



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

NOTICE OF ADOPTED AMENDMENT

July 3, 2007

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Corvallis Plan Amendment
DLCD File Number 004-07



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

Appeal Procedures*

DLCD ACKNOWLEDGMENT OR DEADLINE TO APPEAL: July 19, 2007

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

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

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

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

<paa>

FORM 2

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

JUN 29 2007

(See reverse side for submittal requirements)

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: City of Corvallis Local File No.: LDT07-20003
(If no number, use none)

Date of Adoption: 6/18/07 Date Mailed: 6/28/07
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: NA

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

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."
LDC correction to incorporate MADA provisions for new zones.

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."

Plan Map Changed from : _____ to _____

Zone Map Changed from: _____ to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: None

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 004-07 (NOA)

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

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

If no, do the Statewide Planning Goals apply. Yes: ___ No: X

If no, did The Emergency Circumstances Require immediate adoption. Yes: ___ No: X

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

Local Contact: Fred Towne Area Code + Phone Number: 541-766-6908

Address: 501 SW Madison Ave City: Covallis

Zip Code+4: 97333 Email Address: fred.towne@dlcd.covallis.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 #2007-073

CASE: LDT07-00003 - Text Amendments regarding the Minimum Assured Development Area (MADA) Provisions

REQUEST: This Land Development Code Text Amendment is proposed to amend Chapter 4.11 to provide Base MADA/Acre standards to new Zones that were adopted as part of the Phase I LDC Update provisions and to amend Chapter 1.6 to create new definitions for "Development Constraints - Former" and "Formerly Constrained Areas."

LOCATION: Citywide


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

DECISION:

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

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

June 25
May __, 2007
Date Signed



Mayor Charles Tomlinson
City of Corvallis

Attached: Exhibit A - Ordinance 2007-18

ORDINANCE 2007- 18

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

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

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

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

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

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

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

Section 2. The Land Development Code Chapter 1.6 - Definitions be amended to include the following new definitions:

Development Constraints - Former (To be inserted after Development Constraints)	Development Constraints - Former - Development Constraints that no longer preclude development due to the application of the Minimum Assured Development Area (MADA) provisions. A formerly constrained area is one which would be protected through the Development Constraints in Chapters 4.5, 4.11, 4.12, or 4.13, but can be developed by applying the MADA provisions in Chapter 4.11. Development can occur on the site and the constraining factors such as significant vegetation, etc. may be removed or reduced to accommodate the development. See Formerly Constrained Areas .
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Formerly Constrained Areas (To be inserted after Flow-through Design)	Formerly Constrained Areas - Areas that contain areas that would be protected through the Development Constraints in Chapters 4.5, 4.11, 4.12, or 4.13, but can be developed by applying the MADA provisions in Chapter 4.11. Formerly Constrained Areas can be developed, and the constraining factors such as significant vegetation may be removed or reduced to accommodate the development. See Development Constraints - Former .
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Land Development Code Section 4.11.30.a.1.a)2. be amended to read as follows:

<p>2. <u>Property Proposed for Subdivision, Partition, or Lot Line Adjustment -</u></p> <p>a) <u>Any Subdivision, Partition, and/or Lot Line Adjustment processed after December 31, 2004, shall not create lots or parcels unless:</u></p> <p>1) Each new and remaining lot or parcel contains:</p> <ul style="list-style-type: none"> i. an area unconstrained by Natural Resources or Natural Hazards; or ii. an area that includes Formerly Constrained Areas; or iii. contains an area that includes the areas in 2.a)1)i. and ii. above; and <p>2) The area in "2. a) 1)," above, is equal to or greater than the Minimum Assured Development Area (MADA) for the zone or zones in which the development proposal falls.</p>

Land Development Code Table 4.11-1 be amended to read as follows:

Table 4.11-1 Determining Minimum Assured Development Area (MADA) for Residential Zones			
Zone	Base MADA/Acre	Area Credits (4.11.50.02.c)	Total MADA
RS - 1	10,000 sq. ft.		
RS - 3.5	17,500 sq. ft.		
RS - 5	15,250 sq. ft.		
RS - 6	13,000 sq. ft.		
RS - 9	21,800 sq. ft.		
RS - 9U	21,800 sq. ft.		
RS - 12	21,800 sq. ft.		
RS - 12U	21,800 sq. ft.		
RS - 20	24,000 sq. ft.		
MUR	21,800 sq. ft.		

Land Development Code Table 4.11-2 be amended to read as follows:

Table 4.11-2 Determining Minimum Assured Development Area (MADA) for Nonresidential Zones			
Zone	Base MADA/Acre	Area Credits (4.11.50.02.c)	Total MADA
Professional and Administrative Office	19,600 sq. ft.		
Minor Neighborhood Center	19,600 sq. ft.		
Major Neighborhood Center	23,950 sq. ft.		
Mixed Use Community Shopping	19,600 sq. ft.		

**Table 4.11-2
Determining Minimum Assured Development Area (MADA)
for Nonresidential Zones**

Mixed Use General Commercial	19,600 sq. ft.		
Riverfront	34,850 sq. ft.		
Central Business Zone	34,850 sq. ft.		
Central Business Fringe	23,950 sq. ft.		
Limited Industrial - Office	28,300 sq. ft.		
Limited Industrial	26,150 sq. ft.		
Mixed Use Employment	23,950 sq. ft.		
Mixed Use Transitional	28,300 sq. ft.		
General Industrial	28,300 sq. ft.		
Intensive Industrial	28,300 sq. ft.		
Research Technology Center	26,150 sq. ft.		
Oregon State University	NA (see Chapter 3.36)		
Agricultural- Open Space	4,350 sq. ft.		
Conservation-Open Space	2,200 sq. ft.¹		

¹ MADA determined for Conservation-Open Space (C-OS) areas may only be applied to improvements associated with the actual C-OS property.

Land Development Code Chapter 2.14 – Partitions, Minor Replats, and Lot Line Adjustments and Chapter 4.5 – Natural Hazard and Hillside Development Provisions be amended to read as follows (Added text/Stricken text):

Page and Section	Provision
2.14 - 12 2.14.30.05.a.5.	<p>5. For properties with Natural Resources or Natural Hazards subject to Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions, no Partition or Minor Replat shall create new lots or parcels unless each new and remaining lot or parcel contains:</p> <ul style="list-style-type: none"> a) <u>A</u>n area unconstrained by Natural Resources or Natural Hazards; b) <u>An area that includes Formerly Constrained Areas; or</u> c) <u>Contains an area that includes the areas in 5.a) and 5.b) above;</u> <p>and that area is equal to or greater than the applicable Minimum Assured Development Area(s) for the zone or zones in which the site falls. Exceptions to this requirement are:</p> <ul style="list-style-type: none"> a)d) Lots created for public park purposes; and b)e) Privately- or publicly-owned lots completely contained within an area zoned Conservation - Open Space. <p style="text-align: center;">New Partitions may contain common open space tracts for the purpose of protecting Natural Resources and/or avoiding Natural Hazards.</p>

Page and Section	Provision
2.14 - 14 2.14.30.05.b.2.e)	<p>e) For properties with Natural Resources or Natural Hazards subject to Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions, no Partition or Minor Replat shall create new lots or parcels unless each new and remaining lot or parcel contains remaining lot or parcel contains:</p> <ol style="list-style-type: none"> 1) <u>An area unconstrained by Natural Resources or Natural Hazards;</u> 2) <u>An area that includes Formerly Constrained Areas; or</u> 3) <u>Contains an area that includes the areas in e.1) and e.2) above;</u> <p>and that area is equal to or greater than the applicable Minimum Assured Development Area(s) for the zone or zones in which the site falls. Exceptions to this requirement are:</p> <ol style="list-style-type: none"> 4) Lots created for public park purposes; and 5) Privately- or publicly-owned lots completely contained within an area zoned Conservation - Open Space. <p>New Partitions may contain common open space tracts for the purpose of protecting Natural Resources and/or avoiding Natural Hazards. See also Section 4.11.30.</p> <p>A Residential Partition that conforms to these criteria in "1," and "2," above, is considered to meet all of the compatibility standards 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 Zone Change, shall be the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and Zone Change applications.</p>

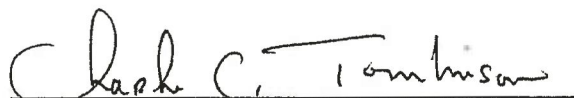
Page and Section	Provision
4.5 - 16 4.5.50.07.c.	<p>c. Subdivisions, Land Partitions, and Property Line Adjustments - For properties with Natural Resources or Natural Hazards subject to Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, or Chapter 4.13 - Riparian Corridor and Wetland Provisions, no Subdivision, Partition, or Lot Line Adjustment shall create new lots or parcels unless: 1. Each new and remaining</p> <p style="text-align: right;">and remaining</p> <p>lot or parcel contains:</p> <ol style="list-style-type: none"> <u>1. An area unconstrained by Natural Resources or Natural Hazards; and</u> <u>2. An area that includes Formerly Constrained Areas; or</u> <u>3. Contains an area that includes the areas in c.1. and c.2. above;</u> <p>2. The unconstrained and that area in "1," above, is equal to or greater than the Minimum Assured Development Area for the zone or zones in which the development site falls.</p> <p>Exceptions to this requirement are lots created for public park purposes and privately- or publicly-owned lots completely contained within land zoned Conservation-Open Space. New Subdivisions and Partitions may contain common open space tracts for the purpose of protecting Natural Resources and/or avoiding Natural Hazards.</p>

Section 3. Ordinance 2006-24, as amended, is hereby amended.

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


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

EFFECTIVE DATE: June 28, 2007



Mayor

ATTEST:



City Recorder