



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office: (503) 378-5518

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

July 19, 2006



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 003-06

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: August 4, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

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

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

<paa>

FORM 2

DLCD NOTICE OF ADOPTION DEPT OF

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

JUL 17 2006

(See reverse side for submittal requirements)

LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Corvallis Local File No.: LDT00-00002
(If no number, use none)

Date of Adoption: July 5, 2006 Date Mailed: July 13, 2006
(Must be filed in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: July 13, 2006

- 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."

Deliberations regarding a State Land Use Board of Appeals (LUBA) Remand for the Phase I LDC Update Project. On July 5, 2006, the City Council conducted deliberations to review the revised Exhibit B for Ordinance 2000-43, to ensure that it accurately implemented the stipulated settlement, as directed by LUBA. Following deliberations the Council adopted Ordinance 2006-19, which amended Ordinance 2000-43 by adopting the revised Exhibit B. No substantive changes.

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."

N/A

Plan Map Changed from: N/A to _____

Zone Map Changed from: N/A to _____

Location: City wide Acres Involved: N/A

Specify Density: Previous: N/A New: _____

Applicable Statewide Planning Goals: NONE

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 003-06 (PR)

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: Kelly Schlesener Area Code + Phone Number: (541) 746-6908
Address: P.O. Box 1083 City: Corvallis
Zip Code+4: 97339 Email Address: kelly.schlesener@ci.corvallis.or.us

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 - ATTENTION: PLAN AMENDMENT SPECIALIST.



Community Development
Planning Division
501 SW Madison Avenue
Corvallis, OR 97333

CORVALLIS CITY COUNCIL NOTICE OF DISPOSITION

ORDER: 2006-092

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

TOPIC: Deliberations regarding a State Land Use Board of Appeals (LUBA) Remand for the PHASE I Land Development Code Update Project, involving a Comprehensive Plan Map and Text Amendment; Land Development Code Text Amendment; and District Map Change.

LUBA remanded the Project for the sole purpose of amending Exhibit B of Ordinance 2000-43, in accordance with a stipulated settlement. Ordinance 2000-43 is one of three ordinances adopted for this Project, and the Remand does not involve the other two ordinances. The Remand pertains only to Ordinance 2000-43, which amends the Land Development Code and District Map. The stipulated settlement referenced in the LUBA Remand pertains to Exhibit B of that Ordinance and involves adoption of a revised Exhibit B that reflects the stipulated settlement.

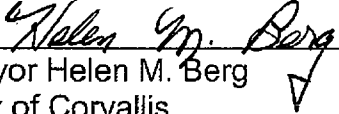
LOCATION: Citywide

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

DECISION: On July 5, 2006, the City Council conducted deliberations to review the revised Exhibit B for Ordinance 2000-43, to ensure that it accurately implemented the stipulated settlement, as directed by LUBA. As the LUBA Remand directed the City to amend Ordinance 2000-43 in accordance with a specifically-worded stipulated settlement, the Council conducted deliberations on the matter without re-opening the hearing for public testimony. Following deliberations, the Council adopted Ordinance 2006-19, which amended Ordinance 2000-43 by adopting the revised Exhibit B. The Council based its action on information presented to the Council in the June 23, 2006, staff report; the Council's July 5, 2006, deliberations; and the evidence already in the record regarding the remand from LUBA of Century Properties, LLC v. City of Corvallis, LUBA Numbers 2001-015 and 2001-016, Order Number 2000-132.

The final order, proposal, staff report, and hearing minutes, 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 of the date of the decision.



Mayor Helen M. Berg
City of Corvallis

Signed this 12th day of July, 2006

ORDINANCE 2006- 19

AN ORDINANCE AMENDING ORDINANCE 2000-43, TO ADOPT A REVISED EXHIBIT B, AND DECLARING AN EMERGENCY

AN ORDINANCE relating to a Land Use Board of Appeals (LUBA) Remand, modifying Ordinance 2000-43 to address the Remand.

Whereas, on December 18, 2000, the Corvallis City Council adopted Ordinance 2000-43, an ordinance relating to land use, amending the 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;

Whereas, the State of Oregon Land Conservation and Development Commission acknowledged Ordinance 2000-43 as part of the City of Corvallis Periodic Review;

Whereas, the State of Oregon Land Conservation and Development Commission's decision to acknowledge Ordinance 2000-43 was appealed to the State of Oregon Court of Appeals and the Court of Appeals dismissed the appeal;

Whereas, the Corvallis City Council's approval of Ordinance 2000-43 was also appealed to the State of Oregon Land Use Board of Appeals;

Whereas, the basis for the appeal of Ordinance 2000-43 to the State of Oregon Land Use Board of Appeals was primarily associated with a request for more clear and objective standards for residential subdivisions and partitions;

Whereas, ORS 197.307(6), which pertains to needed housing, was referenced by the appellant to justify the request for more clear and objective standards for residential subdivisions and partitions;

Whereas, a stipulated settlement was reached between the City of Corvallis City Council and the appellant, and said stipulated settlement was provided to the State of Oregon Land Use Board of Appeals;

Whereas, said stipulated settlement consisted of a new Exhibit B to Ordinance 2000-43;

Whereas, on May 6, 2006, the State of Oregon Land Use Board of Appeals issued a Final Opinion and Order that Remanded the case and directed the City to "amend the appealed ordinance in accordance with the stipulated settlement;"

Whereas, on June 5, 2006, the Corvallis City Council scheduled deliberations on the Remand for July 5, 2006, and said deliberations were duly advertised in accordance with Land Development Code Section 2.0.40.01;

NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

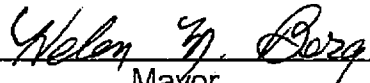
Section 1. Ordinance 2000-43 is amended to substitute a new Exhibit B that reflects the stipulated settlement, as directed by the State of Oregon Land Use Board of Appeals, and as shown in Exhibit I of this ordinance.

Section 2. The general welfare of the public will be promoted if this ordinance takes effect immediately. Therefore, an emergency is declared and this ordinance shall take effect immediately upon its passage by the City Council and its approval by the Mayor.

PASSED by the Council this fifth Day of July, 2006.

APPROVED by the Mayor this fifth Day of July, 2006.

Effective this fifth Day of July, 2006.



Mayor

ATTEST: 

EXHIBIT I

REVISED EXHIBIT B

Presented below are the Council-directed changes to Draft D of the Code. However, this text will be incorporated into the most current text of the Code when it is implemented, in order to reflect Code changes that have occurred in the intervening period since the Council's review of Draft D.

- *Revision to Section 1.2.110.01 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

1.2.110.01 - General Ministerial Development

General Ministerial Development includes non-discretionary development activities that are permitted outright, subject to compliance with the criteria and standards of this Code. Those uses that are listed in the development zones districts in Article III as "Permitted Uses" are General Ministerial Development activities. These uses require staff review upon application for a building permit and are subject to those zoning district standards and other development provisions of the Code and applicable City ordinances and requirements which are objective and not subject to the exercise of discretion. These standards and provisions include the clear and objective standards and provisions from all acknowledged City-adopted plans such as the Transportation Plan, the public facilities master plans, the Parks Master Plan, etc. Applicants should also be aware that in addition to review under this Code by the City, 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. Land use approval under this Code will not include approval under these regulations. Applicants must seek approval from the appropriate body for each of these regulations. Review of building permits shall be accomplished according to administrative ministerial procedures.

- *Revision to Section 1.2.110.02 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

1.2.110.02 - General Development -

General Development includes development activities that require at least some discretion. ~~Type II: R~~ General Development requires less discretion than ~~Type I~~ Special Development and involves review and approval by staff without a public hearing. This type of development qualifies as a Limited Land Use Decision under ORS 197.015. ~~Type II Special~~ General Developments requires public notice prior to a decision being made by staff, with a follow-up notice being of disposition is provided to affected persons who responded in writing to the first public notice. ~~Except for decisions on Residential Subdivisions, a~~ Appeals are made to the Land Development Hearings Board and City Council in accordance with Chapter 2.19. Notwithstanding any other language in this Code to the contrary, for Residential Subdivisions, appeals are made to the Planning Commission and then the City Council. As with General Ministerial Development, approval of the a General Development use is subject to zoning district standards and other development provisions of the Code and City ordinances and requirements.

~~Special~~General Development activities that may be approved by staff without a public hearing are described in the following sections of Article II - Administrative Procedures:

<u>Chapter 2.4</u>	-	<u>Residential Subdivisions. See section 2.4.30 for procedures.</u>
<u>Chapter 2.5</u>	-	<u>Expedited Land Division. See section 2.5.100 for procedures.</u>
<u>Chapter 2.9</u>	-	<u>Historic Preservation Provisions (excluding the activities identified in Chapter 2.9 as needing a public hearing). Section 2.9.60 - Procedures for Alteration of an Historic Resource See section 2.9.30 for procedures.</u>
<u>Chapter 2.12</u>	-	<u>Lot Development Option. See section 2.12.30 for procedures.</u>
<u>Chapter 2.13</u>	-	<u>Plan Compatibility Review. See section 2.13.30 for procedures.</u>
<u>Chapter 2.14</u>	-	<u>Partitions, Minor Replats, and Lot Line Adjustments. See section 2.14.30 for procedures.</u>
<u>Chapter 2.15</u>	-	<u>Hillside Development and Density Transfer. See section 2.15.40 for procedures.</u>
<u>Chapter 2.16</u>	-	<u>Request for Interpretations (See section 2.16.30 for procedures)</u>
<u>Chapter 2.18</u>	-	<u>Solar Access Permits (See section 2.18.40 for procedures)</u>

- *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 delete the first sentence of section 1.3.60.03.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 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 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 197.045195. Limited land use decisions are among the types of decisions that are reviewed through the process set out in Chapter 1.2 - Legal Framework as General Developments. ~~identified in Chapter 1.2 - Legal Framework as Type II Special Developments.~~

- *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.*

- *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 ~~ing~~ 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.) except that it should also be clear in the procedural chapters what the public notice procedures are. Note: Nonresidential Subdivisions use the public notice procedures in Section 2.0.50.04 and Residential Subdivisions use the public notices procedures in Section 2.14.30.03.

- *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:*

- i. ~~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 the last sentence of section 2.0.50.06.o (on page 2.0-14) 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 21 days from the date the decision is signed.~~

- *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 set forth, within a reasonable and agreed time; and~~
 2. Conditions shall be related to approval standards set out in this Code or established by the Comprehensive Plan or City Facility Master Plans and incorporated by reference in this Code.

- *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.

- *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 2.2.40.10 (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 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, with the exception of Chapter 2.4 which has alternate wording to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).

- *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.

~~n. Other than those described in "a-m" above, any other~~ No modifications to specific requirements established at the time of Conditional Development approval. Specific requirements include, including conditions of approval, Code requirements, and all aspects of the applicant's Conditional Development proposal that were approved as part of the Conditional Development, 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 the first two paragraphs in Section 2.4.10 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

The division of land is the ~~first initial~~ step towards establishing a community's ultimate development pattern. Land divisions can occur through either a subdivision or a partition process. ~~A subdivision procedure is used when four or more units (generally called referred to as "lots") of land are created in a calendar year. Residential Subdivision applications are reviewed by the Director and do not go through a public hearing, except upon appeal. Nonresidential Subdivision applications are reviewed by the Planning Commission and frequently involve creation of an internal street to provide access. For the purposes of this chapter, Residential Subdivisions are those involving lands with a Zoning Designation of RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), RS-20, and MUR. Nonresidential Subdivisions are those with a Zoning Designation other than those for Residential Subdivisions. Subdivision applications may include requests for Planned Developments to permit greater flexibility in design. of developments. Procedural provisions for Planned Developments are addressed in Chapter 2.5.~~

~~A partition procedure is used when three or fewer units (generally called referred to as "parcels") are created in a calendar year. and Partitions may or may not involve creation of a street. Partitions applications are reviewed by the Director City staff and do not go through a staff review without a public hearing, except upon appeal. Partitions, in addition to procedures for minor replats and lot line adjustments, are addressed in Chapter 2.14.~~

- *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 the graphic requirements in Sections 2.4.30.01.e.5(a) through (d) to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

5. Significant natural features map(s) and a preservation plan that 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 easements and dedications. Calculations used to determine the width of the drainageway easements and 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. either side of the top of banks (refer to Chapter 4.5 for additional guidance).

(b) Significant natural plants and trees (vegetation) (refer to Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting; and the Corvallis Significant Vegetation Map for guidance). The map applicant's graphics shall indicate species, canopies, and diameters at breast height for significant trees and significant plants (vegetation). In cases where a site contains a large (greater than one acre) grove(s) of significant vegetation that results in a single large canopy, the map applicant's graphics 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 tree species within the grove, and the species and general range in sizes of plants within the grove.

In cases where a site contains protected significant plants and trees (vegetation) as indicated on the Corvallis Significant Vegetation Map, the applicant's graphics may indicate the outer perimeter of the protected area, and state the species and ranges of vegetation diameters as allowed for groves. As no vegetation removal is permitted within any protected significant vegetation areas identified on the Corvallis Significant Vegetation Map (including associated canopy areas along the borders), the applicant's graphics shall include preservation measures for those areas, consistent with the preservation measures required in Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. The applicant's graphics shall clearly indicate all significant trees and plants (vegetation) and the associated percentage(s) of canopies proposed for removal, such that the review criteria pertaining to significant vegetation and significant vegetation protection may be evaluated.

~~(c) Plants, plant communities, and 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 National Heritage Plan (1998); which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species.~~

(cd) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

● Revisions to the lead-in statements in Section 2.4.30.01.e.6 (the text prior to the alphabetical sub-parts) to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).

46. Tentative subdivision plat and other graphics for both Nonresidential and Residential subdivisions 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.

Nonresidential Subdivision 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), following:

Residential Subdivision graphics shall include features within a minimum of 300 feet from all exterior boundaries of the site, showing existing streets, parcel boundaries, existing structures in excess of 100 square feet, drainageways, riparian areas, driveways, utilities, and significant natural features. Additionally, if existing infrastructure is more than 300 feet from an exterior boundary of the Residential Subdivision site, the Residential Subdivision graphics shall extend beyond the required 300 feet to include said features and all lands between the Residential Subdivision site and the existing infrastructure.

The tentative subdivision plat and related graphics shall include:

● Revisions to Section 2.4.30.01.e.6(k) to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).

- (k) Existing and 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 may shall be required as follows:-

(1) Conceptual grading plans for applications for Residential Subdivisions must meet the requirements in (s) and (t) and (u) below.

(2) Conceptual grading plans for Nonresidential Subdivisions shall contain adequate information to evaluate impacts to the site to show features adjacent to or within a reasonable distance from the subdivision that would affect the subdivision and adjacent areas. To the maximum extent practicable, grading (cuts and fills) for Nonresidential Subdivisions 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 for a Nonresidential Subdivision, it shall indicate show how these objectives are met, how runoff or surface water from individual lots will be managed, and how the subdivision's ultimate disposal of all subdivision surface waters will be disposed managed. Additionally, Nonresidential Subdivision applications shall include two design alternatives demonstrating that the applicant has achieved the optimal balance of applicable criteria);

- *Revisions to Section 2.4.30.01.e.6 to add sub-sections (s), (t), and (u) to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

(s) For residential development, the conceptual grading plan shall demonstrate that the proposal does not contain any grade changes (cuts or fills) in excess of 8 feet on an individual lot and on a development site. Cut and fill is measured vertically from natural grade. In no case shall a combination of a cut and fill in the same location exceed 16 feet. The grading plan shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to this provision. Excavation and grading shall maintain hydrology that supports existing wetland and riparian areas and the application shall demonstrate adherence.

(t) For residential development, the conceptual grading plan shall indicate how runoff and surface water from individual lots will be managed, and how the subdivision's surface waters will be managed.

(u) For residential development, the graphics, including the conceptual grading plan, must demonstrate that each lot can be served by streets and infrastructure in a manner that is consistent with the clear and objective approval standards contained in the following: the City's development standards outlined in by the applicable underlying District Designation standards in Article III of the Code; the development standards in Article IV of the Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-Street Parking Standards.

- *Revisions to Section 2.4.30.01.f.4 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

4. Statement describing phases of project, if proposed. Phases shall be:

(a) For Nonresidential Subdivisions, sSubstantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, green areas, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development and be designed such that the phases support the infrastructure requirements for the project;

(b) Designed to Address Compatibility.

(1) For Nonresidential Subdivisions, addressing compatibility means arranging the phases Arranged to avoid conflicts between higher and lower density development;

(2) For Residential Subdivisions, uses permitted outright within a zone are considered to be compatible and not to conflict. Between zones, compatibility is addressed at the time the zone is established. A residential use permitted outright within an existing zone is considered to be compatible with uses permitted outright within existing neighboring zones; =

(c) For Nonresidential Subdivisions, pProperly related to other services of the community as a whole and to those facilities and services yet to be provided; and

- (d) For Nonresidential Subdivisions, 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; and
- (e) For Residential Subdivisions, each proposed phase must meet all required clear and objective standards for access, parking, transportation facilities, utilities, green areas, and drainage without reliance on any uncompleted phase. Each proposed phase, and the subdivision as a whole, must be designed so that in addition to each proposed phase meeting all required infrastructure standards for that phase, at the completion of each phase all completed phases together will cumulatively meet all infrastructure standards that would be required for a project consisting of the completed phases. The subdivision and each phase must also be designed so that by completion of all proposed phases all the phases together will meet all infrastructure requirements for the project.

- *Revisions to section 2.4.30.01.f.5 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

5. 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.

- (a) Nonresidential Subdivisions - Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures.
- (b) Residential Subdivisions - a Traffic Impact Analysis (TIA) is required. The TIA shall be prepared by a registered professional engineer, in accordance with the most current ITE standards, and shall address both current conditions and those within a 20-year horizon. The TIA shall quantify the trip generation effects of the proposal. The TIA shall estimate trip distribution patterns. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. If any affected intersection LOS is or will fall below LOS D during any hour, mitigation shall be proposed. The mitigation shall demonstrate that at least LOS D will be maintained for 20 years.

- *Revisions to section 2.4.30.03 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

2.4.30.03 - Staff Evaluation

- a. For a Nonresidential Subdivision, the Director shall prepare a report that evaluates whether the proposal complies with the review criteria outlined in Section 2.4.30.04.a 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.
- b. For a Residential Subdivision, the Director shall prepare a Notice of Disposition that contains findings as to whether the proposal complies with the applicable review criteria outlined in Section 2.4.30.04.b, a decision for approval or denial and, if needed, a list of conditions if an approval is granted.

- Revisions to section 2.4.30.04 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).

2.4.30.04 - Review Criteria

- a. **Nonresidential Subdivisions** - 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 following: the City's development standards outlined in the applicable underlying District Designation standards in Article III of the Code; the development standards in Article IV of the Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; the adopted City Off-Street Parking Standards; policies of the Comprehensive Plan and any other applicable policies and standards adopted by the City Council. Additionally, pursuant to Comprehensive Plan Policy 3.2.7, the application shall also demonstrate compatibility in the following areas in "a-n1-14" below, as applicable.
1. Basic site design (the organization of uses on a site and its relationship to neighboring properties);
 2. Visual elements (scale of potential development, etc.);
 3. Noise attenuation;
 4. Odors and emissions;
 5. Lighting;
 6. Signage;
 7. Landscaping for buffering and screening;
 8. Transportation facilities;
 9. Traffic and off-site 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.
- b. **Residential Subdivisions** - Requests for the approval of a tentative subdivision plat shall be reviewed to ensure consistency with the clear and objective approval standards contained in the following: the City's development standards outlined in by the applicable underlying District Designation standards in Article

Ill of the Code; the development standards in Article IV of the Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-Street Parking Standards. Additionally, the following criteria shall be met for Residential Subdivisions and the application shall demonstrate adherence to them:

1. No grade changes (cuts or fills) are allowed in excess of 8 feet on an individual lot and on a development site. Cut and fill is measured vertically from natural grade. In no case shall a combination of a cut and fill in the same location exceed 16 feet. The grading plan shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to this provision.
2. No development shall be allowed on existing sloped areas greater than 35%, with the following two exceptions:
 - a) Construction of streets, roads, utilities, bridges, and bicycle and pedestrian facilities that are included in the City of Corvallis Transportation Plan, or in other adopted City Plans, or involve the redevelopment of electrical utility operations existing as of December 31, 2005. Such improvements shall be subject to the City's Engineering Design Standards; and
 - b) Construction of streets, roads, bridges, and bicycle and pedestrian facilities that are needed to maintain the functional classification of roadways adjacent to the property. Such improvements shall be subject to the City's Engineering Design Standards.
3. No plant or tree (vegetation) removal or development is permitted within any of the areas identified as protected significant vegetation areas on the Corvallis Significant Vegetation Map, unless for the purposes of the exceptions outlined in 2.a and 2.b of this Section. This includes the canopies of said vegetation, as identified in Section 4.2.20.
4. For significant plants and trees (vegetation) defined in Section 4.2.20 and located outside the areas identified as protected significant vegetation areas on the Corvallis Significant Vegetation Map, 50 percent of the associated canopies shall be preserved in accordance with the provisions of Section 4.2.20.
5. Land uses shall be those that are outright permitted by the existing underlying District Designation.
6. Excavation and grading shall not change hydrology (in terms of water quantity and quality) that supports existing locally significant wetland and riparian areas that are located within areas subject to either wetland or safe harbor provisions outlined in Chapter 4.5.

A Residential Subdivision that conforms to these criteria is considered to meet all of the compatibility standards set out in this section and shall be approved. A Residential Subdivision that involves uses subject to Plan Compatibility or Conditional Development review, or that involves a District Change, shall meet the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and District Change applications.

- *Revisions to section 2.4.30.05 (on page 2.4-11) to address the legal concern regarding compliance with ORS 197.307(6) (needed housing).*

2.4.30.05 - Action by the Planning Commission

- a. Action by the Planning Commission for Nonresidential Subdivisions - 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 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.
- b. Action by the Director for Residential Subdivisions - Following the staff evaluation outlined in Section 2.4.30.03, the Director shall approve, conditionally approve, or deny the tentative subdivision plat. The Director's decision shall include findings that specify how the application has or has not complied with the above review criteria.

- *Revisions to section 2.4.30.07 (on page 2.4-11) to address the legal concern regarding compliance with ORS 197.307(6) (needed housing).*

2.4.30.07 - Appeals

The decision of the Director or Planning Commission, whichever the decision-maker is as outlined in this chapter, may be appealed in accordance with the provisions of Chapter 2.19 - Appeals.

- *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.

- *Revisions to Section 2.4.80.02 to revise the introductory paragraphs and eliminate subsection "j," as indicated below:*

2.4.80.02 - Thresholds Separating of a Tentative Subdivision Plat Modification from the Requirement for a New Tentative Subdivision Plat

Within one ~~a single~~ calendar year, up to three factors identified in "a" through "i" ~~"a-j"~~ 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 identified outlined in "a" through "i" ~~"a-j"~~ below, the changes shall be processed as a new tentative subdivision plat and shall follow the procedures identified 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, may be made

as a tentative subdivision plat modification, unless they fall below the thresholds identified in items "a" through "f" below. The thresholds for determining a tentative subdivision plat modification are as follows:

~~i. Other than those described in "a - f" above, any other modification to 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 was approved as part of the tentative subdivision plat.~~

- *Revisions to Section 2.5.60.01 as indicated below to more closely match changes done in the Phase II LDC Update:*

b. Provide elements within the development site that compensate for requested variations from approved Conceptual or Detailed Development Plans such that the intent of the original approvals are still met.

- *Revisions to Section 2.5.60.02 as indicated below to more closely match changes done in the Phase II LDC Update:*

2.5.60.02 - Thresholds that Separate a Minor Planned Development Modification from a Major Planned Development Modification

Within a single calendar year, up to three factors identified in "a-n" 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-n" below, the changes shall be processed as a Major Planned Development Modification and shall follow the procedures outlined in section 2.5.70. The thresholds for a Minor Planned Development Modification are as follows:

a. The factors identified here describe the thresholds that separate a Minor Planned Development Modification from a Major Planned Development Modification:

a1. Change in use type, with the exception that for a of valid (still active) Planned Developments that existed or was and were approved before December 31, 2000, a modification request shall be considered as follows:

1:(a) 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:(b) 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;

b2. Change ~~increase~~ in dwelling unit density of 5 percent, except as noted in "3" below;

e3. Decrease in dwelling unit density by more than three units for development sites one acre or smaller in size, or decrease in dwelling unit density by more than five units or by more than five ~~to~~ percent, whichever is less, for development sites larger than one acre;

- d4. Change in the ratio of the different types of dwelling units;
- e5. 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.);
- f6. 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;
- g7. 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);
- h8. Increase by more than 10 percent in the floor area proposed for nonresidential use by more than 10 percent;
- i9. Decrease by more than 10 percent in the common and/or usable green area or open space by more than 10 percent;
- i10. Increase by more than 5 percent in the total ground area proposed to be covered by structures by more than 10 percent;
- k11. Decrease by more than 25 percent Change in specific setback requirements by more than 25 percent or by 15 percent for setback requirements previously reduced;
- l12. Decrease by more than 10 percent in project amenities for pedestrians or bicycles, recreational facilities, screening, and/or landscaping provisions by more than 10 percent;
- m13. Modification of architectural building elevations where any of the following occurs:
 - 1-(a) 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-(b) Building materials for the main walls of the facades are changed;
 - 3-(c) 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-(d) Roof pitch is reduced by 20 percent or more;
 - 5-(e) Building offsets or recesses are reduced by more than 20 percent; or
 - 6-(f) Garages or carports are eliminated.

~~n. Other than those described in "a - m" above, any other modification to 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 was approved as part of the Detailed Development Plan.~~

b. A modification that equals or exceeds the thresholds identified in Section 2.5.60.02.a shall be processed as Major Modification.

c. A modification that falls below the thresholds identified in Section 2.5.60.02.a or that decreases the amount of variation from a standard that was previously approved shall be processed as a Minor Modification.

d. In addition, only three such Minor Modifications may be processed within one calendar year for any approved Conceptual or Detailed Development Plan. If more than three such modifications are proposed within a calendar year, the modifications, or any single such modification proposed following the third, shall be processed as a Major Planned Development Modification and shall follow the procedures contained in section 2.5.70.

e. A modification 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, may be considered as a Minor Planned Development Modification only if it falls within the definition of a Minor Modification described in section 2.5.60.02.c.

- *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.*
- *Revisions to section 2.4.10 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

Section 2.14.10 - BACKGROUND

The division of land through a subdivision process is addressed in Chapter 2.4. A subdivision occurs where ~~4~~ four or more lots are created in a calendar year, and requires review and approval as specified in Chapter 2.4 by the Planning Commission. ~~The division of land through an Expedited Land Division process is addressed in Chapter 2.5. An Expedited Land Division occurs where 4 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 Residential and Nonresidential partitions, which involve creation of ~~3~~ three or fewer lots in a calendar year, and for minor replats and lot line adjustments. For the purposes of this chapter, Residential Partitions are those involving lands with a District Designation of RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), RS-20, and MUR. Nonresidential Partitions are those with a District Designation other than those for Residential Partitions. Except on appeal, Each of these are reviewed through an General Development administrative process without a public hearing except on appeal. As with subdivisions, partitions are subject to design requirements contained in Article IV of this Code.

- Revisions to eliminate sections 2.4.30.01.l through 2.4.30.01.n and insert new sections 2.4.30.01.l through 2.4.30.01.o as noted below, to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).

~~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 10 in. or more at a point 24 in. above the natural grade; and~~

~~n. Where it is evident that the subject 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.~~

l. Additional Graphic Requirements

Significant natural features map(s) and a preservation plan that 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 easements and 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. either side of the top of banks (refer to Chapter 4.5 for additional guidance).

2. Significant plants and trees (vegetation) (refer to Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting; and the Corvallis Significant Vegetation Map for guidance). The applicant's graphics shall indicate species, canopies, and diameters at breast height for significant trees and significant plants (vegetation). In cases where a site contains a large (greater than one acre) grove(s) of significant vegetation that results in a single large canopy, the applicant's graphics 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 tree species within the grove, and the species and general range in sizes of plants within the grove. In cases where a site contains protected significant plants and trees (vegetation) as indicated on the Corvallis Significant Vegetation Map, the applicant's graphics may indicate the outer perimeter of the protected area, and state the species and ranges of vegetation diameters as allowed for groves. As no vegetation removal is permitted within any protected significant vegetation areas identified on the Corvallis Significant Vegetation Map (including associated canopy areas along the borders), the applicant's graphics shall include preservation measures for those areas, consistent with the preservation measures required in Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.

The applicant's graphics shall clearly indicate all significant trees and plants (vegetation) and the associated percentage(s) of canopies proposed for removal, such that the review criteria pertaining to significant vegetation and significant vegetation protection may be evaluated.

3. Archaeological sites recorded by the State Historic Preservation Office (SHPO).

4. Tentative partition plat and other graphics for both Nonresidential and Residential partitions 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.

Nonresidential Partition 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).

Residential Partition graphics shall include features within a minimum of 300 feet from all exterior boundaries of the site, such as existing streets, parcel boundaries, existing structures in excess of 100 square feet, drainageways, riparian areas, driveways, utilities, and significant natural features. Additionally, if existing infrastructure is more than 300 feet from an exterior boundary of the Residential Partition site, the Residential Partition graphics shall extend beyond the required 300 feet to include said features and all lands between the Residential Partition site and the existing infrastructure.

5. Existing and proposed topographic contours at 2-ft. intervals. Where the grade of any part of the partition exceeds 10 percent or where the partition abuts existing developed lots, a conceptual grading plan shall be required as follows:

- a) Conceptual grading plans for applications for Residential Partitions must meet the requirements in (c) and (d) and (e) below.
- b) Conceptual grading plans for Nonresidential Partitions shall contain adequate information to evaluate impacts to the site and adjacent areas. To the maximum extent practicable, grading (cuts and fills) for Nonresidential Partitions 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 for a Nonresidential Partition, it shall indicate how these objectives are met, how runoff or surface water from individual lots will be managed, and how the partition's surface waters will be managed. Additionally, Nonresidential Partition applications shall include two design alternatives demonstrating that the applicant has achieved the optimal balance of applicable criteria);
- c) For residential development, the conceptual grading plan shall demonstrate that the proposal does not contain any grade changes (cuts or fills) in excess of 8 feet on an individual lot and on a development site. Cut and fill is measured vertically from natural grade. In no case shall a combination of a cut and fill in the same location exceed 16 feet. The grading plan shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to this provision. Excavation and grading shall maintain hydrology that supports existing wetland and riparian areas and the application shall demonstrate adherence.
- d) For residential development, the conceptual grading plan shall indicate how runoff and surface water from individual lots will be managed, and how the partition's surface waters will be managed.

- e) For residential development, the graphics, including the conceptual grading plan, must demonstrate that each lot can be served by streets and infrastructure in a manner that is consistent with the clear and objective standards contained in the following: the City's development standards outlined in by the applicable underlying District Designation standards in Article III of the Code; the development standards in Article IV of the Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-Street Parking Standards.
- m. 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;
- n. Narrative Requirements
1. Statement describing phases of project, if proposed. Phases shall be:
- a) For Nonresidential Partitions, substantially and functionally self-contained and self-sustaining with regard to access, parking, transportation facilities, utilities, green areas, and drainage without reliance on any uncompleted phase; capable of substantial occupancy, operation, and maintenance upon completion of construction and development, and be designed such that the phases support the infrastructure requirements for the project.
- b) Designed to Address Compatibility.
- 1) For Nonresidential Partitions, addressing compatibility means arranging the phases to avoid conflicts between higher and lower density development.
- 2) For Residential Partitions, uses permitted outright within a zone are considered to be compatible and not to conflict. Between zones, compatibility is addressed at the time the zone is established. A residential use permitted outright within an existing zone is considered to be compatible with uses permitted outright within existing neighboring zones;
- 3) For Residential Partitions, each proposed phase must meet all required clear and objective standards for access, parking, transportation facilities, utilities, green areas, and drainage without reliance on any uncompleted phase. Each proposed phase, and the subdivision as a whole, must be designed so that in addition to each proposed phase meeting all required infrastructure standards for that phase, at the completion of each phase all completed phases together will cumulatively meet all infrastructure standards that would be required for a project consisting of the completed phases. The partition and each phase must also be designed so that by completion of all proposed phases all the phases together will meet all infrastructure requirements for the project.
2. Explanation of how the proposal complies with the review criteria in Section 2.14.30.05; and

o. Traffic impact study -

1. Nonresidential Partitions - Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures.
2. Residential Partitions - a Traffic Impact Analysis (TIA) is required. The TIA shall be prepared by a registered professional engineer, in accordance with the most current ITE standards, and shall address both current conditions and those within a 20-year horizon. The TIA shall quantify the trip generation effects of the proposal. The TIA shall estimate trip distribution patterns. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. If any affected intersection LOS is or will fall below LOS D during any hour, mitigation shall be proposed. The mitigation shall demonstrate that LOS D will be maintained for 20 years.

- *Revisions to sections 2.14.30.05 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

2.14.30.05 - Review Criteria

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

- ~~a.~~ ~~Consistency with the purposes of this chapter, pertinent development standards of the 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, 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);~~

a. Criteria

1. Nonresidential Partitions - Consistency with the purposes of this chapter; and the following: the City's development standards outlined in by the applicable underlying District Designation standards in Article III of the Code; the development standards in Article IV of the Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; the adopted City Off-Street Parking Standards; and any other applicable policies and standards adopted by the City Council.

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

a) Consistency with the purposes of this chapter and the pertinent development standards of the Code. Additionally, pursuant to Comprehensive Plan Policy 3.2.7, the application shall also demonstrate compatibility in the areas in "1-14" below, as applicable.

1. Basic site design (the organization of uses on a site and its relationship to neighboring properties);

2. Visual elements (scale of potential development, etc.);

3. Noise attenuation;

4. Odors and emissions;

5. Lighting;

6. Signage;

7. Landscaping for buffering and screening;

8. Transportation facilities;

9. Traffic and off-site 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.

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. Residential Partitions - Consistency with the clear and objective standards contained in the following: the City's development standards outlined in by the applicable underlying District

Designation standards in Article III of the Code; the development standards in Article IV of the Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; the adopted City Off-Street Parking Standards.

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

- a) Approval will permit City services and access from a public street to be provided to property under the same ownership and on adjacent lands planned for urban densities; and
- b) 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).
- c) No grade changes (cuts or fills) are allowed in excess of 8 feet on an individual lot and on a development site. Cut and fill is measured vertically from natural grade. In no case shall a combination of a cut and fill in the same location exceed 16 feet. The grading plan shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to this provision.
- d) No development shall be allowed on existing sloped areas greater than 35%, with the following two exceptions:
 - 1) Construction of streets, roads, utilities, bridges, and bicycle and pedestrian facilities that are included in the City of Corvallis Transportation Plan, or in other adopted City Plans, or involve the redevelopment of electrical utility operations existing as of December 31, 2005. Such improvements shall be subject to the City's Engineering Design Standards; and
 - 2) Construction of streets, roads, bridges, and bicycle and pedestrian facilities that are needed to maintain the functional classification of roadways adjacent to the property. Such improvements shall be subject to the City's Engineering Design Standards.
- e) No plant or tree (vegetation) removal or development is permitted within any of the areas identified as protected significant vegetation areas on the Corvallis Significant Vegetation Map, unless for the purposes of the exceptions outlined in d.1 and d.2 of this Section. This includes the canopies of said vegetation, as identified in Section 4.2.20.
- f) For significant plants and trees (vegetation) defined in Section 4.2.20 and located outside the areas identified as protected significant vegetation areas on the Corvallis Significant Vegetation Map, 50 percent of the associated canopies shall be preserved in accordance with the provisions of Section 4.2.20.
- g) Land uses shall be those that are outright permitted by the existing underlying District Designation.

- h) Excavation and grading shall not change hydrology (in terms of water quantity and quality) that supports existing locally significant wetland and riparian areas that are located within areas subject to either wetland or safe harbor provisions outlined in Chapter 4.5.

A Residential Partition that conforms to these criteria is considered to meet all of the compatibility standards set out in this section and shall be approved. A Residential Partition that involves uses subject to Plan Compatibility or Conditional Development review, or that involves a District Change, shall meet the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and District Change applications.

- *Revisions to section 2.19.30.02.a to have appeals of Director decisions for Residential Subdivisions be heard by the Planning Commission instead of the Land Development Hearings Board.*

2.19.30.02 - Hearings Authority

- a. Appeals from decisions of the Director shall be reviewed by the Land Development Hearings Board, with the exception of decisions that relate to Residential Subdivisions. Appeals from decisions of the Director that relate to Residential Subdivisions shall be reviewed by the Planning Commission.

- *Revisions to 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:*

Appeals shall be filed within 10 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 10 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.

- *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 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 one year 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.

- *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.

- *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.

- *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.

- *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.~~

- *Revisions to section 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:*

1. ~~A proposal for establishing the scope of~~ Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. The TIA traffic evaluation shall be submitted for review to the City Engineer. The proposed TIA 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.

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

1. ~~To the maximum extent practicable, Grading plans are required and shall demonstrate that the proposal does not contain any grade changes (cuts or fills) in excess of 8 feet on an individual lot and on a development site. Cut and fill is measured vertically from natural grade. In no case shall a combination of a cut and fill in the same location exceed 16 feet. The grading plan shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to this provision. Grading (cuts and fills) shall be minimized and Streets shall be designed along natural contours., and structures shall be designed to fit the topography of the site.~~

- *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.~~

- *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.

● Revisions to section 4.2.20.a to address a legal concern regarding clear and objective standards and compliance with ORS 197.307(6) (needed housing).

a. Significant Plants, Habitat Areas, and Trees (Vegetation)

1. Significant Plants and Trees (Vegetation Areas) Defined and Required Protection -

a) Significant Plants and Trees (Vegetation Areas) Defined - Significant plants and trees (vegetation areas) include: trees of 8 in. or greater diameter measured at a height of 4 ft. above grade; shrubs (excluding blackberries, poison oak, and similar noxious vegetation) over 4 ft. in height; plants for fish and wildlife that are listed as threatened or endangered with the National Marine Fisheries Service or the United States Fish and Wildlife Service; significant native vegetation as defined in the Oregon Natural Heritage Plan (1998), which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species; and any plants and trees (vegetation) located within an area identified as a protected vegetation area on the Corvallis Significant Vegetation Map, including canopies associated with the protected plants and trees (vegetation) which may extend beyond the borders identified on said Map. 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 and shrubs (excluding blackberries, poison oak, and similar noxious vegetation) over 4 ft. in height are considered significant. Also considered to be 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 United States 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.

b) Significant Plants and Trees (Vegetation Areas) Required Protection - Significant plants and trees (vegetation) defined in Section 4.2.20.a.1(a) above, and their associated canopies, should be preserved to the greatest extent practicable and integrated into the design of a development. Additionally, no plant or tree (vegetation) removal or encroachment of any kind is allowed within areas identified as protected vegetation areas on the Corvallis Significant Vegetation Map, except for the specific activities outlined in "1" and "2" below. This prohibition includes the canopy areas associated with the protected plants and trees (vegetation) which may extend beyond the borders identified on said Map.

1) Construction of streets, roads, utilities, bridges, and bicycle and pedestrian facilities that are included in the City of Corvallis Transportation Plan, or in other adopted City Plans, or involve the redevelopment of electrical utility operations existing as of December 31, 2005. Such improvements shall be subject to the City's Engineering Design Standards; and

2) Construction of streets, roads, bridges, and bicycle and pedestrian facilities that are needed to maintain the functional classification of roadways adjacent to the property. Such improvements shall be subject to the City's Engineering Design Standards.

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 Significant Plants and Trees; (Vegetation & Habitat Areas) -

- a) Existing significant plants and trees (vegetation) located outside areas identified as protected vegetation areas on the Corvallis Significant Vegetation Map may be considered preserved only if no cutting, filling, or compaction of the soil takes place within the vegetation's associated canopies, as defined in "b" below. Existing plants and trees (vegetation) located inside areas identified as protected vegetation areas on the Corvallis Significant Vegetation Map may be considered preserved only if no cutting, filling, or compaction of the soil takes place anywhere within said protected areas and anywhere within the canopies of the protected areas' plants and trees (vegetation), including those portions of canopies that extend beyond the borders of the protected areas on said Map. Exceptions are allowed for the purposes outlined in Section 4.2.20.a.1(b) above.
- b) Canopy Areas Defined - Canopies for plants and trees (vegetation) include the areas between the trunk of the plant or tree (vegetation) and the perimeter of the plant's or tree's (vegetation's) "circle of protection." For trees (vegetation), a circle of protection is created by a radius in feet that equals the diameter in inches of the tree trunk at four (4) ft. above grade (e.g. a 15-inch diameter tree creates a 15-foot 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. For plants (vegetation) a circle of protection for vegetation or a habitat area is created by defining a circle around the plant (vegetation), or habitat area, the perimeter of which is located 5 ft. outside of the plant's (vegetation's) dripline or edge, or habitat area's edge, whichever is applicable.
- c) Construction Fencing Required - Significant plants and trees (vegetation) that are required to be preserved in addition, the tree, vegetation, or habitat area shall be protected from damage during construction by a construction fence located outside the identified protected areas, circle of protection. All construction fencing shall be installed prior to any grading and excavation of a development site.

● *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.

- *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).

- *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.

- *Final technical edits based upon this most recent draft, including a final check of cross-references.*