NOTICE OF ADOPTED AMENDMENT

07/26/2013

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 003-13

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, August 09, 2013

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

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

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

Cc: Jason Yaich, City of Corvallis
    Gordon Howard, DLCD Urban Planning Specialist
    Ed Moore, DLCD Regional Representative

<paa> YA
Jurisdiction: City of Corvallis
Date of Adoption: 7/17/2013
Local file number: ZDC13-00002
Date Mailed: 7/19/2013

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 4/12/2013

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".
Zone change from PD(MUC) to PD(MUCS) and from PD(RTC) to PD(GI). Major Modification to CDP / DDP for Corvallis Business Park.

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

Plan Map Changed from: to:
Zone Map Changed from: PD(MUC) and PD(RTC) to: PD(MUCS) and PD(GI)
Location: 11S 5W Section 25 (Tax Lots 903 and 1200) Acres Involved: 7
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
If no, did Emergency Circumstances require immediate adoption? Yes No

DLCD file No. 003-13 (19799) [17543]
Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: Jason Yaich (Associate Planner)  Phone: (541) 766-6577  Extension: 
Address: 501 SW Madison Ave  Fax Number: 541-754-1792
City: Corvallis  Zip: 97333- 
jason.yaich@corvallisoregon.gov

ADOPTION SUBMITTAL REQUIREMENTS
This Form 2 must be received by DLCD no later than 20 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.

ORDER 2013-035

CASE: Wilco at Corvallis Business Park
(ZDC13-00002 / PLD13-00004)

REQUEST: The applicant seeks approval of a Zone Change, to change the existing PD(RTC) (Research Technology Center with Planned Development Overlay) zone to PD(GI) (General Industrial with Planned Development Overlay), and to change the existing PD(MUC) (Mixed Use Commercial with Planned Development Overlay) zone to PD(MUCS) (Mixed Use Community Shopping with Planned Development Overlay). The applicant also seeks approval of a Major Planned Development Modification to construct a new building within the Corvallis Business Park Planned Development, intended to house a Wilco agricultural sales store.

APPLICANT / OWNER: SDC-W-Ecircle Ltd
ATTN ANDY SCHLOSSER
601 N LAMAR BLVD STE 301
AUSTIN, TX 78703

ADDITIONAL PROPERTY OWNERS: BRANDIS SDC PARTNERSHIP
601 N LAMAR BLVD STE 301
AUSTIN, TX 78703
CARMIKE CINEMAS INC
1301 1ST AVE
COLUMBUS, GA 31901

LOCATION: The 3.1 acre subject site is located in northeast Corvallis, east of Hwy 99W, and south of NE Circle Boulevard. It is located within the Corvallis Business Park, which currently contains Carmike Cinemas, Applebee's Restaurant and other retail businesses. It is identified on Benton County Assessor's Map 11-5-25 B as Tax Lots 903 and 1200.

DECISION: The Corvallis Planning Commission conducted a public hearing on July 3, 2013, and decided to approve the requested Zone Change and Major Planned Development Modification applications (Attachment A). The Planning Commission's approval of the Major Planned Development Modification is subject to the attached conditions of approval, as originally
presented in the June 26, 2013, Planning Commission Staff Report, with the exception that the Planning Commission approved a modification to condition of approval # 1 and added an additional Development Related Concern C.

The Planning Commission adopted the findings contained in the June 26, 2013, Planning Commission Staff Report, and findings made during deliberations in support of the applications, as reflected in the July 3, 2013, Planning Commission minutes.

Appeals: If you are an affected party and wish to appeal the Planning Commission’s decision, appeals must be filed, in writing, with the City Recorder within 12 days from the date that the order is signed. The following information must be included:

1. Name and address of the appellant(s).
2. Reference the subject development and case number, if any.
3. A statement of the specific grounds for appeal.
4. A statement as to how you are an affected party.
5. Filing fee of $1,072.63 ($536.31 if appealed by a recognized Neighborhood Association).

Appeals must be filed by 5:00 p.m. on the final day of the appeal period. When the final day of an appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the subsequent work day. The City Recorder is located in the City Manager’s Office, City Hall, 501 SW Madison Avenue, Corvallis, Oregon.

Appeal Deadline: Wednesday, July 17, 2013, at 5:00 pm.

Effective Date of Approval: July 17, 2013
Unless an appeal has been filed, the decision of the hearing authority shall become effective 12 days after the Notice of Disposition is signed.

Effective Date of Zone Change: July 17, 2013
Unless an appeal has been filed, the decision of the hearing authority shall become effective and final 12 days after the Notice of Disposition is signed.

Effective Period of Major Planned Development Modification Approval (Detailed Development Plan): July 17, 2017
Detailed Development Plan approval shall be effective for a four-year period from the Effective Date of approval. The approval shall expire if the applicant has not, within the four-year period, complied with the provisions in LDC Section 2.5.50.09.
**CONDITIONS OF APPROVAL FOR PLD13-00004**

(Wilco at Corvallis Business Park)

<table>
<thead>
<tr>
<th>Condition #</th>
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<tr>
<td>1</td>
<td><strong>Consistency with Plans and Previous Approvals:</strong> This approval modifies the Corvallis Business Park Conceptual and Detailed Development Plan, limited to the scope of the improvements identified in Attachment B. Unless specifically identified in Attachment B for modification, or as modified below, all conditions and plans from cases PD-93-5, PDM-97-21, PLD05-00023, and PLD06-00019 shall continue to apply.</td>
</tr>
<tr>
<td>2</td>
<td><strong>Public Improvements:</strong> Any plans for public improvements referenced within the application or this staff report shall not be considered final engineered public improvement plans. Prior to issuance of any structural or site utility construction permits, the applicant shall obtain approval of, and permits for, engineered plans for public improvements from the City's Engineering Division. The applicant shall submit necessary engineered plans and studies for public utility and transportation systems to ensure that adequate street, water, sewer, storm drainage and street lighting improvements are provided. Final utility alignments that maximize separation from adjacent utilities and street trees shall be engineered with the plans for public improvements in accordance with all applicable LDC criteria and City, DEQ and Oregon Health Division requirements for utility separations. Public improvement plan submittals will be reviewed and approved by the City Engineer under the procedures outlined in Land Development Code Section 4.0.80.</td>
</tr>
<tr>
<td>3</td>
<td><strong>Private Intersection:</strong> Prior to any occupancy, the developer shall install &quot;Do Not Block Intersection&quot; signing and striping at the private intersection of NE Four Acre Place with the parking lot accesses that are approximately 150 ft south of NE Circle Boulevard. The signing and striping plan shall be prepared by a licensed engineer and reviewed by the City's Development Services Division as part of the building permit.</td>
</tr>
<tr>
<td>4</td>
<td><strong>Private Street Improvements:</strong> Prior to any occupancy, the site's frontage along NE Four Acre Place shall be improved with a bike lane, curb and gutter, 6 ft landscape strip, and a 5 ft setback sidewalk, consistent with Condition of Approval 14 from Order 98-97.</td>
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## Conditions of Approval for Wilco at Corvallis Business Park (PLD13-00004)

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<td>5</td>
<td><strong>Public Waterline:</strong> Prior to any occupancy, an 8 inch public waterline shall be installed between the existing blow-off assembly and the southeast corner of the site. A fire hydrant shall be installed in the southeast corner of the site.</td>
</tr>
<tr>
<td>6</td>
<td><strong>Water Quality:</strong> Prior to any occupancy, stormwater quality facilities shall be installed to treat stormwater runoff from all new pollution generating impervious surfaces. New water quality facilities will not be required for any portion of new pollution generating impervious surfaces that drain to existing water quality facilities. Stormwater quality facilities shall be designed in accordance with criteria established in Appendix F of the Stormwater Master Plan and the most recent version of the King County, Washington, Surface Water Design Manual. The water quality facilities shall be designed to remove 70 percent of the total suspended solids (TSS) entering the facility during the water quality design storm, 0.9-inch 24-hr rainfall event with NRCS Type 1A distribution.</td>
</tr>
<tr>
<td>7</td>
<td><strong>Detention:</strong> Prior to any occupancy, stormwater detention facilities shall be installed. Detention facilities shall be designed to maximize storm water infiltration. Maintenance of these facilities is most efficiently provided with open systems because they facilitate visible evaluation of system conditions and accommodate routine, low-technology maintenance practices. Open systems also allow stormwater contact with vegetation and soil to enhance water quality, infiltration, and maintaining the properly functioning hydrological and biological condition of open drainageways. The storm water detention facilities shall be designed consistent with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the most recent King County, Washington, Surface Water Design Manual, and shall be designed to capture run-off so that the run-off rates from the site after development do not exceed the pre-developed conditions, based on the 2-year, 5-year, and 10-year, 24-hour design storms. The detention facility is subject to the landscape and grading standards in LDC Section 4.2.50.04.</td>
</tr>
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<td>8</td>
<td><strong>Utility Easements:</strong> In accordance with LDC 4.0.100 a, all City utilities located outside of right-of-way shall be located within an easement granted to the City. The easement shall be a minimum of 15 ft wide for a single utility and a minimum of 20 ft wide for two utilities.</td>
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<td>9</td>
<td><strong>Property Line - Replat Required</strong>: Prior to, or with submittal of the building permit applications, the applicant shall apply to the Planning Division, for a Minor Replat to consolidate or reconfigure the existing platted parcel lines so that the new parcel lines do not intersect proposed/existing buildings. The applicant is required to obtain approval of the Minor Replat and record the final plat prior to issuance of the building permit.</td>
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<td>10</td>
<td><strong>Exterior Lighting</strong>: All exterior lighting shall comply with LDC Section 4.2.80. All light fixtures shall be designed, and supplemented with shielding, where necessary to comply with LDC Section 4.2.80.</td>
</tr>
<tr>
<td>11</td>
<td><strong>Public Access Easement</strong>: A public access easement shall be provided, consistent with LDC Section 4.10.70.05.a.4, to provide access to the proposed pedestrian amenities for the general public. The access easement shall connect the pedestrian amenities to the nearest public right-of-way or public access easement that is available to the general public.</td>
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<td>12</td>
<td><strong>Multi-use Path</strong>: The applicant shall complete construction of the multi-use path along the east and south sides of the subject site, as illustrated in the Detailed Development Plan. The path shall taper from its existing width at the northeast corner, and be a minimum of five feet in width. The path shall include a five-ft. wide landscape buffer on its western side, where it runs along the railroad tracks. With construction of the multi-use path, the driveway crossing at the southeast corner of the site shall use contrasting paving materials, consistent with LDC Section 4.10.70.03.a.5. The path along the south property line is not required to have a five-ft. landscape buffer, and will be located between the south façade of the Wilco building, and the existing detention pond to the south. Any portion of the Wilco site not occupied by the path or the Wilco building shall be finished with landscaping to include a combination of shrubs and groundcover.</td>
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<td>13</td>
<td><strong>Improvements on Tax Lot 1900 (east of site):</strong> The proposed Detailed Development Plan includes improvements located on Tax Lot 1900 to the east. The proposed improvements include removal of existing vehicle parking striping, alteration of an existing parking lot landscape island, and installation / completion of the multi-use path and landscape buffer along the west side of the multi-use path and the improvements for where the multi-use path crosses the vehicle access drive at the southeast corner of the site. The vehicle access drive crossing shall be constructed with contrasting paving materials that are different than the asphalt vehicle driveway, consistent with the standards in LDC Section 4.10.70.03.a.5. With submittal of the site construction permits, the applicant shall submit documentation that demonstrates that the owner of Tax Lot 1900 has consented to these improvements. Building permits for the Wilco building will not be issued until this documentation is submitted, reviewed, and approved.</td>
</tr>
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<td>14</td>
<td><strong>Significant Tree Protection:</strong> With submittal of the building and site work permit applications, the applicant shall demonstrate that existing significant trees (HPSV located south of the property) in the vicinity of construction will be preserved. Prior to issuance of building and site work permits, the applicant shall install tree protection fencing consistent with the standards in LDC Section 4.2.20.d and 4.12.60.f, and consistent with the arborist's recommendations.</td>
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<td>15</td>
<td><strong>Landscaping Construction and Maintenance:</strong> The following landscaping provisions shall apply to overall development of the site:</td>
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**Landscape and Irrigation Plans.** - Prior to issuance of building permits, and concurrent with site improvements (excavation, grading, utilities, and PIPC plans, as applicable), the applicant shall submit landscape construction documents for this site to the Development Services Division, which contain a specific planting plan (including correct Latin and common plant names), construction plans, irrigation plans, details, and specifications for all required landscaped areas on the site. Required landscaping shall be consistent with the Conceptual Landscape Plan submitted with this application (applicant's Attachment F-3 and F-4), which includes:

1. Installation of fourteen (14) new parking lot landscape island trees for newly constructed parking lot islands;
2. Five (5) medium-canopy street trees within the park strip along NE Four Acre Place, minimum 2" caliper size; and
3. Sufficient number of shade trees, spaced at 40 feet on center, consistent
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<td>4</td>
<td>The detention facility is subject to the landscape and grading standards in LDC Section 4.2.50.04.</td>
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</table>

The HPSV - Significant Tree area south of the subject site shall be preserved, as discussed in Condition #14 above, and methods of protection shall be indicated on the detailed planting plan submitted for approval. Excavation and grading permits will not be issued until these materials are reviewed and approved, and until any necessary preservation fencing or other such measures are installed and accepted by the City. Where a particular plant or irrigation standard is not specifically mentioned below, the plans shall comply with LDC Chapter 4.2.

**Installation** - All required landscaping and related improvements shall be installed as illustrated on the approved Landscape and Irrigation Permit, and shall be completed prior to issuance of a final Certificate of Occupancy. The installation will be inspected and approved by the Development Services Division, and shall occur prior to or concurrent with final inspections for site construction permits.

**Three-Year Maintenance Guarantee** - Prior to final acceptance of the installation, the developer shall provide a financial guarantee to the City, as specified in LDC 4.2.20.

**Coverage within Three Years** - All required landscaping shall provide a minimum 90 percent ground coverage within three years.

**Three-Year Maintenance Guarantee Release** - The developer shall provide a report to the Development Services Division just prior to the end of the three year maintenance period, as prescribed in Section 4.2.20.a.3 of the LDC. The report shall be prepared by a licensed arborist or licensed landscape contractor and shall verify that 90 percent ground coverage has been achieved, either by successful plantings or by the installation of replacement plantings. The Director shall approve the report prior to release of the guarantee.
## Conditions of Approval for Wilco at Corvallis Business Park (PLD13-00004)

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<td>16</td>
<td><strong>Signs</strong>: With submittal of sign permit applications, the applicant shall include a tally of the square footage of all existing signs within Corvallis Business Park that are subject to the sign permit and sign development standards in LDC Chapter 4.7, to aid Development Services staff in their review of the sign permit applications, and to ensure that the signs comply with the sign plan approved for Corvallis Business Park Phase 1 (see Attachment C - page 149). Signs attached to the Wilco building, and which will be visible from nearby adjacent public rights-of-way (NE Circle Boulevard and Hwy 99W) are subject to these standards.</td>
</tr>
<tr>
<td>17</td>
<td><strong>Outdoor Display / Storage Prohibited in MUCS Zone</strong>: A small portion of the proposed MUCS zone extends to the southeast corner of the subject development site, within the wire yard area. The area zoned PD(MUCS) may not be used for outdoor storage or display. This area also contains a stormwater detention pond, which is acceptable at this location.</td>
</tr>
<tr>
<td>18</td>
<td><strong>Vehicle Parking Availability Signs</strong>: Prior to issuance of a certificate of occupancy for the Wilco building, the applicant shall install two (2) signs in the parking lot between Applebee’s and Wilco, directing patrons to additional existing vehicle parking, which is located east of Carmike Cinemas.</td>
</tr>
<tr>
<td>19</td>
<td><strong>Pedestrian Amenities Required</strong>: Per LDC Section 4.10.70.05.a.2, the development is required to provide a minimum of three pedestrian amenities. The applicant has indicated in the application (see Attachment B - page 79) that they intend to utilize brick pavers, seating, and street trees which exceed the minimum caliper size, consistent with the criterion for pedestrian amenities. Street tree caliber size shall be a minimum of 2-inches.</td>
</tr>
<tr>
<td>20</td>
<td><strong>Wire Yard Screening</strong>: As presented in the application materials (Attachment B - page 228), the applicant shall screen the proposed wire yard / outdoor sales area located on the eastern half of the site with one of the two fences proposed in the application materials. Additionally, the applicant shall install a minimum 6&quot; vertical curb along the base of the fence, as illustrated in the top photograph in the application materials, to prevent vehicles from damaging the fence.</td>
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### DEVELOPMENT RELATED CONCERNS

A. **Excavation and Grading Plans** - Prior to issuance of any construction permits, the applicant shall submit an excavation and grading plan, including erosion control methods.
and tree preservation measures, to the City’s Development Services Department for review and approval.

B. **Infrastructure Cost Recovery** - Where it is determined that there will be Infrastructure Cost Recovery payments from past public improvements, the developer shall pay their required share of the costs prior to receiving any building permits in accordance with Corvallis Municipal Code 2.18.040.

C. **Fire Access Road - Access Restrictions** - Future development and public or private improvements in this area should consider access restrictions on the fire access road on the east side of the site to minimize impacts to noise, odors, air, water quality, and significant natural features.
CONCEPTUAL PEDESTRIAN AMENITIES PLAN

PROJECT NAME: WILCO FARM STORES

PROJECT ADDRESS: Corvallis, Oregon
PROJECT NUMBER: 13-028
ISSUE: Land Use Approval
ISSUE DATE: May 9, 2013
CLIENT: Wilco

DRAWING

A 1.2
NOVAK ARCHITECTURE INC.
Green house "windows" shall have opacity of less than 60%.
Detailed Development Plan includes proposed improvements on adjacent Tax Lot 1900 - need property owner permission.
ATTENTION PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND
DEVELOPMENT
635 CAPITOL ST NE - SUITE 150
SALEM OR 97301-2540