



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

09/13/2011

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 002-11

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, September 29, 2011

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
Angela Lazarean, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Amanda Punton, 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

DATE
STAMP

DEPT OF
SEP 09 2011
LAND CONSERVATION
AND DEVELOPMENT

Jurisdiction: City of Corvallis

Local file number: LDT11-00001

Date of Adoption: September 6, 2011

Date Mailed: Sept 8, 2011

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: May 10, 2011

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".

A Legislative Amendment to the Land Development Code affecting property in the Central Business (CB) and Riverfront (RF) Zones. The basic components of the Amendment (LDT11-00001) will involve: 1. Parking incentives/credits for the creation of structured parking and for parking spaces gained by the removal of unused driveways and curb cuts in the Central Business (CB) & Riverfront (RF) Zones; 2. Exemptions from weather protection and window standards for Designated Historic Resources in the Central Business (CB) & Riverfront (RF) Zones and, instead, deferring to the provisions in Land Development Code Chapter 2.9 - Historic Preservation Provisions; 3. Establishment of a real market value improvement cost threshold that would trigger adherence to window standards for development in the Central Business (CB) & Riverfront (RF) Zones; 4. Establishment of a minimum building height in the Downtown Pedestrian Core portion of the Central Business (CB) Zone. The minimum height would be 2 stories or 22 feet for a current or future mezzanine level; and 5. Establishment of portable sign standards for the Central Business (CB) and Riverfront (RF) Zones. Amendment adopted via City of Corvallis Ordinance 2011-11 and Municipal Code Change in Ordinance 2011-12. However, the Municipal Code Change was not a land use decision.

Does the Adoption differ from proposal? Please select one

Only slightly and the changes were related to wording clarifications as opposed to substantive changes.

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. 002-11 (18827) [16751]

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

City of Corvallis, Oregon Department of Land Conservation and Development

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

P.O. Box 1083 Corvallis, OR 97339

 Fax Number: 541 .754 . 1792
City: E-mail Address: kelly.potter@ci.corvallis.or.us

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.

Updated December 22, 2009



**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

CORVALLIS CITY COUNCIL NOTICE OF DISPOSITION

ORDER NO. 2011-041

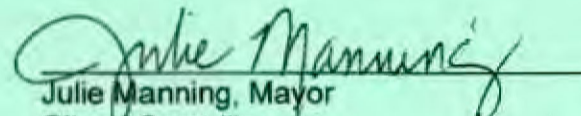
- CASE:** LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE TO ADDRESS DOWNTOWN AREA CODE CHANGES (LDT11-00001)
- REQUEST:** Legislative Land Development Code Text Amendment (LDT11-00001) involving:
- Parking incentives/credits for the creation of structured parking and for parking spaces gained by the removal of unused driveways and curb cuts in the Central Business (CB) & Riverfront (RF) Zones;
 - Exemptions from weather protection and window standards for Designated Historic Resources in the Central Business (CB) & Riverfront (RF) Zones and, instead, deferring to the provisions in Land Development Code Chapter 2.9 - Historic Preservation Provisions;
 - Establishment of a real market value improvement cost threshold that would trigger adherence to weather protection standards for development in the Central Business (CB) & Riverfront (RF) Zones;
 - Establishment of a minimum building height in the Downtown Pedestrian Core portion of the Central Business (CB) Zone. The minimum height would be 2 stories or 22 feet for a current or future mezzanine level; and
 - Establishment of portable sign standards for the Central Business (CB) and Riverfront (RF) Zones.
- APPLICANT** City of Corvallis
- LOCATION** The proposal applies to development and portable signs in the Riverfront (RF) and Central Business (CB) Zones. These zones are governed by LDC Chapters 3.15 and 3.16, respectively.
- DECISION** The Corvallis City Council conducted, after proper legal notice, a public hearing and deliberations concerning this Legislative

Amendment to the Land Development Code (LDT11-00001) on August 15, 2011. 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 provisions affecting development and portable signs in the Downtown Area, should be approved, and adopted Ordinance 2011-11. The formal findings for the Council's decision are included in Ordinance 2011-11. The Council also approved a related Municipal Code change regarding handbills (Municipal Code Section 5.03.020.010) and adopted Ordinance 2011-12.

If you wish to appeal the decision regarding the Legislative Amendment to the Land Development Code (Ordinance 2011-11), an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of the decision. The decision regarding the Municipal Code change (Ordinance 2011-12) is not a land use decision and, therefore, is not appealable to the State Land Use Board of Appeals.

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.

Notice of Disposition Signed - September 6, 2011


Julie Manning, Mayor
City of Corvallis

The complete record associated with this case is available in the City of Corvallis Planning Division offices, which are located at City Hall, 501 SW Madison Avenue, Corvallis, Oregon.

ATTACHMENTS:

- A. Ordinance 2011-11: Council-adopted Legislative Amendment to the Land Development Code (LDT11-00001)
- B. Ordinance 2011-12: Council-adopted Municipal Code Change to Section 5.03.020.010

ORDINANCE 2011- 11

AN ORDINANCE AMENDING THE CORVALLIS LAND DEVELOPMENT CODE, MODIFYING ORDINANCE 93-20, AS AMENDED, TO REVISE SOME LAND DEVELOPMENT CODE PROVISIONS AFFECTING DEVELOPMENT AND PORTABLE SIGNS IN THE DOWNTOWN AREA (LDT11-00001)

AN ORDINANCE relating to a Legislative Amendment to the Land Development Code (LDT11-00001), modifying Ordinance 93-20, as amended.

Whereas, the Planning Commission, after holding a duly advertised public hearing on July 6, 2011, has forwarded its recommendation to the City Council concerning a request for a Legislative Amendment to the Land Development Code;

Whereas, on July 6, 2011, the Planning Commission recommended that the City Council approve the request to some Land Development Code provisions affecting development and portable signs in the Downtown Area;

Whereas, the City Council held a duly-advertised public hearing concerning the proposed Legislative Amendment to the Land Development Code on August 15, 2011, 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.

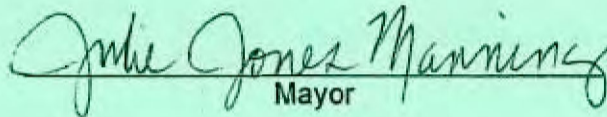
-1- Ordinance
Legislative Amendment to the Land Development Code (LDT11-00001)
Revision to Some Land Development Code Provisions Affecting Development and Portable Signs in the
Downtown Area

City of Corvallis

PASSED by the Council this 6th Day of September, 2011.

APPROVED by the Mayor this 6th Day of September, 2011.

Effective the 16th Day of September, 2011.


Mayor

ATTEST:


City Recorder

-2- Ordinance
Legislative Amendment to the Land Development Code (LDT11-00001)
Revision to Some Land Development Code Provisions Affecting Development and Portable Signs in the
Downtown Area

City of Corvallis

ORDINANCE 2011-12

AN ORDINANCE RELATING TO ADVERTISING IN THE PUBLIC RIGHT OF WAY,
AMENDING MUNICIPAL CODE CHAPTER 5.03. "OFFENSES" AS AMENDED

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section 5.03.020.010 is hereby amended as follows:

Section 5.03.020.010 Definitions.

As used in this Section, the following shall mean:

- 1) Advertisement - A public notice or announcement that is not a "Sign" as defined and regulated by the Land Development Code.
- 2) Handbill - Any notice, placard, poster, showbill, dodger, circular, pamphlet, booklet, letter, folder, sheet, sticker, or banner, that is not a "Sign" as defined and regulated by the Land Development Code.
- 3) Public officer or employee - A person appointed or employed by a federal, State, or local government.

Section 2. Municipal Code Section 5.03.020.020 is hereby amended as follows:

Section 5.03.020.020 Posting of handbills.


No person, except a public officer or employee in the performance of a public duty, shall post, stick, stamp, paint, or otherwise affix or cause to be done by another any handbill or advertisement upon any building, wall, or part thereof, or upon any sidewalk, crosswalk, curb or curbstone, lamp post, hydrant, traffic control or directional sign, shade tree, or tree box or other public place, or upon any fence, gate, gatepost, or enclosure, or part thereof, awning or awning post, telegraph or telephone poles, barrels or boxes, except "Signs" as defined and permitted in ~~Section 107~~ of by the Land Development Code. A violation of this Section is a Class A Infraction.

PASSED by the City Council this 6th day of September, 2011.

APPROVED by the Mayor this 6th day of September, 2011.

EFFECTIVE the 16th day of September, 2011.

ATTEST:


City Recorder


Mayor

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 (LDC) as proposed and as modified by the Council in Ordinance 2011- <u>11</u> , which will change the LDC and implement the proposed changes.)	LDT11-00001
)	FINDINGS AND CONCLUSIONS

INTRODUCTION

The matter before the City Council is:

A decision regarding a Legislative Amendment to the Land Development Code to amend some Land Development Code provisions affecting development and portable signs in the Downtown Area.

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 May 2, 2011. 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 July 6, 2011. 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 August 15, 2011, 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 August 5, 2011, staff report from Community Development Director Ken Gibb to the City Council. Also on the same date, the City Council reviewed 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 2011-11, adopted 9-6-11, 2011.

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 August 5, 2011, and its attached Exhibits.

FINDINGS RELATING TO THE LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE

1. Background and City Council Goals for the Legislative Amendment to the Land Development Code (LDT11-00001) -

A. Downtown Commission Work - The Council notes that, beginning in 2006, the Downtown Corvallis Association's Strategic Planning Committee worked to identify potential Legislative Amendments to the Land Development Code. The Council notes that these potential Amendments related to certain standards in the Downtown Area. The Council notes that in the summer of 2010, the Downtown Commission formed a committee to review recommendations made by the Downtown Corvallis Association's Strategic Planning Committee regarding potential Legislative Amendments to the Land Development Code. The Council notes that the committee reviewed the recommendations and, in turn, provided recommendations to the Downtown Commission regarding the proposed Land Development Code changes. The Council notes that the Downtown Commission reviewed the proposals at its January, October, and November, 2010, meetings, and determined which of the proposals should be included for consideration in a recommendation to the Planning Commission.

B. Planning Division Work Plan - The Council notes that the Planning Division Work Plan approved by the City Council on March 15, 2010, recognized the need for a Legislative Amendment to the Land Development Code to address a number of Code changes affecting the Downtown Area. The Council notes that these Land Development Code Text changes were recommended by the Downtown Commission and were identified by the Council as one of the top priority work items for last year. The Council finds that completing this Legislative Amendment to the Land Development Code (LDT11-00001) will enable staff to begin working on the items on this year's Planning Division Work Plan, which the Council approved on April 18, 2011.

C. May 2, 2011, City Council Initiation of Land Development Code Text Amendment LDT11-00001 - The Council notes that at its May 2, 2011, meeting, the City Council initiated the subject legislative Land Development Code Text Amendment (LDT11-00001) to amend some Land Development Code provisions affecting development and portable signs in the Downtown Area. The Council notes that when initiating the subject Legislative LDC Text Amendment, five goals were articulated. They included:

1. Structured Parking Construction Incentive - This proposed incentive allows each structured parking space to count as two required parking spaces for

nonresidential development in the Central Business (CB) and Riverfront (RF) Zones. Structured parking is intended to include below-grade and multi-level parking garages.

2. Parking Incentive for Curb Cut Removal - This proposed incentive allows two parking spaces to be credited toward the required parking for nonresidential development, for each on-street parking space gained as the result of the removal of an unused driveway or other curb cut. This incentive is intended to apply in the Central Business (CB) and Riverfront (RF) Zones.
 3. Weather Protection - These proposed revisions pertain to development in the Central Business (CB) and Riverfront (RF) Zones and have two parts related to the Code's weather protection requirements. First, the revisions establish a project cost threshold that would trigger the Code's weather protection standards. Second, the revisions provide some exemptions for Designated Historic Resources.
 4. Building Height - This proposed revision establishes a minimum building height within the Downtown Pedestrian Core portion of the Central Business (CB) Zone. The minimum height is proposed to be two stories or a minimum floor-to-ceiling height of 22 ft. to accommodate a future mezzanine. Currently there is no minimum building height requirement outside the Riverfront Zone. The Riverfront Zone standards require new buildings to be a minimum of three stories in height.
 5. Windows - This proposed revision pertains to development in the Central Business (CB) and Riverfront (RF) Zones and would establish some exemptions for Designated Historic Resources. The exemptions would be similar to those proposed for weather protection.
 6. Signs - These proposed revisions establish portable sign provisions for the Central Business (CB) and Riverfront (RF) Zones. They are intended to allow, under specified conditions, A-frame (sandwich board) signs, pedestal signs, easels, and pole-mounted banners.
- D. Open House - The Council notes that on May 25, 2011, an Open House was held for Downtown Area stakeholders. The Council notes that the open house was minimally attended.
- E. Informal Reviews by Bicycle and Pedestrian Advisory Commission (BPAC) - The Council notes that during the development of the proposed Legislative Amendment to the Land Development Code, the Bicycle and Pedestrian Advisory Commission (BPAC) provided input at several points. The Council notes that for the

portions of the Amendment that do not relate to portable signs, the BPAC informally reviewed draft concepts and provided input to the Downtown Commission subcommittees working on the project. The Council notes that the Downtown Commission considered the BPAC's comments and factored them into the current proposal. The Council notes that for the portion of the Amendment related to portable signs, the BPAC informally reviewed draft text at its June 3, 2011, meeting. The Council notes that the BPAC expressed support for the Amendment with the following two recommended modifications that it wished to forward to the Planning Commission for consideration:

1. The number of allowed portable signs should be reduced to one sign per public business entrance along streets; and
2. A review of these new portable sign standards should be performed in two years to see how they have been working and whether or not adjustments need to be made.

F. Informal Review by Historic Resources Commission - The Council notes that at its June 14, 2011, meeting, the Historic Resources Commission informally reviewed the proposed Legislative Amendment to the Land Development Code. The Council notes that the Commission expressed general support for the Amendment without any recommended changes.

G. Presentation to DCA Membership - The Council notes that on June 15, 2011, the Downtown Corvallis Association membership received a presentation on the proposed Legislative Amendment to the Land Development Code. The Council notes that staff answered questions asked by the DCA membership.

Conclusions on Background and Text Amendment Goals

The Council finds that, as amended by Option #2 in the August 5, 2011, staff report to the City Council, the proposed Legislative Amendment to the Land Development Code achieves the goals articulated by the Council. The Council finds that in achieving these goals, the Legislative Amendment to the Land Development Code 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 Land Development Code Sections 1.6.30, 3.16.50, 4.1.30.g, 3.15.40.03, 3.16.30.03, 4.10.70.05.a.1, 3.16.30.02, 3.15.40.04.b, 4.10.70.05.b.6, 4.7.50.f, 4.7.50.j, 4.7.50.l, 4.7.70.j, 4.7.80.0.b, 4.7.80.02, 4.7.80.04, 4.7.80.05, and 4.7.90.04.

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 May 2, 2011.

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 July 6, 2011. The Council notes that this public hearing was duly noticed on June 14, 2011, and that the notice was duly published on June 22, 2011. 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 July 25, 2011, the City Council duly advertised a de novo public hearing to consider this Legislative LDC Text Amendment and that the notice was duly published on August 3, 2011. The Council notes that this de novo public hearing was held on August 15, 2011. 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 August 5, 2011, 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 August 5, 2011, 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 August 5, 2011, staff report to the Planning Commission, the Planning Commission findings in support of the Legislative LDC Text Amendment, as expressed during the Commission's July 6, 2011, deliberations, the August 5, 2011, staff report to the City Council, and the findings in support of the Legislative LDC Text Amendment, as expressed during the Council's August 15, 2011, deliberations.

3. Legislative Amendment to the Land Development Code Text Changes -

The Council notes that the actual text changes involved in the proposed Legislative Amendment to the Land Development Code 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 also notes that these text changes include the two additional staff-recommended changes included in the August 5, 2011, City Council staff report.

A. Portion of LDT11-00001 Related to Parking Incentives -

1. Structured Parking Construction Incentive - The Council notes that this proposed incentive allows each structured parking space to count as two required parking spaces for nonresidential development in the Central Business (CB) and Riverfront (RF) Zones. The Council notes that structured parking is intended to include below-grade and multi-level parking garages.
2. Parking Incentive for Curb Cut Removal - The Council notes that this proposed incentive allows two parking spaces to be credited toward the required parking for nonresidential development, for each on-street parking space gained as the result of the removal of an unused driveway or other curb cut. The Council notes that this incentive is intended to apply in the Central Business (CB) and Riverfront (RF) Zones.

Section 3.16.50 - OFF-STREET PARKING

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS

Minimum parking requirements for Use Types in all areas of the City, with the exception of the Central Business (CB) Zone and the Riverfront (RF) Zone, are described in Sections 4.1.30.a through 4.1.30.f. Minimum parking requirements for the Central Business (CB) Zone are described in Section 4.1.30.g.

g. Central Business (CB) and Riverfront (RF) Zones Parking Requirements -

1. Parking Minimums - The minimum automobile parking requirements for the Central Business (CB) and Riverfront (RF) Zones are described below:
 - a) Allowed Nonresidential Uses - One space per 1,000 square feet of gross floor area.
 - b) Residential Uses - One space per residential unit.
 - c) Parking Incentive for Structured Parking - Where structured parking is provided to satisfy required parking, each structured parking space may

count as two required on-site parking spaces for nonresidential development. For the purposes of this provision, structured parking includes below-grade or at-grade parking (with habitable building area, improved vehicle circulation area, or improved right-of-way area above) and multi-level parking.

- d). Parking Incentive for Curb Cut Removal - For each on-street parking space gained as a result of the removal of an unused driveway or other curb cut, two parking spaces may be credited toward the required nonresidential parking for the subject property.

Discussion - The Council notes that Land Development Code Chapter 3.15 - Riverfront (RF) Zone and 3.16 - Central Business (CB) Zone both direct parking to be consistent with the provisions in Chapter 4.1 - Parking, Loading, and Access Requirements. Section 4.1.30 provides requirements specific to these two zones. The Council finds that the proposed new Sections 4.1.30.c & d fully implement the general parameters regarding parking incentives.

B. Portion of LDT11-00001 Related to Weather Protection -

Description of General Parameters - The Council notes that these proposed revisions pertain to development in the Central Business (CB) and Riverfront (RF) Zones and have two parts related to the Code's weather protection requirements. First, the Council notes that the revisions establish a project cost threshold that would trigger the Code's weather protection standards. Second, the Council notes that the revisions provide some exemptions for Designated Historic Resources.

Riverfront (RF) Zone Standards -

3.15.40.03 - Weather Protection

- a. General - Except as provided in "b." and "c." below, nNew development in the RF Zone shall include the provision and maintenance of at least a six ft.-wide weather-protected area adjacent to the sidewalk, with a minimum of 60 percent sidewalk coverage along the face of buildings, and no uncovered areas longer than 20 ft. Back-lit plastic awnings are prohibited;
- b. Development on buildings abutting street sidewalks and pedestrian plazas shall provide weather protection consistent with the locational, dimensional, and design standards in "a." above, when:
1. Expansion or improvement costs exceed 50% of the real market value of the property according to the Benton County Assessor's office; and
 2. The building does not meet the exemption provisions in "c." below.

See also Section 4.10.70.05.a.1 for additional weather protection requirements; and

- c. Designated Historic Resources - Where development occurs on a Designated Historic Resource, that Resource shall be subject to the provisions of Chapter 2.9 - Historic Preservation Provisions, but shall be exempt from the requirements for weather protection in "a." and "b." above. This default to Chapter 2.9 and exemption from "a." and "b." above applies whether or not weather protection such as awnings or canopies is proposed.

Central Business (CB) Zone Standards -

3.16.30.03 - Weather Protection

- a. General - Except as provided in "b." and "c." below, wWithin the Downtown Pedestrian Core Area as defined in Chapter 1.8 - Definitions, new structures shall be constructed adjacent to street sidewalks and pedestrian plazas, and shall include the provision and maintenance of at least a six ft.-wide weather protected area over the sidewalk along the entire frontage of the structure;
- b. Development on buildings abutting street sidewalks and pedestrian plazas shall provide weather protection consistent with the locational and dimensional standards in "a." above, when:
 - 1. Expansion or improvement costs exceed 50% of the real market value of the property according to the Benton County Assessor's office; and
 - 2. The building does not meet the exemption provisions in "c." below.

See also Section 4.10.70.05.a.1 for additional weather protection requirements; and

- c. Designated Historic Resources - Where development occurs on a Designated Historic Resource, that Resource shall be subject to the provisions of Chapter 2.9 - Historic Preservation Provisions, but shall be exempt from the requirements for weather protection in "a." and "b." above. This default to Chapter 2.9 and exemption from "a." and "b." above applies whether or not weather protection such as awnings or canopies is proposed.

Pedestrian Oriented Design Standards -

4.10.70.05 - Standards and Menus for Pedestrian Features and Design Variety

a. Pedestrian Amenities Standards

1. Weather Protection -

- a) General - Except as provided in "b." and "c." below, wWhere new commercial and civic development is constructed immediately adjacent to (abutting) street sidewalks or pedestrian plazas, a minimum six-ft.-wide, weather-protected area, protected by such elements as awnings or canopies, shall be provided and maintained along at least 60 percent of any building wall immediately adjacent to the sidewalks and/or pedestrian plazas. An additional requirement shall include a minimum eight-ft. vertical clearance between the sidewalk and the lowest portion of the weather protection. This vertical clearance shall be nine ft. for balconies. These requirements are shown below in Figure 4.10-22 - Weather Protection.

b) Riverfront and Central Business Zones - When subject to the standards in this chapter per Section 4.10.70.01, development on buildings abutting street sidewalks and pedestrian plazas in the Central Business (CB) Zone and the Riverfront (RF) Zone shall provide weather protection consistent with the locational and dimensional standards in "a." above, when:

- 1) Expansion or improvement costs exceed 50% of the real market value of the property according to the Benton County Assessor's office; and
- 2) The building does not meet the exemption provisions in "c." below.

Additionally, consistent with Section 3.16.30.03, weather protection in the Downtown Pedestrian Core Area shall be provided along the entire frontage of buildings over street sidewalk and pedestrian plazas, instead of the 60 percent noted in "a." above. Consistent with Section 3.15.40.03, development in the Riverfront Zone, but outside the Downtown Pedestrian Core Area, shall provide a minimum 60 percent weather protection along building frontages over street sidewalks and pedestrian plazas, with no uncovered areas longer than 20 ft. Back-lit plastic awnings are prohibited in the Riverfront Zone.

c) Designated Historic Resources in the Riverfront and Central Business Zones - Development on Designated Historic Resources in the Central Business (CB) and Riverfront (RF) Zones shall be subject to the provisions in Chapter 2.9 - Historic Preservation Provisions and exempt from the requirements in "a." and "b." above. This default to Chapter 2.9 and exemption from "a." and "b." above, applies whether or not weather protection such as awnings or canopies is proposed.

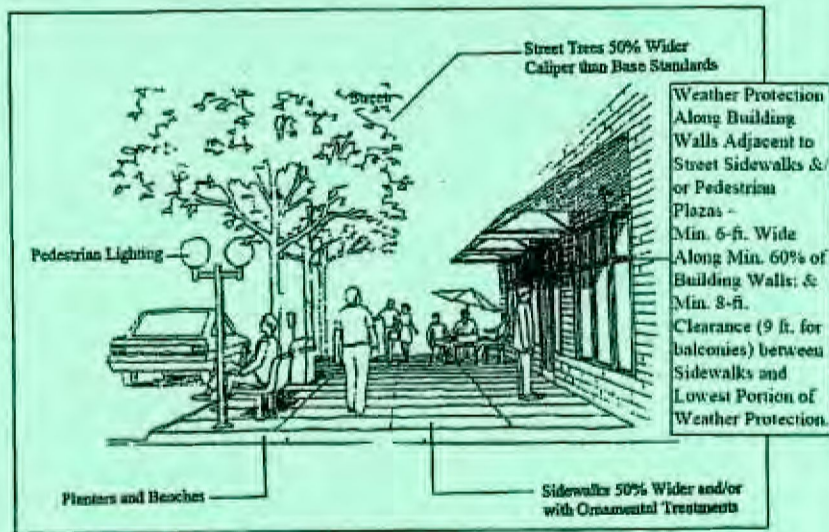


Figure 4.10-22 - Weather Protection

(The Council notes that no change is proposed for Figure 4.10-22 - Weather Protection. The Council notes that the figure is included here because it is part of Land Development Code Section 4.10.70.05.a.1.)

Discussion - The Council notes that there are a number of areas in the Land Development Code that include weather protection provisions applicable to development in the Central Business (CB) and Riverfront (RF) Zones. The Council notes that to implement the general parameters of this matter, it is important to ensure that all these areas are modified in a manner that does not create internal conflicts/inconsistencies between Code sections. The Council notes that the proposed revisions have two parts related to the Code's weather protection requirements. First, the revisions establish a project cost threshold that would trigger the Code's weather protection standards. Second, the revisions provide some exemptions for Designated Historic Resources. To accomplish these revisions, three Code chapters need to be changed, including Chapter 3.15 - Riverfront (RF) Zone, 3.16 - Central Business (CB) Zone, and Chapter 4.10 - Pedestrian Oriented Design Standards. The Council notes that Sections 3.15.40.03 and 3.16.30.03 provide weather protection requirements for the Chapter 3.15 - Riverfront (RF) Zone and the 3.16 - Central Business (CB) Zone, respectively. The Council notes that Section 4.10.70.05 provides weather protection requirements for all types of commercial development. The Council finds that modifying these three Code sections, as shown above, fully implements the two general parameter goals regarding weather protection.

C. Portion of LDT11-00001 Related to Building Height -

Description of General Parameters - The Council notes that this proposed revision establishes a minimum building height within the Downtown Pedestrian Core of two stories or a minimum floor-to-ceiling height of 22 ft. to accommodate a future mezzanine. The Council notes that, currently there is no minimum building height requirement outside the Riverfront Zone. The Council notes that the Riverfront Zone requires new buildings to be a minimum of three stories in height.

3.16.30.02 - Structure Height

- a. No structure shall exceed 75 ft. in height; and
- b. New buildings which are within both the Central Business (CB) Zone and the Downtown Pedestrian Core Area (see Chapter 1.6 - Definitions for a map of the Downtown Pedestrian Core Area), shall be constructed with a minimum building height of:
 - 1. two stories; or
 - 2. a 22-ft. floor-to-ceiling height to accommodate a current or future mezzanine level.

This standard does not apply to new buildings within the Central Business (CB) Zone, but not within the Downtown Pedestrian Core Area, nor does it apply to new buildings within the Downtown Pedestrian Core Area, but not within the Central Business (CB) Zone.

Discussion - The Council notes that Land Development Code Section 3.15.40.02 already specifies a minimum building height of three stories in the Riverfront Zone. The Council notes that this change would modify Section 3.16.30.02 to establish a minimum building height in the Pedestrian Core Area portion of the Central Business Zone. The Council notes that the minimum building height would be two stories or a minimum floor-to-ceiling height of 22 ft. to accommodate a future mezzanine. The Council notes that Section 3.16.30.02 outlines the building height requirements for the Central Business Zone. The Council finds that modifying it as proposed will fully implement the general parameters regarding structure height.

D. Portion of LDT11-00001 Related to Windows -

Description of General Parameters - The Council notes that this proposed revision pertains to development in the Central Business (CB) and Riverfront (RF) Zones and would establish some exemptions for Designated Historic Resources. The Council notes that the exemptions would be similar to those proposed for weather protection.

3.15.40.04 - Ground-floor Uses, Window Standards, and Primary Entrances

The applicable provisions of Chapter 4.10 - Pedestrian Oriented Design Standards and all of the following standards shall apply to development in the RF Zone. Where conflicts exist between this Chapter and Chapter 4.10 - Pedestrian Oriented Design Standards, the provisions of "a," through "d," below, shall prevail.

b. Windows -

- 1.** General - Except as provided in "2," below, a minimum of 60 percent of the length of the building street frontage shall be glass with a maximum sill height above grade of 30 in. The glass shall extend no less than 84 in. above sidewalk grade. Tinted and/or mirrored glass/glazing is not permitted as ground-floor windows used to meet this standard along street facades; and
- 2.** Designated Historic Resources - Where development occurs on a Designated Historic Resource, that Resource shall be subject to the provisions of Chapter 2.9 - Historic Preservation Provisions, but shall be exempt from the requirements for windows in Section 3.15.40.04.b.1, above. This default to Chapter 2.9 and exemption from Section 3.15.40.04.b.1, above, applies whether or not windows are proposed.

4.10.70.05 - Standards and Menus for Pedestrian Features and Design Variety

b. Design Standards and Design Variety Menus

- 6.** Windows - The provisions in this Section shall apply to placement and type of windows. Figure 4.10-24 - Windows and Glass Doors on Street-facing Facades is provided for context.

- a) Ground Floor Windows and Doors - Except for the Neighborhood Center (NC) Zone, and except for Designated Historic Resources in the Central Business and Riverfront Zones, which are addressed in "c," and "d," below, respectively, a minimum of 60 percent of the length and 25 percent of the first 12 ft. in height from the adjacent grade of any street-facing facade shall contain windows and/or glass doors. An exception may be granted if the expansion/enlargement is for space neither adjacent to a street nor open to customers or the public. Additional requirements for windows shall include the following:
- 1) Ground floor windows shall be framed by bulkheads, piers, and sills such as are used in a recessed window, where applicable. Ground floor windows shall also have a Top Treatment such as a hood, awning, or a storefront cornice separating the ground floor from the second story. Alternatively, all ground floor windows shall provide a minimum three-in.-wide trim or recession. The Base Treatment standards under Section 4.10.70.05.b.7.d, below, and the Top Treatment standards under Section 4.10.70.05.b.7.e, below, shall be used as a guide for providing bulkheads and cornices that meet this standard.
 - 2) Window Type - Ground floor windows used to comply with "a," above, shall meet all of the following standards:
 - a. Opacity of greater than 60 percent prohibited for any required window; and
 - b. Ground floor windows shall allow views from adjacent sidewalks into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of windows shall be no more than four ft. above the adjacent exterior grade.
- b) Windows on Commercial Stories above Ground Floor - Except for Designated Historic Resources in the Central Business and Riverfront Zones, which are addressed in "d," below, eEach facade on commercial stories above the ground floor and that faces a street or other area accessible to the public shall include at least 20 percent window coverage.
- c) Neighborhood Center Special Window Provisions - For building walls facing Shopping Streets, windows and/or glass doors shall be provided on a minimum of 75 percent of the building wall length and 50 percent of the first 12 ft. in the building wall height from the adjacent grade. Public art, mini parks, and/or plazas, as defined in Section 4.10.70.05.a.3 may substitute for up to 50 percent of the required window area if construction is of permanently fixed, durable materials.
- d) Designated Historic Resource Exemption in the Central Business (CB) Zone and/or the Riverfront (RF) Zone - Where development occurs on a Designated Historic Resource in the Central Business (CB) Zone and/or the Riverfront (RF) Zone, that Resource shall be subject to the provisions of

Chapter 2.9 - Historic Preservation Provisions, but shall be exempt from the window requirements in "a," through "c," above. This default to Chapter 2.9 and exemption from "a," through "c," above, applies whether or not windows are proposed.

Discussion - The Council notes that Land Development Code Chapter 3.16 - Central Business (CB) Zone defers to Chapter 4.10 - Pedestrian Oriented Design Standards for design standards, including window standards. The Council notes that Section 4.10.70.05 contains window standards for commercial buildings. The Council notes that Section 3.15.40.04 contains additional window standards for the Riverfront (RF) Zone. The Council finds that modifying both Sections 3.15.40.04 and 4.10.70.05 as proposed will fully implement the general parameters to exempt Designated Historic Resources from the standard window requirements and, will instead, refer to the requirements in Chapter 2.9 - Historic Preservation Provisions.

E. Portion of LDT11-00001 Related to Portable Signs -

Description of General Parameters - The Council notes that these proposed revisions establish portable sign provisions for the Central Business (CB) and Riverfront (RF) Zones. The Council notes that they are intended to allow, under specified conditions, A-frame (sandwich board) signs, pedestal signs, easels, and pole-mounted banners.

Section 1.6.30 - SPECIFIC WORDS AND TERMS

Sign Height - As shown in Figure 1.6-26a - Sign Height, height as measured from the lowest grade directly beneath the sign to the top of the sign structure enclosing the sign face.

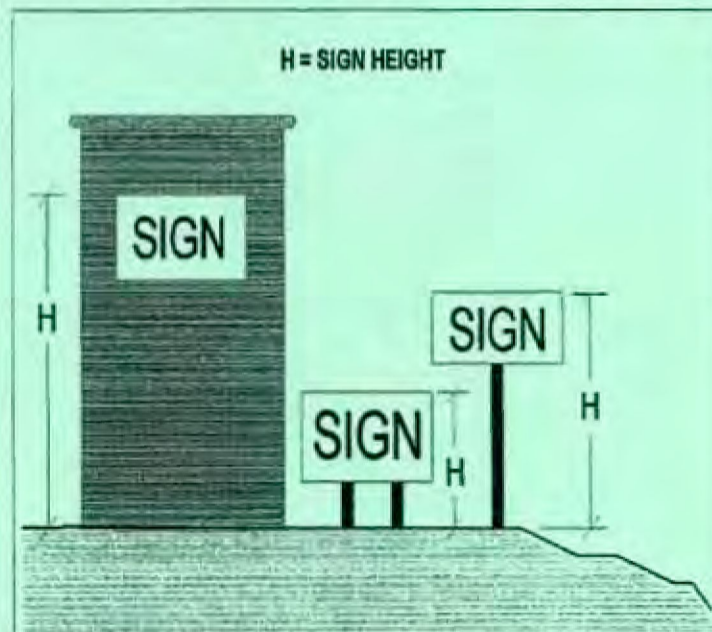


Figure 1.6-26a - Sign Height

Sign, Portable - Applicable only in the Central Business (CB) Zone and the Riverfront (RF) Zone, and subject to the provisions in Section 4.7.90.04.c. A sign not permanently attached to the ground or other permanent structure, including A-frame signs (also called sandwich board signs), pedestal signs, easels, and vertically oriented, pole-mounted banners that are secured to poles at the top and bottom.

- a. **Sign, A-frame** - Often called sandwich board sign. A folding sign consisting of two surfaces, which when open form a self-supporting triangular shape. No larger than six sq. ft. per sign face and no taller than 4 ft. in total height.
- b. **Sign, Pedestal** - A sign supported by one or two pedestals. No larger than six sq. ft. per sign face and no taller than 4 ft. in total height. A pedestal is an architectural support or base for a column or statue or, in this case, a sign. The pedestal can be square, octagonal, or circular.
- c. **Sign, Easel** - A sign displayed on and supported by an upright standing frame, typically with a tripod configuration. No larger than six sq. ft. per sign face and no taller than six ft. in total height.
- d. **Sign, Vertically-oriented Pole-mounted Banner** - A sign mounted on a pole or pedestal and secured into the sidewalk in a flush-mounted fashion that does not create a trip hazard. Constructed of canvas, nylon, vinyl, or other flexible, weather-resistant fabric. No larger than six sq. ft. and secured to the pole or pedestal at the top and bottom of the banner. See Figure 1.6-26b - Vertically-oriented, Pole-mounted Banner Sign.



Figure 1.6-26b - Vertically-oriented, Pole-mounted Banner Sign

Section 4.7.50 - PROHIBITED SIGNS

- 4.7.50.f.** Signs located on or above public rights-of-way without written consent of the applicable jurisdiction, unless permitted by Sections 4.7.70 through 4.7.90, below. This includes, but is not limited to: sandwich boards (unless permitted by Section 4.7.90.04.c), posters on utility poles, political signs in parking strips, and signs on sidewalks;
- 4.7.50.j.** Pennants, flags, and banners (unless permitted by Section 4.7.90.04.c). See Section 4.7.70.b regarding official national, state, and local flags, and Section 4.7.80.05 regarding temporary banners, Section 4.7.90.04.c regarding Portable Signs in the Central Business and Riverfront Zones, and the Portable Sign definition in Chapter 1.6 - Definitions;
- 4.7.50.l.** Signs with visible A-frames, trusses, or guy wires as part of the sign or sign structure (unless permitted by Section 4.7.90.04.c);

Section 4.7.70 - EXEMPTIONS FROM SPECIFIC REQUIREMENTS OF REGULATIONS

- 4.7.70.j.** Temporary Signs and Portable Signs conforming with this Chapter shall be exempt from the Permit requirements. See definitions for Temporary Signs and Portable Signs in Chapter 1.6 - Definitions.

4.7.80.01 - General Sign Standards

- b. Sign allocation for a given frontage may be apportioned to attached signs and, if permitted by these regulations, to free-standing and temporary signs. That portion of the sign allocation used by a business or tenant for attached signage on a given frontage shall be used in not more than two signs. If property frontage allocation for attached signs exceeds the maximum Sign Area size of the zone, additional allocation may be used in additional sign(s), provided that an eight ft. separation is maintained between signs. Portable Signs, as defined in Chapter 1.6 - Definitions, are exempt from sign allocation requirements.

4.7.80.02 - General Requirements for Free-standing Signs

- f.** Portable Signs are defined in Chapter 1.6 - Definitions and are regulated by Section 4.7.90.04.c.

4.7.80.04 - General Requirements for Temporary Signs Other Than Banner Signs and Other Than Portable Signs

One temporary sign per property, other than banner signs and Portable Signs, maintained in sound condition, appearance, and repair, shall be allowed. Maximum Sign Area and height for a temporary sign shall be as specified for each zone in Section 4.7.90 below. Total Sign Area of temporary signs shall reduce, and shall not exceed, total sign allocation of a property. A temporary sign installed and used in compliance with these regulations is exempt from permit requirements.

4.7.80.05 - General Requirements for the Use of Banner Signs

Banner signs are allowed in all office, OSU, commercial and industrial zones, and in residential zones for properties with a primary frontage measuring greater than 200 ft. In accordance with the Portable Sign definition in Chapter 1.6 - Definitions, Vertically-oriented, Pole-mounted Banner Signs are classified as Portable Signs. Portable Signs are governed by Section 4.7.90.04.c and are not subject to the provisions of this Section 4.7.80.05.

- a. Banner signs require an approved Sign Permit. Banners shall be used consistent with either option provided below in a calendar year. The first banner permit issued on a property shall determine the option chosen. The options are:
 1. Each property is limited to three Sign Permits for banners per year. The maximum Sign Area for a banner shall be 16 sq. ft. Each Sign Permit for a banner shall be valid for 30 consecutive days, after which time the banner shall be removed; or
 2. Each property is limited to two Sign Permits for banners per year. The maximum Sign Area for a banner shall be 100 sq. ft. Each Sign Permit for a banner shall be valid for seven consecutive days, after which time the banner shall be removed.
- b. All banners shall be securely attached flush with a building face and comply with the maximum sign height provisions for attached signs in the applicable zone. The Sign Area of a banner sign shall not reduce a property's sign allocation.

4.7.90.04 - Sign Standards for the Major NC, MUCS, MUGC, CB, CBF, RF, LI-O, LI, GI, II, MUT, and MUE Zones

- a. Table 4.7-4 - Major NC, MUCS, MUGC, CB, CBF, RF, LI-O, LI, GI, II, MUT, and MUE Zones, and its associated special instructions in "b," below, outline the sign standards for the:
 1. Major Neighborhood Center (Major NC) element of the Neighborhood Center Zone;
 2. Mixed Used Community Shopping (MUCS) Zone;
 3. Mixed Use General Commercial (MUGC) Zone;
 4. Central Business (CB) Zone;
 5. Central Business Fringe (CBF) Zone;
 6. Riverfront (RF) Zone. Further restrictions on the Riverfront (RF) Zone are contained in Section 3.15.80 of Chapter 3.15 - Riverfront (RF) Zone;
 7. Limited Industrial - Office (LI-O) Zone;
 8. Limited Industrial (LI) Zone;
 9. General Industrial (GI) Zone;

10. Intensive Industrial (II) Zone;
11. Mixed Use Transitional (MUT) Zone; and
12. Mixed Use Employment (MUE) Zone.

Table 4.7-4 - Major NC, MUCS, MUGC, CB, CBF, RF, LI-O, LI, GI, II, MUT, and MUE Zones					
Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height	Maximum Sign Projection	Setback
Attached	1.5 sq. ft.	200 sq. ft.	25 ft.	See 4.7.80	NA
Monument	1.5 sq. ft.	200 sq. ft.	12 ft. unless specified differently per zone or gateway standards	See 4.7.80	NA
Pole	1.5 sq. ft.	200 sq. ft.	25 ft. unless specified differently per zone. Prohibited in gateways and Major NC	See 4.7.80	NA
Temporary	1.5 sq. ft.	5 sq. ft.	6 ft.	See 4.7.80	NA

b. Special Instructions -

1. Attached signs may project over the right-of-way only in the Central Business (CB) Zone and the Riverfront (RF) Zone.
2. Height of attached signs shall not exceed four ft. above the eave or parapet.
3. Illuminated signs are permitted.
4. Banner signs that comply with Section 4.7.80.05 shall be permitted.

c. Portable Signs within the Central Business (CB) and Riverfront (RF) Zones -

Portable Signs are permitted in the Central Business (CB) and Riverfront (RF) Zones, subject to all of the following provisions, as applicable (See Sign, Portable in Chapter 1.6 - Definitions.):

1. All Portable Signs along street frontages shall adhere to "a." through "d." below, as applicable. However, in no case shall an individual business on a property have more than two Portable Signs per street frontage:
 - a) A minimum of four-ft. spacing shall be provided between signs, as well as between signs and abutting bicycle racks.

- b) For properties containing less than 25 ft. of street frontage, up to two Portable Signs are permitted.
 - c) For properties with 25 ft. or more of street frontage, up to two Portable Signs are permitted for every 25 ft. of street frontage.
 - d) For corner properties, Portable Signs are permitted on each street frontage, per "a," through "c," above.
2. Portable Signs are allowed on public sidewalks, either directly adjacent to the building or in the area of sidewalk immediately adjacent to the street curb where bicycle racks, newspaper dispensers, and trash bins are commonly located. However, at least four ft. of clear, continuous, and unobstructed sidewalk width shall be maintained for passage along the sidewalk. For properties with buildings setback five ft. or more from the public sidewalk, Portable Signs shall be placed on private property.
3. Portable Signs are prohibited within the following areas:
- a) Vision Clearance Areas, as defined by Chapter 1.6 - Definitions and the Off-street Parking and Access Standards. While the Off-street Parking and Access Standards exempt development within the Central Business Zone from Vision Clearance Area requirements, Portable Signs shall be subject to them for the purposes of this provision. Street intersections shall use the Vision Clearance triangle noted in Figure 2 of the Off-Street Parking and Access Standards; and
 - b) Standard and bulbed sidewalk intersections.
4. Portable Signs may only be displayed during business hours and shall be placed indoors overnight.
5. A-frame and Pedestal Signs - Portable Signs referred to as A-frame Signs and Pedestal Signs shall be constructed of wood, metal, plastic, or other similar material. They shall be no larger than six sq. ft. per sign face and no taller than four ft., including the frame. (See subsections "a" and "b," of the definition for Sign, Portable in Chapter 1.6 - Definitions.)
6. Easel Signs - Portable Signs referred to as Easel Signs shall be limited to no more than one sign per building entrance. Easel Signs shall be placed at the building entrance immediately abutting the building. They shall be no larger than six sq. ft. per sign face and no taller than six ft. in total height. (See subsection "c," of the definition for Sign, Portable in Chapter 1.6 - Definitions.)
7. Vertically-oriented, Pole-mounted Banner Signs - Portable Signs referred to as Vertically-oriented, Pole-mounted Banner Signs are permitted within the area of sidewalk immediately adjacent to the street curb where bicycle racks, newspaper dispensers, and trash bins are commonly located (See Figure 1.6-26b - Vertically-oriented, Pole-mounted Banner Sign). They shall be no larger than six sq. ft., shall be mounted on a pole or pedestal secured into the sidewalk in a flush-mounted fashion that does not create a trip hazard, and shall be secured at the top and bottom where the sign attaches to the pole or pedestal. They shall be

constructed of canvas, nylon, vinyl, or other flexible, weather-resistant fabric. (See subsection "d," of the definition for Sign, Portable in Chapter 1.6 - Definitions.)

8. No sign permit, or permit fee, is required for Portable Signs and the Sign Area of a Portable Sign shall not reduce a property's sign allocation.
9. Sign owners shall be responsible for all liability issues related to their Portable Signs.

Discussion - The Council notes that portable signs are currently prohibited in the public right-of-way by Land Development Code Section 4.7.50.f. The Council notes that the Downtown Commission believes that, within reason, allowing some portable signs in the Downtown Area (the Central Business and Riverfront Zones) would recognize and maintain the ambiance of the Downtown and provide a way for Downtown businesses to place advertising in front of their buildings, much like businesses elsewhere in town can do in their front yards. The Council notes that, in large part, Downtown Area buildings are located immediately abutting or very close to the public right-of-way and businesses don't have an opportunity to place signs in a front yard area.

The Council notes that in order to allow portable signs in the Downtown Area, a number of Land Development Code modifications are needed. Additionally, the Council notes that clear access needs to be maintained for pedestrians and ADA compliance; and clear access around bike racks needs to be ensured. The Council notes that although buildings in the Downtown Area are not subject to vision clearance requirements, portable signs need to be located to make sure safety concerns are addressed, and to keep the portable signs out of intersection areas.

Given the above, the Council notes that the first Land Development Code modification that is needed is to add a definition for Portable Signs to Chapter 1.6 - Definitions and ensure that it is clear that portable signs are limited to the Central Business (CB) and Riverfront (RF) Zones. Second, the Council notes that performance standards need to be established in the Code. Third, the Council notes that Code modifications are needed to ensure that portable signs meeting both the new definition and the new performance standards are not prohibited in the Central Business (CB) and Riverfront (RF) Zones, and are considered to be exempt from the Code's sign regulations like Temporary Signs. Finally, the Council notes that Code modifications need to ensure that consistency among Code provisions is maintained. The Council finds that these four subjects are addressed by the proposed legislative Amendment to the Land Development Code. The Council finds that Code Sections that are affected are 1.6.30 (where the new definition is added), 4.7.50.f, j, & l, 4.7.70.j, 4.7.80.01.b, 4.7.80.02, 4.7.80.04, 4.7.80.05, and 4.7.90.04 (where the new performance standards are located). The Council finds that performing the proposed

modifications to these sections will fully implement the general parameters for portable signs in the Central Business and Riverfront Zones.

4. Municipal Code Change -

The Council notes that consideration of the portable sign standards portion of this Legislative Amendment to the Land Development Code will be accompanied concurrently by a proposed change to Municipal Code Section 5.03.020. The Council notes that this Municipal Code section pertains to the posting and distribution of handbills in the public right-of-way and a clarification is needed to ensure that signs defined in the Land Development Code are not prohibited by this Municipal Code section. The Council notes that Municipal Code changes are processed directly through the City Council via the adoption of an ordinance. The Council notes that approval of this Legislative Amendment to the Land Development Code (LDT11-00001), must be accompanied by adoption of an ordinance to implement it. The Council finds that it needs to simultaneously adopt a separate ordinance modifying Municipal Code Section 5.03.020.

5. 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 May 2, 2011, 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 July 6, 2011, and the City Council held a duly advertised de novo public hearing on the Text Amendment on August 15, 2011.

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 it received a request from the Downtown Commission to accomplish the proposed Legislative Amendment to the Land Development Code. The Council notes that at its meeting on May 2, 2011, the Council determined that these changes may advance the general welfare of the community and instructed staff to draft and process this Legislative Amendment to the Land Development Code. The Council notes that the analysis in Section "F," of the June 28, 2011, staff report to the Planning Commission, finds the proposed Legislative Amendment to the Land Development Code to be consistent with the Comprehensive Plan and to be warranted by public necessity, convenience, and general welfare. The Council finds, therefore, that Section 1.2.80.01 is met.

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.

6. 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.

A. Historic Preservation, Awnings, and Windows - The Council finds the following Comprehensive Plan policies applicable to the historic preservation aspects of this Legislative Amendment to the Land Development Code.

- 5.4.c** *Historic buildings may require adaptation to uses which maintain their original features and allow for a prolonged and economic use.*
- 5.4.d** *During renovation and/or restoration, a conflict may surface between retaining the original features of the historic structure and compliance with the provisions of the building and fire codes.*
- 5.4.1** The City shall continue to use the Corvallis Register of Historic Landmarks and Districts as the City's official historic site listing. The intent of this inventory is to increase community awareness of historic structures and to ensure that these structures are given due consideration prior to alterations that may affect the historic integrity of the structure.
- 5.4.2** The City shall encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.
- 5.4.5** Special architectural review criteria for historic structures shall be maintained in the Land Development Code.
- 9.6.2** The City shall encourage the preservation of historically significant homes and buildings within the Downtown Residential Neighborhood.
- 9.6.3** The City shall amend the Land Development Code to encourage the following in the Downtown Residential Neighborhood:
- C. Maintenance of historic character.**

The Council notes that Comprehensive Plan Finding 5.4.c states that historic buildings may require adaptation to uses which maintain their original features and allow for a prolonged and economic use. The Council notes that Finding 5.4.d states that during renovation and/or restoration, a conflict may surface between retaining the original features of the historic structure and compliance with the provisions of the building and fire codes. The Council notes that Comprehensive Plan Policy 5.4.1 states that the City shall continue to use the Corvallis Register of Historic Landmarks and Districts as the City's official historic site listing; and that the intent of this inventory is to increase community awareness of historic structures and to ensure that these structures are given due consideration prior to alterations that may affect the historic integrity of the structure. The Council notes that Policy 5.4.2 states that the City shall encourage property owners to preserve historic structures in a state as close to their original construction as possible, while allowing the structure to be used in an economically viable manner. The Council notes that Policy 5.4.5 states that special architectural review criteria for historic structures shall be maintained in the Land Development Code. The Council notes that Land Development Code Chapter 2.9 - Historic Preservation Provisions houses such architectural review criteria. The Council notes that Comprehensive Plan Policy 9.6.2 states that the City shall encourage the preservation of historically significant homes and

buildings within the Downtown Residential Neighborhood. The Council notes that Policy 9.6.3.C states that the City shall amend the Land Development Code to encourage maintenance of historic character in the Downtown Residential Neighborhood.

13.5.13 The City shall ensure that the traditional "Main Street" character of the downtown area is maintained and enhanced over time by incorporating standards that require the following in the Central City:

- F. The installation and maintenance of weather protection (such as awnings) on all buildings that directly front Central City sidewalks. This standard shall be enforced at the time of new construction and major building improvements.**

The Council notes that Policy 13.5.13.F states that the City shall ensure that the traditional "Main Street" character of the downtown area is maintained and enhanced over time by incorporating standards in the Central City that require the installation and maintenance of weather protection (such as awnings) on all buildings that directly front Central City sidewalks. The Council notes that this standard shall be enforced at the time of new construction and major building improvements.

Conclusions Regarding Historic Preservation - The Council finds that by exempting Designated Historic Resources from the Code's standard window and weather protection provisions and, instead, deferring to the special architectural review criteria in Chapter 2.9, the proposed legislative Amendment to the Land Development Code seeks to preserve Designated Historic Resources in a state as close to their original construction as possible. The Council finds that deferring to the provisions in Chapter 2.9 will also increase community awareness of historic structures and ensure that these structures are given due consideration prior to alterations that may affect the historic integrity of the structure. The Council finds that it will encourage the preservation and maintain the character of historically significant homes and buildings in the Downtown Residential Neighborhood. Finally, although Policy 13.5.3.F directs the City to develop standards requiring the installation of weather protection at the time of major building improvements, the Council finds this Policy must be implemented in the context of the historic preservation aspects of Comprehensive Plan Findings 5.4.c & d, and Comprehensive Plan Policies 5.4.1, 5.4.2, 5.4.5, 9.6.2, and 9.6.3.C. Additionally, the Council finds the Code weather protection requirements for Downtown Area buildings that are not Designated Historic Resources (DHRs) will be retained, thus satisfying Policy 13.5.3.F. Given the above, the Council finds the proposal is consistent with Comprehensive Plan Findings 5.4.c & d, and Comprehensive Plan Policies 5.4.1, 5.4.2, 5.4.5, 9.6.2, 9.6.3.C, and 13.5.3.F.

B. Downtown Area Economic Development and Portable Signs - The Council finds the following Comprehensive Plan policies applicable to the Downtown Area economic development aspects of this Legislative Amendment to the Land Development Code.

8.10.7 The City shall develop standards for a hierarchy of mixed use commercial districts, with minor neighborhood centers serving neighborhood shopping and office needs, major neighborhood centers serving community shopping and office needs, and the downtown commercial districts serving regional shopping and office needs. The Professional and Administrative Office district can serve both community and regional office needs. Major neighborhood centers shall be sited at transit nodes on arterial streets and shall incorporate pedestrian-scale features such as building orientation to the street and limiting the maximum block perimeter. As the Land Development Code is updated, districts shall be developed that address all of the community's desired commercial needs.

13.5.d *As stated in the Corvallis 2020 Vision Statement, the community intends that the downtown remain the primary shopping center of Corvallis. This intention recognizes the commercial center as part of the larger "Central City" concept. Development of the commercial center, therefore, needs to support the area as the civic heart of the community and as an environment that encourages cultural, recreational, and residential activities as well as being the focus for the community's commercial activity.*

13.5.2 The City shall help overcome limitations that would otherwise lead to a declining downtown. Opportunities to enhance the downtown include providing additional parking, establishing a sidewalk weather protection program, and leading an effort to produce a long-range plan for the downtown.

13.5.4 The City shall seek opportunities to assist downtown in maintaining its market share of the retail dollars spent in and by the community.

13.5.5 The City shall support the Downtown Corvallis Association in its management of the Central Business District.

The Council notes that Comprehensive Plan Policy 8.10.7 states that the City shall develop standards for downtown commercial districts serving regional shopping and office needs. The Council notes that Comprehensive Plan Finding 13.5.d recognizes the Corvallis 2020 Vision Statement by stating that the community intends that the downtown remain the primary shopping center of Corvallis. The Council notes that it also states that this intention recognizes the commercial center as part of the larger "Central City" concept and that development of the commercial center, therefore, needs to support the area as the civic heart of the community and as an environment that encourages cultural, recreational, and residential activities as well as being the focus for the community's commercial activity. Policy 13.5.2 states that the City shall help overcome limitations that would otherwise lead to a declining downtown. The Council notes that opportunities to enhance the downtown include a long-range

plan for the downtown. This long range plan for the Downtown Area was developed and is called the Downtown Corvallis Strategic Plan, dated November, 2006. The Council notes that the proposed Legislative Amendment to the Land Development Code is implementing some of its directed concepts. The Council notes that Comprehensive Plan Policy 13.5.4 states that the City shall seek opportunities to assist downtown in maintaining its market share of the retail dollars spent in and by the community. The Council notes that Policy 13.5.5 states that the City shall support the Downtown Corvallis Association in its management of the Central Business Zone.

Consistent with Comprehensive Plan Policies 8.10.7, 13.5.3, 13.5.4, and 13.5.5, the Council finds that allowing portable signs in a safe and managed way that maintains pedestrian access along sidewalks and around bike parking, and doesn't impede vision clearance, will assist Downtown Area businesses in attracting customers. The Council finds that it will also retain a component of the ambiance typically associated with vibrant Downtown Areas. The Council finds that it will provide "front yard" signage opportunity typically available to property owners elsewhere in the City because property owners elsewhere in the City more often than not have front yards in which to place signage. Given the above, the Council finds that the proposed Legislative Amendment to the Land Development Code is consistent with Comprehensive Plan Finding 13.5.d and Comprehensive Plan Policies 8.10.7, 13.5.2, 13.5.3, 13.5.4, and 13.5.5.

C. Parking, Building Height, and Threshold for Improvements - The Council finds the following Comprehensive Plan policies applicable to the parking aspects of this Legislative Amendment to the Land Development Code.

11.11.d *The City's parking requirements have hindered some owners from developing or redeveloping their property in the downtown.*

9.6.3 The City shall amend the Land Development Code to encourage the following in the Downtown Residential Neighborhood:

B. Reduction of on-site parking requirements; and

11.11.2 *The downtown transportation system should be oriented primarily towards providing access and parking for area employment centers and commercial activities, as well as providing for the transportation needs of the residents of the downtown area. Within the core area of the central business district, the emphasis shall be on pedestrian movement. Transportation system improvements in the core area will be consistent with the Downtown Streetscape Plan (1988).*

13.5.r *Riverfront District Standards should be adopted to foster a pedestrian-friendly environment that allows developers flexibility in meeting their parking requirements.*

13.5.3 The City shall demonstrate its commitment to downtown's vitality by investing in and implementing streetscape changes that are consistent with the Downtown Streetscape Plan, or its successors, in conjunction with the long-range plan for downtown.

13.5.13 The City shall ensure that the traditional "Main Street" character of the downtown area is maintained and enhanced over time by incorporating standards that require the following in the Central City:

- C. Parking requirements that focus on shared parking and district-wide parking options rather than strict on-site requirements;**
- D. Two-story minimum for new construction within the Central Business District;**
- F. The installation and maintenance of weather protection (such as awnings) on all buildings that directly front Central City sidewalks. This standard shall be enforced at the time of new construction and major building improvements.**

The Council notes that Comprehensive Plan Finding 11.11.d states that the City's parking requirements have hindered some owners from developing or redeveloping their property in the downtown. The Council notes that Policy 9.6.3.B states that the City shall amend the Land Development Code to encourage reduction of on-site parking requirements in the Downtown Residential Neighborhood. The Council notes that Policy 11.11.2 states that within the core area of the Central Business Zone, the emphasis shall be on pedestrian movement. The Council notes that Comprehensive Plan Finding 13.5.r states that Riverfront Zone should be adopted to foster a pedestrian-friendly environment that allows developers flexibility in meeting their parking requirements. The Council notes that Policies 13.5.13.C & D state that the City shall ensure that the traditional "Main Street" character of the downtown area is maintained and enhanced over time by incorporating standards into the Central City that focus on shared parking and district-wide parking options rather than strict on-site requirements, and require a two-story minimum for new construction within the Central Business Zone.

The Council notes that mandating a two-story building height is consistent with Comprehensive Plan Policy 13.5.13.D. The Council notes that creating a threshold that triggers adherence to Code weather protection standards ensures that the weather protection is required with major improvements, consistent with Policy 13.5.13.F. The Council notes that creating parking incentives for reducing curb cuts, eliminating unused driveways, and creating structured parking will assist Downtown Area businesses and reduce the amount of on-site required parking, consistent with Comprehensive Plan Finding 11.11.d and Comprehensive Plan Policies 9.6.3.B. The Council notes that it will also produce

a more pedestrian-oriented environment, consistent with Policies 11.11.2 and 13.5.13.C. Given the above, the Council finds that the proposal is consistent with Comprehensive Plan Findings 11.11.d and Policies 9.6.3.B, 11.11.2, and 13.5.3.

Conclusions Regarding Applicable Comprehensive Plan Policies - The Council finds the following Comprehensive Plan policy applicable to the proposed Legislative Amendment to the Land Development Code:

1.2.1 The City of Corvallis shall develop and adopt appropriate implementation mechanisms to carry out the policies of the Comprehensive Plan.

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. The Council finds the proposal is consistent with Comprehensive Plan Findings 5.4.c & d, 13.5.d, and 11.11.d, as well as Comprehensive Plan Policies 5.4.1, 5.4.2, 5.4.5, 8.10.7, 9.6.2, 9.6.3.B, 9.6.3.C, 11.11.2, and 13.5.2, 13.5.3, 13.5.3.F, 13.5.4, and 13.5.5. Therefore, the Council finds the proposal an appropriate implementation mechanism to carry out the policies of the Comprehensive Plan. The Council concludes the proposed legislative Amendment to the Land Development Code is consistent with Policy 1.2.1.

Given the above, the Council concludes that the proposed Legislative Amendment to the Land Development Code is consistent with the Comprehensive Plan.

7. 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 Amendment to the Land Development Code 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.

A. Goal 2 - Land Use Planning - The Council notes that Goal 2 - Land use Planning outlines the basic procedures of Oregon's Statewide Planning Program. The Council notes that Goal 2 states that land use decisions are to be made in accordance with a Comprehensive Plan, and that suitable "implementation ordinances" putting the Plan's Policies into effect must be adopted. The Council notes that Goal 2 requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and

agencies; and that plans be reviewed periodically and amended as needed. The Council notes that Goal 2 also contains standards for taking exceptions to Statewide Planning Goals and Guidelines; and that an exception may be taken when a Statewide Planning Goal cannot or should not be applied to a particular area or situation.

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. The Council notes that, as discussed in Finding "6," above, the proposed Legislative Amendment to the Land Development Code 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 Amendment to the Land Development Code Text Amendment is compliant with Statewide Planning Goal 2.

- B. Goal 9 - Economy of the State** - The Council notes that Goal 9 - Economy of the State calls for diversification and improvement of the economy. The Council notes that Goal 9 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. The Council notes that, therefore, this discussion will focus on the diversification of the economy. The Council notes that, as discussed in Finding "4," above, the proposed Legislative Amendment to the Land Development Code will assist to diversify the economy by assisting Downtown Area businesses in a manner that will retain the Downtown Area as the City's regional shopping center and in a manner that is consistent with the Comprehensive Plan. The Council notes that the proposed Legislative Amendment to the Land Development Code will not create negative impacts to other allowed commercial and industrial land uses on commercially and industrially designated lands. The Council finds, therefore, that the proposed Legislative Amendment to the Land Development Code 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 Amendment to the Land Development Code complies with the general policy direction in applicable Statewide Land Use Planning Goals.

8. 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:

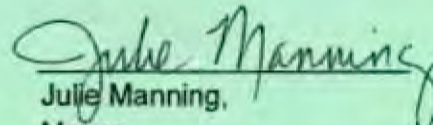
- A.** The Council notes that the proposed Legislative Amendment to the Land Development Code responds to a Downtown Commission request that has been made to the City Council. The Council notes that this request asked the Council to provide for this type of Downtown Area development flexibility and portable sign opportunity, in order to support the ambiance and economic viability of the Downtown Area; and use the City's Historic Preservation provisions to govern redevelopment of the Downtown Area's Designated Historic Resources. The Council finds that such opportunities would provide a benefit to Downtown Area properties by increasing flexibility and acknowledging the value of a managed level of portable signage.
- B.** The Council notes that the proposed Legislative Amendment to the Land Development Code provides an incentive for eliminating curb cuts and replacing them with on-street parking spaces. The Council notes that the elimination of curb cuts will improve pedestrian connectivity by providing a continuous sidewalk without an uninterrupted surface in these areas. The Council finds that this improved pedestrian connectivity is a benefit to pedestrians.
- C.** The Council notes that the Bicycle and Pedestrian Advisory Commission expressed a desire to see the portable signage regulations reviewed in several years to see if they were working appropriately. The Council notes that Comprehensive Plan Policy 1.2.6 requires the City to maintain a formal Unresolved Planning Issues list to be used as a guide to planning issues that require further study and investigation by City staff and the Planning Commission. The Council notes that Comprehensive Plan Policy 1.2.7 requires the Planning Commission to schedule at least one public meeting each year to take input, receive a staff report on progress, and make decisions about the contents and relative priority of items on the Unresolved Planning Issues list. The Council notes that the Planning Division maintains the formal Unresolved Planning Issues list and manages the required annual review before the Planning Commission. The Council notes that the Council uses the Unresolved Planning Issues list to assist in its annual prioritization of the Planning Division work program. The Council notes that any future concerns regarding the portable sign regulations can be addressed through this established process for unresolved planning issues. The Council finds that no additional separate review of the portable sign regulations is necessary.

- D. The Council notes that the Bicycle and Pedestrian Advisory Commission expressed concern regarding the potential number of portable signs and the impacts they might have on pedestrian access. The Council notes that the Downtown Commission subcommittee charged with the development of the portable sign standards had discussions about the pedestrian experience, access, and the recognition that there would probably not be the full number of signs allowed. The Council notes that the discussion was informed by a broad perspective that was not dominated by downtown business interests. The Council notes that the Downtown Commission believed the proposed Legislative Amendment to the Land Development Code presented a balance between access and the pedestrian experience; and that it would result in an appropriate density of portable signs. The Council concurs with the Downtown Commission's conclusions and finds that if the number of portable signs in the Downtown Area becomes problematic, changes to the regulations can occur through the Unresolved Planning Issues process.

SUMMARY OF CONCLUSIONS

The City Council finds that the proposed Legislative Amendment to the Land Development Code (LDT11-00001) is consistent with the applicable Land Development Code criteria, Comprehensive Plan policies, and Statewide Planning Goals. Accordingly, the Legislative Amendment to the Land Development Code (LDT11-00001) is APPROVED.


Kathy Louie,
City Recorder


Julie Manning,
Mayor

Date: September 6, 2011

**EXHIBIT B -
PROPOSED LEGISLATIVE AMENDMENT TO THE LAND
DEVELOPMENT CODE (LDT11-00001)
(Includes Planning Commission-directed Modifications and includes additional 2
staff-recommended changes presented in August 5, 2011, City Council Staff
Report)**

Downtown-related LDC Text Amendments

1 & 2. Structured Parking Construction Incentive & Parking Incentive for Curb Cut Removal -

Section 3.16.50 - OFF-STREET PARKING

Off-street parking shall be provided in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements.

Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS

Minimum parking requirements for Use Types in all areas of the City, with the exception of the Central Business (CB) Zone and the Riverfront (RF) Zone, are described in Sections 4.1.30.a through 4.1.30.f. Minimum parking requirements for the Central Business (CB) Zone are described in Section 4.1.30.g.

g. Central Business (CB) and Riverfront (RF) Zones Parking Requirements -

1. Parking Minimums - The minimum automobile parking requirements for the Central Business (CB) and Riverfront (RF) Zones are described below:

a) Allowed Nonresidential Uses - One space per 1,000 square feet of gross floor area.

b) Residential Uses - One space per residential unit.

c) Parking Incentive for Structured Parking - Where structured parking is provided to satisfy required parking, each structured parking space may count as two required on-site parking spaces for nonresidential development. For the purposes of this provision, structured parking includes below-grade or at-grade parking (with habitable building area, improved vehicle circulation area, or improved right-of-way area above) and multi-level parking.

d) Parking Incentive for Curb Cut Removal - For each on-street parking space gained as a result of the removal of an unused driveway or other curb cut, two parking spaces may be credited toward the required nonresidential parking for the subject property.

3. Weather Protection -

3.15.40.03 - Weather Protection

a. General - Except as provided in "b." and "c." below, nNew development in the RF Zone shall include the provision and maintenance of at least a six ft.-wide weather-protected area

adjacent to the sidewalk, with a minimum of 60 percent sidewalk coverage along the face of buildings, and no uncovered areas longer than 20 ft. Back-lit plastic awnings are prohibited;

b. Development on buildings abutting street sidewalks and pedestrian plazas shall provide weather protection consistent with the locational, dimensional, and design standards in "a." above, when:

1. Expansion or improvement costs exceed 50% of the real market value of the property according to the Benton County Assessor's office; and
2. The building does not meet the exemption provisions in "c." below.

See also Section 4.10.70.05.a.1 for additional weather protection requirements; and

c. Designated Historic Resources - Where development occurs on a Designated Historic Resource, that Resource shall be subject to the provisions of Chapter 2.9 - Historic Preservation Provisions, but shall be exempt from the requirements for weather protection in "a." and "b." above. This default to Chapter 2.9 and exemption from "a." and "b." above, applies whether or not weather protection such as awnings or canopies is proposed.

3.16.30.03 - Weather Protection

a. General - Except as provided in "b." and "c." below, wWithin the Downtown Pedestrian Core Area as defined in Chapter 1.6 - Definitions, new structures shall be constructed adjacent to street sidewalks and pedestrian plazas, and shall include the provision and maintenance of at least a six ft.-wide weather protected area over the sidewalk along the entire frontage of the structure;

b. Development on buildings abutting street sidewalks and pedestrian plazas shall provide weather protection consistent with the locational and dimensional standards in "a." above, when:

1. Expansion or improvement costs exceed 50% of the real market value of the property according to the Benton County Assessor's office; and
2. The building does not meet the exemption provisions in "c." below.

See also Section 4.10.70.05.a.1 for additional weather protection requirements; and

c. Designated Historic Resources - Where development occurs on a Designated Historic Resource, that Resource shall be subject to the provisions of Chapter 2.9 - Historic Preservation Provisions, but shall be exempt from the requirements for weather protection in "a." and "b." above. This default to Chapter 2.9 and exemption from "a." and "b." above, applies whether or not weather protection such as awnings or canopies is proposed.

4.10.70.05 - Standards and Menus for Pedestrian Features and Design Variety

a. Pedestrian Amenities Standards

1. Weather Protection -

a) General - Except as provided in "b." and "c." below, wWhere new commercial and civic development is constructed immediately adjacent to (abutting) street sidewalks or pedestrian plazas, a minimum six-ft.-wide, weather-protected area, protected by such elements as awnings or canopies, shall be provided and maintained along at least 60 percent of any building wall immediately adjacent to the sidewalks and/or pedestrian

plazas. An additional requirement shall include a minimum eight-ft. vertical clearance between the sidewalk and the lowest portion of the weather protection. This vertical clearance shall be nine ft. for balconies. These requirements are shown below in Figure 4.10-22 - Weather Protection.

b) Riverfront and Central Business Zones - When subject to the standards in this chapter per Section 4.10.70.01, development on buildings abutting street sidewalks and pedestrian plazas in the Central Business (CB) Zone and the Riverfront (RF) Zone shall provide weather protection consistent with the locational and dimensional standards in "a," above, when:

- 1) Expansion or improvement costs exceed 50% of the real market value of the property according to the Benton County Assessor's office; and
- 2) The building does not meet the exemption provisions in "c." below.

Additionally, consistent with Section 3.16.30.03, weather protection in the Downtown Pedestrian Core Area shall be provided along the entire frontage of buildings over street sidewalk and pedestrian plazas, instead of the 60 percent noted in "a," above. Consistent with Section 3.15.40.03, development in the Riverfront Zone, but outside the Downtown Pedestrian Core Area, shall provide a minimum 60 percent weather protection along building frontages over street sidewalks and pedestrian plazas, with no uncovered areas longer than 20 ft. Back-lit plastic awnings are prohibited in the Riverfront Zone.

c) Designated Historic Resources in the Riverfront and Central Business Zones - Development on Designated Historic Resources in the Central Business (CB) and Riverfront (RF) Zones shall be subject to the provisions in Chapter 2.9 - Historic Preservation Provisions and exempt from the requirements in "a," and "b," above. This default to Chapter 2.9 and exemption from "a," and "b," above, applies whether or not weather protection such as awnings or canopies is proposed.

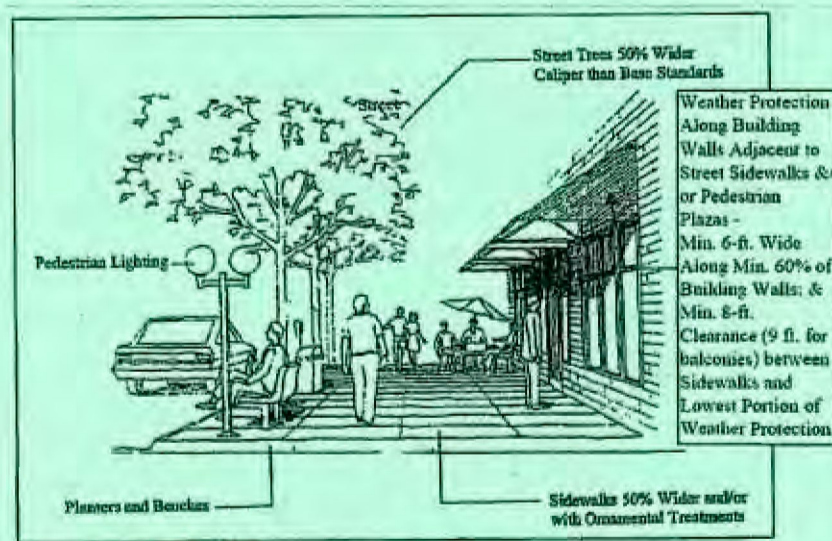


Figure 4.10-22 - Weather Protection

4. **Building Height -**

3.16.30.02 - Structure Height

- a. No structure shall exceed 75 ft. in height; and
- b. New buildings which are within both the Central Business (CB) Zone and the Downtown Pedestrian Core Area (see Chapter 1.6 - Definitions for a map of the Downtown Pedestrian Core Area), shall be constructed with a minimum building height of:
 - 1. two stories; or
 - 2. a 22-ft. floor-to-ceiling height to accommodate a current or future mezzanine level.

This standard does not apply to new buildings within the Central Business (CB) Zone, but not within the Downtown Pedestrian Core Area, nor does it apply to new buildings within the Downtown Pedestrian Core Area, but not within the Central Business (CB) Zone.

5. **Windows -**

3.15.40.04 - Ground-floor Uses, Window Standards, and Primary Entrances

The applicable provisions of Chapter 4.10 - Pedestrian Oriented Design Standards and all of the following standards shall apply to development in the RF Zone. Where conflicts exist between this Chapter and Chapter 4.10 - Pedestrian Oriented Design Standards, the provisions of "a," through "d," below, shall prevail.

- b. **Windows -**
 - 1. General - Except as provided in "2," below, a minimum of 60 percent of the length of the building street frontage shall be glass with a maximum sill height above grade of 30 in. The glass shall extend no less than 84 in. above sidewalk grade. Tinted and/or mirrored glass/glazing is not permitted as ground-floor windows used to meet this standard along street facades; and
 - 2. Designated Historic Resources - Where development occurs on a Designated Historic Resource, that Resource shall be subject to the provisions of Chapter 2.9 - Historic Preservation Provisions, but shall be exempt from the requirements for windows in Section 3.15.40.04.b.1. above. This default to Chapter 2.9 and exemption from Section 3.15.40.04.b.1. above, applies whether or not windows are proposed.

4.10.70.05 - Standards and Menus for Pedestrian Features and Design Variety

b. **Design Standards and Design Variety Menus**

- 6. **Windows** - The provisions in this Section shall apply to placement and type of windows. Figure 4.10-24 - Windows and Glass Doors on Street-facing Facades is provided for context.
 - a) Ground Floor Windows and Doors - Except for the Neighborhood Center (NC) Zone, and except for Designated Historic Resources in the Central Business and Riverfront Zones, which are addressed in "c," and "d," below, respectively, a minimum of 60 percent of the length and 25 percent of the first 12 ft. in height from the adjacent grade of any street-facing facade shall contain windows and/or glass doors. An exception may be granted if the expansion/enlargement is for space neither adjacent to a street nor open to

customers or the public. Additional requirements for windows shall include the following:

- 1) Ground floor windows shall be framed by bulkheads, piers, and sills such as are used in a recessed window, where applicable. Ground floor windows shall also have a Top Treatment such as a hood, awning, or a storefront cornice separating the ground floor from the second story. Alternatively, all ground floor windows shall provide a minimum three-in.-wide trim or recession. The Base Treatment standards under Section 4.10.70.05.b.7.d, below, and the Top Treatment standards under Section 4.10.70.05.b.7.e, below, shall be used as a guide for providing bulkheads and cornices that meet this standard.
- 2) Window Type - Ground floor windows used to comply with "a," above, shall meet all of the following standards:
 - a. Opacity of greater than 60 percent prohibited for any required window; and
 - b. Ground floor windows shall allow views from adjacent sidewalks into working areas or lobbies, pedestrian entrances, or display windows set into the wall. Display cases attached to the outside wall do not qualify. The bottom of windows shall be no more than four ft. above the adjacent exterior grade.
- b) Windows on Commercial Stories above Ground Floor - Except for Designated Historic Resources in the Central Business and Riverfront Zones, which are addressed in "d" below, eEach facade on commercial stories above the ground floor and that faces a street or other area accessible to the public shall include at least 20 percent window coverage.
- c) Neighborhood Center Special Window Provisions - For building walls facing Shopping Streets, windows and/or glass doors shall be provided on a minimum of 75 percent of the building wall length and 50 percent of the first 12 ft. in the building wall height from the adjacent grade. Public art, mini parks, and/or plazas, as defined in Section 4.10.70.05.a.3 may substitute for up to 50 percent of the required window area if construction is of permanently fixed, durable materials.
- d) Designated Historic Resource Exemption in the Central Business (CB) Zone and/or the Riverfront (RF) Zone - Where development occurs on a Designated Historic Resource in the Central Business (CB) Zone and/or the Riverfront (RF) Zone, that Resource shall be subject to the provisions of Chapter 2.9 - Historic Preservation Provisions, but shall be exempt from the window requirements in "a," through "c," above. This default to Chapter 2.9 and exemption from "a," through "c," above, applies whether or not windows are proposed.

6. Sign Code Changes -

Chapter 1.6 - Definitions.

Section 1.6.30 - SPECIFIC WORDS AND TERMS

Sign Height - As shown in Figure 1.6-26a - Sign Height, height as measured from the lowest grade directly beneath the sign to the top of the sign structure enclosing the sign face.

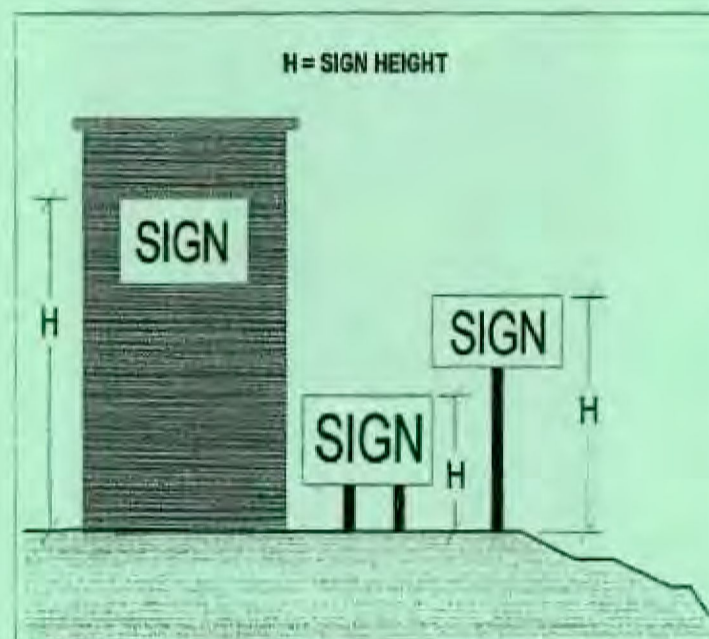


Figure 1.6-26a - Sign Height

Sign, Portable - Applicable only in the Central Business (CB) Zone and the Riverfront (RF) Zone, and subject to the provisions in Section 4.7.90.04 d. A sign not permanently attached to the ground or other permanent structure, including A-frame signs (also called sandwich board signs), pedestal signs, easels, and vertically oriented, pole-mounted banners that are secured to poles at the top and bottom.

- a. Sign, A-frame - Often called sandwich board sign. A folding sign consisting of two surfaces, which when open form a self-supporting triangular shape. No larger than six sq. ft. per sign face and no taller than 4 ft. in total height.
- b. Sign, Pedestal - A sign supported by one or two pedestals. No larger than six sq. ft. per sign face and no taller than 4 ft. in total height. A pedestal is an architectural support or base for a column or statue or, in this case, a sign. The pedestal can be square, octagonal, or circular.
- c. Sign, Easel - A sign displayed on and supported by an upright standing frame, typically with a tripod configuration. No larger than six sq. ft. per sign face and no taller than six ft. in total height.
- d. Sign, Vertically-oriented Pole-mounted Banner - A sign mounted on a pole or pedestal and secured into the sidewalk in a flush-mounted fashion that does not create a trip hazard. Constructed of canvas, nylon, vinyl, or other flexible, weather-resistant fabric. No larger than

six sq. ft. and secured to the pole or pedestal at the top and bottom of the banner. See Figure 1.6-26b - Vertically-oriented, Pole-mounted Banner Sign.



Figure 1.6-26b - Vertically-oriented, Pole-mounted Banner Sign

Chapter 4.7 - Sign Regulations

Section 4.7.50 - PROHIBITED SIGNS

- 4.7.50.f.** Signs located on or above public rights-of-way without written consent of the applicable jurisdiction, unless permitted by Sections 4.7.70 through 4.7.90, below. This includes, but is not limited to: sandwich boards (unless permitted by Section 4.7.90.04.c), posters on utility poles, political signs in parking strips, and signs on sidewalks;
- 4.7.50.j.** Pennants, flags, and banners (unless permitted by Section 4.7.90.04.c). See Section 4.7.70.b regarding official national, state, and local flags, ~~and~~ Section 4.7.80.05 regarding temporary banners, Section 4.7.90.04.c regarding Portable Signs in the Central Business and Riverfront Zones, and the Portable Sign definition in Chapter 1.6 - Definitions;
- 4.7.50.l.** Signs with visible A-frames, trusses, or guy wires as part of the sign or sign structure (unless permitted by Section 4.7.90.04.c);

Section 4.7.70 - EXEMPTIONS FROM SPECIFIC REQUIREMENTS OF REGULATIONS

- 4.7.70.j.** Temporary Signs and Portable Signs conforming with this Chapter shall be exempt from the Permit requirements. See definitions for Temporary Signs and Portable Signs in Chapter 1.6 - Definitions.

4.7.80.01 - General Sign Standards

- b. Sign allocation for a given frontage may be apportioned to attached signs and, if permitted by these regulations, to free-standing and temporary signs. That portion of the sign allocation used by a business or tenant for attached signage on a given frontage shall be used in not more than two signs. If property frontage allocation for attached signs exceeds the maximum Sign Area size of the zone, additional allocation may be used in additional sign(s), provided that an eight ft. separation is maintained between signs. Portable Signs, as defined in Chapter 1.6 - Definitions, are exempt from sign allocation requirements.

4.7.80.02 - General Requirements for Free-standing Signs

- f. Portable Signs are defined in Chapter 1.6 - Definitions and are regulated by Section 4.7.90.04.c.

4.7.80.04 - General Requirements for Temporary Signs Other Than Banner Signs and Other Than Portable Signs

One temporary sign per property, other than banner signs and Portable Signs, maintained in sound condition, appearance, and repair, shall be allowed. Maximum Sign Area and height for a temporary sign shall be as specified for each zone in Section 4.7.90 below. Total Sign Area of temporary signs shall reduce, and shall not exceed, total sign allocation of a property. A temporary sign installed and used in compliance with these regulations is exempt from permit requirements.

4.7.80.05 - General Requirements for the Use of Banner Signs

Banner signs are allowed in all office, OSU, commercial and industrial zones, and in residential zones for properties with a primary frontage measuring greater than 200 ft. In accordance with the Portable Sign definition in Chapter 1.6 - Definitions, Vertically-oriented, Pole-mounted Banner Signs are classified as Portable Signs. Portable Signs are governed by Section 4.7.90.04.c and are not subject to the provisions of this Section 4.7.80.05.

- a. Banner signs require an approved Sign Permit. Banners shall be used consistent with either option provided below in a calendar year. The first banner permit issued on a property shall determine the option chosen. The options are:
1. Each property is limited to three Sign Permits for banners per year. The maximum Sign Area for a banner shall be 16 sq. ft. Each Sign Permit for a banner shall be valid for 30 consecutive days, after which time the banner shall be removed; or
 2. Each property is limited to two Sign Permits for banners per year. The maximum Sign Area for a banner shall be 100 sq. ft. Each Sign Permit for a banner shall be valid for seven consecutive days, after which time the banner shall be removed.
- b. All banners shall be securely attached flush with a building face and comply with the maximum sign height provisions for attached signs in the applicable zone. The Sign Area of a banner sign shall not reduce a property's sign allocation.

4.7.90.04 - Sign Standards for the Major NC, MUCS, MUGC, CB, CBF, RF, LI-O, LI, GI, II, MUT, and MUE Zones

a. Table 4.7-4 - Major NC, MUCS, MUGC, CB, CBF, RF, LI-O, LI, GI, II, MUT, and MUE Zones, and its associated special instructions in "b," below, outline the sign standards for the:

1. Major Neighborhood Center (Major NC) element of the Neighborhood Center Zone;
2. Mixed Used Community Shopping (MUCS) Zone;
3. Mixed Use General Commercial (MUGC) Zone;
4. Central Business (CB) Zone;
5. Central Business Fringe (CBF) Zone;
6. Riverfront (RF) Zone. Further restrictions on the Riverfront (RF) Zone are contained in Section 3.15.80 of Chapter 3.15 - Riverfront (RF) Zone;
7. Limited Industrial - Office (LI-O) Zone;
8. Limited Industrial (LI) Zone;
9. General Industrial (GI) Zone;
10. Intensive Industrial (II) Zone;
11. Mixed Use Transitional (MUT) Zone; and
12. Mixed Use Employment (MUE) Zone.

Table 4.7-4 - Major NC, MUCS, MUGC, CB, CBF, RF, LI-O, LI, GI, II, MUT, and MUE Zones					
Sign Type	Primary Frontage Multiple	Maximum Sign Area	Maximum Sign Height	Maximum Sign Projection	Setback
Attached	1.5 sq. ft.	200 sq. ft.	25 ft.	See 4.7.80	NA
Monument	1.5 sq. ft.	200 sq. ft.	12 ft. unless specified differently per zone or gateway standards	See 4.7.80	NA
Pole	1.5 sq. ft.	200 sq. ft.	25 ft. unless specified differently per zone. Prohibited in gateways and Major NC	See 4.7.80	NA
Temporary	1.5 sq. ft.	5 sq. ft.	6 ft.	See 4.7.80	NA

b. **Special Instructions -**

1. Attached signs may project over the right-of-way only in the Central Business (CB) Zone and the Riverfront (RF) Zone.
2. Height of attached signs shall not exceed four ft. above the eave or parapet.
3. Illuminated signs are permitted.
4. Banner signs that comply with Section 4.7.80.05 shall be permitted.

c. **Portable Signs within the Central Business (CB) and Riverfront (RF) Zones -**

Portable Signs are permitted in the Central Business (CB) and Riverfront (RF) Zones, subject to all of the following provisions, as applicable (See Sign, Portable in Chapter 1.6 - Definitions.):

1. All Portable Signs along street frontages shall adhere to "a." through "d." below, as applicable. However, in no case shall an individual business on a property have more than two Portable Signs per street frontage:
 - a) A minimum of four-ft. spacing shall be provided between signs, as well as between signs and abutting bicycle racks.
 - b) For properties containing less than 25 ft. of street frontage, up to two Portable Signs are permitted.
 - c) For properties with 25 ft. or more of street frontage, up to two Portable Signs are permitted for every 25 ft. of street frontage.
 - d) For corner properties, Portable Signs are permitted on each street frontage, per "a." through "c." above.
2. Portable Signs are allowed on public sidewalks, either directly adjacent to the building or in the area of sidewalk immediately adjacent to the street curb where bicycle racks, newspaper dispensers, and trash bins are commonly located. However, at least four ft. of clear, continuous, and unobstructed sidewalk width shall be maintained for passage along the sidewalk. For properties with buildings setback five ft. or more from the public sidewalk, Portable Signs shall be placed on private property.
3. Portable Signs are prohibited within the following areas:
 - a) Vision Clearance Areas, as defined by Chapter 1.6 - Definitions and the Off-street Parking and Access Standards. While the Off-street Parking and Access Standards exempt development within the Central Business Zone from Vision Clearance Area requirements, Portable Signs shall be subject to them for the purposes of this provision. Street intersections shall use the Vision Clearance triangle noted in Figure 2 of the Off-Street Parking and Access Standards; and
 - b) Standard and bulbied sidewalk intersections.
4. Portable Signs may only be displayed during business hours and shall be placed indoors overnight.

PARTMENT DEPT.
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SEP 08 2011
LAND CONSERVATION
AND DEVELOPMENT

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

5. A-frame and Pedestal Signs - Portable Signs referred to as A-frame Signs and Pedestal Signs shall be constructed of wood, metal, plastic, or other similar material. They shall be no larger than six sq. ft. per sign face and no taller than four ft., including the frame. (See subsections "a," and "b," of the definition for Sign, Portable in Chapter 1.6 - Definitions.)
6. Easel Signs - Portable Signs referred to as Easel Signs shall be limited to no more than one sign per building entrance. Easel Signs shall be placed at the building entrance immediately abutting the building. They shall be no larger than six sq. ft. per sign face and no taller than six ft. in total height. (See subsection "c," of the definition for Sign, Portable in Chapter 1.6 - Definitions.)
7. Vertically-oriented, Pole-mounted Banner Signs - Portable Signs referred to as Vertically-oriented, Pole-mounted Banner Signs are permitted within the area of sidewalk immediately adjacent to the street curb where bicycle racks, newspaper dispensers, and trash bins are commonly located (See Figure 1.6-26b - Vertically-oriented, Pole-mounted Banner Sign). They shall be no larger than six sq. ft., shall be mounted on a pole or pedestal secured into the sidewalk in a flush-mounted fashion that does not create a trip hazard, and shall be secured at the top and bottom where the sign attaches to the pole or pedestal. They shall be constructed of canvas, nylon, vinyl, or other flexible, weather-resistant fabric. (See subsection "d," of the definition for Sign, Portable in Chapter 1.6 - Definitions.)
8. No sign permit, or permit fee, is required for Portable Signs and the Sign Area of a Portable Sign shall not reduce a property's sign allocation.
9. Sign owners shall be responsible for all liability issues related to their Portable Signs.