



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

12/10/2012

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 001-12

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: Wednesday, December 26, 2012

This amendment was submitted to DLCD for review prior to adoption with less than the required 35-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: Jason Yaich, City of Corvallis
Gordon Howard, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative
Gary Fish, DLCD Transportation Planner
Amanda Punton, DLCD Natural Resources Specialist
Christine Shirley, DLCD Natural Hazards/Floodplain Specialist

<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

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	DEC 06 2012
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **CITY OF CORVALLIS**
00001

Local file number: **ANN12-00001 / ZDC12-**

Date of Adoption: **12/3/2012**

Date Mailed: **12/5/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 4/10/2012

☐ 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".

APPLICATION OF CITY ZONE (RS-12 (Medium-High Density Residential) and C-OS (Conservation Open Space)) UPON ANNEXATION. ANNEXATION APPROVED BY VOTERS IN NOVEMBER 6, 2012, ELECTION.

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from:

to:

Zone Map Changed from: **BENTON COUNTY ZONE** to: **CORVALLIS RS-12 and C-OS**

Location: **3701 SW WESTERN BLVD., (12S-5W-Section 4, Tax Lots** Acres Involved: **30**

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
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 001-12 (19281) [17257]

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

Local Contact: **JASON YAICH, ASSOCIATE PLANNER**
6577

Phone: (541) 766-

Extension:

Address: **PO BOX 1083**

Fax Number: **541-754-1792**

City: **CORVALLIS**

Zip: **97333-1083**

E-mail Address:

jason.yaich@CorvallisOregon.gov

ADOPTION SUBMITTAL REQUIREMENTS

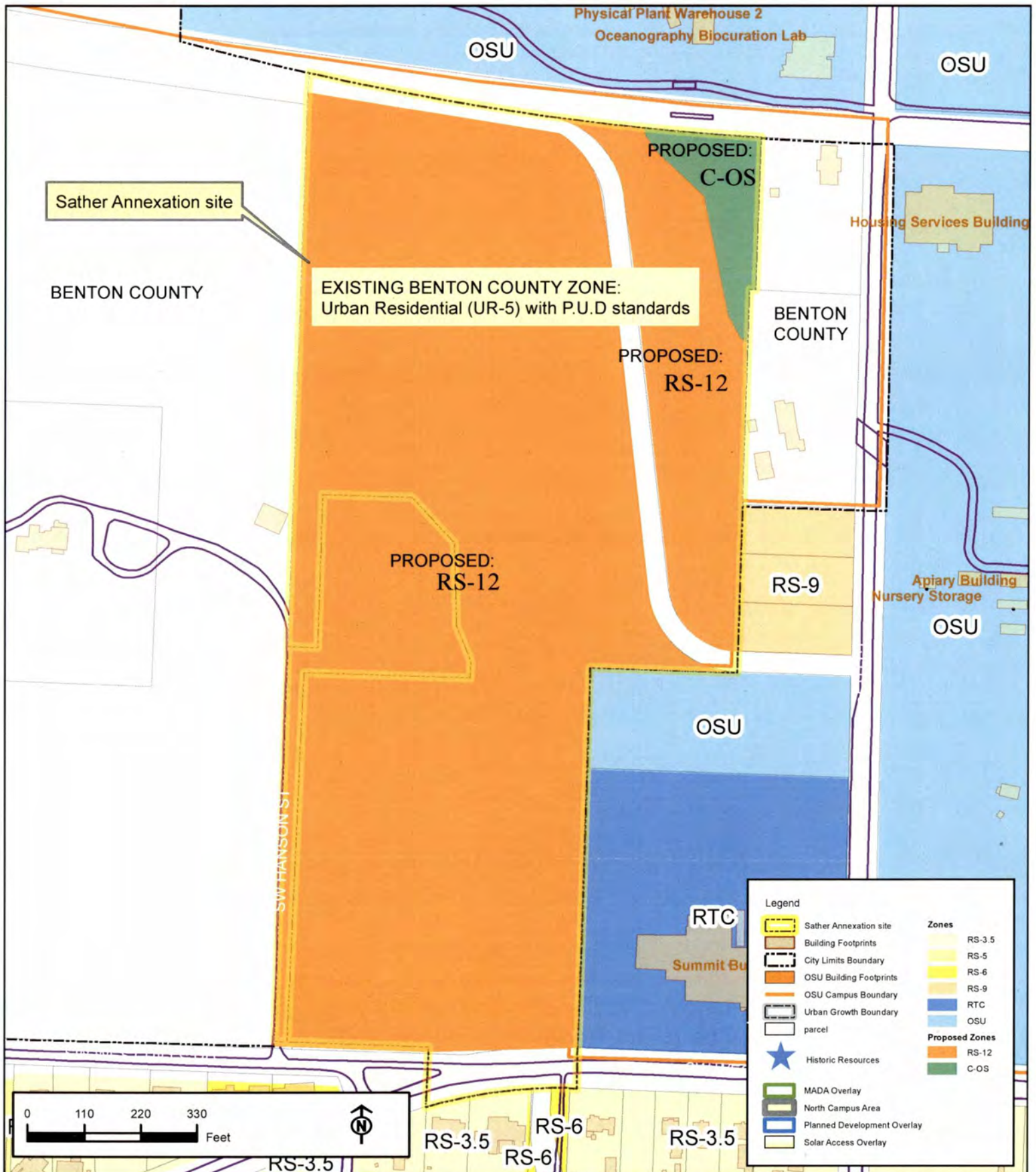
This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

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.

Zone Map (Existing and Proposed)



Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333
541.766.6908
Planning@ci.corvallis.or.us

SATHER ANNEXATION
(ANN12-00001 / ZDC12-00001)
PLANNING COMMISSION STAFF REPORT
ATTACHMENT A-4

Ordinance 2012- 21

AN ORDINANCE proclaiming annexation to the City of Corvallis of certain described real property, and declaring an emergency

WHEREAS, the question of the Sather property was submitted to the electorate at an election held on November 6, 2012, as required by Section 53 of the Corvallis City Charter; and

WHEREAS, the Assistant to City Manager/City Recorder has certified that the Sather annexation was approved by a majority vote.

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

Section 1. The City Council of the City of Corvallis proclaims that the below-described real property is annexed to the City of Corvallis:

Sather Annexation Boundary Description

(Also as described in the Boundary Survey attached as Exhibit A to this ordinance)

Parcel 1 of Partition Plat 2007-21, a Partition Plat of record located in the Northwest quarter of Section 3 and the Northeast quarter of Section 4 of Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon. Containing 28.97 acres of land, more or less.

Together and With:

Parcel 2 of Partition Plat 2007-21, a Partition Plat of record located in the Northwest quarter of Section 3 and the Northeast quarter of Section 4 of Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon. Containing 2.55 acres of land, more or less.

Together and With:

Tract "A" of Partition Plat 2007-21, a Partition Plat of record located in the Northwest quarter of Section 3 and the Northeast quarter of Section 4 of Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon. Containing 0.13 acres of land, more or less.

Together and With:

The Southern Pacific Railroad right-of-way described as follows:
Beginning at the northwest corner of Parcel 1 of Partition Plat 2007-21, a Partition Plat of record located in the Northwest quarter of Section 3 and the Northeast quarter of Section 4 of Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon, said point also being on the south right-of-way line of the Southern Pacific Railroad; thence North 00°12'00" West 60.35 feet to the intersection of the north right-of-way line of the Southern Pacific Railroad and the northerly extension of the west line of said Parcel 1; thence South 84°03'28" East 442.17 feet along said north right-of-way line to the point of tangency of said right-of-way (centerline station 111+55.8); thence continuing along said north right-of-way along the arc of a 5699.97 radius curve to the left 409.44 feet (the long chord of which bears South 86°37'56" East 409.35 feet) to the intersection of said north right-of-way line and the northerly extension of the easterly line of said Parcel 1; thence along said northerly extension line South 00°09'55" East 60.02 feet to the most northerly northeast corner of said Parcel 1, also being on the south right-of-way line of the Southern Pacific Railroad; thence along said south right-of-way line and north line of said Parcel 1 along the arc of a 5759.97 foot radius curve to the right 415.61 feet (the long chord of which bears North 86°38'18" West 415.51 feet) to the aforementioned point of tangency; thence

continuing along said south right-of-way line and north line of said Parcel 1 North 84°03'28" West 435.94 feet to the point of beginning. Containing 1.17 acres of land, more or less.

Together and With:

Only the portion of SW Western Boulevard and SW West Hills Road rights-of-way within the tract of land described as follows:

Beginning at the northwest corner of that property annexed into the City of Corvallis in Ordinance 64-86, said point also being the point of beginning described in the City of Corvallis Annexation Ordinance 80-90, said point bears South 89°57' West 840.11 feet and South 71.38 feet from the Northeast corner of the Prior Scott DLC No. 44, said point also being on the south right-of-way line of SW Western Boulevard; thence along the most easterly line of said property described in Ordinance 80-90 North 00°04'57" East 92.49 feet to the intersection of said easterly line and the south line of Tract "A" of Partition Plat 2007-21, a Partition Plat of record located in the Northwest quarter of Section 3 and the Northeast quarter of Section 4 of Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon, said point bears South 89°58'03" East 291.34 feet of 2 ½ inch mag nail at the southwest corner of said Tract "A"; thence along the south line of said Tract "A" South 89°58'03" East 30.47 feet to a 5/8 inch iron rod at the point of curvature of said Tract "A"; thence continuing along the south line of said Tract "A" along the arc of a 994.93 foot radius curve to the right 262.34 feet (the long chord of which bears North 82°40'40" East 261.58 feet) to a 5/8 inch iron rod at the southeast corner of said Tract "A", said point also being on the west line of that property annexed into the City of Corvallis in Ordinance 73-10; thence along the west line of said property described in Ordinance 73-10 South 00°09'56" East 80.00 feet to the south right-of-way line of SW Western Boulevard, said point also being the southwest corner of said property described in Ordinance 73-10 and also being on the north line of the aforementioned property described in Ordinance 64-86; thence along the south right-of-way line of SW Western Boulevard and said north line of the property described in Ordinance 64-86 along the arc of a 914.93 foot radius curve to the left 295.16 feet (the long chord of which bears South 81°01'28" West 293.88 feet) to the point of beginning. Containing 0.54 acres of land, more or less.

The total combined area of the property described above to be annexed into the City of Corvallis is 33.36 acres of land, more or less. The basis of bearings for the above described lands is from the aforementioned Partition Plat 2007-21.


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

PASSED by the City Council this 3rd day of December, 2012.

APPROVED by the Mayor this 3rd day of December, 2012.

EFFECTIVE this 3rd day of December, 2012.

ATTEST:


City Recorder

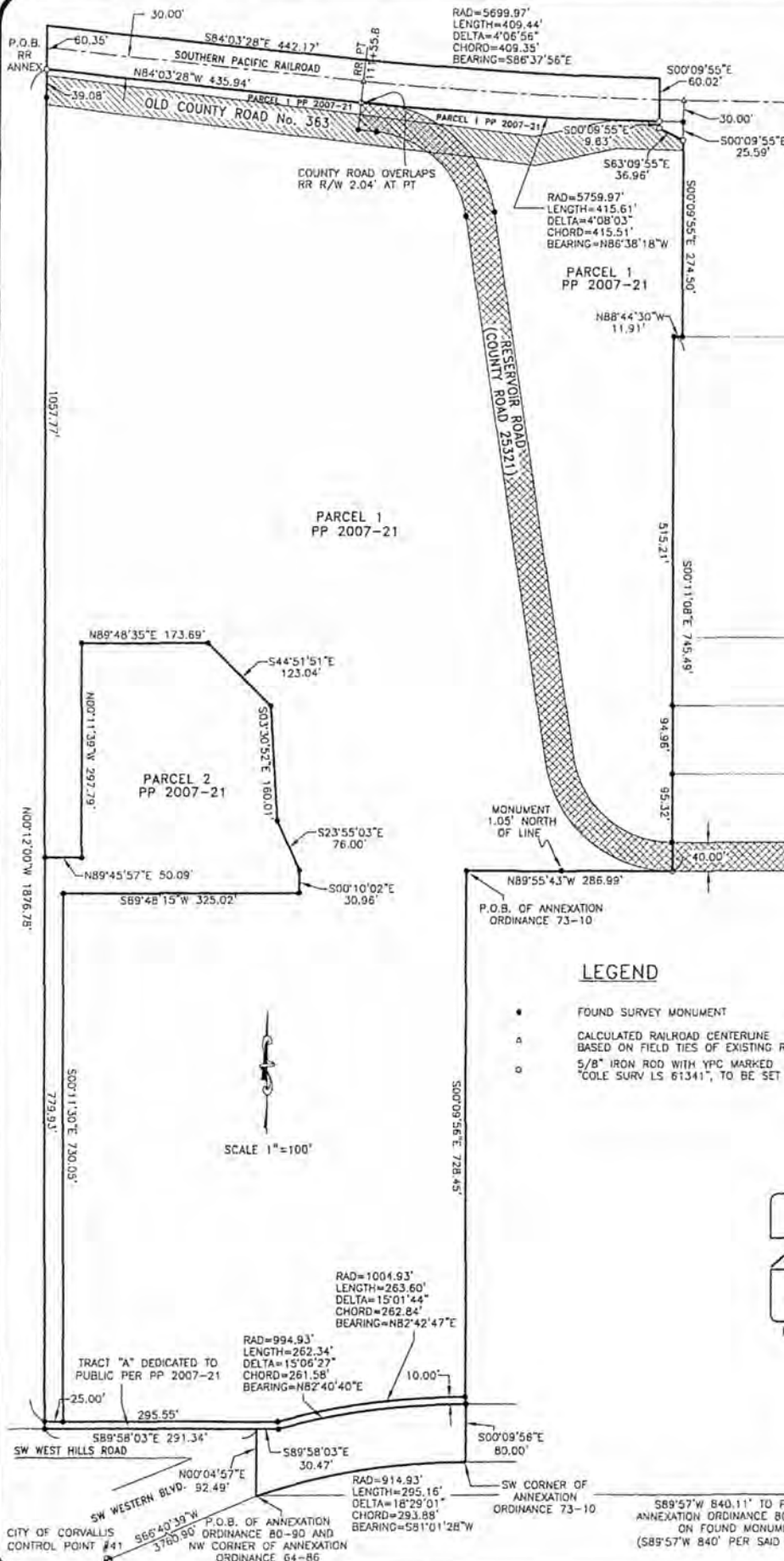

Mayor

ANNEXATION BOUNDARIES

LOCATED IN THE F.A. HORNING DLC No. 39
AND IN THE NW 1/4 OF SECTION 3 AND
THE NE 1/4 OF SECTION 4 OF
TOWNSHIP 12 SOUTH, RANGE 5 WEST
OF THE WILLAMETTE MERIDIAN,
BENTON COUNTY, OREGON

FOR: WILLIAMS AND ASSOCIATES

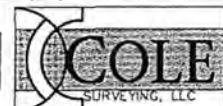
DATE: NOVEMBER 13, 2012



REGISTERED
PROFESSIONAL
LAND SURVEYOR

BRIAN SCOTT SAILOR, P.L.S.
COLE SURVEYING, LLC
P.O. BOX 1211
CORVALLIS, OREGON 97339
(541) 929-5500

EXPIRES 6/30/14



NE CORNER OF
PRIOR SCOTT
DLC No. 44

SOUTH 71.38' TO P.O.B. OF
ANNEXATION ORDINANCE 80-90
BASED ON FOUND MONUMENTS
(SOUTH 76.32' PER SAID ORDINANCE)

S89°57'W 840.11' TO P.O.B. OF
ANNEXATION ORDINANCE 80-90 BASED
ON FOUND MONUMENTS
(S89°57'W 840' PER SAID ORDINANCE)

AN ORDINANCE withdrawing certain real property heretofore annexed to the City of Corvallis from the Corvallis Rural Fire Protection District, and declaring an emergency.

WHEREAS, certain real property in the territory described in Section 1 below and located at 3701 SW Western Boulevard was annexed to the City of Corvallis by public vote on November 6, 2012; and

WHEREAS, that territory is located within the boundaries of the Corvallis Rural Fire Protection District; and

WHEREAS, the City Council of the City of Corvallis held a public hearing on December 3, 2012, for the purpose of hearing any objections to the withdrawal of the property mentioned from the public service district mentioned;

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Withdrawal. The City Council of the City of Corvallis determines that the withdrawal from the Corvallis Rural Fire Protection District of the following described real property is in the best interests of the City and such annexed property shall be, upon the effective date of this Ordinance, withdrawn from the Corvallis Rural Fire Protection District.

*Legal Description of Sather Property and
Portions of Abutting Rights of Way for Annexation*

Parcel 1 of Partition Plat 2007-21, a Partition Plat of record located in the Northwest quarter of Section 3 and the Northeast quarter of Section 4 of Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon. Containing 28.97 acres of land, more or less.

Together and With:

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Together and With:

Tract "A" of Partition Plat 2007-21, a Partition Plat of record located in the Northwest quarter of Section 3 and the Northeast quarter of Section 4 of Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon. Containing 0.13 acres of land, more or less.

Together and With:

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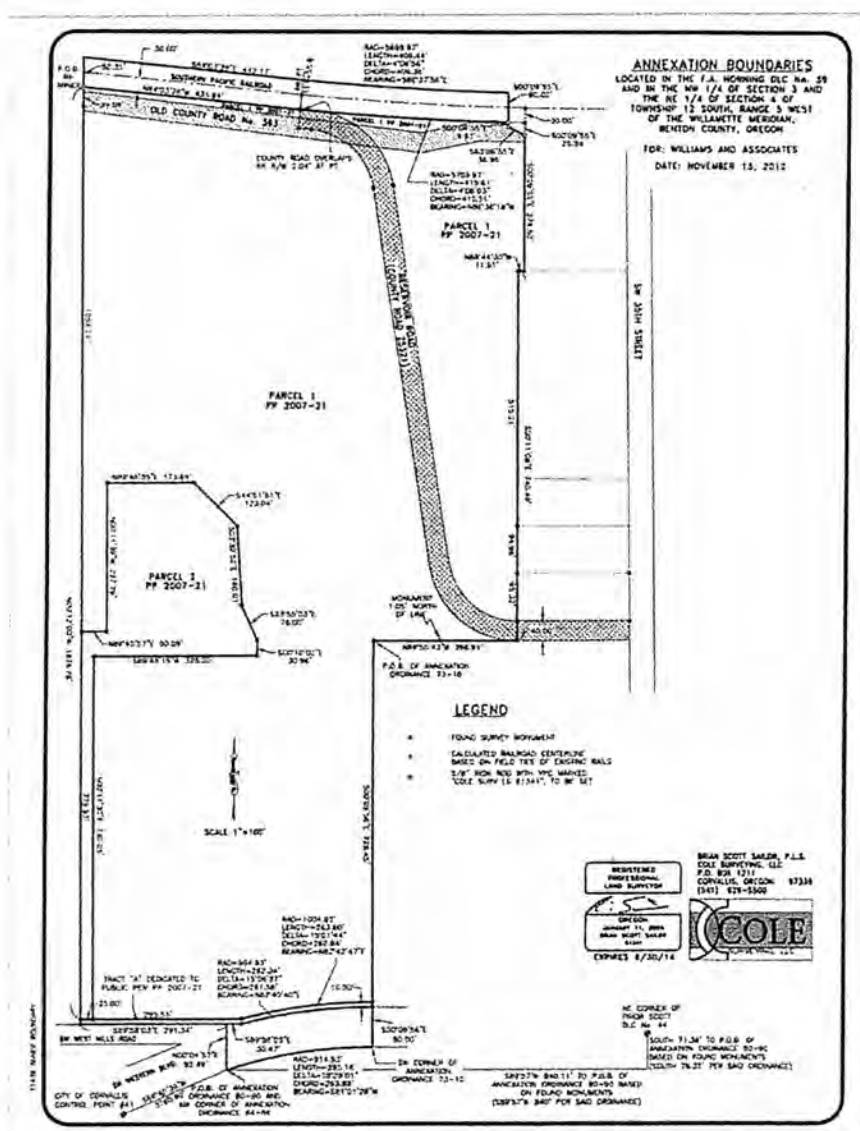
Together and With:

Only the portion of SW Western Boulevard and SW West Hills Road rights-of-way within the tract of land described as follows:

Beginning at the northwest corner of that property annexed into the City of Corvallis in Ordinance 64-86, said point also being the point of beginning described in the City of Corvallis Annexation Ordinance 80-90, said point bears South 89°57' West 840.11 feet and South 71.38 feet from the Northeast corner of the Prior Scott DLC No. 44, said point also being on the south right-of-way line of SW Western Boulevard; thence along the most easterly line of said property described in Ordinance 80-90 North 00°04'57" East 92.49 feet to the intersection of said easterly line and the south line of Tract "A" of Partition Plat 2007-21, a Partition Plat of record located in the Northwest quarter of Section 3 and the Northeast quarter of Section 4 of Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon, said point bears South 89°58'03" East 291.34 feet of 2 ½ inch mag nail at the southwest corner of said Tract "A"; thence along the south line of said Tract "A" South 89°58'03" East 30.47 feet to a 5/8 inch iron rod at the point of curvature of said Tract "A"; thence continuing along the south line of said Tract "A" along the arc of a 994.93 foot radius curve to the right 262.34 feet (the long chord of which bears North 82°40'40" East 261.58 feet) to a 5/8 inch iron rod at the southeast corner of said Tract "A", said point also being on the west line of that property annexed into the City of Corvallis in Ordinance 73-10; thence along the west line of said property described in Ordinance 73-10 South 00°09'56" East 80.00 feet to the south

right-of-way line of SW Western Boulevard, said point also being the southwest corner of said property described in Ordinance 73-10 and also being on the north line of the aforementioned property described in Ordinance 64-86; thence along the south right-of-way line of SW Western Boulevard and said north line of the property described in Ordinance 64-86 along the arc of a 914.93 foot radius curve to the left 295.16 feet (the long chord of which bears South 81°01'28" West 293.88 feet) to the point of beginning. Containing 0.54 acres of land, more or less.

The total combined area of the property described above to be annexed into the City of Corvallis is 33.36 acres of land, more or less. The basis of bearings for the above described lands is from the aforementioned Partition Plat 2007-21.



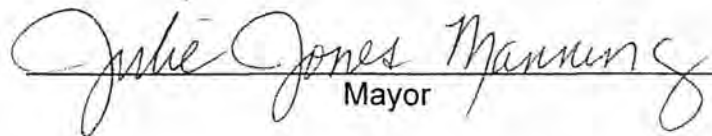
Section 2. Assumption of Obligation. As the Rural Fire Protection District pays the City for fire protection at a flat rate, rather than on the basis of property valuation, the City assumes no obligation to the District.

Section 3. Emergency Clause. The earliest imposition of the provisions of this ordinance is necessary to preserve the peace, health, and safety of the public. Accordingly, an emergency is declared, and this ordinance will take effect immediately upon its passage by the Council and approval by the Mayor.

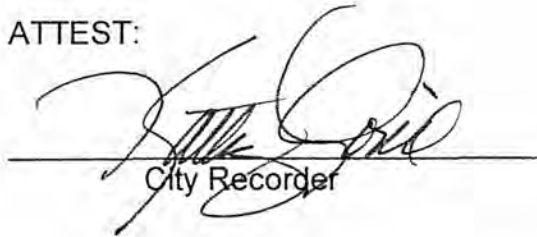
PASSED by the Council this 3rd day of December, 2012.

APPROVED by the Mayor this 3rd day of December, 2012.


EFFECTIVE this 3rd day of December, 2012.


Mayor

ATTEST:


City Recorder

MEMORANDUM

From: Ken Gibb, Community Development Director 
To: Mayor and City Council
Date: August 14, 2012
Re: Sather Annexation (case ANN12-00001):
Formal Findings and Conclusions and Resolution for Annexation

On July 16, 2012, the City Council held a public hearing and the public hearing was closed. However, during the public hearing, a request was received to hold the record open for an additional seven days and a request was received from the applicant to have an additional seven days to submit final written arguments. The City Council granted both requests. Additionally, Councilor Traber provided a question to staff and requested a formal response. Staff provided a packet of information to City Council on July 31, 2012, that included additional written testimony submitted by the public through July 23, 2012, final written arguments from the applicant submitted on July 30, 2012, and a response to Councilor Traber's question.

On August 6, 2012, the City Council deliberated on the above referenced case and decided to approve the request, subject to adoption of Formal Findings and Conclusions. City Council directed staff to prepare Formal Findings and a resolution to place the Annexation measure on the November 6, 2012, ballot. City Council consideration of the Formal Findings and resolution for annexation for this case is scheduled for August 20, 2012.

Enclosed with this memorandum are the following documents:

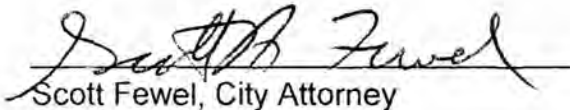
- Formal Findings and Conclusions
- Resolution for Annexation

The following motion is recommended to adopt the enclosed Formal Findings and Conclusions, and the Resolution for Annexation, for the Sather Annexation:

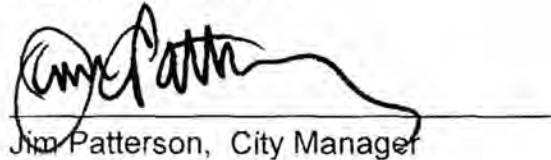
MOTION: I move to adopt the Formal Findings and Conclusions (EXHIBIT A), from the August 14, 2012, memorandum from the Community Development Director to the Mayor and City Council, in support of the City Council's decision to approve the Annexation application (case ANN12-00001).

The City Attorney will read the resolution (EXHIBIT B) to place the Sather Annexation proposal on the November 6, 2012, ballot for voter consideration.

Review and Concur:


Scott Fewel, City Attorney

Review and Concur:


Jim Patterson, City Manager

EXHIBITS:

A	-	Formal Findings and Conclusions (draft)
B	-	Resolution for Annexation (draft)

**BEFORE THE CITY COUNCIL
OF THE CITY CORVALLIS**

FINDINGS – SATHER ANNEXATION

In the matter of a City Council decision to)
approve a Major Annexation; and to)
place the annexation request on the) **ANN12-00001**
November 6, 2012, ballot for voter)
consideration

PREAMBLE

This matter before the Corvallis City Council is a decision regarding approval of a Major Annexation.

The subject 33.36-acre property is located at 3701 SW Western Boulevard, and is generally located west of SW 35th Street, and north of SW Western Boulevard. The site is currently used as a farm. The current property owners are Alan Sather, Ronald Sather, and Larry Sather.

The Corvallis Planning Commission conducted a hearing on the above-referenced Major Annexation on June 6, 2012, deliberated on June 20, 2012, and decided to forward the annexation request to the City Council, with a recommendation for approval and to place the annexation measure on the November 6, 2012, ballot. The Planning Commission also considered an application, filed jointly with the annexation application, to apply City zones to the subject property upon annexation (case ZDC12-00001). The Planning Commission approved applying City zones of RS-12 and C-OS to the subject property, contingent upon City Council placement of the annexation measure on the November 6, 2012, ballot, and contingent upon voter approval of the annexation measure. A notice of disposition was signed on June 21, 2012, (Order # 2012-039). No appeal was filed regarding the Planning Commission's decision.

The City Council held a duly advertised *de novo* public hearing on the application on July 16, 2012. The public hearing was closed, but a request was received to hold the record open for an additional seven days and a request was received from the applicant to have an additional seven days to submit final written arguments. The City Council granted both requests. The City Council deliberated and reached a tentative decision on the annexation on August 6, 2012.

After consideration of all the testimony and evidence, the City Council voted to tentatively approve the request to place the annexation measure on the November 6, 2012, ballot, subject to adoption of these formal findings.

**SATHER ANNEXATION (ANN12-00001)
FORMAL FINDINGS and CONCLUSIONS
EXHIBIT A-1**

Applicable Criteria

All applicable legal criteria governing review of this application are identified in the public notices for the June 6, 2012, and July 16, 2012, public hearings; the Staff Report to the Planning Commission, dated May 30, 2012; the minutes of the Planning Commission hearing held on June 6, 2012, and Planning Commission deliberations held on June 20, 2012; the staff memorandum to the City Council dated July 9, 2012, and the minutes of the City Council public hearing held on July 16, 2012, and City Council deliberations dated August 6, 2012. The cited Corvallis Comprehensive Plan ("CCP") policies are fully implemented by the LDC. Where LDC provisions are ambiguous, CCP policies have been utilized to provide context and to clarify the purpose of ambiguous language.

FINDINGS AND CONCLUSIONS RELATED TO THE APPROVAL OF THE SATHER ANNEXATION REQUEST (ANN12-00001)

1. The City Council accepts and adopts those findings made in the Staff Report to the Planning Commission, dated May 30, 2012, that support approval of the Major Annexation. The City Council adopts as findings those portions of the Minutes of the Planning Commission meetings, dated June 6, 2012, and June 20, 2012, that demonstrate support for approving the Major Annexation. The City Council accepts and adopts those findings made in the July 9, 2012, staff memorandum to the City Council, that support approving the Major Annexation. The City Council also adopts as findings, those portions of the Minutes of the City Council meetings dated July 16, 2012, and August 6, 2012, that demonstrate support for approving the Major Annexation. The City Council adopts as findings the staff memorandum to the City Council, dated July 31, 2012, which includes a response to a question asked by Councilor Traber.

The City Council specifically accepts and adopts as findings the rationale given during deliberations in the August 6, 2012, meeting by Council Members expressing their support for approving the Major Annexation. All of the above-referenced documents shall be referred to in these findings as the "Incorporated Findings". The findings below, (the "supplemental findings"), supplement and elaborate the findings contained in the materials noted above, all of which are incorporated herein, by reference. When there is a conflict between the supplemental findings and the Incorporated Findings, the supplemental findings shall prevail.

2. The City Council notes that the record contains all information needed to evaluate the Major Annexation application for compliance with the relevant criteria.

The Incorporated Findings list all of the applicable approval criteria, and demonstrate compliance with these approval criteria. These supplemental findings elaborate upon and clarify the Incorporated Findings. These supplemental findings, like the Incorporated Findings, are grouped into four categories which facilitate a comprehensive and cohesive review of the applicable Annexation review criteria. The categories include Public Need, Advantages and Disadvantages of Annexation,

Urban Services and Facilities, and Compatibility. The issue categories are identified with a Roman numeral, issue subcategories, if necessary, are identified by a letter, and findings are assigned chronological numbers.

I. Public Need

Applicable Criteria

2.6.30.06 - Review Criteria

Requests for Annexations shall be reviewed to ensure consistency with the purposes of this Chapter, applicable policies of the Comprehensive Plan, particularly Article 14, and other applicable policies and standards adopted by the City Council and State of Oregon.

Annexations can only be referred to the voters when the proposed Annexation site is within the City's Urban Growth Boundary (UGB), and where the findings below are made. The criteria are highlighted in bold type.

- a. The applicant has demonstrated a public need for the Annexation -
2. **Major Annexations** - Factors to be considered in evaluating public need for Major Annexations shall include, but are not limited to:
 - a) The five-year supply of serviceable land of the Annexation's land use category (single-family, multi-family, Commercial, or Industrial). Annexations of land designated as Public Institutional, Open Space-Conservation, or Open Space-Agriculture on the Comprehensive Plan Map are exempt from this criteria;
 - b) Availability of sufficient land of this type (single-family, multi-family, Commercial, or Industrial) to ensure choices in the market place. Annexations of land designated as Public Institutional, Open Space-Conservation, or Open Space-Agriculture on the Comprehensive Plan Map are exempt from this criteria; and
 - c) Compliance with adopted community-wide livability indicators and benchmarks relative to Major Annexations, as identified in Section 2.6.30.07.c.

The City shall provide annually updated Citywide data for the applicant to use in calculating supply and demand for the major land use categories (single-family residential, multi-family residential, Commercial, and Industrial). Residential land supply and demand data shall be calculated using housing units. Commercial and Industrial land supply and demand data shall be calculated using acres.

The required data sources and methodologies for use in determining land supply and demand for Major Annexations, and the requirements for addressing community-wide benchmarks, are outlined below in Section 2.6.30.07.

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Pages 169 through 172 of Exhibit E of the July 9, 2012, staff memorandum to Council.

2. The City Council notes that the subject site is designated on the Corvallis Comprehensive Map for Residential development and Open Space - Conservation uses, as shown on page 55 of Exhibit E of the July 9, 2012, staff memorandum to Council. The Council also notes that the site is proposed to be zoned RS-12 (Medium-High Density Residential) and C-OS (Conservation - Open Space), consistent with the Comprehensive Plan Map Designation for the site, as shown on page 56 of Exhibit E of the July 9, 2012, staff memorandum to Council.
3. The City Council notes that findings in response to the applicable criteria cited above are presented on Pages 8 through 25 of Exhibit E of the July 9, 2012, staff memorandum to Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions on Pages 24 and 25 of Exhibit E of the July 9, 2012, staff memorandum to the City Council.
4. The Council notes that opponents contend that non compliance with the associated livability indicator for affordable housing from LDC Table 2.6-1 is a basis for determining that the annexation application does not meet the public need criterion, if the annexation request does not specifically indicate that affordable housing units will be provided when the site is developed. The Council finds that while the application does not satisfy the benchmark associated with affordable housing as indicated on Page 19 of Exhibit E of the July 9, 2012, staff memorandum to Council, the Land Development Code does not require compliance with all benchmarks in order for decision makers to determine whether or not the test for public need for the annexation has been satisfied. The Council further finds that the Land Development Code does not require that any specific benchmark or certain percentage of all applicable benchmarks be satisfied in determining whether or not there is a public need for the annexation. The Council finds that the annexation request fully complies with 11 of 20 applicable livability indicators and benchmarks, and would comply with an additional 3 livability indicators and benchmarks, once the site is developed according to Land Development Code standards, and that compliance with the identified livability indicators and benchmarks is one of many factors for Council to consider in making their finding that there is a public need for the requested Annexation.
5. As discussed in the Incorporated Findings and the supplemental findings, the Council has considered the applicable factors identified in LDC 2.6.30.06.a.2, including an evaluation of the five-year supply of serviceable medium-high density residential land, noting that the subject annexation will provide additional choices in the market place, and as noted in Finding I.4 above, that the proposed annexation complies with several applicable livability indicators and benchmarks. City Council finds that after considering these factors, there is a public need for the annexation.

II. Advantages and Disadvantages of Annexation

Applicable Criteria

LDC Section 2.6.30.06

- b. The Annexation provides more advantages to the community than disadvantages - To provide guidance to applicants, examples of topics to address for the advantages versus disadvantages discussion are highlighted in Section 2.6.30.07.

2. **Major Annexations - Major Annexation proposals shall include a discussion of advantages and disadvantages in terms of the methodologies outlined in Section 2.6.30.07. Applicants are required to document the methodologies and criteria used. The Director will review the applicant's arguments, but will not conduct independent research to verify or justify them.**

1. The City Council notes that the applicant responded to the applicable criteria cited above as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Pages 172 through 175 of Exhibit E of the July 9, 2012, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 25 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council, the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for the proposal. The City Council notes that the Incorporated Findings are supplemented by Findings II.3 and II.4, below.
3. The City Council notes that the applicant provided arguments for why the annexation provides more advantages than disadvantages to the community. The Council was persuaded by those arguments, finding that the advantages exceed the disadvantages because there is an identified public need for additional RS-12 designated land within City limits, that the annexation complies with many of the community's adopted livability indicators and benchmarks, and that annexation of the subject site will increase the diversity of vacant RS-12 lands within City limits, providing additional choices in the market place in terms of property size, ownership, location, and access to urban facilities.
4. As discussed in the Incorporated Findings and the supplemental findings, the Council finds that the proposal is consistent with the applicable criteria related to the Advantages and Disadvantages category cited above, and that the

proposed Annexation has advantages for the community that outweigh the disadvantages.

III. Urban Services and Facilities

Applicable Criteria

LDC 2.6.30.06.c

- c. The site is capable of being served by urban services and facilities required with development - The developer is required to provide urban services and facilities to and through the site. At minimum, both Minor and Major Annexations shall include consideration of the following:
 - 1. Sanitary sewer facilities consistent with the City's Sanitary Sewer Master Plan and Chapter 4.0 - Improvements Required with Development;
 - 2. Water facilities consistent with the City's Water Master Plan, Chapter 4.0 - Improvements Required with Development, and fire flow and hydrant placement;
 - 3. Storm drainage facilities and drainageway corridors consistent with the City's Stormwater Master Plan, Chapter 4.0 - Improvements Required with Development, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions;
 - 4. Transportation facilities consistent with the City's Transportation Plan and Chapter 4.0 - Improvements Required with Development; and
 - 5. Park facilities consistent with the City's Parks Master Plan.

A. Sanitary Sewer Facilities

- 1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 176 of Exhibit E of the July 9, 2012, staff memorandum to Council.
- 2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 28 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for the proposal. The Incorporated Findings are supplemented by Findings III.A.3 - III.A.4, below. The Council finds that the proposal is consistent with the applicable criteria cited above.

3. Findings IV.J.1 through IV.J.2 are incorporated here by reference as findings under the Sanitary Sewer Facilities subcategory.
4. As discussed in the Incorporated Findings and the supplemental findings provided above, the Council finds that the proposal is consistent with the criteria applicable to the Sanitary Sewer subcategory.

B. Water Facilities

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 176 of Exhibit E of the July 9, 2012, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 28 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for the proposal. The Incorporated Findings are supplemented by Findings III.B.3 - III.B.4, below. The Council finds that the proposal is consistent with the applicable criteria cited above.
3. Findings IV.J.1 through IV.J.2 are incorporated here by reference as findings under the Water Facilities subcategory.
4. As discussed in the Incorporated Findings and the supplemental findings provided above, the Council finds that the proposal is consistent with the criteria applicable to the Water Facilities subcategory.

C. Storm Drainage Facilities and Drainageway Corridors

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Pages 177 through 178 of Exhibit E of the July 9, 2012, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Pages 28 through 29 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July

9, 2012, staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for the proposal. The Incorporated Findings are supplemented by Findings III.C.3 - III.C.5, below. The Council finds that the proposal is consistent with the applicable criteria cited above.

3. Findings IV.J.1 through IV.J.2 are incorporated here by reference as findings under the Storm Drainage subcategory.
4. Findings IV.M.1 through IV.M.2 are incorporated here by reference as findings under the Natural Resources - Riparian Corridors subcategory.
5. As discussed in the Incorporated Findings and the supplemental findings provided above, the Council finds that the proposal is consistent with the criteria applicable to the Storm Drainage and Drainageway Corridors subcategory.

D. Transportation Facilities

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 178 of Exhibit E of the July 9, 2012, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Pages 30 through 36 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for the proposal. The Incorporated Findings are supplemented by Findings III.D.3 - III.D.5, below.
3. The City Council notes that Councilor Traber asked a question about potential transportation facility improvements, associated with development of the subject property, based on the submitted Transportation Impact Analysis (TIA) and Land Development Code requirements. The City Council notes that the Land Development Code requires certain public improvements with development, based on standards in Chapter 4.0, and that the applicable development standards related to vehicular, bicycle, pedestrian, and transit transportation facilities are presented on Pages 29 through 36 of Exhibit E of

the July 9, 2012, staff memorandum to City Council. The Council notes that a Traffic Impact Analysis is required as one component of an application for development based on the Land Development Code requirements in Chapter 4.0, and that a Traffic Impact Analysis has been provided as part of a complete application for the Major Annexation, as presented on Pages 226 through 310 of Exhibit E of the July 9, 2012, staff memorandum to City Council. Council notes that staff evaluation of the submitted Traffic Impact Analysis, as discussed on pages 33 and 34 of Exhibit E of the July 9, 2012, staff memorandum to City Council, indicates that if the site were developed with the most traffic-intensive use possible under the proposed RS-12 zoning, proposed site access points on SW Western Boulevard and SW 35th Street will have acceptable levels of service. The Council also notes that, as part of staff evaluation of the submitted Traffic Impact Analysis, four intersections within a one-mile radius of the site were evaluated for levels of service based on projected impacts associated with development of the annexation site, and those intersections may require mitigation improvements to meet the City's minimum standards for levels-of-service, based on an additional Traffic Impact Analysis, to be submitted as part of the actual development plans for the subject property. The Council notes that public bicycle, pedestrian, and transit facility improvements are required with future development of the subject site, based on Land Development Code development standards in Chapters 4.0 and 4.10.

4. Findings IV.H.1 through IV.H.2 are incorporated here by reference as findings under the Transportation Facilities subcategory.
5. As discussed in the Incorporated Findings and the supplemental findings provided above, the Council finds that the proposal is consistent with the criteria applicable to the Transportation Facilities subcategory.

E. Park Facilities

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 178 of Exhibit E of the July 9, 2012, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Pages 34 through 36 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that

demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable Park Facilities criteria cited above.

IV. Compatibility

Applicable Criteria **LDC Section 2.6.30.06(e)**

- e. **Compatibility - The application shall demonstrate compatibility in the following areas, as applicable:**
 - 1. **Basic site design - the organization of Uses on a site and its relationship to neighboring properties;**
 - 2. **Visual Elements (scale, structural design and form, materials, etc.);**
 - 3. **Noise attenuation;**
 - 4. **Odors and emissions;**
 - 5. **Lighting;**
 - 6. **Signage;**
 - 7. **Landscaping for buffering and screening;**
 - 8. **Transportation facilities;**
 - 9. **Traffic and off-site parking impacts;**
 - 10. **Utility infrastructure;**
 - 11. **Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion);**
 - 12. **Consistency with the applicable development standards, including the applicable Pedestrian Oriented Design Standards;**
 - 13. **Preservation and/or protection of Significant Natural Features, consistent with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.**

A. Basic Site Design

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 179 of Exhibit E of the July 9, 2012, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 38 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

B. Visual Elements

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 180 of Exhibit E of the July 9, 2012, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 39 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

C. Noise Attenuation

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited

above are found on Page 180 of Exhibit E of the July 9, 2012, staff memorandum to Council.

2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 39 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

D. Odors and Emissions

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 180 of Exhibit E of the July 9, 2012, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 39 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

E. Lighting

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 180 of Exhibit E of the July 9, 2012, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 39 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council noted above, as well as the portions of

the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

F. Signage

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 180 of Exhibit E of the July 9, 2012, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 39 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

G. Landscaping for Buffering and Screening

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 180 of Exhibit E of the July 9, 2012, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 39 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

H. Transportation Facilities

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Pages 180 and 181 of Exhibit E of the July 9, 2012, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 39 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for the proposal. The Incorporated Findings are supplemented by Findings IV.H.3 - IV.H.4, below.
3. The Council notes that multiple opponents expressed generalized concerns that if annexed and developed according to the medium-high density residential standards, the proposed development would worsen traffic congestion in the area and lead to unsafe conditions for pedestrians. The Council finds that these concerns are unsubstantiated by evidence in the record. The Council further finds that the Land Development Code requires a Transportation Impact Analysis (TIA), which will evaluate the demand placed on the existing public transportation facilities, and will require improvements to the existing system to mitigate for the increased demand on the City's transportation facilities. Additionally, the Council finds that Land Development Code development standards and other adopted City design standards include requirements that are intended to provide for safe and convenient pedestrian facilities. These standards include an evaluation of vision clearance, Pedestrian Oriented Design Standards, and roadway design standards that include pedestrian facilities separated from vehicular travel lanes. Finally, the City Council finds that mitigation measures identified in the TIA and LDC design requirements will be implemented as part of any building permit request, and that said public improvements would result in public transportation facilities that support the development site, that meet acceptable levels of service, and that provide a safe environment for all modes of travel, consistent with the criterion for Transportation Facilities.
4. The Council finds that the proposal is consistent with the applicable criteria cited above.

I. Traffic and Off-site Parking Impacts

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 181 of Exhibit E of the July 9, 2012, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Pages 39 and 40 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for the proposal. The Incorporated Findings are supplemented by Finding IV.I.3, below.
3. The Council notes that opponents expressed concerns that if annexed and developed, adequate space would not be provided on-site for vehicle parking, and that residents of the development would likely park their vehicles on or near adjacent properties, making the development incompatible with the existing neighborhood. The Council finds these concerns unsubstantiated since the developer is proposing to comply with Land Development Code requirements for provision of the required minimum number of on-site vehicle parking spaces, as evidenced by the General Land Use Plan submitted with the annexation application. The Council notes that adequate on-site vehicle parking consistent with LDC standards, will be required in conjunction with a building permit for development on the subject property. As discussed in the Incorporated Findings, and in the Supplemental Findings discussion above, the Council finds that the proposal is consistent with the applicable criteria for traffic and off-site parking impacts.

J. Utility Infrastructure

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 181 of Exhibit E of the July 9, 2012, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 39 of Exhibit E of the July 9, 2012, staff

memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

K. Effects on Air and Water Quality

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 181 of Exhibit E of the July 9, 2012, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 40 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

L. Pedestrian Oriented Design Standards and Other Applicable Development Standards

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Page 182 of Exhibit E of the July 9, 2012, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 40 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for

the proposal. The Council finds that the proposal is consistent with the applicable criteria cited above.

M. Natural Resources and Natural Hazards

1. The City Council notes that the applicant responded to the applicable criteria as part of a complete application submitted for the Major Annexation. The Council notes that the applicant's responses to the applicable criteria cited above are found on Pages 182 and 183 of Exhibit E of the July 9, 2012, staff memorandum to Council.
2. The City Council notes that findings in response to the applicable criteria cited above are presented on Page 40 of Exhibit E of the July 9, 2012, staff memorandum to City Council. The Council adopts the Incorporated Findings, including (but not limited to) the findings and conclusions in the July 9, 2012, staff memorandum to the City Council noted above, as well as the portions of the minutes from the June 20, 2012, Planning Commission deliberations that demonstrate support for the proposal, and the portions of the minutes from the August 6, 2012, City Council deliberations that demonstrate support for the proposal. The Incorporated Findings are supplemented by Findings IV.M.3 through IV.M.4, below.
3. The Council notes that an opponent raised concerns that the subject site may be affected by a seismic fault, and therefore, questioned the viability of development on the site and whether or not it would conform to City development standards. The City Council finds that there is no regulatory basis in the LDC for restricting development on the subject site due to presence of a fault.
4. The Council notes that several opponents raised concerns that development on the site, if annexed, would negatively impact identified Natural Resources and Natural Hazards on the site. The City Council finds that these concerns are not supported by the evidence presented in the application. The Council finds that the application has clearly identified the High Protection Riparian Corridor, areas of protected Significant Vegetation, and Floodplain Hazard areas, as required per LDC standards. The Council further finds that the General Land Use Plan submitted as part of the annexation application indicates general conformance to the Natural Features protection standards in Article IV of the LDC, and that future development of the site will be consistent with these protection standards, as evaluated during the building permit review process. The Council finds that the proposal is consistent with the applicable criteria cited above.

V. Public Notice Requirements

Applicable Criteria

2.0.50.04 - Public Notice

- c. **Notice List - The notice shall be sent by mail at least 20 days prior to the hearing to the following persons:**
 - 1. **The applicant or authorized agent(s), and owner(s) of the property of the subject application if different from the applicant. For the purposes of this mailing, the property owner shall be determined using the most recent Benton County Assessor's database supplied to the City;**
 - 2. **Any person who resides on or owns property within 300 ft., including street right-of-way, of a parcel of land proposed for:**
 - a) **Zone Changes or Comprehensive Plan Amendments - excluding establishing or removing Historic Preservation Overlay Zones and Research Technology Center time extensions;**
 - d) **Annexation proposals;**
 - 6. **Any other person, agency, or organization that has filed a request to the Director to receive notices of hearings and has paid a reasonable fee to cover noticing therefor;**
 - 7. **Any other person, agency, or organization that may be designated by this Code, the City Council, or its agencies;**
 - 8. **Any other resident owner of property whom the Director determines is affected by the application; and**
- 1. **The Council notes that opponents contend that they did not receive public notice for the land use public hearing, consistent with LDC requirements.**
- 2. **As discussed in the Incorporated Findings (Minutes of the June 6, 2012, Planning Commission public hearing), the City Council notes that the Community Development Department processed the subject annexation application, and completed land use public hearing notice requirements consistent with LDC Section 2.0.50.04. The City Council also finds that the opponents who contended that public notice was not sufficiently provided are owners of property which is located at a distance greater than the 300-ft. notice required per LDC Section 2.0.50.04.c. The Council finds that the annexation application was processed consistent with LDC notice requirements.**

VI. OSU / City Collaboration Efforts

- 1. **The Council notes that opponents raised concerns that ongoing efforts between the City of Corvallis and Oregon State University are intended to**

address such issues as needed student housing, impacts of student enrollment growth on established neighborhoods, and vehicle parking and traffic impacts associated with student housing development, and that it would be premature to approve an annexation to accommodate student housing without first understanding how the ongoing collaborative planning process will impact these types of development.

2. The City Council finds that, while the OSU / City collaboration efforts may ultimately address some of the compatibility issues associated with student housing projects, there is no regulatory basis in the LDC to consider on-going planning efforts which have not yet materialized into adopted ordinances or other legally-binding land use restrictions, as applicable review criteria for this annexation application, submitted on March 30, 2012. Therefore, the annexation application is not subject to these on-going planning efforts.

SUMMARY AND CONCLUSION

Written and oral testimony in favor of and in opposition to the request was received during the City Council proceedings. As the body charged with approving requests to place annexations on the ballot for voter approval, the City Council, having reviewed the record associated with the annexation application, considered evidence supporting and opposing the application and finds that the proposal adequately addresses the review criteria of Land Development Code Sections 2.6.30.06 and 2.6.30.07, and is found to be consistent with the City's Comprehensive Plan and other applicable approval criteria. Therefore, the Sather Annexation application (case ANN12-00001) is approved, and the City Council submits the annexation to the electorate.

Dated: _____

Julie Manning, MAYOR

SATHER ANNEXATION (ANN12-00001)
FORMAL FINDINGS and CONCLUSIONS
EXHIBIT A-19

RESOLUTION 2012 - _____

A RESOLUTION FORWARDING THE SATHER ANNEXATION TO THE VOTERS AT THE NOVEMBER 6, 2012, ELECTION, AND DIRECTING THAT NOTICE OF THE ELECTION AND PUBLICATION FOR THE MEASURE TO BE VOTED UPON BE GIVEN.

Minutes of the meeting of August 20, 2012, continued.

A resolution submitted by Council person _____.

WHEREAS, the Corvallis Planning Commission held a duly-noticed public hearing on June 6, 2012, regarding the Sather Annexation; and

WHEREAS, the Corvallis Planning Commission deliberated on June 20, 2012, and voted unanimously to recommend that the City Council place the Sather Annexation on the November 6, 2012, ballot; and

WHEREAS, the Corvallis City Council has held a duly-noticed public hearing on July 16, 2012, regarding the Sather Annexation; and

WHEREAS, the City Council held deliberations regarding the Sather Annexation on August 6, 2012; and

WHEREAS, the City Council found that the Sather Annexation complies with all applicable decision criteria of Land Development Code Sections 2.6.30.06 and 2.6.30.07, as evidenced in the findings contained in Exhibit A of the August 14, 2012, memorandum from the Community Development Director to the Mayor and City Council.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES THAT:

A general municipal election shall be held on November 6, 2012. The election shall be conducted and votes thereafter counted, canvassed, and returned by the Benton County Elections Office.

THE CITY COUNCIL OF THE CITY OF CORVALLIS FURTHER RESOLVES that the findings contained in Exhibit A of the August 14, 2012, memorandum from the Community Development Director to the Mayor and City Council, are hereby adopted.

THE CITY COUNCIL OF THE CITY OF CORVALLIS FURTHER RESOLVES that the Sather Annexation, which would annex approximately 33.36 acres of land generally located west of SW 35th Street, and north of SW Western Boulevard, to be zoned RS-12 (Medium-High

SATHER ANNEXATION (ANN12-00001)
RESOLUTION FOR ANNEXATION
EXHIBIT B-1

Density Residential) and C-OS (Conservation - Open Space), is to be submitted to the legal voters of Corvallis, Oregon, for their approval or rejection pursuant to Corvallis City Charter Section 53 at an election to be held on November 6, 2012. This election will be conducted by mail-in ballots, with ballot information being sent to voters two to three weeks prior to the election. Citizens may vote by mailing in ballots or dropping off ballots in a drop zone anytime prior to 8 pm on November 6, 2012.

EXHIBIT A: LEGAL DESCRIPTION OF THE SATHER ANNEXATION SITE

The following described real property, all located in Benton County, Oregon, shall be annexed to the City of Corvallis upon obtaining a favorable majority vote of the people:

EXHIBIT A SATHER ANNEXATION BOUNDARY DESCRIPTION

Parcel 1 of Partition Plat 2007-21, a Partition Plat of record located in the Northwest quarter of Section 3 and the Northeast quarter of Section 4 of Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon. Containing 28.97 acres of land, more or less.

Together and With:

Parcel 2 of Partition Plat 2007-21, a Partition Plat of record located in the Northwest quarter of Section 3 and the Northeast quarter of Section 4 of Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon. Containing 2.55 acres of land, more or less.

Together and With:

Tract "A" of Partition Plat 2007-21, a Partition Plat of record located in the Northwest quarter of Section 3 and the Northeast quarter of Section 4 of Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon. Containing 0.13 acres of land, more or less.

Together and With:

The Southern Pacific Railroad right-of-way described as follows:

Beginning at the northwest corner of Parcel 1 of Partition Plat 2007-21, a Partition Plat of record located in the Northwest quarter of Section 3 and the Northeast quarter of Section 4 of Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon, said point also being on the south right-of-way line of the Southern Pacific Railroad; thence North 00°12'00" West 60.35 feet to the intersection of the north right-of-way line of the Southern Pacific Railroad and the northerly extension of the west line of said Parcel 1; thence South 84°03'28" East 442.11 feet along said north right-of-way line to the point of tangency of said right-of-way (centerline station 111+55.8); thence continuing along said north right-of-way along the arc of a 6030.58 radius curve to the left 409.48 feet (the long chord of which bears South 86°37'56" East 409.40 feet) to the intersection of said north right-of-way line and the northerly extension of the easterly line of said Parcel 1; thence along said

SATHER ANNEXATION (ANN12-00001)
RESOLUTION FOR ANNEXATION
EXHIBIT B-2

northerly extension line South 00°09'55" East 60.02 feet to the most northerly northeast corner of said Parcel 1, also being on the south right-of-way line of the Southern Pacific Railroad; thence along said south right-of-way line and north line of said Parcel 1 along the arc of a 6090.58 foot radius curve to the right 415.54 feet (the long chord of which bears North 86°38'19" West 415.46 feet) to the aforementioned point of tangency; thence continuing along said south right-of-way line and north line of said Parcel 1 North 84°03'28" West 435.94 feet to the point of beginning. Containing 1.17 acres of land, more or less.

Together and With:

The SW Western Boulevard and SW West Hills Road rights-of-way described as follows:

Beginning at the northwest corner of that property annexed into the City of Corvallis in Ordinance 64-86, said point also being the point of beginning described in the City of Corvallis Annexation Ordinance 80-90, said point also being on the south right-of-way line of SW Western Boulevard; thence along the most easterly line of said property described in Ordinance 80-90 North 00°04'57" East 92.49 feet to the intersection of said easterly line and the south line of Tract "A" of Partition Plat 2007-21, a Partition Plat of record located in the Northwest quarter of Section 3 and the Northeast quarter of Section 4 of Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon, said point bears South 89°58'03" East 291.34 feet of 2 ½ inch mag nail at the southwest corner of said Tract "A"; thence along the south line of said Tract "A" South 89°58'03" East 30.47 feet to a 5/8 inch iron rod at the point of curvature of said Tract "A"; thence continuing along the south line of said Tract "A" along the arc of a 994.93 foot radius curve to the right 262.34 feet (the long chord of which bears North 82°40'40" East 261.58 feet) to a 5/8 inch iron rod at the southeast corner of said Tract "A", said point also being on the west line of that property annexed into the City of Corvallis in Ordinance 73-10; thence along the west line of said property described in Ordinance 73-10 South 00°09'56" East 80.00 feet to the south right-of-way line of SW Western Boulevard, said point also being the southwest corner of said property described in Ordinance 73-10 and also being on the north line of the aforementioned property described in Ordinance 64-86; thence along the south right-of-way line of SW Western Boulevard and said north line of the property described in Ordinance 64-86 along the arc of a 914.93 foot radius curve to the left 295.16 feet (the long chord of which bears South 81°01'28" West 293.88 feet) to the point of beginning. Containing 0.54 acres of land, more or less.

The total combined area of the property described above to be annexed into the City of Corvallis is 33.36 acres of land, more or less. The basis of bearings for the above described lands is from the aforementioned Partition Plat 2007-21.

THE CITY COUNCIL OF THE CITY OF CORVALLIS FURTHER RESOLVES that the ballot title of the measure and the form in which it shall be printed on the official ballot is as follows:

EXHIBIT B: BALLOT TITLE

The following shall be the ballot title of the measure to be submitted to the city's voters:

CAPTION:

02-_____ PROPOSED ANNEXATION OF THE SATHER SITE

QUESTION:

Shall the 33.36-acre Sather Annexation site be annexed?

SUMMARY:

Approval of this measure would annex approximately 33.36 acres into the City of Corvallis, including 31.65 acres of private property associated with Tax Lots 1100 and 1200, 0.54 acre of public right-of-way, and 1.17 acres of railroad right-of-way. The site to be annexed is located west of SW 35th Street, and north of SW Western Boulevard. Approximately 30 acres would be zoned RS-12 (Medium-High Density Residential) and approximately 1 acre would be zoned C-OS (Conservation - Open Space), if the annexation is approved.

The City Recorder is authorized and directed to give notice of the submission of this question to the voters, including a true copy of the complete text and the ballot title for the measure in the form in which it shall be printed on the official ballot and any other information required by law to be published. That notice shall be published in not less than two successive and consecutive weekly issues of the Corvallis Gazette Times.

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted and the Mayor thereon declared said resolution to be adopted.

SATHER ANNEXATION (ANN12-00001)
RESOLUTION FOR ANNEXATION
EXHIBIT B-4



Community Development
Planning Division
501 SW Madison
P.O. Box 1083
Corvallis, OR 97339-1083

DEPT OF

DEC 05 2012

LAND CONSERVATION
AND DEVELOPMENT

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

FIRST CLASS



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