



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

12/04/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: Benton County Plan Amendment
DLCD File Number 002-12

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, December 18, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Kristin Anderson, Benton County
Jon Jinings, DLCD Community Services Specialist

<paa>

FORM **2****DLCD****Notice of Adoption**

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input checked="" type="checkbox"/> mailed
	DEPT OF
	NOV 28 2012
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **Benton County**Local file number: **LU-12-008**Date of Adoption: **12/20/2012**Date Mailed: **11/27/2012**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 3/27/2012☐ Comprehensive Plan Text Amendment☐ Comprehensive Plan Map Amendment☒ Land Use Regulation Amendment☒ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

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

The City of Corvallis requested creation of the "Airport Industrial Park" (AIP) zone and its application to 220 acres of City-owned land within the UGB. The land was zoned Urban Industrial. Previously, many proposed uses had to go through a long process to comply with the County zoning rules and the City's AIP Master Plan's development standards. The new zone will simplify and speed the development process for prospective tenants.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from: **Urban Industrial**to: **Special Use-Airport Industrial Park**Location: **1985 SW Airport, SW Hout, part 12-5-22-300, 22D-100**Acres Involved: **220**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 002-12 (19256) [17249]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Corvallis, Benton County, Federal Aviation Administration, Oregon Department of Aviation, Oregon Department of Transportation

Local Contact: Kristin Anderson, Associate Planner	Phone: (541) 766-6298	Extension:
Address: 360 SW Avery Ave.	Fax Number: 541-766-6891	
City: Corvallis	Zip: 97333-1139	E-mail Address:
kristin.anderson@co.benton.or.us		

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.


**COMMUNITY DEVELOPMENT DEPARTMENT**

360 SW Avery Avenue
Corvallis, OR 97333-1139
(541) 766-6819
FAX (541) 766-6891

NOTICE OF DECISION

NATURE OF REQUEST:	<p>The Benton County Board of Commissioners, at the request of the City of Corvallis, initiated the creation of Special Use Zone - Airport Industrial Park (SU-AIP) to re-zone 220 acres +/- of City-owned land which was zoned Urban Industrial (UI). These 220 acres are located adjacent to the Corvallis Municipal Airport, which is also owned and operated by the City of Corvallis.</p> <p>The two specific requests were:</p> <ol style="list-style-type: none">1. Adoption of Benton County Code (BCC) text, BCC 81.2, Special Use – Airport Industrial Park.2. Zone Change from Urban Industrial to Special Use – Airport Industrial Park (SU-AIP). <p>The City of Corvallis Comprehensive Plan Map designation for this area will remain as Intensive Industrial (168 acres +/-), General Industrial (49 acres +/-), and Mixed Use Employment (3 acres +/-).</p>
APPLICABLE CRITERIA:	<p>Benton County Code 53.505 - 53.525 (Zone Change Criteria and Procedures) and 53.605 - 53.625 (Text Amendment). Because this land is within the Corvallis Urban Growth Boundary, City of Corvallis Comprehensive Plan Sections 8.2.1, 8.9.1, 8.9.3, 8.9.8, 8.9.15, 8.9.18, 11.9.7, 40.3.3, 40.3.4, and 40.3.5.</p>
PUBLIC HEARING DATES (NOTICE WAS GIVEN):	<p>Planning Commission: September 18, 2012 7:00 p.m. October 2, 2012 7:00 p.m. Board of County Commissioners: October 16, 2012 12:00 p.m.</p>
PROPERTY LOCATION:	<p>South of Corvallis City Limits, west of Hwy 99W, south of Weltzin, both north and south of Airport Ave., Corvallis, Oregon. (T12S R5W Section 22D, Tax Lot 100; T12S R5W Section 22, northeast 80 acres +/- of Tax Lot 300) See map on page 2.</p>
PROPERTY OWNER:	<p>City of Corvallis.</p>
CURRENT ZONE DESIGNATION:	<p>Urban Industrial</p>
CITY OF CORVALLIS COMPREHENSIVE PLAN DESIGNATION:	<p>Intensive Industrial</p>
CAC PLANNING AREA:	<p>South Benton (not active)</p>
STAFF CONTACT:	<p>Kristin Anderson</p>
FILE NUMBER:	<p>LU-12-008</p>

On October 16, 2012, the Benton County Board of Commissioners **APPROVED** the above request. The first reading of adopting Ordinance No. 2012-0249 was held on November 6, 2012, and the second reading was held on November 20. The adopted ordinance will become effective December 20, 2012. The adopted ordinance and the findings of fact are available for inspection at no cost from the Community Development Department, Monday through Friday, usually between 8 A.M. and 5 P.M., except during meetings. (Phone the receptionist for details.) A copy can be provided for the cost of copying.

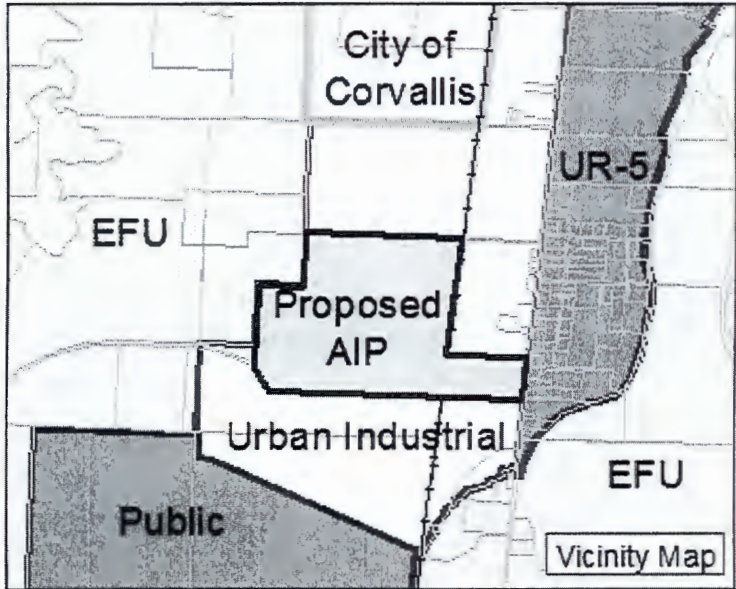
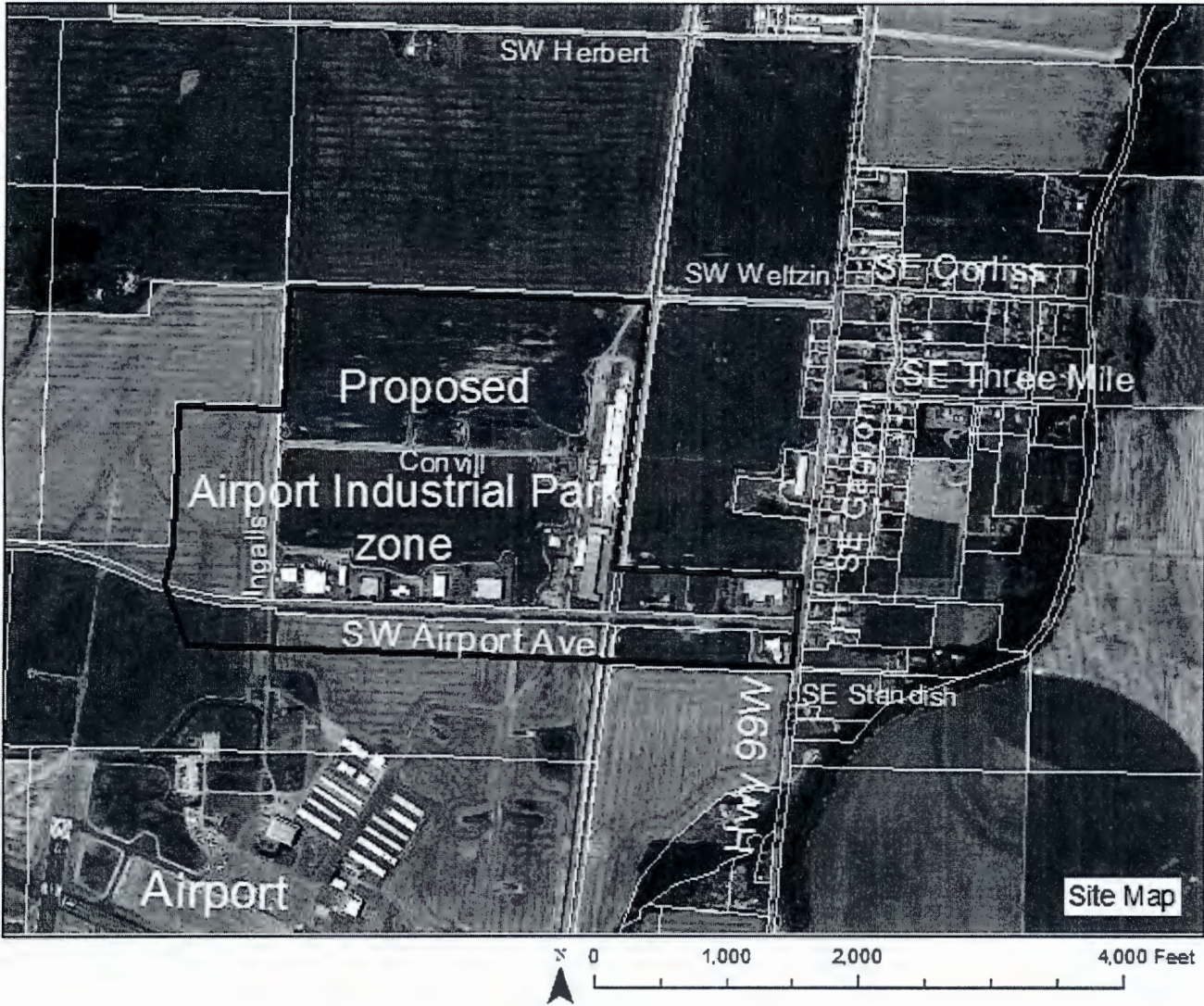
PLANNING OFFICIAL:  DATE: November 20, 2012

This decision may be appealed to the Land Use Board of Appeals (LUBA) within 21 days of the date of this notice. A person may appeal this decision if the person participated in the proceedings through written or oral testimony. For information on appeal procedures, contact:

Land Use Board Of Appeals (LUBA)
550 Capitol Street NE, Suite 235
Salem, OR 97301-2552
(503) 373-1265

OR

Benton County Community
Development Department
360 SW Avery Ave.
Corvallis, OR 97333-1139
(541) 766-6819



- ZONING**
- AIP Airport Industrial Park
 - EFU Exclusive Farm Use
 - UR-5 Urban Residential, density of 1 property per 5 acres of gross area



**BEFORE THE BOARD OF COMMISSIONERS OF BENTON COUNTY
STATE OF OREGON**

**In the Matter of Amending the Benton)
County Zoning Map and Development)
Code Chapter 81)**

ORDINANCE No. 2012-0249

WHEREAS, the Benton County Board of Commissioners initiated Zoning Map and Development Code amendments for the 220 acre area of City-owned land known as the Airport Industrial Park (identified as Tax Lot 100 of Township 12 South, Range 5 West, Section 22D and the northeast approximately 80 acres of Tax Lot 300 of Township 12 South, Range 5 West, Section 22); and

WHEREAS, the requested action would change this land's designation on the Benton County Zoning Map from Urban Industrial to Special Use - Airport Industrial Park; and

WHEREAS, the Benton County Planning Commission held a duly advertised public hearing on September 18, 2012, which was continued to October 2, 2012, and voted 5-0 to recommend that the Board of Commissioners approve the Development Code and Zoning Map amendments; and

WHEREAS, the Benton County Board of Commissioners held a duly advertised public hearing on October 16, 2012, to receive testimony from the county at-large and to consider the request; and

WHEREAS, the Benton County Board of Commissioners finds that the proposed Development Code and Zoning Map amendments comply with the criteria of Benton County Development Code and are consistent with the applicable policies and procedures of the Benton County Comprehensive Plan for the Corvallis Urban Fringe; and

WHEREAS, the Benton County Board of Commissioners has considered the staff report, the testimony of witnesses, the recommendation of the Benton County Planning Commission, and the record as a whole. The Board of Commissioners deliberated and approved the proposed amendments to the Development Code and Zoning Map, and conducted the First Reading of the proposed Ordinance on November 6, 2012; and

WHEREAS, the Benton County Board of Commissioners conducted the Second Reading of the proposed Ordinance on November 20, 2012.

NOW THEREFORE, THE BOARD OF COUNTY COMMISSIONERS OF BENTON COUNTY ORDAINS AS FOLLOWS:

PART I: Short Title. Amendments to the Benton County Zoning Map and Development Code Chapter 81.

PART II: Authority. The Board of County Commissioners of Benton County has authority to amend the Zoning Map and Development Code pursuant to ORS Chapter 215 and the Benton County Charter.

PART III: The Zoning Map and Development Code amendments proposed in Planning File No. LU-12-008 are hereby approved, based on the Findings of Fact and Conclusions of Law contained in the attached "Exhibit 1" and hereby adopted and incorporated herein.

PART IV: Benton County Zoning Map is hereby amended to identify the property pictured on the attached "Exhibit 2" and described on the attached "Exhibit 3" (the 220 acres of land identified as Tax Lot 100 of Township 12 South, Range 5 West, Section 22D and the northeast approximately 80 acres of Tax Lot 300 of Township 12 South, Range 5 West, Section 22) as Special Use - Airport Industrial Park.

PART V: Benton County Development Code is hereby amended as shown in "Exhibit 4."

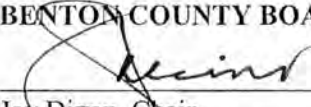
PART VI: The effective date for these amendments to the Benton County Zoning Map and Development Code will be:

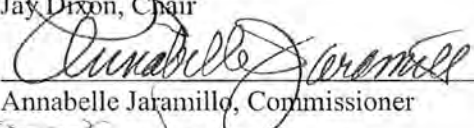
First Reading: November 6, 2012

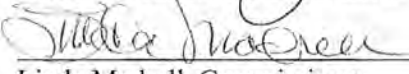
Second Reading: Nov. 20/2012

Effective Date: Dec. 20, 2012

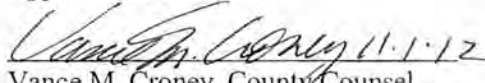
BENTON COUNTY BOARD OF COMMISSIONERS


Jay Dixon, Chair


Annabelle Jaramillo, Commissioner


Linda Modrell, Commissioner

Approved as to Form:


Vance M. Croney, County Counsel


Recording Secretary

Exhibit 1
Findings of Fact and Conclusions of Law
Airport Industrial Park; File # LU-12-008

A. GENERAL FINDINGS

Background

The City of Corvallis requested the creation of the zone, "Special Use - Airport Industrial Park," and the application of this designation to approximately 220 acres of City-owned land outside city limits and currently zoned Urban Industrial. This land is south of Corvallis City Limits, west of Hwy 99W, south of Weltzin Avenue, both north and south of Airport Avenue, and adjacent to the Corvallis Municipal Airport. This land is identified as Tax Lot 100 on the Tax Assessor's map for Township 12 South, Range 5 West, Section 22D and the northeast approximately 80 acres of Tax Lot 300 of Township 12 South, Range 5 West, Section 22.

County staff are proposing the adoption of Benton County Code (BCC) text, BCC 81.200 - 81.250, "Special Use – Airport Industrial Park," as well as two slight modifications to BCC 81.010 – 81.020 "Special Use" that are necessitated by this zone creation.

The City of Corvallis Comprehensive Plan Map designation for this approximately 220 acre area would remain as Intensive Industrial (168 acres +/-), General Industrial (49 acres +/-), and Mixed Use Employment or Limited Industrial - Office (4 acres +/- combined).

Nature of the Proceedings

On September 27, 2011, in response to the request of the City of Corvallis, owner of the 1,520 acres of land surrounding the Corvallis Municipal Airport, the Benton County Board of Commissioners met with City of Corvallis planning staff, the Chair and Vice Chair of the Corvallis Airport Commission, and Benton County planning staff regarding the creation of a new zone for the 220 acre area known as the Airport Industrial Park (AIP). On February 14, 2012, the Benton County Board of Commissioners directed staff to initiate Development Code and Zoning Map amendments to create a new zone for the AIP.

Notice of the proposal was sent to the Department of Land Conservation and Development (DLCD) on March 27, 2012.

On March 27, 2012, the Planning Commission work session agenda was sent to the nine community members who have requested to receive Planning Commission agendas. The Planning Commission conducted a work session on April 3, 2012. Comments from that work session were incorporated into the proposal.

Notice of the Planning Commission and Board of County Commissioners public hearings was sent to affected public agencies, other interested parties, and surrounding property owners on September 6, 2012. With the intent of notifying property owners who could be affected by the proposal, Benton County mailed notice to property owners within an area extending at least 880 feet in all directions from the Airport Industrial Park. The minimum required distance for notification within an urban growth boundary is 100 feet from the subject property.

The legal advertisements for the Planning Commission and Board of County Commissioners public hearings were published in the *Corvallis Gazette-Times* on Saturday, September 8, 2012 and Thursday, October 4, 2012, respectively.

Throughout the process, City of Corvallis Community Development and Benton County Community Development have worked cooperatively to shape the proposed Development Code text.

B. FINDINGS APPLYING DEVELOPMENT CODE CRITERIA and COMPREHENSIVE PLAN POLICIES

Development Code Provisions for Text Amendments

BCC 53.605 On occasion, it may be appropriate to amend sections of the Comprehensive Plan or Development Code to respond to changing policies and conditions, or to clarify the text.

Findings: The proposed code amendments respond to changing policies and conditions. As discussed on previous pages, the United States government requires the approximately 220 acre Airport Industrial Park to remain under the ownership of the City of Corvallis. As such, the City of Corvallis currently administers much of the land use and development activity in this location. The AIP is subject to County zoning, the Urban Industrial zone, which is a generic industrial zone which has not meshed well with the existing uses and facilities at the AIP and the fact that the City and the County are both involved in the land use and development processes.

Conclusion: The proposed amendments meet the general criteria for consideration of changes to the Development Code.

BCC 53.610(1) The Board of County Commissioners may initiate an amendment to this code. The Board shall direct the Planning Official to prepare a background report discussing the justification for the proposed text amendment.

Findings: The Board of County Commissioners directed the Planning Official to initiate these code amendments. This staff report constitutes a background report discussing the justifications for the proposed amendments.

Conclusion: The proposed amendments were properly initiated.

BCC 53.620 The Planning Commission shall conduct a public hearing to review a proposed text amendment. Following the hearing, the Commission shall make a recommendation to the Board to approve, deny, or modify the proposed text amendment.

BCC 53.625 The Board of Commissioners shall hold a public hearing to review a proposed text amendment. The Board may accept, reject, or modify the proposed text amendment in whole or in part. Incorporation of any text amendment into the Development Code shall proceed pursuant to the Ordinance adoption provisions of the Benton County Charter.

Findings: The Planning Commission conducted a duly advertised public hearing on September 18, 2012, which was continued to October 2, 2012. The Planning Commission voted 5-0 to recommend that the Board of Commissioners approve the Development Code and Zoning Map amendments.

The Board of Commissioners held a duly advertised public hearing on October 16, 2012. A "First Reading" is scheduled for November 6, 2012.

Conclusion: The conduct of the past hearings has complied with the procedure stipulated here, and the conduct of the November 6, 2012 First Reading is expected to comply as well.

Development Code Provisions for Zone Changes

BCC 53.505 Zone Change Criteria. The Official Zoning Map may be amended if:

(1) The proposed zoning for the property is more appropriate than the current zoning, when considering existing uses, changes in circumstances since the current zoning was applied, or information that indicates that the current zoning was not properly applied;

Findings: In 2010, the City of Corvallis initiated an update to the Airport Industrial Park Master Plan, originally developed in the mid-90s. That update was intended to respond to current conditions at the industrial park and updated economic development policies, and to address conflicts that have arisen over the years as a result of differing standards within the Comprehensive Plan, Master Plan, and County zoning and process. Over the course of the review, City staff found that the current Urban Industrial county zoning designation does not reflect current industrial development conditions at the industrial park, support economic development goals for the park, or assist in implementing the Master Plan without conflict in uses permitted or process required. For this reason, the City has requested that Benton County implement a new Airport Industrial Park Zone - specific only to the property within the identified boundary of the industrial park, that better reflects the current and desired uses, development standards, and land use processes outlined in the Master Plan.

The proposal will change the zone designation of the Airport Industrial Park area from Urban Industrial to Special Use - Airport Industrial Park. The Urban Industrial zone (Chapter 72 of Benton County Code) contains language that is not appropriate for this area, considering that both the City of Corvallis and Benton County oversee development activities on this land. Additionally, some of the legally established, non-conflicting uses currently in the AIP are not listed as "permitted uses" in the Urban Industrial zone. With these considerations in mind, it is appropriate to consider changing the zone from Urban Industrial to Special Use - Airport Industrial Park.

The proposed zoning would allow a limited amount of non-industrial uses to complement and support industrial uses.

Conclusion: The Board of Commissioners concludes that the proposed Special Use - Airport Industrial Park is more appropriate than the current zoning of Urban Industrial, considering the existing uses and the implications of City of Corvallis ownership of the land.

(2) The impact on adjacent properties will be minimal;

The City has designated the industrial park for a mix of uses on the Comprehensive Plan Map, including Intensive Industrial (approximately 76%), General Industrial (approximately 22%), and Mixed Use Employment or Limited Industrial - Office (approximately 2% combined). These use designations have not changed as a result of the Master Plan update and proposed zone change, and are generally compatible with surrounding uses, which consist mainly of agricultural operations and some rural residential. The County does not expect significant changes to impacts on adjacent properties beyond that which was contemplated under the existing Comprehensive Plan Map designations and Urban Industrial zone. An increase in traffic loads

on Airport Avenue and Highway 99W could be expected under the existing and proposed zones, but the City's Master Plan contains plans to increase the capacity of those facilities, and County and City Engineering staff determined that those plans will be sufficient to mitigate increased traffic loads with eventual build-out. Furthermore, the provision of some food services at the industrial park may further mitigate traffic impacts, as employees may be more inclined to remain within the industrial park to seek services, rather than travel to the City for those services. For these reasons, the Board of Commissioners find the proposed zone meets criterion (2) above.

The City of Corvallis is the landlord and has control over development proposals and renewing leases, and thus has a vested interest in ensuring that businesses in the AIP do not negatively impact other businesses in the AIP, which decreases the likelihood of negative impacts to adjacent properties. Additionally, because leases are approved by the City Council, which is an elected governmental body, there is incentive to ensure that adjacent property owners are not negatively impacted. Furthermore, the uses allowed under the proposed zoning are unlikely to have greater negative impact on adjacent properties than would the uses allowed under the current zoning.

Conclusion: This proposal is expected to have minimal impact on adjacent properties.

(3) Any significant increase in the level of public services which would be demanded as a result of the proposed zone change can be made available to the area; and

Findings: The proposed code caps trip generation from uses at the AIP to the maximum number possible under the current UI zoning, thereby ensuring that the zone change will not create a significant increase in vehicle trips. Additionally, the City has prepared plans for increased capacity on Airport Avenue and at the intersection of Highway 99W. These plans include the eventual expansion of Airport Avenue to three lanes, with traffic control medians and dedicated left turn lanes, and a signal and controlled turn movements at the intersection with Highway 99W. The City notes that eventual build-out of the industrial park will trigger these improvements, at the City's expense, and ITA models have shown that this configuration will be sufficient to handle increased traffic loads through the industrial park to Highway 99W. City and County engineering staff have agreed that the facility plan is sufficient.

The industrial park is served by City utilities, including sewer, storm and water, and also contains franchised power utilities. The City's current utility capacity has been found to be sufficient, or can be expanded to meet the needs of industrial park users as development occurs.

Any increase in demand in public services, such as law enforcement, fire suppression and emergency medical services, telephone and fiber optics service, U.S. postal service, roads and traffic control, etc., can be made available to the area.

Conclusion: Additional public services can be made available to the area, if an increase is necessary.

4) The proposed zone change is consistent with the policies of the Comprehensive Plan.

Background: The applicable Comprehensive Plan for this proposal regarding a zone change for a property located within the Corvallis Urban Growth Boundary is the "Benton County Comprehensive Plan for the Corvallis Urban Fringe" which is an incorporation into the County Comprehensive Plan of policies from the Corvallis Comprehensive Plan, as adopted by the City and the County in 1998.

The City of Corvallis has applied a variety of Comprehensive Plan Designations to the property, including Intensive Industrial, General Industrial, Limited Industrial - Office, and Mixed Use Employment, in order to foster a mix of industrial and complementary uses in the industrial park.

Article 8.2 Employment and Economic Development

- 8.2.1 The City and County shall support 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.**

Findings: The City and the County have various industrial and commercial zones that allow for diverse economic uses and a variety of employment opportunities. The proposed zone itself would also support diversity, as it is intended for industrial use with some complementary commercial uses, such as eating establishments and business support services.

Article 8.9 Industrial Land Development and Land Use

- 8.9.1 The City and County shall designate appropriate and sufficient land in a variety of different parcel sizes and locations to fulfill the community's industrial needs.**
- 8.9.3 Lands designated for industrial use shall be preserved for industrial and other compatible uses and protected from incompatible uses.**
- 8.9.8 The City and County shall encourage the development or expansion of industries in the vicinity of the Corvallis Municipal Airport, provided that such industries meet the requirements of the Airport Industrial Park Master Plan.**
- 8.9.9 The City shall coordinate planning activities with Benton County in order that lands suitable for industrial use, but not needed within the planning period, are zoned in a manner which retains these lands for future industrial use. The County will cooperate in the effort.**
- 8.9.14 Industrial and commercial development adjacent to rail lines shall be designed and constructed in a way that does not preclude the future use of the rail facility.**

The Airport Industrial Park is a unique industrial property owned and managed by the City of Corvallis with the goal of financially supporting Airport operations and fostering economic development for the City and County. The City's lease structure allows for a variety of parcel sizes based on a business's needs, providing an opportunity to accommodate users of various size and scale. The proposed zone will allow for a broad range of industrial uses, with commercial and service-oriented uses permitted on a limited scale, and primarily intended to serve the immediate area and its employees. The City has updated its Industrial Park Master Plan to respond to current and projected economic conditions and industrial development needs in order to encourage location and expansion of industry in the vicinity of the Airport. The uses, design requirements, and processes outlined in the proposed AIP zone are consistent with those in the updated Master Plan.

The Master Plan highlights rail service adjacent to Hout Street as a unique and important characteristic, and preserves the adjacent land for uses that are rail dependent.

These sections of the Comprehensive Plan support the importance of having plentiful land available for industrial uses, and “protected from incompatible uses.” To comply with these policies, non-industrial uses must kept to a minor percentage, be supportive of industrial uses, and not diminish the ability of the AIP to accommodate high-intensity industrial uses.

Article 11.9 Air (Transportation)

11.9.7 Development in the airport industrial park shall be in accordance with the City of Corvallis Airport Industrial Park Development Plan.

Findings: The purpose of the proposed AIP zone is to ensure that the Airport Industrial Park Master Plan and the County’s zoning do not conflict in terms of standards for uses, development requirements, or land use process. The proposed zone would create compatibility between these two governing documents and would increase process efficiencies for businesses interested in locating at the AIP.

Article 40.3 Industrial Use Designations

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.

40.3.4 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.

Findings: The proposed zoning implements uses that are consistent with the Comprehensive Plan designations applied to this site.

Conclusion: The proposed code amendment will change the relative percentage of land available for non-industrial use, but is nonetheless found to be generally consistent with the policies of the Comprehensive Plan.

Conclusion on BCC 53.505 - Zone Change Criteria: The Board of Commissioners concludes that the proposed AIP zone conforms to the standards in BCC 53.505. The Board concludes that the proposed zone is more appropriate than the current zone, both with regard to existing industrial development in the industrial park, and future development in accordance with the Airport Industrial Park Master Plan. The Board concludes that the impacts on surrounding properties will be minimal, and public services are either sufficient to meet demand, or will be expanded when additional development creates the necessity. Additionally, the proposed zone is consistent with the Benton County Comprehensive Plan for the Corvallis Urban Fringe.

C. FINDINGS ADDRESSING THE TRANSPORTATION PLANNING RULE

Background: Because Oregon Department of Transportation (ODOT) believes that a significant effect could result from the proposed zone change and development code text amendment, Benton County has modified the proposed development code and addressed the provisions of **Oregon Administrative Rule 660-012-0060 - Transportation Planning - Plan and Land Use Regulation Amendments**. (This OAR is not excerpted for inclusion in this report, as it is approximately 10 pages long.)

Highway 99 West is a state highway under the responsibility of ODOT. The Oregon Highway Plan establishes highway mobility targets for highways based upon the type of highway and on the highway location. ODOT analyzes whether a land use action would have a significant effect on highway operations at the end of the planning horizon. If a significant effect would result, then the requirements of Oregon's Transportation Planning Rule, OAR 660-012-0060 apply.

Because the proposed zone change would increase the amount of non-industrial uses in the Airport Industrial Park, such as administrative offices and eating establishments, and these non-industrial uses typically generate more traffic than industrial uses, the amount of overall traffic generated is expected to be higher than under the current zoning.

Findings: City of Corvallis engineering staff have evaluated the development potential of the AIP under the current zoning and determined that full development would result in 28,322 vehicle trip ends. The proposed code caps development such that no more than 28,322 vehicle trip ends could be generated by the land uses at the site. Because the proposed code will not result in any increase in vehicle trips relative to the current code, the requirement to address the Transportation Planning Rule is not triggered by this re-zoning.

Oregon Department of Transportation has reviewed and approved of the language in BCC 82.225 "Limits on Trip Generation."

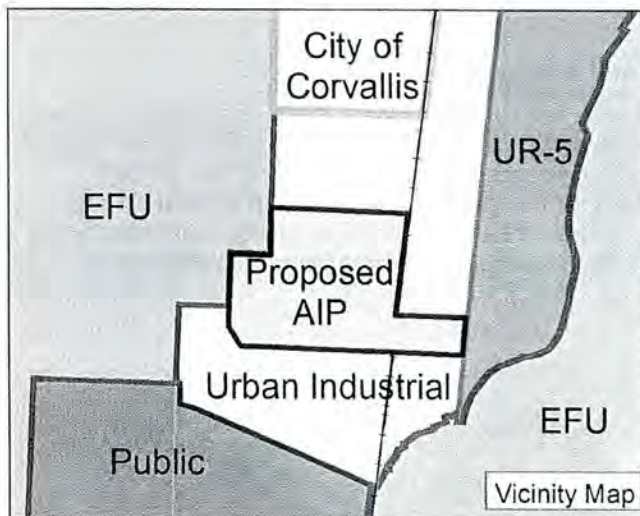
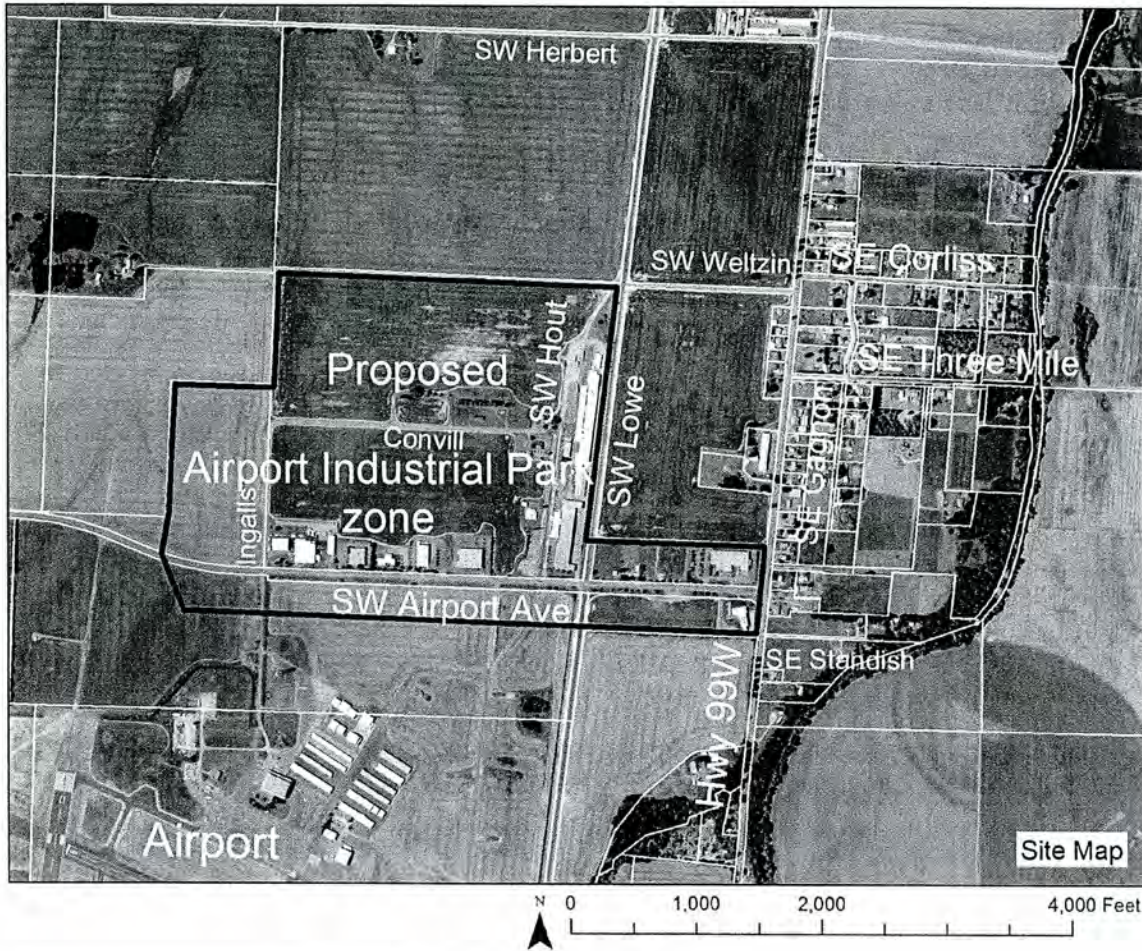
Conclusion: The proposed change in zoning does not trigger the requirement to address Transportation Planning Rule OAR 660-012-0060.

D. SUMMARY AND CONCLUSION

The Board of Commissioners findings and conclusions are:

The proposed amendments are consistent with the applicable provisions of the Benton County Development Code and Benton County Comprehensive Plan for the Corvallis Urban Fringe. Additionally, the requirement to address the Transportation Planning Rule has not been triggered. The Planning Commission has recommended that the Board of Commissioners adopt the proposed zoning map and code amendments. **The Board of Commissioners concludes that all criteria have been met and approves the attached zoning map and development code text amendments.**

Exhibit 2
Zoning Map Amendment - Image
Zone change from Urban Residential to Special Use - Airport Industrial Park



- ZONING**
- AIP Airport Industrial Park
 - EFU Exclusive Farm Use
 - UR-5 Urban Residential, density of 1 property per 5 acres of gross area

Exhibit 3
Zoning Map Amendment - Legal Description
Zone change from Urban Residential to Special Use - Airport Industrial Park

A tract of land located in Section 22, as well as the S.W. 1/4 of Section 23, and the N.E. 1/4 and N.W. 1/4 of Section 27, Township 12 South, Range 5 West, Willamette Meridian, Benton County, Oregon, more particularly described as follows.

That tract of land situate in the S.E. 1/4 of Section 22, and the S.W. 1/4 of Section 23, Township 12 South, Range 5 West, Willamette Meridian, Benton County, Oregon, more particularly described in that QUITCLAIM DEED (Supplemental) of Book 125 Page 239 (TRACTS NOS. 1 AND 2) of Benton County deed records.

TOGETHER WITH,

That tract of land situate in the N.E. 1/4 and S.E. 1/4 of Section 22, Township 12 South, Range 5 West, Willamette Meridian, Benton County, Oregon, more particularly described in that Leasehold Surrender and Quitclaim Deed, as noted in Book 121 Page 40 being the 6th tract of land described, Benton County deed records.

TOGETHER WITH,

That tract of land situate in Section 22, Township 12 South, Range 5 West, Willamette Meridian, Benton County, Oregon, more particularly described in that QUITCLAIM DEED (Supplemental) of Book 125 Page 239 (TRACT NO. 3) (Portion) of Benton County deed records.

TOGETHER WITH,

That tract of land situate in S.W. 1/4 of Section 22, Township 12 South, Range 5 West, Willamette Meridian, Benton County, Oregon, more particularly described in that QUITCLAIM DEED (Supplemental) of Book 125 Page 239 (TRACT NO. 5) (Portion) of Benton County deed records.

TOGETHER WITH,

A tract of land situate in the N.W. 1/4 of Section 27, and the S.W. 1/4 of Section 22, Township 12 South, Range 5 West, Willamette Meridian, Benton County, Oregon, more particularly described as follows,

COMMENCING at a 1 1/4" iron pipe marking the Southeast corner of the Alfred Rhinehart D.L.C. No. 73, thence North 0°05' East along the East line of said claim a distance of 805.82 feet to a point on said line the **TRUE POINT OF BEGINNING**, thence South 89°52' West a distance of 800.13 feet to a point in the west line of that tract 7, described in Book 121 Page 42, thence North 0°5' East a distance of 371.53 feet to the Northwest corner of said tract, thence East 800.13 feet along the north line of said tract to the Northeast corner of said tract, thence South 0°5' West along the east line of said tract a distance of 369.67 feet to the **TRUE POINT OF BEGINNING**.

The basis of bearings of the above description being from that Leasehold Surrender and Quitclaim Deed titled as INSTRUMENT OF TRANSFER, as noted in Book 121 Page 40, Benton County deed records.

EXCEPTED FROM

Tract 7 of that document recorded in Benton County Clerks deed records as, Leasehold Surrender and Quitclaim Deed titled as INSTRUMENT OF TRANSFER, in Book 121 Page 40, Benton County deed records.

TOGETHER WITH,

A tract of land situate in the N.E. 1/4 of Section 27, and the S.E. 1/4 of Section 22, Township 12 South, Range 5 West, Willamette Meridian, Benton County, Oregon, more particularly described as follows,

COMMENCING at a 1 1/4" iron pipe marking the Southeast corner of the Alfred Rhinehart D.L.C. No. 73, thence North 0°05' East along the East line of said claim a distance of 805.82 feet to a point the **TRUE POINT OF BEGINNING**, thence North 0°5' East along said claim line a distance of 369.67 feet to the Northwest corner of that tract 1 described in Book 121 Page 40 of Benton County Clerks deed records, thence East 2548.32 feet to the Northeast corner of said tract 1 the Westerly right of way line of the Southern Pacific Company Railroad, thence South 5°19'30" West along said westerly right of way a distance of 365.76 feet to a point on said Railroad right of way, thence leaving said right of way South 89°52' West a distance of 2514.95 feet to a point in said claim line, the **TRUE POINT OF BEGINNING**.

The basis of bearings of the above description being from that Leasehold Surrender and Quitclaim Deed titled as INSTRUMENT OF TRANSFER, as noted in Book 121 Page 40, Benton County deed records.

EXCEPTED FROM

Tract 1 of that document recorded in Benton County Clerks deed records as, Leasehold Surrender and Quitclaim Deed titled as INSTRUMENT OF TRANSFER, in Book 121 Page 40, Benton County deed records.



Exhibit 4
Development Code Text Amendment
Airport Industrial Park; File # LU-12-008

Proposed Amendment to
Chapter 81 “Special Use” zone of the Benton County Development Code

81.010 The Special Use Zone may be applied where the following requirements are met:

- (1) The property is designated Special Use on the adopted Comprehensive Plan Map, or the property is located within an urban growth boundary;
- (2) The property is either:
 - (a) The subject of an exception to one or more Statewide Planning Goal(s), in which the exception is based on existing or planned uses that do not fit within another zone in this Code, and the planned uses are limited to those justified through the goal exception; or
 - (b) Located within an urban growth boundary and:
 - (A) The proposed zoning is consistent with the applicable city’s Comprehensive Plan; and
 - (B) The existing or planned uses do not fit within another zone in this Code; or
 - (c) Located within an unincorporated community boundary and:
 - (A) The proposed zoning is consistent with the adopted community plan; and
 - (B) The existing or planned uses do not fit within another zone in this Code.
- (3) Special Use Subzone standards specific to the subject property are applied to the property. [Ord. 2012-0247]

...

81.020 Subzones. The Special Use Zone includes the following approved Subzones:

- (1) Children’s Farm Home Subzone (SU-CFH) [Ord. 2012-0247]

- (2) Airport Industrial Park Subzone (SU-AIP)

...

All of the following text is proposed for addition.
To increase readability it has not been underlined.

81.200 Special Use - Airport Industrial Park (SU-AIP)

81.205 Purpose. The Airport Industrial Park zone shall provide areas where selected commercial, manufacturing, and/or other industrial activities that support a stable and sustainable local economy, vital to the health, welfare, and prosperity of County residents, can occur within the Corvallis Municipal Airport Industrial Park (AIP).

81.210 Application. The Airport Industrial Park zone shall apply to areas within the Corvallis Municipal Airport Industrial Park which is on land owned by the City of Corvallis, inside the Corvallis urban growth boundary in Benton County.

81.220 Additional Standards. The Airport Industrial Park is subject to additional notification and development standards set forth by the Federal Aviation Administration, Oregon Department of Aviation, and the Airport Overlay zone (BCC Chapter 86).

81.225 Limits on Trip Generation. In no case shall any use approved within the AIP create a condition in which more than 28,322 trip ends per day are generated by the cumulative uses established in the AIP. Trip generation shall be prepared by the applicant and evaluated at the time of site development plan review, consistent with trip generation rate values established in "Trip Generation, 8th Edition: An ITE Informational Report," or successor document, as published and amended by the Institute of Transportation Engineers.

81.230 Permitted Uses. The following uses are permitted in the Airport Industrial Park zone. Uses must also comply with the additional siting, development, and other requirements of the Airport Industrial Park Master Plan, which is administered by the City of Corvallis.

(1) Uses allowed without building footprint size limitations.

- (a) Farm or forest use as defined in BCC 51.020.
- (b) All intensities of industrial use, including manufacturing, processing, and assembling, as well as research and development. These uses may create continuous, frequent, or repetitive noises or vibrations; noxious or toxic fumes, odors, or emissions; and electrical disturbances. Also allowed as an accessory use to a primary industrial use are:
 - (A) Technical support center remotely assisting customers with items produced in the AIP; and
 - (B) The on-site sale of items produced in the AIP, provided that the on-site sales are a subordinate part of the total sales of items produced within the AIP by a given industrial use.
- (c) Industrial or scientific research facilities and testing laboratories.

- (d) Wholesale, storage, distribution, and handling of materials and equipment. Includes truck and train freight and distribution terminals, storage warehouses, and moving/storage firms; excludes personal mini-storage.
- (e) Cafeterias limited to serving the employees of one or more of the facilities located at the AIP.
- (f) Storage of vehicles, including:
 - (A) Vehicles used regularly in business operation and not available for sale; and
 - (B) Operating vehicles being stored long-term.
- (g) Electrical and gas distribution substations, radio facilities, wireless communication infrastructure, and similar utilities, but not including business or customer service offices.
- (h) Fire stations, police stations, emergency ambulance services, and similar uses.
- (i) Law enforcement correctional facility.
- (j) Airport.
- (k) Mass transit waiting/turnaround facility.
- (l) Industrial-related vocational or trade schools.
- (m) Laundry agencies, diaper services, linen supply services, and dry cleaning.
- (n) Building maintenance, custodial, and landscape service establishments.
- (o) Construction-related office in conjunction with the same company's on-site equipment and materials storage.
- (p) Bark, rock, and landscaping storage and sales.
- (q) Facilities that recycle or reclaim metals, plastic, or other materials.
- (r) Composting accessory to a primary industrial use.
- (s) Kennel
- (t) Pet crematorium
- (u) Agricultural supply and large farm machinery/equipment sales and repair

(2) Uses allowed within building footprint size limitations.

- (a) The combined building footprint of all structures within the AIP zone dedicated to the following uses shall not exceed 90,000 square feet.
 - (A) Business support services, including clerical, protective, and blueprint services, primarily to firms rather than individuals. Employment services and other uses that involve frequent trips from the general public are prohibited.
 - (B) Professional, executive, management, and administrative offices. Medical offices and clinics, law firms, as well as other uses that involve frequent trips from the general public, are prohibited.
 - (C) Call centers, telemarketing centers, technical support, and similar facilities where employees make phone or electronic contact with the public.

(b) The combined building footprint of all structures within the AIP zone dedicated to the following uses shall not be exceed 10,000 square feet. Each separate company or organization shall have a maximum building footprint of 5,000 square feet.

(A) Convenience stores and farm stands intended to primarily serve AIP employees and users.

(B) Eating establishments with food that can be consumed either on or off the premises, including sit down restaurants, coffee shops, fast order food, and mobile food carts. Drive-through establishments are prohibited.

81.235 Site Development Plan. When a building addition, new construction, or placement of a structure is proposed in the Airport Industrial Park zone, prior to the issuance of building permits the applicant shall submit a site development plan, pursuant to the intergovernmental agreement between the City of Corvallis and Benton County. The site development plan shall contain an appropriate level of detail showing existing and proposed locations of buildings, access, parking, loading, landscaping, drainage, public utilities, and exterior lighting. The plan shall demonstrate compliance with the additional siting standards of the Airport Industrial Park Master Plan. The design and construction of roads and other County appurtenances requires the approval of the County Engineer.

81.240 Development Standards. All structures located in the Airport Industrial Park zone are subject to the requirements of the Airport Industrial Park Master Plan. Additionally, all development shall be in compliance with these standards:

(1) Either every site shall be served by water, sewage disposal, stormwater drainage, sidewalks and improved roads to the standard specified by Chapter 99 or as approved by the County Engineer, or final approval of the site development plan shall be contingent on assurances for the provision of the necessary facilities.

(2) The setback to a road right-of-way shall be at least twenty-five (25) feet, and shall be utilized primarily for landscaping, fences, walls and driveways.

(3) A side or rear setback between businesses shall be determined by building code and the AIP Master Plan. Side and rear setbacks from the property line shall be at least ten (10) feet.

(4) No setback is required for a structure of 120 square feet or less.

(5) A side or rear setback for an accessory structure may be reduced to three (3) feet if the structure:

(a) Is detached from other buildings by five (5) feet or more;

(b) Does not exceed a height of twenty (20) feet; and

(c) Does not exceed an area of 500 square feet.

(6) Architectural features shall not project more than two (2) feet into a required setback, except awnings, which may project up to six (6) feet into the required setback.

(7) A landscape plan shall be submitted and implemented for the first twenty-five (25) feet of all setbacks adjacent to a road in compliance with the following minimum standards:

(a) Seventy-five percent (75%) of the area shall contain trees and other live landscape materials;

(b) A vision clearance area consistent with the geometry and speeds of the roads shall be maintained at the intersection of two rights-of-way or a right-of-way and a driveway. No structure, vegetation or embankment shall be permitted in a vision clearance area in excess of two (2) feet in height above the center of the road or driveway, other than trees approved by the City Urban Forester and maintained in a manner that allows clear vision.

(c) Off-street parking areas shall be landscaped. Trees shall be included when feasible.

(8) Maximum building height in the Airport Industrial Park zone is subject to the building height restrictions of the Airport Industrial Park Master Plan and the Airport Overlay zone (BCC Chapter 86), but in no case shall building height exceed 75 feet. Structures such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles, agricultural buildings, and other similar objects not used for human occupancy are not subject to the building height limitations of this code, but are subject to Federal Aviation Administration restrictions.

(9) Off-street parking and loading shall comply with the Airport Industrial Park Master Plan. Off-street parking shall be provided at a minimum of 1 space per 1,000 square feet of building footprint, unless a lesser amount is demonstrated to be adequate because the nature of the use does not generate a large volume of traffic or the business owner has a feasible program for vehicle trip reduction (such as carpooling, mass transit ridership, bicycle riding, or telecommuting).

(10) Access shall be designed to cause minimum interference with traffic movements on abutting streets. Where necessary, additional rights-of-way shall be dedicated to maintain adequate traffic circulation.

(11) The arrangement of buildings, parking areas, signs and other facilities shall be designed and oriented to minimize noise and glare effects on adjacent properties.

(12)(a) Artificial lighting, including illuminated signs and lights for parking areas, shall be arranged and constructed to avoid direct glare on adjacent non-industrial and non-commercial properties and to prevent conflict with airport operations. Federal Aviation Administration rules and the requirements of the Airport Overlay zone (BCC Chapter 86) apply.

(b) All installations for street or area lighting shall be designed and installed to be fully shielded (full cutoff), with zero (0) percent light emission above the horizontal plane (90 degrees), except as in the exceptions below. When viewed from a point four (4) feet above grade, bulbs of luminaires shall not be visible from adjacent properties.

Lighting that is exempt from these regulations:

- (A) Lighting in water features governed by Article 680 of the National Electrical Code.
- (B) Exit signs and other illumination required by building code.
- (C) Lighting for stairs and ramps, as required by building code.
- (D) Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.
- (E) Lighting required by the Federal Aviation Administration.

(13) The sign requirements in Specific Use Standards (BCC Chapter 91) shall not apply as long as the City of Corvallis maintains ownership of the Airport Industrial Park and the Airport Industrial Park Master Plan standards apply.

(14) In the event the Airport Industrial Park Master Plan no longer applies, the placement of roads, structures, and landscaping shall allow for convenient and safe pedestrian access between buildings, via paths on which pedestrians are not required to share their space with autos.

BENTON COUNTY

Community Development Department
360 SW Avery Avenue
Corvallis, OR 97333-1139

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