



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

## NOTICE OF ADOPTED AMENDMENT

July 3, 2007



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Corvallis Plan Amendment  
DLCD File Number 002-07

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

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: July 19, 2007**

This amendment was not submitted to DLCD for review prior to adoption. Pursuant to OAR 660-18-060, the Director or any person is eligible to appeal this action to LUBA under ORS 197.830 to 197.845.

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

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

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Marguerite Nabeta, DLCD Regional Representative  
Fred Towne, City of Corvallis

<paa>

**FORM 2**

**D L C D NOTICE OF ADOPTION DEPT OF**

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

**JUN 29 2007**

(See reverse side for submittal requirements)

**LAND CONSERVATION AND DEVELOPMENT**

Jurisdiction: City of Corvallis Local File No.: LDT07-00001  
Date of Adoption: 6/18/07 Date Mailed: 6/28/07  
(Must be filled in) (If no number, use none) (Date mailed or sent to DLCD)  
Date the Notice of Proposed Amendment was mailed to DLCD: NA

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

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."  
LDC correction to eliminate setback required from Parks and driveways resulting from their being zoned DG-05.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."  
NA

Plan Map Changed from: / to /  
Zone Map Changed from: / to /  
Location: \_\_\_\_\_ Acres Involved: \_\_\_\_\_  
Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_  
Applicable Statewide Planning Goals: None  
Was an Exception Adopted? Yes: \_\_\_\_\_ No: X

DLCD File No.: 002-07 (NOA)



Did the Department of Land Conservation and Development receive a notice of Proposed

Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes: \_\_\_ No:

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

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

Affected State or Federal Agencies, Local Governments or Special Districts: None

Local Contact: Fred Towne Area Code + Phone Number: 541-766-6908  
Address: 501 SW Madison Ave City: Corvallis  
Zip Code+4: 97333 Email Address: fred.towne@ci.corvallis.or.45

## ADOPTION SUBMITTAL REQUIREMENTS

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

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

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

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





**CORVALLIS CITY COUNCIL  
NOTICE OF DISPOSITION**

**ORDER #2007-071**

**CASE:** LDT07-00001 - Land Development Code Text Amendment Regarding Setbacks from AG-OS Land and Defining "Actively Farmed OS-AG Land;"

**REQUEST:** This Land Development Code Text Amendment would:

1. Define what "actively farmed" lands are; identify which AG-OS lands are considered to be actively farmed; and clarify that the required setbacks are only from those identified "Actively Farmed OS-AG Lands."
2. Revise the setback requirements in each LDC Chapter that refers to the Minimum Setbacks from Properties Zoned Agricultural-Open Space (AG-OS) to clarify that the minimum setbacks are only from those lands designated OS-AG on the Comprehensive Plan Map and that are listed in the new definition of "Actively Farmed Open-Space-Agricultural Lands."
3. Clarify the location of lands that are required to have setbacks from Actively Farmed OS-AG Lands.
4. Clarify how the setbacks are measured.

**LOCATION:** Citywide

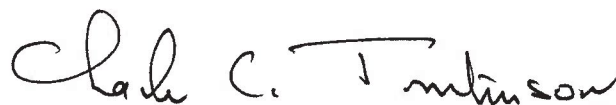
**APPLICANT:** City of Corvallis  
PO Box 1083  
Corvallis, OR 97339

**DECISION:**

After proper legal notice, the City Council conducted a public hearing and deliberations for LDT07-00001 on May 2, 2007. Interested persons and the general public were given an opportunity to be heard. The Council adopted Ordinance 2007-16 amending the Land Development Code consistent with the proposed request regarding the update of the City's setback provisions for AG-OS Lands and related Chapters of the Land Development Code. The ordinance reflected the recommendation from the Planning Commission's deliberations on May 2, 2007, and minor corrections as proposed by staff following the Planning Commission hearing. The City Council adopted the findings contained in the April 25, 2007, Planning Commission staff report, the June 14, 2007, staff report to City Council, the portions of the May 2, 2007, Planning Commission minutes that demonstrate support for approval of the request, and the portions of the June 18, 2007, City Council minutes that demonstrate support for approval of the request.

The proposal, staff report, and hearing minutes may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

June 25, 2007  
Date Signed

A handwritten signature in black ink that reads "Charles C. Tomlinson". The signature is written in a cursive style with a horizontal line underlining the name.

Mayor Charles Tomlinson  
City of Corvallis

Attached: Exhibit A - Ordinance 2006-16

**ORDINANCE 2007- 16**

AN ORDINANCE relating to a Land Development Code Text Amendment, amending Ordinance 2006-24, as amended.

WHEREAS, the Corvallis Planning Commission, after holding and concluding a duly advertised public hearing on May 7, 2007, has forwarded its recommendation to the City Council for approval of a Land Development Code Text Amendment; and

WHEREAS, after proper legal notice, a public hearing before the City Council, concerning the proposed changes, was held on June 18, 2007, wherein interested persons and the general public were given an opportunity to be heard; and

WHEREAS, the Council reviewed the recommendations of the Planning Commission and staff and held deliberations concerning the proposed changes at the June 18, 2007, public hearing; and

WHEREAS, the Council finds after the June 18, 2007, public hearing, that the proponents have borne their burden of proof, NOW THEREFORE:

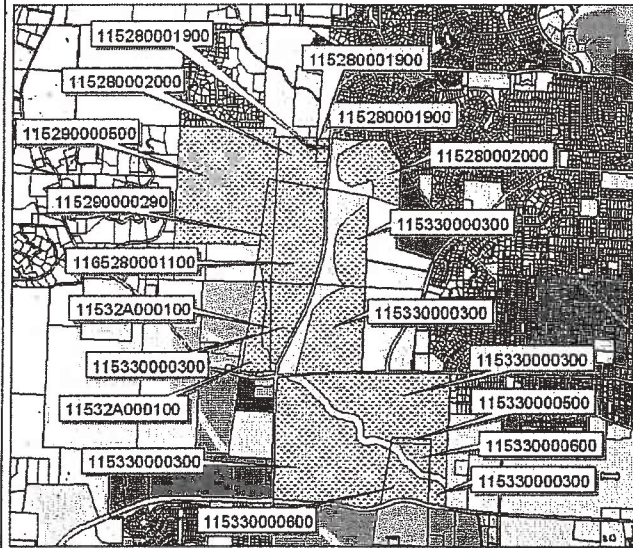
THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

**Section 1.** The findings of fact prepared by staff and contained in *Exhibit A* (which consists of the complete staff report to the City Council, including attachments and exhibits, and dated June 13, 2007), as well as the findings entered into the record at the June 18, 2007 City Council meeting are by reference incorporated herein, and are hereby adopted by the City Council.

**Section 2.** Land Development Code Chapter 1.6 - Definitions is hereby amended to include the following new definition (to be inserted after the definition of Acre) to read as follows (stricken text to be deleted and underlined text and the map to be added):

**Actively Farmed Open Space-Agricultural Lands - Properties that are designated as Open Space-Agricultural on the Comprehensive Plan Map and are used for Agricultural Uses as defined in Section 3.0.30.05. For the purposes of requiring additional OS-AG setbacks, the setback requirements are limited to sites next to lands designated as OS-AG on the Comprehensive Plan Map and listed in the Benton County Assessor's Office as the Oregon State University Lands identified (on December 31, 2006) as Parcel Identification Numbers: 115290000500; 115280002000; 115290000290; 115280001100; 115280001900; 115280001100; 115330000300; 11532A000100; 115330000500; or 115330000600 as shown below.**


## Actively Farmed Open Space-Agricultural Lands Requiring Additional Setbacks



**Actively Farmed Open-Space Agricultural Lands**

	<b>Actively Farmed Open-Space-Agricultural Lands Requiring Additional Setbacks</b>		<b>HD</b>		<b>LID</b>		<b>PI</b>
	<b>LD</b>		<b>MUR</b>		<b>MUE</b>		<b>A</b>
	<b>MD</b>		<b>CBD</b>		<b>GI</b>		<b>C</b>
	<b>MID</b>		<b>PO</b>		<b>OIG</b>		
			<b>MUC</b>		<b>R</b>		
			<b>LI</b>		<b>MUT</b>		

**BENTON COUNTY ASSESSOR'S PIN NUMBERS**





**Section 3.** Land Development Code Sections 3.1.30 Table 3.1-1.g., 3.2.30 Table 3.2-1.g., 3.3.30 Table 3.3-1.g., 3.4.30 Table 3.4-1.g., 3.4.30 Table 3.4-1.g., 3.5.30 Table 3.5-1.g., 3.6.30 Table 3.6-1.g., 3.7.30 Table 3.7-1.g., 3.8.30.01 Table 3.8-1.g., and 3.10.30 Table 3.10-1.g are hereby amended to read as follows (stricken text to be deleted and underlined text to be added):

<p><b>g.</b> <u>Minimum Setbacks and Buffering from Actively Farmed Properties Zoned Agricultural-Open Space (AG-OS) Open Space-Agricultural (OS-AG) Land</u></p> <p>See also "k," and "l," below.</p>	<p>When residential development is proposed <del>next to</del><u>abutting Actively Farmed land zoned AG-OS-OS-AG Land</u>, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. <u>It is the applicant's responsibility to provide this buffer.</u></p> <p><del>Additionally, t</del><u>The minimum setback for lands adjacent to Actively Farmed land zoned AG-OS-OS-AG Land is 100 ft. It is the applicant's responsibility to provide this buffer. Any intervening right-of-way may be included in the 100-ft. setback measurement.</u></p> <p><u>Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.</u></p>
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**Section 4.** Land Development Code Section 3.9.40.03, Table 3.9-1.e. is hereby amended to read as follows (stricken text to be deleted and underlined text to be added):

<p>e. <u>Minimum Setbacks and Buffering from Actively Farmed Properties Zoned Agricultural-Open Space (AG-OS) Open Space- Agricultural (OS-AG) Land</u></p> <p>See also "k," and "l," below.</p>	<p>When residential development is proposed <del>next to</del><u>abutting</u> <u>Actively Farmed land zoned AG-OS-OS-AG Land</u>, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. <u>It is the applicant's responsibility to provide this buffer.</u></p> <p><del>Additionally, t</del><u>The minimum setback for lands adjacent to Actively Farmed land zoned AG-OS-OS-AG Land is 100 ft. It is the applicant's responsibility to provide this buffer. Any intervening right-of-way may be included in the 100-ft. setback measurement.</u></p> <p><u>Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.</u></p>
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**Section 5.** Land Development Code Section 3.37.50 is hereby amended to read as follows (stricken text to be deleted and underlined text to be added):

**Section 3.37.50 - SPECIAL BUFFERING AND SETBACKS**

When residential development existed on December 31, 2006 on lands is ~~proposed next adjacent to the Actively Farmed land zoned AG-OS-OS-AG Land~~, special buffering and setback requirements apply as follows:

- a. **Buffering** - A minimum 50 ft.-wide continuous plant or plant/berm buffer is required adjacent to the existing residential development property lines. ~~The responsibility~~

- b. **Setbacks** - A minimum building setback of 100 ft. shall be maintained adjacent to ~~lands zoned AG-OS~~ the existing residential development's property lines. Streets may be located within this 100-ft. setback area, provided the minimum 50 ft.-wide required plant or plant/berm buffer required by Section 3.37.50. "a," above, is provided between the street and the adjacent ~~AG-OS~~ Actively Farmed OS-AG LandsUses(s).

**Section 6.** Ordinance 2006-24, as amended, is hereby amended.

PASSED by the Council on this 18h day of June, 2007.

APPROVED by the Mayor on this 18th day of June, 2007.

EFFECTIVE DATE: June 28, 2007

Charles C. Tomlinson  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder