



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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www.lcd.state.or.us



## NOTICE OF ADOPTED AMENDMENT

12/17/2010

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Corvallis Plan Amendment  
DLCD File Number 005-10

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: Thursday, December 30, 2010

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

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

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

Cc: Kelly Potter, City of Corvallis  
Gloria Gardiner, DLCD Urban Planning Specialist  
Ed Moore, DLCD Regional Representative

<paa> YA



FORM **2**

**DLCD**

# Notice of Adoption

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

In person  electronic  mailed

**DEPT OF**

**DEC 10 2010**

**LAND CONSERVATION AND DEVELOPMENT**

For Office Use Only

Jurisdiction: City of Corvallis

Local file number: LDT10-00004

Date of Adoption: December 6, 2010

Date Mailed: December 9, 2010

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date:

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

Revise the Land Development Code (LDC) definition for Agricultural Sales so that a small amount of retail sales of agricultural food products can occur. This LDC definition is contained in Section 3.0.30.03.a. The Council provided guidance for the parameters of this Land Development Code Text Amendment. This guidance is outlined on pages 10 and 11 of the attached August 10, 2010, memo from Community Development Director Ken Gibb to the Corvallis Mayor and City Council. The Council did modify the guidance in item "3.c" on page 10 of that memo such that "local agricultural area" became defined as the Oregon counties of Benton, Linn, Lane, Lincoln, Marion, and Polk. This Amendment will not affect agricultural lands, since the use type of Agricultural Sales is not allowed in the City's Agricultural - Open Space (AG-OS) Zone.

Does the Adoption differ from proposal? Please select one

Only slightly. The adopted version also includes a requirement that the operator of the facility be involved in some capacity in the growing of the agricultural products.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location:

Acres Involved:

Specify Density: Previous:

New:

Applicable statewide planning goals:

**1** 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

**DLCD file No.** 005-10 (18479) [16444]

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

City of Corvallis, Oregon Department of Land Conservation and Development

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Local Contact: Kelly Potter, Senior Planner, City of Corvallis Phone: (541) 766 - 6908 Extension:

Address: After December 10, 2010, temporary address for  
City Hall is the former CH2M Hill building, 2300 Fax Number: 541 -754 - 1792

City: NW Walnut Blvd., Corvallis, OR 97330 E-mail Address: [kelly.potter@ci.corvallis.or.us](mailto:kelly.potter@ci.corvallis.or.us)

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## ADOPTION SUBMITTAL REQUIREMENTS

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

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting, please print this **Form 2** on light **green paper** if available.
3. Send this Form 2 and **One (1) Complete Paper Copy and One (1) Electronic Digital CD** (documents and maps) of the Adopted Amendment to the address in number 6:
4. **Electronic Submittals: Form 2 – Notice of Adoption will not be accepted via email or any electronic or digital format at this time.**
5. The Adopted Materials must include the final decision signed by the official designated by the jurisdiction. The Final Decision must include approved signed ordinance(s), finding(s), exhibit(s), and any map(s).
6. **DLCD Notice of Adoption must be submitted in One (1) Complete Paper Copy and One (1) Electronic Digital CD via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.** (for submittal instructions, also see # 5)] **MAIL the PAPER COPY and CD 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**

7. Submittal of this Notice of Adoption must include the signed ordinance(s), finding(s), exhibit(s) and any other supplementary information (see ORS 197.615 ).
8. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) of adoption (see ORS 197.830 to 197.845 ).
9. In addition to sending the Form 2 - Notice of Adoption to DLCD, please notify persons who participated in the local hearing and requested notice of the final decision at the same time the adoption packet is mailed to DLCD (see ORS 197.615 ).
10. **Need More Copies?** You can now access these forms online at <http://www.lcd.state.or.us/>. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518.



**Community Development  
Planning Division**  
501 SW Madison Avenue  
P.O. Box 1083  
Corvallis, OR 97339-1083  
(541) 766-6908  
FAX: (541) 754-1792  
[Planning@ci.corvallis.or.us](mailto:Planning@ci.corvallis.or.us)

## **CORVALLIS CITY COUNCIL NOTICE OF DISPOSITION**

**ORDER NO. 2010-078**

**CASE:** **LAND DEVELOPMENT CODE TEXT AMENDMENT TO REVISE  
AGRICULTURAL SALES USE TYPE DEFINITION IN CHAPTER 3.0  
- USE CLASSIFICATIONS (LDT10-00004)**

**REQUEST:** Legislative Land Development Code Text Amendment (LDT10-00004) to revise the LDC definition for the Agricultural Sales use type so that limited retail sales of agricultural food products can occur. This LDC definition is contained in Section 3.0.30.a. The City Council provided guidance for the parameters of this LDC Text Amendment. In general, these parameters specify that the sale of farm crops and livestock would be limited to farm crops and livestock grown on the site or in the local agricultural area. Additionally, the farm crops and livestock include both fresh and processed farm crops and livestock, but not the sale or auctioning of live animals and not prepared food items. No on-site dining will be allowed and the size of the activity would be limited to 1,500 sq. ft. Modifications to the Agricultural Sales use type definition will affect zones where the Agricultural Sales use type is allowed.

**APPLICANT** City of Corvallis

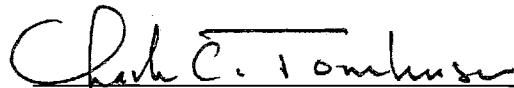
**LOCATION** The proposal applies Citywide to all zones that allow the Agricultural Sales use type. Currently, these zones include the Major Neighborhood Center (NC-Major) Zone, the Central Business (CB) Zone, the Central Business Fringe (CBF) Zone, the Mixed Use Transitional (MUT) Zone, the General Industrial (GI) Zone, the Intensive Industrial (II) Zone, and the Mixed Use Employment (MUE) Zone. These zones are governed by LDC Chapters 3.14, 3.16, 3.17, 3.19, 3.21, 3.24, 3.25, and 3.27, respectively.

## DECISION

The Corvallis City Council conducted, after proper legal notice, a public hearing and deliberations concerning legislative Land Development Code Text Amendment LDT10-00004 on November 15, 2010. Interested persons and the general public were given an opportunity to be heard. The City Council found that the proposed request, regarding revision of the Land Development Code definition for the Agricultural Sales use type so that limited retail sales of agricultural food products can occur, should be approved, and unanimously adopted Ordinance 2010-25. The formal findings for the Council's decision are included in Ordinance 2010-25.

If you wish to appeal this decision, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of the decision.

The proposal, staff report, hearing minutes, memoranda to City Council, and findings and conclusions may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue; or in the former CH2M Hill Building, 2300 NW Walnut Blvd, after December 10, 2010.



Charles C. Tomlinson, Mayor  
City of Corvallis

December 7, 2010

Date Signed

Attached: Ordinance 2010-25

**ORDINANCE 2010- 25**

**AN ORDINANCE AMENDING THE CORVALLIS LAND DEVELOPMENT CODE, MODIFYING ORDINANCE 93-20, AS AMENDED, TO REVISE THE LAND DEVELOPMENT CODE USE TYPE DEFINITION FOR AGRICULTURAL SALES**

AN ORDINANCE relating to a Legislative Amendment to the Land Development Code, modifying Ordinance 93-20, as amended.

Whereas, the Planning Commission, after holding a duly advertised public hearing, has forwarded its recommendation to the City Council concerning a request for a Legislative Amendment to the Land Development Code;

Whereas, the Planning Commission recommended that the City Council approve the request to revise the Agricultural Use Type definition in Land Development Code Section 3.0.30.a so that a limited amount of retail sales of agricultural food products can occur;

Whereas, the City Council held a duly-advertised public hearing concerning the proposed Legislative Amendment to the Land Development Code on November 15, 2010, and interested persons and the general public were given an opportunity to be heard;

Whereas, the Council has reviewed the public testimony and the recommendations of the Planning Commission and City Staff;

Whereas, findings of fact have been prepared and consist of the formal findings attached hereto as Exhibit A and the final version of this Amendment, attached hereto as Exhibit B;

Whereas, said findings are by reference incorporated herein and are hereby adopted by the City Council;

Whereas, the City Council finds that the burden of proof has been met;

Whereas, the City Council finds that the public necessity, convenience, and general welfare require such Amendment; and

Whereas, the City Council finds that the proposal conforms with the Corvallis Comprehensive Plan and other applicable policies;

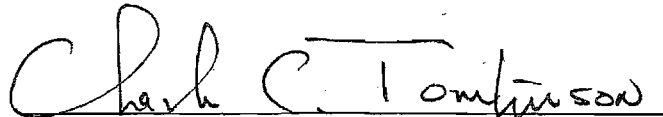
**NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:**

**Section 1.** The Land Development Code is amended as shown by the provisions contained in Exhibits A and B.

PASSED by the Council this 6th Day of December, 2010.

APPROVED by the Mayor this 6th Day of December, 2010.

Effective this 16th Day of December, 2010.

  
\_\_\_\_\_  
Mayor

ATTEST:

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

# EXHIBIT A

BEFORE THE CITY COUNCIL

OF THE CITY OF CORVALLIS

In the Matter of the City Council decision to approve a )  
Legislative Amendment to the Land Development Code ) LDT10-00004  
(LDC) as proposed and as modified by the Council in )  
Ordinance 2010-\_\_\_, which will change the LDC and ) FINDINGS AND  
implement the proposed changes. ) CONCLUSIONS

## INTRODUCTION

The matter before the City Council is:

A decision regarding a Legislative Amendment to the Land Development Code to amend Land Development Code Section 3.0.30.a, the Use Type definition for Agricultural Sales, so that limited retail sales of agricultural food products can occur.

The applicant for this case is the City of Corvallis. In accordance with Land Development Code Section 1.2.80.02, the City Council initiated this Legislative Amendment to the Land Development Code on July 6, 2010. In accordance with Land Development Code Section 1.2.80.03, the Planning Commission conducted and completed a public hearing process for the Legislative Amendment to the Land Development Code on October 6, 2010. The Planning Commission forwarded its recommendation for approval to the City Council.

In accordance with Land Development Code Section 1.2.80.03, the City Council held a duly-advertised de novo public hearing on November 15, 2010, to consider this Legislative Text Amendment to the Land Development Code. On the same date, the City Council closed the public hearing and deliberated on the Legislative Text Amendment. During deliberations, the Council modified the proposed text in a manner consistent with Option #2 in the November 5, 2010, staff report from Community Development Director Ken Gibb to the City Council.

On December 6, 2010, the City Council held a public meeting to review an Ordinance and formal findings regarding the Legislative LDC Text Amendment.

The members of the City Council voted to APPROVE the Legislative Amendment to the Land Development Code as recommended by the Planning Commission and modified by the Council,



subject to review and approval of these findings, and subject to the changes reflected in Exhibit A of this implementing Ordinance 2010-\_\_\_, adopted December 6, 2010.

Having considered all the testimony presented at the hearings, together with all relevant evidence in the record, the City Council makes the following findings and conclusions. These findings and conclusions address relevant Comprehensive Plan Policies, Land Development Code sections, and Oregon Statewide Planning Goals.

### **APPLICABLE CRITERIA**

All applicable legal criteria governing review of this application are identified in the staff report to the City Council dated November 5, 2010, and its attached Exhibits.

# FINDINGS RELATING TO THE LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE

## 1. Background and City Council Text Amendment Goals

**A. July 6, 2010, City Council Initiation of Land Development Code Text Amendment LDT10-00004** - The Council notes that at its July 6, 2010, meeting, the City Council initiated the subject legislative Land Development Code Text Amendment (LDT10-00004) to revise the Agricultural Sales definition in Land Development Code Chapter 3.0 - Use Classifications. The Council notes that when initiating the subject Legislative LDC Text Amendment, five goals were articulated. They included:

1. Include retail sale of agricultural food products;
2. Require that products be consumed off-site;
3. Limit the size of retail space by square footage;
4. Require parking provisions similar to other commercial uses; and
5. Require the product seller to be involved in agricultural food production.

The Council notes that when passing its motion to initiate this Legislative LDC Text Amendment (Text Amendment), the Council also requested that the Text Amendment proceed concurrently with the pending Bald Hill Farm Planned Development application (PLD10-00008); and stipulated that if the applicant withdraws the application, the Text Amendment should proceed as part of the next package of Land Development Code Text Amendments within the Planning Division's regular work plan.

**B. August 16, 2010, City Council Refinement of Direction for Land Development Code Text Amendment LDT10-00004** - The Council notes that at its August 16, 2010, meeting, the City Council provided additional guidance for this Text Amendment (LDT10-00004). The Council notes that this additional guidance amended the initial Council direction from the July 6, 2010, City Council meeting such that the revisions to the Agricultural Sales use type definition in Section 3.0.30.03.a would be modified as follows:

1. Use the State-level farm stand regulations as a starting point for the changes to the Agricultural Sales definition, but modify and augment these regulations

as suggested in "2," through "7," below, to address the Council's stated goals.

2. Modify the Agricultural Sales definition by taking the existing text and placing it in a subsection, and then creating an additional new subsection to address the retail sales of agricultural food products. This new subsection would have a number of components which would limit the scope of such retail sales.
3. Allow the sale of "farm crops or livestock" that are grown on the farm operation or grown on other farm operations in the "local agricultural area."
  - a. "Farm crops or livestock" includes both fresh and "processed farm crops and livestock" grown on the farm operation, or grown on other farm operations in the local agricultural area, but does not include the sale of live animals (which is classified under the "Animal Sales and Services" use type category in Chapter 3.0 - Use Classifications);
  - b. "Processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product, but not prepared food items; and
  - c. "Local agricultural area" includes the "Local 6" designation, which contains Benton County and its five contiguous counties of Linn, Lane, Lincoln, Polk, and Marion.
4. Include the portion of the ORS 215.283(1)(o)(B) and OAR 660-033-0130(23)(b) that prohibits structures designed for banquets, public gatherings, or public entertainment. Additionally, it is recommended that dining areas be prohibited.
5. Use the square footage limit of 1,500 sq. ft. for the size of retail space dedicated to the sale of agricultural food products. This space would be allowed to be located in existing buildings, additions to existing buildings, and new buildings. Do not use an additional limit for the sale of incidentals.
6. Use the existing Agricultural Sales parking requirement outlined in Section 4.1.30.c.2 to satisfy the Council's direction in this matter. Consequently, no further Code change is needed to address Agricultural Sales parking.
7. Delete the requirement that the product seller must be involved in agricultural food production. Instead, let the farm operation locational requirements

satisfy the goal of making sure the agricultural food products are locally grown (see Items 1-3, above).

### **Conclusions on Background and Text Amendment Goals**

The Council finds that, as amended by Option #2 in the November 5, 2010, staff report to the City Council, the proposed Legislative LDC Text Amendment achieves the goals articulated by the Council. The Council finds that in achieving these goals, the Legislative LDC Text Amendment is in the interest of public necessity, convenience, and general welfare, as required by LDC Section 1.2.80.01.

## **2. Adequacy of the Public Record**

The Council notes that the Legislative LDC Text Amendment affects Section 3.0.30.a of the Land Development Code.

The Council notes that the Land Development Code identifies procedures for Legislative Amendments to the Land Development Code in Chapter 1.2, which states that such Amendments must be initiated by a majority vote of the Planning Commission or the City Council. The Council notes that in accordance with Land Development Code Section 1.2.80.02, the City Council initiated this Legislative LDC Text Amendment on July 6, 2010.

The Council notes that the applicant for this case is the City of Corvallis and that, in accordance with Land Development Code Section 1.2.80.03, the Planning Commission conducted and completed a public hearing process for the Legislative LDC Text Amendment on October 6, 2010. The Council notes that this public hearing was duly noticed on September 14, 2010. The Council notes that the Planning Commission forwarded its recommendation for approval to the City Council.

The Council notes that in accordance with Land Development Code Section 1.2.80.03, on November 5, 2010, the City Council duly advertised a de novo public hearing to consider this Legislative LDC Text Amendment. The Council notes that this de novo public hearing was held on November 15, 2010. On the same date, the City Council closed the public hearing and deliberated on the Legislative LDC Text Amendment. The Council notes that during deliberations, the Council modified the proposed text as shown in Option #2 in the November 5, 2010, staff report to the City Council.

The Council notes that after deliberating, it approved the Legislative LDC Text Amendment subject to approval of formal findings and an ordinance. The Council notes that it considered all applicable legal criteria governing review of the Legislative LDC Text Amendment, which were identified in the staff report to the City Council dated November 5, 2010, and its attached Exhibits. The Council notes that in reaching its decision it also considered the Planning Commission recommendation, the information and analysis presented by Staff, and all public testimony.

### Conclusions on Adequacy of the Public Record

The Council finds that there was ample opportunity for the public to testify, the process for developing and reviewing the Legislative LDC Text Amendment conformed to local and state land use requirements, and the record contains all information needed to evaluate the application for compliance with the applicable criteria.

The City Council accepts and adopts findings contained in the September 24, 2010, staff report to the Planning Commission, the Planning Commission findings in support of the Legislative LDC Text Amendment, as expressed during the Commission's October 6, 2010, deliberations, the November 5, 2010, staff report to the City Council, and the findings in support of the Legislative LDC Text Amendment, as expressed during the Council's November 15, 2010, deliberations.

### **3. Compliance with LDC Section 1.2.80 - Text Amendments**

The City Council notes that LDC Section 1.2.80 contains provisions for amending the text of the Land Development Code.

#### **Chapter 1.2 - Legal Framework:**

#### **Section 1.2.80.01 - Background**

This Code may be amended whenever the public necessity, convenience, and general welfare requires such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies.

#### **Section 1.2.80.02 - Initiation**

Initiation of an amendment may be accomplished by one of the following methods:

- a. Majority vote of the City Council; or
- b. Majority vote of the Planning Commission.

#### **Section 1.2.80.03 - Review of Text Amendments**

The Planning Commission and City Council shall review proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings

The Council notes that Section 1.2.80.02 - Initiation states that a Text Amendment may be accomplished by a Majority vote of the City Council or a majority vote of the Planning Commission. The Council notes that on July 6, 2010, a majority vote of the City Council initiated the subject Legislative LDC Text Amendment. The Council notes that Section 1.2.80.03 - Review of Text Amendments requires both the Planning Commission and City Council to review the proposed amendments in accordance with the legislative provisions of Chapter 2.0 - Public Hearings. The Council notes that the Planning Commission held

a duly advertised public hearing on the Text Amendment on October 6, 2010, and the City Council held a duly advertised de novo public hearing on the Text Amendment on November 15, 2010.

The Council finds that the Legislative LDC Text Amendment has been initiated and reviewed in accordance with Sections 1.2.80.02 and 1.2.80.03.

The City Council notes that Section 1.2.80.01 - Background permits the Code to be amended "whenever the public necessity, convenience, and general welfare requires such amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable Policies."

The Council notes that citizens requests have been made to the Council. The Council notes that these requests asked that this type of shopping opportunity be provided, in order to support local farmers and bring local food sources to the community. The Council notes that the Planning Commission found that the proposed Legislative LDC Text Amendment would benefit farmers and customers by increasing the flexibility of direct sales outlets. The Council finds that the Legislative LDC Text Amendment supports the general welfare of the community.

#### Conclusions on Compliance with LDC Section 1.2.80 - Text Amendments

The Council finds that the Legislative LDC Text Amendment was reviewed according the process and criteria required per LDC Section 1.2.80. The Council finds that the Legislative LDC Text Amendment satisfies the applicable review criteria in Section 1.2.80.

#### **4. Applicable Comprehensive Plan Policies**

The Council notes that in addition to responding to the question of public necessity, convenience, and general welfare, Section 1.2.80.01 - Background requires Text Amendments to conform to the Corvallis Comprehensive Plan and other applicable policies. The Council finds the following Comprehensive Plan policies applicable to the Legislative LDC Text Amendment.

- 1.2.1 The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.
- 8.2.1 The City and County shall support diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low unemployment rate and to promote diversification of the local economy.
- 8.2.2 The City shall monitor changes in demographic information to assure that the type, quantity, and location of services, facilities, and housing remain adequate to meet changing needs.
- 8.2.3 The City shall support existing businesses and industries and the establishment of locally-owned, managed, or controlled small businesses.

**8.9.3 Lands designated for industrial use shall be preserved for industrial and other compatible uses and protected from incompatible uses.**

**8.10.1 The location, type, and amount of commercial activity within the Urban Growth Boundary shall be based on community needs.**

**8.10.2 Given the community's intention to prevent decline in existing commercial areas, the City shall explore opportunities to facilitate and assist in the redevelopment of existing commercial areas, in a manner that meets current standards.**

The Council notes that Comprehensive Plan Policies 8.2.1, 8.2.2, and 8.2.3, state that the City shall monitor and support diversity in type, scale, and location of commercial activities to maintain a low unemployment rate; promote diversification of the local economy; assure that services, facilities, and housing remain adequate to meet changing needs; and support existing businesses and the establishment of locally-owned, managed, or controlled small businesses. The Council notes that modifying the Agricultural Sales use type description to allow a limited amount of retail sales of agricultural products will provide the opportunity for local businesses to fill a niche in the retail sales market. The Council notes that this approach will respond to the changing sustainability needs in the local economy that pertain to the local production and consumption of food products, will promote diversification of the local economy, and will support both existing businesses and the establishment of locally-owned, managed, or controlled small businesses. However, the Council notes that because this Legislative LDC Text Amendment includes prescribed limits to the amount and type of retail sales of agricultural food products, such that these retail sales function more like a farm stand, the primary uses in the zones where Agricultural Sales use types are allowed will not be adversely impacted. Given the above, the Council finds that the proposed Legislative LDC Text Amendment is consistent with Policies 8.2.1, 8.2.2, and 8.2.3.

The Council notes that Policy 8.9.3 requires lands designated for industrial use to be preserved for industrial and other compatible uses and protected from incompatible uses. The Council notes that the industrial zones of Mixed Use Transitional (MUT), General Industrial (GI), Intensive Industrial (II), and Mixed Use Employment (MUE) all allow the Agricultural Sales use type. However, the Council notes that because this Legislative LDC Text Amendment includes prescribed limits to the amount and type of retail sales of agricultural food products, such that these retail sales function more like a farm stand, these lands designated for industrial uses will continue to be preserved for industrial and other compatible uses, and be protected from incompatible uses. Specifically, the size limitation of 1,500 sq. ft. will limit significant investment in retail-oriented improvements on industrial lands. Therefore, the Council finds that the proposed Legislative LDC Text Amendment is consistent with Policy 8.9.3.

The Council notes that Policy 8.10.1 requires the location, type, and amount of commercial activity in the Urban Growth Boundary to be based on community needs. To prevent

decline in existing commercial areas, the Council notes that Policy 8.10.2 requires the City to explore opportunities to facilitate and assist in the redevelopment of existing commercial areas. The Council notes that it recently received requests to address limited retail sales of agricultural food products in certain areas of the community. These requests were presented to the Council as a method to expand the ability for local businesses to present locally grown agricultural food products to consumers, thereby also addressing some sustainability issues. The Council notes that it determined that the most effective way to accomplish this task is to modify the Agricultural Sales use type definition to incorporate a limited amount of retail sales of agricultural food products. The Council notes that the Agricultural Sales use type is allowed in the following zones: Major Neighborhood Center (NC-Major), Central Business (CB), Central Business Fringe (CBF), Mixed Use Transitional (MUT), General Industrial (GI), Intensive Industrial (II), and Mixed Use Employment (MUE). The Council notes that these zones are a combination of commercial and industrial zones and are governed by LDC Chapters 3.14, 3.16, 3.17, 3.19, 3.21, 3.24, 3.25, and 3.27, respectively. The Council notes that adding the ability to conduct a limited amount of retail sales of agricultural food products would address community needs, and would also support redevelopment of existing commercial areas by expanding activities allowed as part of the existing Agricultural Sales use type. Given the above, the Council finds that the proposed Legislative LDC Text Amendment is consistent with Policies 8.10.1 and 8.10.2.

#### Conclusions Regarding Applicable Comprehensive Plan Policies

The Council notes that Comprehensive Plan Policy 1.2.1 states that the City shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan. Given that the proposed Land Development Code Text Amendment is consistent with Policies 8.2.1, 8.2.2, 8.2.3, 8.9.3, 8.10.1, and 8.10.2, the Council finds that it is an appropriate implementation mechanism to carry out the policies of the Comprehensive Plan. Therefore, the Council finds that the proposed Legislative LDC Text Amendment is consistent with Policy 1.2.1.

Given the above, the Council finds that the proposed Land Development Code Text Amendment is consistent with the Comprehensive Plan.

#### **5. Applicable Statewide Land Use Planning Goals**

The Council notes that the specific Statewide Land Use Planning Goals identified by staff as applying to this proposed Legislative LDC Text Amendment are: Goal 2 - Land Use Planning and Goal 9 - Economic Development.

**Goal 2 - Land Use Planning** - To establish a land use planning process and Policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.



**Goal 9 - Economy of the State - To provide adequate opportunities throughout the State for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

The Council notes that Goal 2 is similar in many ways to Comprehensive Plan Policy 1.2.1, in that Goal 2 requires implementation ordinances that are suitable to implement a community's Comprehensive Plan. As discussed in Finding #5, above, the Council finds that the proposed Legislative LDC Text Amendment is consistent with the Policies of the Comprehensive Plan and is considered to be an appropriate implementation mechanism for the applicable Comprehensive Plan Policies. Therefore, the Council finds that the proposed Legislative LDC Text Amendment is compliant with Statewide Planning Goal 2, and these findings establish the factual base for this Amendment to the LDC.

The Council notes that Goal 9 calls for the diversification and improvement of the economy. The Council notes that it also asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs. The Council notes that the inventory of these lands was conducted as part of the last Periodic Review of the Comprehensive Plan. The Council notes that planning and zoning enough land needed for commercial and industrial development was also addressed at that time. Therefore, the Council notes that this discussion will focus on the diversification of the economy. As discussed in Finding #5, above, the Council notes that the proposed Legislative LDC Text Amendment will assist to diversify the economy without negative impact to other allowed commercial and industrial land uses on commercially and industrially designated lands. The Council notes that the limited scale of agricultural sales contemplated in the proposed Legislative LDC Text Amendment will not preclude the use of commercial and industrial properties for more intensive uses. Therefore, the Council finds that the proposed Land Development Code Text Amendment is consistent with Goal 9.

Conclusions Regarding Applicable Statewide Land Use Planning Goals

In conclusion, and based on the information presented above, the Council finds that the proposed Legislative LDC Text Amendment complies with the general policy direction in applicable Statewide Land Use Planning Goals.

**6. Planning Commission Findings**

The Council notes that during its deliberations the Planning Commission came to a number of conclusions. The Council notes that it agrees with these conclusions and adopts them as follows:

- A.** The Council notes that the proposed Legislative LDC Text Amendment originated, in part, due to issues associated with a Land Development Code Violation on an industrially-zoned site. Nevertheless, the Council notes that the proposed Amendment has the potential to benefit farm operators and businesses in the broader community by introducing the possibility of farm stands on properties in a

number of commercial and industrial zones. Therefore, the Council finds that it is in the public interest to move forward with the proposed Legislative LDC Text Amendment because of its potential benefit to the broader community, which outweighs the fact that the Amendment would also assist in resolving a part of an existing Land Development Code Violation case;

- B. The Council notes that the proposed Legislative LDC Text Amendment responds to citizen requests that have been made to the City Council. The Council notes that these requests asked the Council to provide for this type of shopping opportunity, in order to support local farmers and bring local food sources to the community. The Council finds that such opportunities would provide a benefit for farmers and customers by increasing the flexibility in direct sales outlets.
- C. The Council notes that the allowed enclosed retail space for Agricultural Sales would be limited to a maximum of 1,500 sq. ft. per site. Therefore, the Council finds that the addition of such uses would cause minimal impacts and would not create any more conflicts than some of the other use types allowed in the zones where the Agricultural Sales use type is permitted.
- D. The Council notes that this increased shopping opportunity will be available closer to town. The Council finds that this local service minimizes transportation concerns and impacts and helps address sustainability.
- E. The Council notes that there is a large supply of industrially-zoned properties within the City which may not develop in the near future. The Council finds that the proposed Legislative LDC Text Amendment strikes an appropriate balance of preserving industrial land for future industrial use, but also allowing property owners to make some use of their property at this time.

## 7. Legislative LDC Text Amendment Related to Section 3.0.30.a

The Council notes that the actual text changes involved in the proposed Legislative LDC Text Amendment are as shown below. The Council notes new text is indicated with double underline font and deleted text is shown with strike-out font. The Council notes that, in response to a public testimony request, the text shown in bold double underline font in Section "b.1" was added such that at least some of the agricultural food products sold must be grown by the operator of the facility.

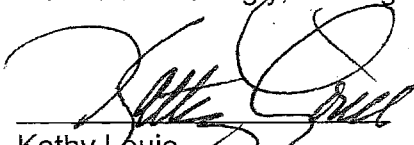
### 3.0.30.03.a Agricultural Sales -

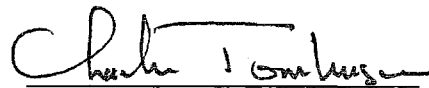
- a. On-site sale of feed, grain, fertilizers, pesticides and similar goods. Typical Uses include nurseries, hay, and feed and grain stores; and
- b. On-site retail sale of agricultural food products, provided all of the following are met:

1. The associated structures are used for the sale of farm crops and livestock grown on the site or in the local agricultural area, and grown at least in part by the operator of the facility;
2. As used in this subsection "b," the phrase "farm crops and livestock" includes both fresh and processed farm crops and livestock grown on the site or in the local agricultural area, but does not include the sale or auctioning of live animals;
3. As used in subsection "b.2," above, the phrase "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product, but does not include food items prepared for immediate consumption;
4. As used in this subsection "b," the phrase "local agricultural area" includes the Oregon counties of Benton, Linn, Lane, Marion, Polk, and Lincoln;
5. The retail and associated structures do not include any dining areas and do not include any structures or outdoor areas for banquets, public gatherings or public entertainment; and
6. The size of the space dedicated to the on-site retail sales of agricultural food products does not exceed 1,500 sq. ft. This space may be located in existing buildings, additions to existing buildings, and/or new buildings.

## SUMMARY OF CONCLUSIONS

The City Council finds that the proposed Legislative LDC Text Amendment (LDT10-00004) is consistent with the applicable LDC criteria, Comprehensive Plan policies, and Statewide Planning Goals. Accordingly, the Legislative LDC Text Amendment (LDT10-00004) is APPROVED.

  
Kathy Louie,  
City Recorder

  
Charles Tomlinson,  
Mayor

Date: December 6, 2010

**EXHIBIT B**  
**PROPOSED LAND DEVELOPMENT CODE TEXT AMENDMENT**

**(New text indicated by double underline font)**

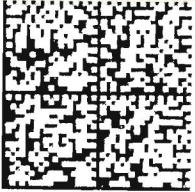
**3.0.30.03.a Agricultural Sales -**

- a.** On-site sale of feed, grain, fertilizers, pesticides and similar goods. Typical Uses include nurseries, hay, and feed and grain stores; and
  
- b.** On-site retail sale of agricultural food products, provided all of the following are met:
  - 1.** The associated structures are used for the sale of farm crops and livestock grown on the site or in the local agricultural area, and grown at least in part by the operator of the facility;
  
  - 2.** As used in this subsection "b," the phrase "farm crops and livestock" includes both fresh and processed farm crops and livestock grown on the site or in the local agricultural area, but does not include the sale or auctioning of live animals;
  
  - 3.** As used in subsection "b.2," above, the phrase "processed crops and livestock" includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another product, but does not include food items prepared for immediate consumption;
  
  - 4.** As used in this subsection "b," the phrase "local agricultural area" includes the Oregon counties of Benton, Linn, Lane, Marion, Polk, and Lincoln;
  
  - 5.** The retail and associated structures do not include any dining areas and do not include any structures or outdoor areas for banquets, public gatherings or public entertainment; and
  
  - 6.** The size of the space dedicated to the on-site retail sales of agricultural food products does not exceed 1,500 sq. ft. This space may be located in existing buildings, additions to existing buildings, and/or new buildings.

**EXHIBIT B**

From: KELLY POTTER  
CITY OF CORVALLIS  
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97339

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