



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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Salem, OR 97301-2540

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www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

03/09/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: Benton County Plan Amendment
DLCD File Number 002-11

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: Friday, March 23, 2012

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

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

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

Cc: Kristin Anderson, Benton County
Jon Jinings, DLCD Community Services Specialist
Ed Moore, DLCD Regional Representative

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FORM **2**

DLCD

Notice of Adoption

In person electronic mailed

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DEPT OF

MAR 05 2012

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **Benton County**

Local file number: **LU-11-053**

Date of Adoption: **2/28/2012**

Date Mailed: **3/2/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 10/15/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

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

1) Allows Urban Residential zone parcels that will be used for a public service, such as a fire station or public park, to vary from the standard partition size requirements and, when appropriate, to be exempt from the water and septic drainfield requirements. 2) Clarifies urban conversion plan requirements (e.g., requires City consultation, etc.).

Does the Adoption differ from proposal? Yes, Please explain below: _____

1) This was NOT added: Change non-profit community-gathering facilities from an outright permitted use in the Urban Residential zone to a Conditional Use. 2) This was NOT added: Tighten the parameters for replacement and additions to structures that are non-conforming to property line setbacks.

Plan Map Changed from:

to:

Zone Map Changed from:

to:

Location: **Urban Residential zone**

Acres Involved: **5,700**

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...

35-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

DLCD File No. 002-11 (19009) [16952]

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

DLCD, City of Corvallis, City of Philomath

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

ADOPTION SUBMITTAL REQUIREMENTS

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

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

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

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

http://www.oregon.gov/LCD/forms.shtml

updated 12/30/11

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

**In the Matter of Amending the Benton)
County Development Code – Chapters)
64, 99, and 100.)**

ORDINANCE No. 2012-0244

WHEREAS, the amendments contained in this ordinance will improve the siting of facilities rendering a public service in the Urban Residential zone and will clarify and formalize efficient planning practices within urban growth boundaries; and

WHEREAS, some of the proposed amendments will also clarify, correct, and/or increase consistency with other sections of Benton County Development Code; and

WHEREAS, the Benton County Planning Commission held a duly advertised public hearing on November 15, 2011, which was continued to December 6, 2011, and voted unanimously to recommend that the Board of Commissioners approve the attached Development Code amendments; and

WHEREAS, the Benton County Board of Commissioners held a duly advertised public hearing on December 13, 2011, which was continued to January 10, 2012 and February 14, 2012, to receive testimony from the county at-large and to consider the request; and

WHEREAS, the Board of County Commissioners finds that the proposed Development Code Amendments comply with the criteria of Benton County Code 53.605 through 53.625, and are consistent with the applicable policies and procedures of the Comprehensive Plan; and

WHEREAS, the Benton County Board of Commissioners has considered the staff report, the recommendation of the Benton County Planning Commission, and the record as a whole. The Board of Commissioners deliberated and approved the proposed amendments to the Development Code, and conducted the First Reading of the proposed Ordinance on February 14, 2012; and

WHEREAS, the Benton County Board of Commissioners conducted the Second Reading of the proposed Ordinance on February 28, 2012.

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

PART I: Short Title. Amendments to the Benton County Development Code Chapters 64, 99, and 100.

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

PART III. The Development Code amendments proposed in Planning File No. LU-11-053 are hereby approved, based on the Findings and Conclusions contained in the attached "Exhibit 1" and hereby adopted and incorporated herein.

PART IV. Benton County Development Code is hereby amended as shown in "Exhibit 2."

PART V. The effective date for these amendments to the Benton County Development Code will be:

First Reading: February 14, 2012

Second Reading: 2/28/12

Effective Date: 3/29/12

BENTON COUNTY BOARD OF COMMISSIONERS

Devin
Chair

Annabel J. ...
Commissioner

Michael ...
Commissioner

Approved as to Form:

Vandy ... 2.10.12
County Counsel

...
Recording Secretary

Exhibit 1

Findings of Fact and Conclusions of Law **Development Code Amendments; File No. LU-11-053**

A. PROPOSED AMENDMENTS

The following is a summary of the amendments.

Chapter 64 Urban Residential (UR) Zone:

- Creation of a non-standard property size will be allowed for a facility that renders a public service, such as a fire station, water treatment facility, or public park.
- Urban conversion plan requirements will be clarified. Will require City consultation. Will allow urban conversion plan to be waived in certain cases.

Chapter 99 General Development Standards:

- Septic system and water supply requirements will be waivable in certain cases when a land division is done solely for a facility rendering a public service.

Chapter 100 Planned Unit Development in Corvallis Urban Fringe:

- An urban conversion plan will be a stated requirement for a Planned Unit Development application.

B. FINDINGS APPLYING CODE CRITERIA

Development Code Provisions for Text Amendments:

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

Findings: Some of the proposed code amendments correct and clarify text, and others respond to changing policies and conditions. For example, it is wise and long-term efficient to work with the Cities on urban conversion plans, and to do so has become Community Development policy.

Conclusion: The proposed amendments meet the general criteria for consideration.

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

Findings: The Board of Commissioners directed the Planning Official to initiate these code amendments. A report discussing the justification for the proposed code amendments was presented to the Board of Commissioners prior to their work session and prior to the public hearings.

Conclusion: The proposed amendments were properly initiated.

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

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

Findings: The Planning Commission conducted a hearing on November 15, 2011, that was continued to December 6, 2011. The Planning Commission forwarded a recommendation to the Board of Commissioners to adopt the attached text amendments. (The Planning Commission recommended modification in part for the other text amendments, which are not attached.) The Board of County Commissioners conducted a public hearing on December 13, 2011 and continued it to January 10, 2012 and February 14, 2012, to consider the text amendments and the recommendation of the Planning Commission.

Conclusion: The conduct of the hearings complied with the procedure stipulated here.

C. FINDINGS REGARDING COMPREHENSIVE PLAN POLICIES

An analysis of the Benton County Comprehensive Plan identified the following policies as relevant to the proposed code amendments.

Benton County Comprehensive Plan

14.1.1 Benton County shall coordinate planning efforts with the cities to ensure that lands within urban growth boundaries (UGB) are efficiently and effectively developed so that urban densities will ultimately result. Urban fringe management agreements will be developed and maintained to clarify implementation roles and responsibilities

Findings: The code amendments that directly affect the urban fringe of Corvallis and Philomath have been coordinated with those two cities. The intent of the proposed amendments is to improve compliance with this policy.

14.1.8 Benton County shall require, as a condition of final approval, land divisions within urban growth boundaries to be accompanied by an urban conversion plan. The conversion plan shall ensure that the proposed action will not preclude future development from achieving urban densities with the necessary public facilities to support them.

Findings: The proposed code amendments will improve the efficacy of the urban conversion plan requirements that are already in the Development Code.

Jointly Adopted Policies of the City of Corvallis and Benton County

10.2.10 The City and County shall develop regulations and procedures which will encourage the appropriate development of public facilities and services within the Urban Growth Boundary. The cost of such facilities and utilities shall primarily be borne by the

benefited properties. Where the public is benefited, the public will bear the cost to the degree benefited.

Findings: The proposed amendments regarding non-standard parcel size for public facilities will encourage appropriate development of such facilities in the Urban Fringe.

14.3.12 *The City shall support policies for land in the Urban Fringe that retain parcels in a form suitable for future conversion to urban densities.*

Findings: The proposed limitations on the creation of non-standard-sized parcels are consistent with this policy.

14.3.13 *Development in the Urban Fringe should be planned and constructed to assure efficient use of the land resource. Urban conversion plans should be required for development within the Urban Growth Boundary which occurs prior to annexation and shall be in conformance with the portions of specific area plans that have been mutually adopted by the City and County.*

14.3.14 *Any development or land division in the Urban Fringe should be designed in a manner that will promote its potential conversion to urban uses. Approval of development in the Urban Fringe should be contingent upon fulfilling Comprehensive Plan and related considerations that include:*

- A. Ability to provide city public utilities facilities and services in an orderly and economical manner when urbanization occurs;*
- B. Ability to meet at least minimum urban density standards, for example through use of lot designs and lot sizes that permit the creation of urban density lots in the future;*
- C. Consistency with adopted master plans;*
- D. Agreeing to a consent to annex; and*
- E. Consistency with drainageway provisions for stormwater runoff and protection of significant natural features.*

Findings: The goals of these two policies are furthered by the amendments to the urban conversion plan requirements.

Conclusion: The proposed code amendments are consistent with relevant policies of the Comprehensive Plan.

D. SUMMARY AND CONCLUSION

The proposed amendments are consistent with the applicable provisions of the Benton County Development Code and Comprehensive Plan. The Planning Commission has recommended that the Board of Commissioners adopt the proposed code amendments attached. The proposed amendments in this ordinance will improve the siting of facilities rendering a public service in the Urban Residential zone, will clarify and formalize efficient planning practices within urban growth boundaries, and will clarify, correct, and/or increase consistency with other sections of Benton County Development Code. **The Board of Commissioners concludes that the proposed amendments comply with the Benton County Development Code and Benton County Comprehensive Plan.**

Exhibit 2

Amendments to the Benton County Development Code

**Added text is underlined.
Deleted text is ~~struck through~~.**

Chapter 64

Urban Residential (UR)

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64.305 Minimum Parcel or Lot Size; and Density.

(1) The minimum parcel or lot size, or density, shall be specified by the suffix number following the "UR" designation on the Official Zoning Map:

- (a) "UR-1" means one (1) acre minimum parcel or lot size.
- (b) "UR-5" means five (5) acre minimum parcel or lot size, except in the Corvallis Urban Growth Boundary it shall mean one parcel or lot may be created per five (5) acres of gross area, subject to the Planned Unit Development standards in Chapter 100 [Ord 98-0141].
- (c) "UR-10" means ten (10) acre minimum parcel or lot size, except in the Corvallis Urban Growth Boundary it shall mean one parcel or lot may be created per ten (10) acres of gross area, subject to the Planned Unit Development standards in Chapter 100 [Ord 98-0141].
- (d) "UR-50" means fifty (50) acre minimum parcel or lot size, except in the Corvallis Urban Growth Boundary it shall mean one parcel or lot may be created per fifty (50) acres of gross area, subject to the Planned Unit Development standards in Chapter 100 [Ord 98-0141].

(2) Non-Standard Parcel or Lot Size for Facilities Rendering a Public Service.

(a) A parcel or lot may vary from the standard size requirements of the zone if:

(A) The use of the parcel or lot will be:

- (i) As allowed pursuant to BCC 64.105(9) or (10) or BCC 64.205(1) or (12), and that is publicly owned and renders a public service to the community; or
- (ii) As allowed pursuant to BCC 64.205(3), (4), or (6), and that renders an important utility service to the general community, not only the immediately surrounding neighborhood;

(B) The proposed size and location of the parcel or lot will not have significant adverse impact on public health or safety, the uses on adjacent property, the character of the area, with the purpose of the zone, nor the efficient provision of infrastructure and conversion to urban densities.

(C) The parcel or lot approved pursuant to this section shall include the least amount of land necessary to accommodate the approved intended use.

(b) The applicant shall submit site development plans and narrative substantiating the size requirement of the particular use and the necessary location of the parcel or lot, as well as an urban conversion plan as described in BCC 64.310 or 64.320 for the parent parcel. The County shall obtain input from the City regarding the urban conversion plan, the proposed location of the non-standard parcel or lot size, and other City-related issues.

(c) Location of the parcel or lot.

- (A) The parcel or lot shall be clustered to the extent practicable. Nonclustering may be allowed to decrease negative impacts from adjacent property uses and to increase efficiencies in land use and future urban conversion.
- (B) The location of the non-standard size parcel or lot and its property lines shall not significantly reduce ideal options for the future location of urban roads or services, or preclude basic development options on adjacent properties.
- (d) The water and/or sewage disposal requirements may be waived for the proposed parcel or lot pursuant to BCC 99.835 and/or 99.735.
- (e) To ensure government agency or public utility ownership of the non-standard size parcel or lot, the plat or survey shall not be signed by the Planning Official until the appropriate transfer documents are submitted by the applicant. Benton County shall record the transfer documents at the same time as the plat or survey.
- (f) For a parcel or lot created pursuant to this section, the property owner shall sign a deed covenant to be recorded into the County Deed Records prior to creation of the parcel or lot prohibiting its use for residential development or any use other than allowed pursuant to this section, until the property is annexed to the city and the County, in consultation with the City, releases the covenant.
- (g) For a use allowed pursuant to BCC 64.105(9) or (10) or BCC 64.205(1) or (12), that is publicly owned and renders a public service to the general community, not only the immediately surrounding community, the land area included in the non-standard size parcel or lot shall not be subtracted from the gross acreage of the subject property for purposes of calculating the number of allowable parcels or lots pursuant to BCC 100.205(7)(a).
- (h) For a use allowed pursuant to BCC 64.205(3), or (4) the land area included in the non-standard size parcel or lot shall not be subtracted from the gross acreage of the subject property for purposes of calculating the number of allowable parcels or lots pursuant to BCC 100.205(7)(a) if the Planning Official determines that the utility service provides an essential service to the general community; and that the proposed location is necessary to provide that service.
- (i) Creation of a parcel under this section does not disqualify the parent parcel from the density bonus provision of BCC 100.205(7)(b); however, land area that, pursuant to subsection (2)(g) or (h) of this section, is not subtracted from the gross acreage shall not be used as the basis for a density bonus.
- (j) Creation of a parcel under this Section does not disqualify the parent parcel from the one-time exemption to the maximum parcel size under BCC 100.205(6)(a)(A).

~~(2)~~(3) All land divisions in the Corvallis Urban Fringe Area, including partitions, subdivisions, and planned unit developments shall comply with the standards contained in BCC Chapters 83, 88, and 100.

~~(3)~~(4) **Bonus Parcel.** The opportunity for a bonus parcel is offered by Benton County as an incentive to encourage voluntary preservation of natural resources. A bonus parcel is not a matter of right.

- (a) Within the UR-5, UR-10 and UR-50 zones of the Corvallis Urban Growth Boundary, a parcel existing as of December 31, 2004, that is larger than the minimum parcel size of subsection (1) of this section but contains less than two times that minimum parcel or lot size may be

divided once to create an additional parcel of 20,000 square feet or less if the criteria in subsection (A) through (C) are met.

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64.310 Conditions to Land Divisions in the Corvallis Urban Fringe.

(1) All land divisions in the Corvallis Urban fringe shall be conditioned upon the property owner recording a covenant consenting to annex when the property becomes contiguous to the City.

(2) An applicant for a land division in the Urban Residential Zone within the Corvallis Urban Fringe shall submit an urban conversion plan showing possible future urban development. ~~Where the requested division results in a parcel or lot ten (10) acres and larger, a~~ The urban conversion plan shall show only arterial and perimeter streets, and road rights-of-way, drainageways, and utility trunk easements. ~~Where the requested division would result in a parcel or lot smaller than ten (10) acres the conversion plan shall show street and road rights-of-way, utility easements, drainageways, and~~ future property divisions at urban densities, and Natural Resources and Natural Hazards protected by Corvallis Comprehensive Plan Natural Resource and Natural Hazard Overlays. Additionally, if upon annexation the site will be subject to the City of Corvallis Minimum Assured Development area (MADA) provisions outline in the Corvallis Land Development Code Chapter 4.11, the urban conversion plan shall show the protected and developable areas consistent with those MADA provisions. All dwellings and all structures requiring building permits shall be placed within boundaries of the future parcels or lots shown on the urban conversion plan and shall meet urban setbacks of the City of Corvallis Land Development Code. The urban conversion plan shall be referred to the City of Corvallis for review and recommendation. The urban conversion plan shall be binding on future property owners, until such time as an alternative urban conversion plan is submitted by the property owner and approved by the County in consultation with the City, or the property is annexed to the City. In unusual circumstances, the urban conversion plan requirements may be modified by the Planning Official in consultation with City of Corvallis Public Works and Planning. -[Ord 26, Ord 90-0069, Ord 96-0118]

64.315 Deleted [Ord 26, Ord 90-0069, Ord 96-0118, Ord 98-0141]

64.320 Land Divisions in the Philomath Urban Fringe. An applicant for a land division in the Urban Residential Zone in the Philomath Urban Fringe shall submit an urban conversion plan showing possible future urban development. ~~When the land division results in a parcel or lot five (5) acres or larger, t~~ The urban conversion plan shall show only arterial and perimeter streets, and road rights-of-ways, drainageways, and utility trunk easements. ~~When the land division results in a parcel or lot smaller than five (5) acres, the conversion plan shall show street and road rights-of-way, utility easements, drainageways,~~ and future property divisions at urban densities. All d~~D~~wellings and all structures requiring building permits shall be placed within boundaries of future lots or parcels as shown on the urban conversion plan and shall meet urban setbacks of the City of Philomath Zoning Ordinance. The conversion plan shall be referred to the City of Philomath for review and recommendation. The urban conversion plan shall be binding on future property owners, until such time as an alternative urban conversion plan is submitted by the property owner and approved by the County in consultation with the City, or the property is annexed to the City. In unusual circumstances, the urban conversion plan requirements may be modified by the Planning Official in consultation with City of Philomath Public Works and Planning. [Ord 26, Ord 90-0069, Ord 96-0118]

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Chapter 99

General Development Standards

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SEWAGE DISPOSAL

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99.735 Exemption to Site Evaluation Requirement. (1) An applicant for a partition of land zoned for resource use, but not including a partition of land intended for non-resource use, shall not be required to obtain a site evaluation pursuant to BCC 99.710 as a condition of final approval of the partition. A site evaluation will be required prior to development of a use requiring a septic system or as a condition of a permit to establish a resource related residence or other resource related use.

(2) An applicant for a partition may petition for an exemption to BCC 99.710 requiring a septic site approval as a condition of final approval of the partition. The parcel or lot proposed for the exemption shall contain at least ten (10) acres or two and one-half (2.5) times the minimum parcel or lot size for the zone in which it is located, whichever is less. The applicant shall demonstrate to the satisfaction of the County Sanitarian that the soils on the parcel or lot are generally suitable for a standard septic system or approved alternative system. As a condition of the exemption, the applicant shall sign and submit for recording in the County Deed Records a covenant waiving residential building rights from the parcel or lot approved for the exemption. This covenant shall be terminated when the provisions set forth in BCC 99.710 are met.

(3) An applicant for a partition under BCC 64.305(2) may petition for an exemption to BCC 99.710. The applicant shall submit a statement demonstrating to the satisfaction of the Planning Official, in consultation with County Environmental Health, that sewage disposal would not be necessary currently nor in the future for the proposed use. As a condition of the exemption, the applicant shall sign and submit for recording in the County Deed Records a covenant waiving sewage-generating building rights and uses from the parcel or lot approved for the exemption, as well as stating that no septic site approval has been obtained and the feasibility of such is unknown.

~~(34)~~ Notwithstanding BCC 99.735(2), no exception shall be granted for any proposed parcel or lot situated within an area designated on the Environmental Survey Priority List as adopted by order of the Board of Commissioners. [Ord 90-0069, Ord 92-0092, Ord 96-0118]

WATER SUPPLY

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99.835 Exemption to Water Supply Requirements.

- (1) An applicant for a partition shall not be required to document a water supply pursuant to BCC 99.840 to 99.850 if:
- (a) The land is zoned for resource use and is not:
 - (A) Intended for or approved for non-resource use; or,
 - (B) Being partitioned pursuant to an approved claim under ORS 197.352 (Ballot Measure 37; 2004),

(b) Evidence of a water source pursuant to BCC 99.810 shall be required prior to development of a use requiring a potable water supply.

(2) An applicant for a partition other than a series partition may petition for an exemption to BCC 99.805 to 99.825 requiring documentation of a water supply. The parcel or lot proposed for the exemption shall contain at least ten (10) acres or two and one-half (2.5) times the minimum parcel or lot size for the zone in which it is located, whichever is less. The applicant shall demonstrate to the satisfaction of the County Sanitarian that groundwater supplies in the surrounding area are of sufficient quantity and quality as demonstrated by information on the production of wells in the vicinity and other technical sources. As a condition of the exemption, the applicant shall sign and submit for recording in the County Deed Records a covenant waiving residential building rights from the parcel or lot approved for the exemption. This covenant shall be terminated when the provisions set forth in BCC 99.805 to 99.825 are met.

(3) An applicant for a partition under BCC 64.305(2) may petition for an exemption to BCC 99.805, 99.840, and 99.850 requiring documentation of a water supply for that parcel. The applicant shall submit a statement demonstrating to the satisfaction of the Planning Official, in consultation with County Environmental Health and the County Engineer, that water would not be necessary currently nor in the future for the proposed use. As a condition of the exemption, the applicant shall sign and submit for recording in the County Deed Records a covenant waiving residential and other water-requiring building rights from the parcel or lot approved for the exemption, as well as stating that the quantity and quality of any water that might be available in the future and the impacts on adjacent property owners is unknown

~~(3)~~(4) Notwithstanding BCC 99.835(2), no exception shall be granted for any proposed parcel or lot situated within an area designated on the Environmental Survey Priority List as adopted by order of the Board of Commissioners. [Ord 2007-0223, Ord 2007-0224]

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Chapter 100

Planned Unit Development in Corvallis Urban Fringe

100.100 Scope and Purpose.

(1) All applications for land divisions in the Urban Residential (UR) and Flood Plain Agriculture (FPA) zones within the Corvallis urban growth boundary are subject to the provisions of this chapter. Applications for partitions and subdivisions of land between the Corvallis city limits and urban growth boundary shall comply with the applicable provisions of BCC Chapters 64, 95, ~~and-97~~, and this chapter. The procedures, standards, and criteria in this chapter shall be applied when the requirements in another section of this code are not consistent with the provisions of this chapter.

(2) The procedures and requirements of this chapter are established to accomplish the following purposes:

- (a) To insure, to the greatest extent possible, that land within the urban growth boundary is used for or kept available for urban uses;
- (b) To establish standards that provide for the efficient and orderly transition of land within the urban growth boundary to planned urban uses considering existing natural features and planned future uses;
- (c) To allow new or innovative design and technology; to promote appropriate land use; to facilitate adequate and economic provision of public and / or private services and facilities; and
- (d) To protect the natural features of the site.

(3) Creation of a parcel for any of the purposes listed in subsection (a) below is exempt from the requirements of Chapter 100, provided the requirements of this section are met.

- (a) To be exempt from Chapter 100, the parcel shall be created for only publicly owned open space; a publicly owned park; a publicly owned recreation facility; or undeveloped open space owned by a nonprofit land conservation organization, until the property is annexed to the city.
- (b) For a parcel created pursuant to and for the purposes of the provisions in subsection (a) of this section, the property owner shall sign a deed covenant to be recorded into the County Deed Records prior to creation of the parcel prohibiting use of that parcel for residential development or any use other than publicly owned open space, publicly owned park, publicly owned recreation facility or undeveloped open space owned by a not-for-profit land conservation organization, until the property is annexed to the city.
- (c) Development and use of the property shall be subject to the approval requirements of the zone.
- (d) A request for an exemption pursuant to this section shall be accompanied by a statement from the public entity or nonprofit land conservation organization proposing to acquire the property indicating intent to acquire the property and describing the proposed use of the property.
- (e) Land divided under this section shall be considered in calculating the number of residential lots or parcels that may be created on the remainder parcel pursuant to BCC 100.205(~~67~~)(b).
- (f) Creation of a parcel under this section does not disqualify the parent parcel from the density bonus provision of BCC 100.205(~~67~~)(e); however, a parcel created under this section shall not be used to justify a density bonus if the parcel is sold, rather than donated, to the receiving public entity.

[Ord. 2001-0168, Ord 2005-0209, Ord 2005-0210]

...

100.150 Application Requirements.

- (1) In addition to the development standards and application requirements for partitions and subdivisions contained in Chapters 64, 95 and 97, ~~respectively~~, an application for a land division within the Corvallis urban growth boundary shall contain the following information and documentation:
 - (a) The location of existing structures, including building types, driveways, and off-street parking;
 - (b) The location of all Natural Features identified on the Corvallis Urban Fringe Natural Hazards Map, Riparian Corridors and Wetlands Map, and Significant Vegetation Map;
 - (c) Soils and soil characteristics, including shrink-swell potential, erosion hazard, slide potential, and any other potential limitations, using USDA Soil Conservation Service information or field studies prepared from specific site data;
 - (d) The location of any known sensitive or endangered species of flora or fauna, or significant historic or cultural resource on the property;
 - (e) Any proposed open spaces, including proposed ownership, use, and maintenance;
 - (f) The location of existing utility systems including sanitary sewer, storm sewer, drainageways, and water, where appropriate. Additionally, the location of all planned utility systems including sanitary sewer, storm sewer, drainageways, and water, shown in adopted Corvallis facility plans, and how the proposal can accommodate these facilities;
 - (g) Any proposed significant topographic changes including contours at intervals sufficient to indicate topographic conditions (generally two or five foot contours), including identification of areas subject to slide, slump, erosion or flooding hazards;
 - (h) Any measures proposed to mitigate Code-allowed impacts to natural feature areas shown on the Corvallis Urban Fringe Natural Hazards Map and/or the Riparian Corridors and Wetlands Map;
 - (i) The proposed circulation system including roads, bikeways, and access to roads. Public or private ownership of each facility shall be clearly identified. The current condition of public facilities shall be identified, as well as the proposed standard to which the facility will be improved or constructed by the applicant. Additionally, the location of all planned roads and trails shown in adopted Corvallis facility plans such as the Corvallis Transportation Plan and the Parks and Recreation Master Plan, and how the proposal can accommodate these facilities;
 - (j) The proposed plan for managing stormwater from the site, consistent with BCC 99.650 through 99.680;
 - (k) An urban conversion plan, as described in BCC 64.310.
- ~~(k)~~(l) A narrative that provides:
 - (A) A phased development schedule if the development is to be phased;
 - (B) A schedule for construction of all improvements;
 - (C) The proposed method for providing water supply for each parcel or lot;
 - (D) The proposed method for providing sewage disposal for each parcel or lot;

- (E) A description of the impact of the proposed development on water, sewer, fire protection, law enforcement, schools, hospitals, solid waste disposal, and other services;
- (F) A description of all community facilities or systems including a maintenance program for all proposed systems; and
- (G) A copy of tentative covenants, conditions, and restrictions, if any, proposed by the applicant.
- (H) A description of the impact of the proposed development on Natural Features shown on the Corvallis Urban Fringe Natural Hazards Map and/or Riparian Corridors and Wetlands Map, and the proposed methods for protecting these Natural Features.

- (2) The Planning Official, in the application process, may waive any of the requirements of this section where it is determined, in the judgment of the Planning Official, that the information is not necessary to properly evaluate the application. The Planning Official may require additional information deemed necessary to evaluate the application.

[Ord 2005-0209, Ord 2005-0210; Ord 2005-0211; Ord 2011-0240]

100.205 Design Standards.

...

(6) Parcel or Lot Size

- (a) Parcels or lots created shall be located in a manner that allows for the orderly and efficient transition of the entire property to urban uses. All parcels or lots shall be designed such that “Highly Protected” Natural Features identified on the Corvallis Urban Fringe Riparian Corridors and Wetlands Map and Significant Vegetation Map are contained entirely on the remainder parcel and/or the exception parcel authorized by subsection (A) of this section. If the number of lots or parcels allowed by the zoning cannot reasonably be accommodated outside of the Significant Vegetation area, then the proposed lots or parcels may include the least amount of Significant Vegetation necessary to allow reasonable layout of the land division. Proposed parcels or lots containing Natural Features shall be designed so that subsequent development will comply with the Natural Features provisions of Chapters 83 and 88. Parcels or lots shall be the minimum size necessary to provide for reasonable development and for the provisions of streets, sewage disposal, water, drainage, and other improvements pursuant to the applicable provisions of this code. Parcels and lots shall contain a minimum of 5,000 square feet and a maximum of 20,000 square feet, except that the remainder parcel resulting from the creation of these parcels and lots need not comply with the 20,000 square foot maximum. In addition, the following exceptions apply:

- (A) A one-time exemption to the maximum parcel size of 20,000 square feet shall be allowed to create one parcel with a minimum size of 1 acre, subject to the following:
 - (i) Only tracts, as defined in BCC 51.020, that are at least 10 acres in the UR-5 and FPA zones or 20 acres in the UR-10 zone shall qualify for such exemption.
 - (ii) All areas on the proposed new exemption parcel that are identified as riparian corridor or wetlands are protected through one of the permanent means listed in BCC 100.205(7)(b)(A)(~~vi~~ through ~~iii~~).

- (iii) A parcel or lot created pursuant to this subsection shall count as one of the parcels permitted in subsection (b). All other lots or parcels created pursuant to this chapter shall comply with the minimum and maximum size requirements in subsection (a) above.
 - (iv) The owner of a tract is eligible for only one exemption in subsection (A) above for the entire tract as it existed on November 6, 1998. The remaining portions of the tract will not be eligible for the exemption. As a condition of approval, the owner shall sign a deed covenant to be recorded into the County Deed Records against all lots and parcels contained in the tract as it existed on November 6, 1998. The covenant shall notify all future owners contained in the tract that those lots and parcels shall not be eligible for the exemptions allowed by subsection (A) above.
- (B) A lot or parcel allowed pursuant to BCC 64.305(3).
 - (C) Creation of lots or parcels within a UR-2, UR-1, or UR-0.5 zone established pursuant to BCC 64.307.

(7) Number of Parcels or Lots

- (a) The maximum number of parcels or lots that may be created from an existing parcel is determined by dividing total acreage of the subject property, as it existed on the effective date of these provisions, November 6, 1998, by the minimum parcel size or the allowable density specified in the zoning district and taking the resulting whole number of parcels or lots. For example: (a) a 29.9 acre parcel in a UR-5 zone could be divided into five lots; and (b) an 89.9 acre parcel in a UR-10 zone could be divided into eight lots. A tract or tracts created for purposes of protecting natural features, providing open space, or other similar purpose, shall be allowed in addition to the allowed number of lots or parcels provided the tract(s) are designated as “not developable” on the plat.
- (b) A density bonus, in addition to the maximum number of parcels or lots prescribed by subsection (a) above, may be approved through the processes described in subsection (A) or subsection (B), below. If density bonuses are claimed pursuant to *both* subsection (A) and subsection (B), each density bonus shall be justified through actions affecting mutually exclusive land areas.
 - (A) A density bonus shall be allowed in exchange for permanent protection of the entire area of the subject tract designated Highly Protected Natural Resource on the Corvallis Urban Fringe Riparian Corridors and Wetlands Map and Significant Vegetation Map, as follows:
 - (i) For every acre permanently protected (in accordance with the provisions of BCC 100.205(7)(b)(~~yA~~)(~~vi~~)(a) through (c)), one additional acre shall be added to the “total acreage” used in the calculation of the maximum number of parcels or lots in subsection (7)(a) of this section.
 - (ii) The maximum increase in allowable parcels or lots through this process shall be 40%.

- (iii) Additional parcels or lots allowed pursuant to this subsection shall be between 5,000 and 20,000 square feet in size and shall be located outside of all Highly Protected features shown on the Corvallis Urban Fringe Riparian Corridors and Wetlands Map and Significant Vegetation Map.
- (iv) The additional (whole) parcels or lots allowed pursuant to this subsection may be transferred to other land zoned Urban Residential within the Corvallis Urban Fringe, provided the receiving property is approved for the additional density through the criteria and procedures for a conditional use permit (BCC 53.205 through 53.235), and provided the additional lots or parcels will not impact natural features shown on the Corvallis Urban Fringe Natural Hazards Map, Riparian Corridors and Wetlands Map, and Significant Vegetation Map. Transferred rights will be established through the notice of conditional use approval referencing both the receiving and sending parent parcels. The proposed location and dimensions of the proposed lots or parcels shall be presented at the time of conditional use application; however, actual subdivision or partition may occur at a later time (prior to the expiration date of the conditional use approval).
- (v) Permanent protection of the Natural Resource area(s) shall be achieved by means of:
 - (a) A conservation easement benefiting, or a gift to, a governmental land management agency or nonprofit corporation organized for the purpose of land or environmental conservation. The applicant shall provide a letter from the benefiting entity demonstrating intent to accept the proposed easement or gift and to manage the land to preserve and/or enhance the natural resource functions identified on the Corvallis Urban Fringe Riparian Corridors and Wetlands Map or Significant Vegetation Map, contingent on approval of the proposal;
 - (b) Dedication to Benton County. The applicant shall provide a letter from the Board of Commissioners demonstrating intent to accept the proposed dedication, contingent on approval of the proposal. Benton County is not bound to accept proposed dedications, but will place priority on accepting lands consistent with the mission of the Benton County Parks System Comprehensive Plan or other adopted plans; or
 - (c) Dedication, or reservation for ~~dedication~~future easement, to the City of Corvallis. The applicant shall provide a letter from the City of Corvallis stating intent to accept the proposed ~~dedication~~future easement, contingent on approval of the proposal. A reservation for ~~dedication~~future easement shall include use restrictions to ensure the natural features are preserved prior to dedication;

...

(8) Clustering of Parcels or Lots.

- (a) Parcels or lots created under the provisions of this chapter shall be clustered except as allowed in (6)(a)(A) through (C) above. For purposes of this chapter, “cluster” is defined as: “A development technique wherein lots and parcels are generally arranged together along a road, street, or cul-de-sac.”
- (b) The clustering required by subsection (a) of this section may be split into two or more clusters if necessary to avoid or minimize incursion into natural features designated as “High Protection” on the Corvallis Urban Fringe Natural Hazards Map, Riparian Corridors and Wetlands Map and/or Significant Vegetation Map.
- (c) The land division shall be designed such that any natural features designated as “High Protection” on the Corvallis Urban Fringe Natural Hazards Map, Riparian Corridors and Wetlands Map and Significant Vegetation Map will be located on the remainder parcel or lot, and/or on the exception parcel or lot allowed pursuant to subsection (6)(a)(A) of this section, and will not be located on the clustered parcels or lots.

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