks or rights-of-way to all customer entrances, and between customer entrances of all buildings. Sidewalks shall be direct and convenient and form a network of walking routes. Internal multi-use paths shall be no less than 12 ft. wide.

2. **Sidewalks along Building Walls** - Sidewalks no less than 5 ft. wide shall be provided along the full length of building walls featuring a customer entrance and along any wall parallel to and abutting parking areas larger than eight parking spaces, except in situations where the sidewalk would not provide connectivity between an entrance and parking area. Where sidewalks are adjacent to buildings (except for along shopping streets), a 5-ft.-wide foundation landscape strip and/or weather protection with planters shall be provided.
3. **Separation and Distinction from Driving Surfaces** - Where any internal sidewalk is parallel to and abuts a vehicular circulation or parking area, the sidewalk shall be raised and separated from the vehicular circulation or parking area by a raised curb at least 6 in. in height. In addition to this requirement, a landscaping strip at least 5 ft. wide, or wheel stops with landscaping strips at least 4 ft. wide, are strongly encouraged to enhance the separation of vehicular from pedestrian facilities.
4. **Sidewalk and Multi-use Path Surface Treatment** - Public internal sidewalks shall be concrete and shall be at least 5 ft. wide. Private internal sidewalks shall be concrete or masonry pavers, and shall be at least 5 ft. wide. Public multi-use paths (i.e., paths for bicycles, pedestrians, and emergency vehicles) shall be concrete, and shall be at least 12 ft. wide. Private multi-use paths shall be of the same materials as private sidewalks, or asphalt, and shall be at least 12 ft. wide. All materials used for public sidewalks and multi-use paths shall meet City Engineering standards.
5. **Crossings** - Where any internal sidewalk crosses an internal street, driveway, or parking aisle, the sidewalk shall be clearly marked with contrasting paving materials. Additional use of other measures to

clearly mark a crossing, such as an elevation change, speed humps, or striping, is encouraged.

6. **Connection to Adjacent Properties or Streets** - In addition to the sidewalk connections required by the block development standards in Chapter 4.0 - Improvements Required with Development, sidewalk connections shall be provided between internal sidewalk networks and all adjacent planned streets, sidewalks, and multi-use paths. Multi-use paths shall be connected with adjacent multi-use paths, sidewalks, and/or bike lanes. Where appropriate, such connections shall also be provided to adjacent residential properties.
7. **Planting Strips** - For lots abutting existing streetside sidewalks, sidewalks shall be reconstructed with a planting strip consistent with the requirements in Chapter 4.0.

b. Additional Requirement for New Development and Additional List of Options for Expansions of a Commercial, Industrial, or Civic Structure, Consistent with Section 4.10.70.01.d.1

New development shall comply with one of the following five options. Expansions in accordance with section 4.10.70.01.c shall merely add this list of choices to the choices presented in section 4.10.70.03.a to obtain a larger list of options to comply with the requirements of section 4.10.70.01.d.1.

Options:

1. **Driveway Consolidation** - Removal of at least one driveway through outright removal or access consolidation, such that the net number of driveways for the site is at least one less than prior existing conditions for the site.
2. **Landscape Buffer** - Construction or expansion of a landscape buffer that creates a landscape buffer 20 ft. wide, where either no landscape buffer exists or where a landscape buffer of less than 20 ft. wide exists, between the back of a sidewalk and existing vehicle parking or circulation areas.
3. **Reduced Parking** - Establishment of an agreement that shares parking between the subject site and an abutting site and results in a reduction of total parking spaces for the subject site to 90 percent

or less of the required minimum. Such shared parking agreements may be used, provided the applicant demonstrates an adequate supply of parking for each use. Identification of surplus parking during peak periods, or surplus capacity provided due to off-peak use, are methods of demonstrating this adequacy.

4. **Covered Walkways** - Installation of weather protection resulting in covered pedestrian walkways between and around all buildings and between the primary building and adjacent public pedestrian facilities.
5. **Notarized Letter** - Where development is proposed on property adjacent to existing 5-lane arterial streets or highways, recording a signed and notarized letter with the Benton County Clerk from the owner of the development site agreeing not to oppose construction of a future median or pedestrian refuge.

4.10.70.04 - Vehicle Circulation and Design Standards

- a. **Parking Lots** - Parking lots shall be placed to the rear of buildings in accordance with section 4.10.70.02. Administrative exceptions to this standard are allowed. To the extent that required parking cannot be located to the rear of the building due to other requirements of this Code or unusual site constraints, the amount of parking and vehicle circulation that cannot be accommodated to the rear of the building may be provided only to the side of the building.

“Other requirements of this Code” may include, but are not necessarily limited to, significant natural resource protection provisions in Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting; vehicle parking, loading, and circulation requirements in Chapter 4.1 - Parking, Loading, and Access Requirements; and floodway/floodplain maintenance requirements in Chapter 4.5 - Flood Control and Drainageway Provisions. Unusual site constraints may include parcels fronting more than two streets, irregular lot configuration, weak foundation soils, or other physical site factors that constrain development when considered with Uniform Building Code requirements.

- b. **Corner Parcels** - Parking areas shall not be located within 30 ft. of a roadway intersection, as measured from the center of the curb radius to the edge of the parking area (curb or wheel stop).

c. Parking Lot Access - Commercial driveway approaches shall be used to access parking lots from public streets. Parking lot approaches shall be located no closer than 50 ft. from local street intersections (as measured from the intersection of two rights-of-way lines). Approaches on collector and arterial streets shall comply with parking lot approach standards provided in Chapter 4.1.

d. Neighborhood Center (NC) Zone Special Provisions - Parking in the Neighborhood Center Zone shall comply with the following additional standards:

1. Off-street parking shall be located behind new buildings and building expansions for buildings constructed after adoption of this Code;
2. Exceptions to this standard for new buildings may be requested only in association with a Planned Development application in accordance with Chapter 2.5 - Planned Development;
3. Exceptions to this standard for expansion of a building in existence prior to December 31, 2000, may allow parking on the side of a building to the extent that required parking cannot be located to the rear due to other requirements of this Code or unusual site constraints (identified in section 4.10.70.04.a above), and provided that the parking at the side of the building does not exceed 20 percent of the total minimum parking for the building.
4. On-street parking along the property's frontage may count toward minimum parking requirements in the NC Zone.

e. Drive-Through Facilities

1. Internal driveways are prohibited between buildings and streets to which the building entrances are oriented, except for car washes and fuel sales pursuant to "3" below.
2. Drive-Through Facilities uses are prohibited in the Minor NC Zone. In other commercial zones, drive-through facilities are allowed provided "1" above is met. Pedestrian areas shall be buffered from drive-through vehicles in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
3. Car Washes and Fuel Sales uses may include internal driveways, drive aisles, accessways, and queuing lanes between the building

(meeting setback requirements) and street to which the building entrances are oriented, subject to the following standards:

- (a) Pedestrian areas shall be buffered from drive-through vehicles in accordance with Chapter 4.2;
- (b) A minimum 8-ft.-wide landscape buffer shall be provided between the vehicular circulation areas of the use and any sidewalk within the public street rights-of-way; and
- (c) When building entrances are separated from sidewalks by drive-through facilities, contrasting paving materials shall be required to ensure safe, direct, and convenient crossings. In addition, raised elevation warning signs and/or landscaping walls are encouraged to enhance safe, direct, and convenient crossings and to further buffer pedestrian areas from drive-through facilities.

4.10.70.05 - Standards and Menus for Pedestrian Features and Design Variety

a. Pedestrian Amenities Standards

- 1. **Weather Protection** - Where new commercial and civic development is constructed immediately adjacent to (abutting) street sidewalks or pedestrian plazas, a minimum 6-ft.-wide, weather-protected area (e.g., awnings or canopies) shall be provided and maintained along at least 60 percent of any building wall immediately adjacent to the sidewalks and/or pedestrian plazas. An additional requirement shall include a minimum 8-ft. vertical clearance (9 ft. for balconies) between the sidewalk and the lowest portion of the weather protection.
- 2. **Pedestrian Amenity Requirements** - All new development and substantial improvements shall provide pedestrian amenities as defined by this section. The number of pedestrian amenities provided shall comply with the following sliding scale:

Size of Structure or Substantial Improvement	Number of Amenities
< 5,000 sq. ft.	1
5,001 - 10,000 sq. ft.	2

Size of Structure or Substantial Improvement	Number of Amenities
10,001 - 50,000 sq. ft.	3
> 50,000 sq. ft.	4

3. **Acceptable Pedestrian Amenities** - Acceptable pedestrian amenities include:
 - (a) Sidewalks with ornamental treatments (e.g., brick pavers), or sidewalks 50 percent wider than required by this Code;
 - (b) Sidewalk planters with benches and public outdoor seating;
 - (c) Significant public art (e.g., sculpture, fountain, clock, mural, etc.);
 - (d) Mini parks or plazas (minimum usable area of 300 sq. ft.); and
 - (e) Street trees of a caliper 50 percent wider than required by this Code (may include preservation of healthy mature trees adjacent to the street sidewalk).

4. **Accessibility of Pedestrian Amenities** - Pedestrian amenities shall be visible and accessible to the general public from an improved street. Access to mini parks, plazas, and sidewalks shall be provided via a public right-of-way or a public access easement.

b. Design Standards and Design Variety Menus

1. **Encroachments** - Special architectural features, such as bay windows, decorative roofs, and entry features may, with City Council approval, project up to 3 ft. into public rights-of-way, provided that they are not less than 9 ft. above the sidewalk. Trellises, canopies and fabric awnings may project 6.5 ft. into setbacks and public rights-of-way, provided that they are not less than 8 ft. above the sidewalk. No such improvements shall encroach into alley rights-of-way.

2. **Loading/Service Facilities** - Loading and service areas (e.g., trash enclosures) shall be located to minimize conflicts with public pedestrian areas, screened in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and

Lighting, provide convenient access for trucks, and shall minimize noise and other impacts with adjoining uses. Service areas shall be located to the back or sides of buildings, or in alleys where available. Loading dock doors are encouraged to be placed in recessed areas or between buildings to minimize impacts to the pedestrian and human-scale aspects of the development.

3. **Roof-Mounted Equipment** - Roof-mounted equipment (e.g., heating, ventilation, and air conditioning equipment) shall be screened. Screening features (such as a parapet, wall, or other sight-blocking feature) shall be at least equal in height to the equipment, compatible with roof lines, and constructed of materials used in the building's exterior construction. The roof-mounted equipment shall be painted to match the roof.
4. **Sign Standards**
 - (a) Pole-mounted, freestanding signs are prohibited in NC zones.
 - (b) Blade signs placed under awnings are allowed along shopping streets.
 - (c) Remaining sign provisions are in accordance with Chapter 4.7 - Sign Regulations.
5. **Lighting Standards** - Lighting shall be provided consistent with the lighting provisions in Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.
6. **Windows** - The following shall apply to placement and type of windows:
 - (a) **Ground-Floor Windows and Doors** - Except for the Neighborhood Center Zone (refer to "c" below), a minimum of 60 percent of the length and 25 percent of the first 12 ft. in height from the adjacent grade of any street-facing facade shall contain windows and/or glass doors. (An exception may be granted if the expansion/enlargement is for space neither adjacent to a street nor open to customers or the public.) Additional requirements for windows shall include the following:

- (1) Ground-floor windows shall be framed by bulkheads, piers, and sills (e.g., recessed window) where applicable, and shall have a top treatment such as a hood, awning, or a storefront cornice separating the ground floor from the second story. (The “Base Treatment” standards under section 4.10.70.05.b.7.d below and the “Top Treatment” standards under section 4.10.70.05.b.7.e below shall be used as a guide for providing “bulkheads” and “cornices” that meet this standard.) Alternatively, all ground-floor windows shall provide a minimum 3-in. trim or recession.
 - (2) Window Type - Ground-floor windows used to comply with section 4.10.70.05.b.6.a shall meet all of the following standards:
 - (a) Opacity of greater than 60 percent prohibited for any required window; and
 - (b) Ground-floor windows shall allow views from adjacent sidewalks into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of windows shall be no more than 4 ft. above the adjacent exterior grade.
 - (b) **Windows on Commercial Stories above Ground Floor** - Each facade on commercial stories above the ground floor and that faces a street or other area accessible to the public shall include at least 20 percent window coverage.
 - (c) **Neighborhood Center Special Window Provisions** - For walls facing shopping streets, a minimum of 75 percent of length and 50 percent of the first 12 ft. in height from the adjacent grade of any street-facing wall shall contain windows and/or glass doors. Public art, mini parks, and/or plazas, as defined in section 4.10.70.05.a.3 may substitute for up to 50 percent of the required window area if construction is of permanently fixed, durable materials.
7. **Design Variety Menu** - Each structure shall incorporate a minimum of three of the following five building design features. The applicant

shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.

- (a) **Building Walls** - Building walls in excess of 30 ft. in length shall not exceed a height/width ratio of 1:3 without a change in height of at least 4 ft.
- (b) **Maximum Wall Segments** - All building wall segments on all sides of buildings visible from public areas or adjacent uses shall be a maximum of 30 ft. in length. Building wall segments shall be distinguished by architectural features including at least one of the following: columns, reveals, ribs or pilasters, and piers, recesses, or extensions. The segment length may be increased to a maximum of 60 ft. if the segment contains integral planters, public art, or permanent seating (e.g., seating wall) that conform to the accessibility standards in section 4.10.70.05.a.4.
- (c) **Entrances** - Primary building entrances shall be clearly defined by recess or projection, and shall be framed by a sheltering element such as an awning, overhang, arcade, or portico.
- (d) **Base Treatments** - A recognizable "base" consisting of at least one of the following:
 - (1) Thicker walls (e.g., bulkhead), ledges, or sills as viewed from the exterior of the building;
 - (2) Integrally textured materials such as stone, stucco, or other masonry;
 - (3) Integrally colored and patterned materials such as smooth-finished stone or tile;
 - (4) Lighter or darker colored materials, mullions, or panels;
 - (5) Detailing such as scoring, ribbing, moldings, or ornamentation; or
 - (6) Planters integral to the building.

- (e) **Top Treatments** - A recognizable “top” consisting of at least one of the following:
- (1) Cornice treatments, other than colored “stripes” or “bands” that are integral to the building design. Materials such as stone, masonry, brick, wood, galvanized and painted metal, or other colored materials shall be used;
 - (2) Sloping roof (4:12 or greater) with overhangs. Overhangs may be boxed with moldings (e.g., modillions, dentils, or other moldings, as applicable), or contain brackets; or
 - (3) Stepped parapets.