



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 08/26/2014
Jurisdiction: City of Corvallis
Local file no.: LDT 13-00002, LDT 13-0003
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/20/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 37 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE	
File No.:	001-14 {19858}
Received:	8/20/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Corvallis

Local file no.: **LDT13-00002 and LDT13-00003**

Date of adoption: 8/18/2014

Date sent: 8/20/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 2/10/2014
 No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
 If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Kevin Young, Planning Division Manager

Phone: 541) 766-6572

E-mail: Kevin.Young@CorvallisOregon.gov

Street address: 501 SW Madison Avenue, PO Box 1083

City: Corvallis

Zip: 97339-1083

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this |
| change. | | | |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Chapters 1.2 (Legal Framework), 1.6 (Definitions), 2.0 (Public Hearings), 2.5 (Planned Development), Chapter 2.9 (Historic Preservation Provisions), 2.14 (Partitions, Minor Replats, and Property Line Adjustments), 3.2 (Low Density (RS-5) Zone), 3.3 (Low Density (RS-6) Zone), 3.4 (Medium Density (RS-9) Zone), 3.5 (Medium Density – University (RS-9(U)) Zone), 3.6 (Medium-High Density (RS-12) Zone), 3.7 (Medium-High Density – University (RS-12(U)) Zone), and 4.1 (Parking, Loading, and Access Require

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
---------------------------	--------------	----------------

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: City of Corvallis, Benton County, Oregon State University, State Historic Preservation Office, Department of Land Conservation and Development

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.



**Community Development
Planning Division**

501 SW Madison Avenue

P.O. Box 1083

Corvallis, OR 97339-1083

(541) 766-6908

Planning@corvallisoregon.gov

**CORVALLIS CITY COUNCIL
NOTICE OF DISPOSITION**

ORDER NO. 2014-042

- CASE:** **LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE – PACKAGE #1**
(LDT13-00002 – HISTORIC RESOURCES COMMISSION RECOMMENDATIONS)
- REQUEST:** Legislative Land Development Code Text Amendment (LDT13-00002) involving changes and additions to Chapter 2.9 (Historic Preservation Provisions), associated with recommendations of the Historic Resources Commission.
- APPLICANT:** City of Corvallis
501 SW Madison Ave
Corvallis, OR 97333
- LOCATION** The proposal applies to development on properties subject to a Historic Preservation Overlay (HPO) and historic resources listed in the National Register of Historic Places.
- DECISION** The Corvallis City Council conducted, after proper legal notice, a public hearing concerning this Legislative Amendment to the Land Development Code (LDT13-00002) on June 16, 2014. A request to hold the record was received, and the City Council allowed the record to be held open until July 15, 2014. Additional public testimony was received and transmitted to the City Council for their deliberations on July 21, 2014.

City Council Decision (LDT13-00002)

Order No. 2014-042

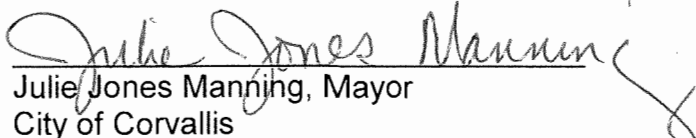
Page 1 of 2

On July 21, 2014, after considering additional public testimony, the City Council deliberated and found that the proposed request, regarding revision of the Land Development Code, should be approved. The City Council adopted Ordinance 2014-10 (**ATTACHMENT A**), to implement the code amendments. The formal findings adopted by the City Council on August 18, 2014, are attached to this Notice of Disposition (**ATTACHMENT B**).

If you wish to appeal the decision regarding this Legislative Amendment to the Land Development Code, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date the decision is signed by the Mayor.

The proposal, staff report, hearing minutes, memoranda to City Council, and findings and conclusions may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

August 18, 2014
Date of Decision


Julie Jones Manning, Mayor
City of Corvallis

ATTACHMENTS:

- A. Ordinance 2014-10: (LDT13-00002)
- B. Formal Findings and Conclusions, adopted by City Council on August 18, 2014

ORDINANCE 2014-10

AN ORDINANCE AMENDING ORDINANCE 2006-24, AS AMENDED, TO REVISE THE CORVALLIS LAND DEVELOPMENT CODE CHAPTER 2.9 – HISTORIC PRESERVATION PROVISIONS (LDT13-00002).

Whereas, the Planning Commission, after holding a duly advertised public hearing on March 19, 2014, has forwarded its recommendation to the City Council concerning a request for a Text Amendment to the Land Development Code;

Whereas, on April 16, 2014, the Planning Commission recommended that the City Council approve the request to amend Land Development Code Chapter 2.9, affecting development on properties subject to a Historic Preservation Overlay (HPO) and historic resources listed in the National Register of Historic Places, and consistent with the recommendations provided by the Historic Resources Commission;

Whereas, the City Council held a duly-advertised public hearing concerning the proposed Text Amendment to the Land Development Code on June 16, 2014, and interested persons and the general public were given an opportunity to be heard;

Whereas, the City Council allowed the record to be held open until July 15, 2014, to receive additional public testimony;

Whereas, the Council has reviewed the public testimony and the recommendations of the Planning Commission and City Staff, and on July 21, 2014, met to deliberate on the matter, and made a preliminary decision to approve the proposed Land Development Code text amendment, subject to adoption of formal findings of fact;

Whereas, findings of fact have been prepared and consist of the formal findings, entered into the record at the August 18, 2014, City Council meeting;

Whereas, the final version of this Land Development Code Text Amendment is attached hereto as Exhibit A;

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

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

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

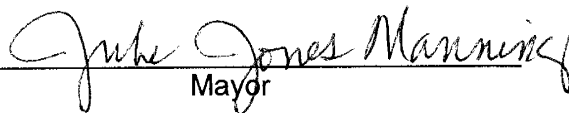
NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Chapter 2.9 (Historic Preservation Provisions) of the Land Development Code is amended as shown by the provisions contained in Exhibit A.

PASSED by the Council this 18th Day of August, 2014.

APPROVED by the Mayor this 18th Day of August, 2014.

Effective the 28th Day of August, 2014.



Mayor

ATTEST:



City Recorder

Article II – Administrative Procedures

Chapter 2.9: Historic Preservation Provisions

Section 2.9.70 - EXEMPTIONS FROM HISTORIC PRESERVATION PERMIT REQUIREMENTS

The following changes to a Designated Historic Resource shall be exempt from the requirement for a Historic Preservation Permit. Property owners are advised that other permits may be required to make such changes, such as other land use permits, Building Permits, and other provisions of this Code, such as landscaping requirements in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

- a. **Interior Alterations** - Changes to the interior of a Designated Historic Resource that do not alter the building exterior.
- b. **Routine Maintenance and/or In-kind Repair or Replacement** - Routine maintenance of any exterior feature of a Designated Historic Resource that does not involve a change in the design or style, dimensions, or material of the resource. A complete definition for In-kind Repair or Replacement is contained in Chapter 1.6 - Definitions. The In-kind Repair or Replacement of deteriorated materials is also allowed; however, it is recommended that repair be considered prior to replacement. Also included in routine maintenance are the following:
 1. **Routine site maintenance** - Pertains to landscaping maintenance, brush clearing and removal of debris, pruning of shrubs, and removal of shrubs not listed as original plantings in the official historic inventory, or other sources of information listed in Section 2.9.60.c;
 2. **Pruning of trees** - Pruning of trees that are located on Designated Historic Resource properties shall be in accordance with the most current edition of American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and/or resource functions; and
 3. **Removal of trees** that are not considered to be Historically Significant Trees, based on the definition in Chapter 1.6 - Definitions.
- c. **Painting** - Exterior painting or repainting of any portion of a Designated Historic Resource, including changes to paint color. This exemption does not apply to murals that are 50-years old or older, or painting over existing architectural features, such as signs, or previously unpainted metalwork, brickwork, stonework, and masonry. New signs are not exempt from the need for a Historic Preservation Permit under this criterion.
- d. **Signs and Tablets** - Installation of the following:
 1. **Signs and tablets** that are exempt from City Sign Code regulations per Section 4.7.70;

2. **Freestanding signs in the OSU Zone that are 32 sq. ft. or less and otherwise exempt from the need for a Sign Permit per Section 4.7.90.05.a and b;**
 3. **Attached signs on Noncontributing buildings in the OSU Historic District, that are 32 sq. ft. or less and otherwise exempt from City Sign Code regulations per Section 4.7.90.05.a and b; and**
 4. **Attached signs on Nonhistoric or Nonhistoric/Noncontributing buildings outside of the OSU Historic District that are:**
 - a) **32. sq. ft. or less; or**
 - b) **If greater than 32 sq. ft., attached signs that:**
 1. **Replace existing signs:**
 2. **Are not variable message;**
 3. **Have the same approach to illumination as the sign to be replaced (none, internal, or external);**
 4. **Fit completely within the footprint of the original sign; and**
 5. **Are equal to or smaller than area of the sign to be replaced.**
- e. **Alterations to Nonhistoric and Nonhistoric/Noncontributing Structures – Exterior Alterations, including additions, to Nonhistoric / Noncontributing structures in a National Register Historic District, and to Nonhistoric structures on a Designated Historic Resource property outside of a National Register Historic District, if the applicable standards below are met. This exemption does not include freestanding structures which are addressed in Section 2.9.70.h, nor equipment enclosures, which are addressed in Section 2.9.70.z.**
1. **Windows and Doors on All Nonhistoric and Nonhistoric / Noncontributing Structures**
 - a. **Windows and Doors visible from public or private street rights of way may be replaced with new windows and doors in the same location and of the same size and style.**
 - b. **Windows and doors on facades not visible from public or private street rights-of-way, excluding alleys from which they may be visible, may be replaced with windows and doors of different sizes and styles than existing windows and doors.**
 - c. **New window and door openings may be created on facades not visible from public or private street rights-of-way.**
 2. **Structures and Properties Not in the OSU National Register Historic District**
 - a. **The Alteration does not exceed the height of the structure being altered, except for chimneys, which may exceed the structure’s height to the extent necessary to comply with the Building Code.**

- b. **The Alteration shall not exceed a footprint of 200 sq. ft. Cumulative expansions that exceed this standard shall not be permitted without Historic Preservation Permit approval.**
- 3. Structures within the OSU National Register Historic District**
- a. **The Alteration does not exceed the height of the structure being altered, except for projections permitted under Section 4.9.50.01 – General Exceptions to the Building Height Limitations.**
 - b. **An Alteration to the structure shall not exceed a footprint of 400 sq. ft. Cumulative expansions that exceed this standard shall not be permitted without Historic Preservation Permit approval.**
- 4. Not Visible from Public or Private Streets - Unless exempt under the above criteria or per other provisions in Section 2.9.70, alterations shall not be visible from public or private street rights-of-ways, except for alleys.**
- f. **Installation of Removable Screen and Storm Doors and Windows - A screen door is a secondary door attached over a structure's primary door to allow additional air flow when the door is open, while simultaneously providing some basic door functions. A storm door or window is a secondary door or window attached over a structure's primary door or window to protect the primary door or window against weather impacts. Installation of screen and storm doors and windows are exempt, provided they do not function as replacements for primary doors and windows, are installed in a manner that is Reversible, and do not damage or permanently alter external historic features of the Designated Historic Resource. Unpainted metal is not exempt.**
- g. **Installation of a Removable Heating or Cooling Device – Installation or removal of a removable heating or cooling device, such as an air conditioning unit, in an existing building opening, provided that none of the external historic features of the resource are altered.**
- h. **Accessory Structures –**
- 1. Accessory Structures Within the OSU Historic District - Installation of Accessory Structures within the OSU Historic District are exempt from the need for a Historic Preservation Permit if all of the following standards are met:**
- a) **The structure complies with applicable standards in Chapter 4.3 – Accessory Development; and**
 - b) **The structure is free-standing, less than 200 sq. ft. (floor area), and less than 14-ft tall, unless a bicycle parking facility or transit shelter which may be up to 400 sq. ft.; and**
 - c) **The structure is not located within a Contributing open space area, except as permitted by 1 and 2, below:**
 - 1) **The structure's footprint, not including footings or foundations, does not exceed 25 sq. ft.;**

- 2) **Site furnishing and amenities such as, but not limited to, benches, bicycle parking racks, light poles, bike repair kiosks, security kiosks, trash / recycling receptacles. This exemption (2.9.70.h.1.c.2) does not include dumpsters, ground level mechanical equipment, transformers, similar structures, or associated screening, which are exempt under Sections 2.9.70.y and 2.9.70.z.**
2. **Accessory Structures Not Within the OSU Historic District – Installation of the following Accessory Structures is exempt from the need for a Historic Preservation Permit if all of the following standards are met:**
 - a) **The structure complies with applicable standards in Chapter 4.3 – Accessory Development; and**
 - b) **The structure is free-standing, less than 200 sq. ft. (floor area) and less than 14-ft tall; and**
 - c) **Is not visible from public or private street rights-of-way, except lawn furniture and ornamental landscape accessories with footprints of 25 sq. ft. or less.**
- i. **Moving or Demolishing Structures - Moving or demolition of structures, provided:**
 1. **The structure is in a National Register Historic District, and is classified as Nonhistoric/Noncontributing, or Nonhistoric per the definition in Chapter 1.6 - Definitions; or**
 2. **The structure is on an Individually Designated Historic Resource outside of a National Register District; and**
 - a. **Is Nonhistoric per the definition in Chapter 1.6 - Definitions; and**
 - b. **Is a freestanding Accessory structure, less than 200 sq. ft. and less than 14 ft. in height; and**
 3. **In all cases, moving or demolishing the structure, shall not damage, obscure, or negatively impact a Designated Historic Resource.**
 - j. **Installation of Satellite Dishes - Installation of a satellite dish on a facade not facing public or private street rights-of-way, except for alleys, from which it may be visible, provided the dish is less than 30 in. in diameter.**
 - k. **Access Ramps, Sidewalk Wheelchair Ramps, and Fire/Life Safety Devices - Installation of access ramps, sidewalk wheelchair ramps, and fire/life safety devices, such as wall or post mounted door opening sensors and Knox boxes, that are compliant with the Americans with Disabilities Act (ADA), provided the installation is Reversible, none of the external historic features of the resource are damaged or permanently altered, and the following criteria, as applicable, are satisfied:**
 1. **Access Ramps on Individually Listed, and Historic and Historic Contributing Resources Not within the OSU Historic District -**
 - a. **Hand and guard rails shall not exceed an opacity of 25%; and**

- b. Ramps shall be installed below grade or to 30-inches above grade, not including hand or guard rails.
 - 2. **Access Ramps on Nonhistoric/ Noncontributing Resources Not within the OSU Historic District -**
 - a. Hand and guard rails shall not exceed an opacity of 25%.
 - b. Ramps shall be installed below grade or to 48-inches above grade, not including hand and guard rails.
 - 3. **Access Ramps on Buildings within the OSU Historic District –**
 - a. Hand and guard rails shall not exceed an opacity of 25%; and
 - b. Ramps shall be installed below grade or to the first-level of the building.
 - 4. **Sidewalk Wheelchair Ramps - In public or private street rights-of-way, provided they are installed or reconstructed to City of Corvallis Engineering Division Standard Specifications and are either installed at the same width as the existing sidewalk or widened only to the minimum extent necessary to comply with Americans with Disabilities Act (ADA) requirements.**
 - 5. **Fire/Life Safety Devices - If masonry or stone buildings are affected, anchors and wiring shall be installed in mortar joints and not through brick or stone.**
 - 6. **Rooftop Fall Protection Rails and Anchors – If required to comply with the Building Code.**
- I. **Conversion of Existing Vehicular Parking Spaces to Achieve Compliance with the Americans with Disabilities Act (ADA) - Conversion of existing vehicular parking spaces to vehicular parking spaces that are needed to achieve compliance with the Americans with Disabilities Act (ADA), provided no additional impervious surface is created in Contributing Open Space areas.**
 - m. **Fencing Installation, Extension, or Removal –**
 - 1. **Installation or extension of wood fencing, or the repair or replacement of existing wood fencing, provided such fencing meets applicable development standards for fencing in Section 4.2.50.**
 - 2. **Removal of a fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c.**
 - 3. **If in the OSU Historic District, installing and removing, or moving fencing provided the fencing standards in Section 4.2.50, and Chapter 3.36 – OSU Zone are met, and the fence is not identified as Historically Significant based on any of the sources of information listed in Section 2.9.60.c. This exemption does not apply to Contributing open space areas within the OSU Historic District.**

- n. **Freestanding Trellises - Installation of freestanding trellises that are less than 14 ft. in height, Reversible, and do not damage any significant external architectural features of the Designated Historic Resource.**
- o. **New, Repair, or Replacement Landscaping and Tree Planting - Installation of new, repair, or replacement landscaping, including tree planting, and related appurtenances, such as irrigation sprinklers. The installation shall not damage any significant external architectural features of Designated Historic Resource structures, or damage any Historically Significant Trees or other Historically Significant landscaping or landscapes on the Designated Historic Resource site, as identified in the official historic inventory or other sources of information listed in Section 2.9.60.c.**
- p. **Building Foundations - Altering a building foundation or installing a new foundation, provided the foundation material is not specifically identified as Historically Significant, and:**
 - 1. **The Alteration or New Construction is required to meet present-day Building Code requirements;**
 - 2. **The building elevation is not raised by more than 12 in.; and**
 - 3. **The existing foundation is 18 in. high or less.**
- q. **Installation of New, and Repair or Replacement of Gutters, Downspouts, Scuppers –**
 - 1. **Where not covered under Section 2.9.70.b, installation of new, and repair or replacement of existing gutters and downspouts using materials that match the appearance of those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The new, replaced, or repaired gutters and downspouts shall not damage or obscure any significant architectural features of the structure.**
 - 2. **Changing the size of existing scuppers to comply with current Building Code standards. The resized scupper shall not damage any significant architectural features of the structure.**
- r. **Utility Poles - Installing, relocating, or removing utility poles.**
- s. **Uncovered Rear Deck or Patio Additions - Installation or removal of an uncovered deck or patio, provided the deck or patio is obscured from view from public rights-of-way and private street rights-of-way by a fence, hedge, or other structure. The patio or deck may be visible from alleys. The deck shall be 30 in. or less in height, and shall be constructed in a manner that is Reversible.**
- t. **Re-roofing - Replacement of roofing material with a material similar to, or different from, the existing or original material, provided the existing roofing material is not specifically identified as Historically Significant; and**
 - 1. **The roof is flat and not visible from public or private street rights-of-way; or**

2. The roof is pitched and is being replaced with architectural composition shingles. Skylights shall be addressed in accordance with Section 2.9.70.w, 2.9.100.03.h, or 2.9.100.04, as applicable.
- u. Installation of New or Expanded Pathways - Installation of new or expanded pathways, provided the pathways are not within Contributing open space areas, e.g. OSU Memorial Quad.
- v. Utility Meters, Pipes, and Venting - Utility meters, pipes, penetration for conduit, wireless routers, and venting may be installed on, moved, or removed from structures, provided they do not alter windows, doors, or architectural details. Installation, alteration or removal of brick, stone, and masonry chimneys are not exempt activities, except under Section 2.9.70.e. Within the OSU Historic District existing fume stacks may be replaced or extended to a maximum height of 16-ft.
- w. Skylights – The following activities involving skylights are exempt:
 1. Installation, removal, or alteration of skylights on Nonhistoric and Nonhistoric / Noncontributing buildings;
 2. If in a Historic District, removal or replacement of a skylight that was installed after the District’s Period of Significance. If a skylight is replaced, it shall be of an equal or lesser size than the existing skylight.
- x. Historically Significant Hazardous Trees - Removal of Historically Significant Trees that qualify as Hazardous Trees, based on the definition of Hazardous Tree in Chapter 1.6 - Definitions. The Hazardous Tree determination must be based on a Hazard Tree Evaluation that has been performed by an ISA Certified Arborist or ASCA Consulting Arborist using the 12-point hazard evaluation method, and the associated report must be filed with the Director and the City's Urban Forester. Removal may only occur following the City's Urban Forester's review and approval of the Hazard Tree Evaluation which recommends for removal of the tree. Following removal of the tree, the City shall notify the Historic Resources Commission that the action has occurred. Additionally, if a tree is required in the subject location via other Code provisions, such as those in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting, a new tree shall be planted consistent with those applicable Code provisions.
- y. Ground-Level and Rooftop Equipment Servicing Buildings- Installation of ground-level and rooftop equipment servicing buildings, including solar and hydronic equipment, and antennas, provided all of the following standards are met:
 1. Equipment shall not be visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys; and
 2. If attached to the Designated Historic Resource, it shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible.

Screening required by Code to conceal ground-level equipment so that it is not visible from public and private street rights-of-way per Chapter 1.6 - Definitions is exempt if it complies with the provisions in Section 2.9.70.z- Required Ground-level Screening.

z. Required Ground-level Screening

- 1. Required Ground-level Screening Within the OSU Historic District - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen:**
 - a) Complies with development standards of Chapter 3.36 – OSU Zone;**
 - b) Does not exceed 10-ft in height and 20 ft. in length or width, and does not enclose an area greater than 400 sq. ft.**
 - c) Is freestanding, or constructed at ground level and attached to the Designated Historic Resource in a manner that is Reversible and does not damage architectural features of the structure;**
 - d) Is composed of vegetation, stone, brick, masonry, wrought iron, solid wood fencing, or a combination of these materials. Metal gates/doors may be used to access enclosures.**
 - 1) If attached to a Designated Historic Resource, the screening material shall match materials used on the Designated Historic Resource structure, except in the case of vegetation.**
 - 2) If freestanding, the screening material(s) shall be reflective of, and complementary to, those found on any existing surrounding comparable Designated Historic Resources, except in the case of vegetation.**
 - e) If vegetation is used for screening, it shall be consistent with the screening provisions in Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting.**
- 2. Required Ground-level Screening Not within the OSU Historic District - Code-required ground-level screening, including vegetation, walls, fences, and enclosures, provided the screen:**
 - a) Complies with development standards of the underlying zone;**
 - b) Is freestanding, or constructed at ground level and attached to the Designated Historic Resource in a manner that is Reversible and does not damage architectural features of the structure;**
 - c) Is composed of vegetation, masonry walls, solid wood fencing, or a combination of these materials and, except in the case of vegetation, the material matches materials used on the Designated Historic Resource structure. Metal gates/doors may be used to access enclosures. If vegetation is used for screening, it shall be consistent with the screening provisions of Chapter 4.2 - Landscaping, Buffering, Screening, & Lighting; and,**
 - d) Does not exceed 6 ft. in height, does not exceed 10 ft. in length or width, and does not enclose an area greater than 100 sq. ft.**

Section 2.9.100.03 -Alteration or New Construction Parameters and Review Criteria for a Director-level Historic Preservation Permit

A Historic Preservation Permit request for any of the Alteration or New Construction activities listed in Sections "a" through "o," below, shall be approved if the Alteration or New Construction is in compliance with the associated definitions and review criteria imbedded therein, listed below. Such Alteration or New Construction activities are classified as a Director-level Historic Preservation Permit. Some activities that are similar to Director-level Historic Preservation Permits may be exempt from permit review per Section 2.9.70 or may require review by the Historic Resources Commission.

- a. Solar or Hydronic Equipment - Installation of solar or hydronic equipment parallel to the roof surface with no part of the installation protruding more than 12 in. above the roof surface, provided the subject roof surface does not directly front a street. The equipment shall be attached to the Designated Historic Resource in a manner that does not damage any significant architectural features of the structure. Additionally, the installation shall be Reversible.**
- b. Replacement Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features - Replacement of the following site features with dissimilar materials and/or a different design or style, provided the size of such features does not increase:
 - 1. Driveways;**
 - 2. Bicycle parking areas; and/or**
 - 3. Vehicular parking areas that involve 800 sq. ft. or less.****
- c. Addition of Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA) - Addition of vehicular parking spaces, if required to achieve compliance with Americans with Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.I and not within Contributing Open Space areas.**
- d. Certain Alteration or New Construction to Non-historic/Non-contributing Resources in a National Register of Historic Places Historic District - An exterior Alteration or New Construction more than 200 sq. ft. to a property in a National Register of Historic Places Historic District that is classified in its entirety (including all structures on the site) as Nonhistoric/Noncontributing, provided the Alteration or New Construction is not visible from public rights-of-way and private street rights-of-way, except for alleys, from which it may be visible, and does not exceed 14 ft. in height.**
- e. Replacement of Windows
 - 1. Replacement of Windows or Doors on Historic, Historic/Contributing, and Historic/Noncontributing Structures - Windows and doors may be replaced with new windows and doors containing double-pane glazing and meeting current Building Code energy efficiency standards if the following standards and criteria are satisfied.****

- a) **Except as otherwise provided in subsections 2-5, below, the replacements shall match the replaced items in:**
 - 1) **Materials;**
 - 2) **Design or style;**
 - 3) **Size;**
 - 4) **Sash and Muntin dimensions (a 1/2-in. tolerance in size is permitted for Sashes, and a 1/8-in. tolerance in size is permitted for Muntins);**
 - 5) **Number and type of divided lites (either true or simulated lites are permitted; snap-on grids are not); and**
 - 6) **Shape.**
 - b) **Metal-clad wood may be substituted for the original, non-glass materials of the replaced items.**
 - c) **On residential structures, non-wood doors and hollow-core doors may be replaced with doors of a dissimilar design, provided the replacement doors are solid wood or metal-clad solid wood and are the same size, and in the same location as the door to be removed. Glass is permitted in the replacement door.**
 - d) **Alterations involving decorative art glass and leaded glass windows shall be reviewed by the HRC unless the alteration satisfies the Chapter 1.6 definition for In-kind Repair or Replacement.**
- 2. Replacement of Windows or Doors Visible from Streets on Nonhistoric, and Nonhistoric / Noncontributing Structures – Windows and doors visible from public or private street rights-of-way may be replaced with new windows and doors if the following standards and criteria are satisfied.**
- a) **The window or door is the same style and in the same location as the window or door to be replaced; and**
 - b) **The window or door is the same size as the window or door to be replaced, except that the size of windows and doors may be modified to the minimum extent necessary to comply with the Americans with Disabilities Act and emergency egress requirements.**
- f. Extension of Fencing Other than Wood - The extension of existing fencing other than wood fencing, which is exempt under Section 2.9.70.m, with In-kind Repair or Replacement materials, provided that the type of fencing material was used during the Period of Significance for the Designated Historic Resource and the fence is not extended beyond the facade of the Resource facing a front or exterior side yard.**

- g. Awnings - Installation of canvas awnings, limited to Designated Historic Resources and situations where awnings are required by this Code. Such canvas awnings shall either be installed where none previously existed or may reproduce historic canvas awnings from the applicable Period of Significance, as shown in documentation submitted by the applicant. In-kind Repair or Replacement of existing awnings is exempt per Section 2.9.70.b.**
- h. Skylights - Activities involving existing skylights that are not already exempt via Section 2.9.70.x, and new skylights are allowed on:
 - 1. Structures with flat roofs or where the skylight would otherwise be obscured by a parapet; or**
 - 2. Portions of structures that are not visible from private street rights-of-way and public rights-of-way, except for alleys from which they may be visible.****

All other modifications or installations of skylights shall be processed via Section 2.9.100.04.

- i. Single (First) Story Exterior Steps and/or Stairways - Changes in step or stairway design or style that may be required to meet present-day Building Code requirements, including handrail or guardrail installation, provided such changes are conducted within the height of the first story of a Designated Historic Resource. When authorized by the Building Official, some flexibility from conformance with some Building Code requirements relative to this design, including the question of whether or not handrail or guardrail installation is required, may be granted as outlined in Section 2.9.90.06.a. The design or style shall be architecturally compatible with the Designated Historic Resource based on documentation provided by the applicant.**
- j. Driveway Width Expansion - Widening driveways to a maximum width of 12 ft. using either the same materials and design in existence, or using dissimilar materials and/or a different design or style. The driveway length shall not increase. In all cases, driveways are subject to the Corvallis Off-street Parking and Access Standards, and the provisions in Chapter 4.1 - Parking, Loading, and Access Requirements.**
- k. Collocated/attached Wireless Telecommunication Facilities located in the OSU Zone - Collocated/attached Wireless Telecommunication Facilities that are Permitted Outright within the OSU Zone per section 3.36.30.01.b.7 and 8 – Accessory Uses Permitted Outright for University-owned Properties, are allowed if they meet the following criteria:
 - 1. The facility is installed on a building at least 30ft in height.**
 - 2. If attached to a Designated Historic Resource, the facility shall be attached in a manner that does not damage any significant architectural features of the structure, and the installation shall be Reversible.****

3. **The facility is consistent with the Additional Provisions for Wireless Telecommunication Facilities outlined in Section 4.9.60 – Wireless Telecommunication Facilities.**

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

**FINDINGS – PACKAGE # 1 TEXT AMENDMENTS
(HISTORIC RESOURCES COMMISSION RECOMMENDATIONS)**

In the matter of a City Council decision to)
approve a Land Development Code Text) **LDT13-00002**
Amendment.)
)

PREAMBLE

The matter before the Corvallis City Council is a decision regarding a Land Development Code (LDC) Text Amendment (LDT) to facilitate reviews of Historic Preservation Permit applications, affected by the provisions in LDC Chapter 2.9.

On March 19, 2014, the Corvallis Planning Commission conducted a hearing on the LDC Text Amendment application (LDT13-00002); allowed the record to remain open until April 2, 2014; and deliberated on the request on April 16, 2014. The Planning Commission unanimously recommended that the City Council approve the LDC Text Amendment application, with minor changes recommended by Staff and the Planning Commission.

The City Council held a duly advertised *de novo* public hearing on the LDC Text Amendment application on June 16, 2014. During the public hearing, the City Council received a request to hold the written record open and granted the request to hold the written record open until 5 pm, on June 30, 2014. Additionally, Staff provided City Council with a memorandum on consideration of opening the written record to allow for additional public comment on the proposed code amendments. On July 7, 2014, the City Council met to discuss the staff memorandums, and voted to allow the written record to remain open until 5pm, on July 15, 2014.

Additional written testimony was received, and on July 21, 2014, the City Council deliberated on the proposed text amendments. After consideration of all the testimony and evidence, the City Council unanimously voted to approve the LDC Text Amendment application.

Applicable Criteria

All applicable legal criteria governing review of this application are identified in the public notices for the March 19, 2014, and June 16, 2014 public hearings; the Staff Report to the Planning Commission, dated March 12, 2014; additional proposed amendments brought forward by staff, regarding Property Line Adjustment criteria, as presented in a supplemental Memorandum dated April 10, 2014; the minutes of the Planning Commission hearing and deliberations held on April 16, 2014; the staff memoranda to the City Council dated June 9, 2014, and July 2, 2014; the minutes of the City Council public hearing on June 16, 2014; and the minutes and deliberations of the City Council hearing on July 21, 2014.

FINDINGS AND CONCLUSIONS RELATED TO THE APPROVAL OF LAND DEVELOPMENT CODE TEXT AMENDMENTS ASSOCIATED WITH RECOMMENDATIONS OF THE HISTORIC RESOURCES COMMISSION (LDT13-00002)

1. In the Text Amendment application, City Staff, in conjunction with the Historic Resources Commission and with input provided by OSU Planning Staff, have developed draft Text Amendments to LDC Chapter 2.9 – Historic Preservation Provisions. While there is overlap among proposed amendments, they can be grouped into four categories as shown in the table below: 1) Alterations to Non historic and Non historic / Noncontributing Resources; 2) Alterations to Facilitate Compliance with ADA, Building Code, or Safety Requirements; 3) Minor Alterations Facilitating Contemporary Use; and 4) Simplification or Clarifications of Code. Except as explained within the June 9, 2014 Memo to Mayor and City Council from City Staff, the Planning Commission's recommendations regarding text amendments to Chapter 2.9 – Historic Preservation Provisions, are the same as the Historic Resources Commission.
2. The City Council notes that the stated purpose of the Text Amendment application under consideration is to facilitate certain types of historic reviews through amendment of the provisions in LDC Chapter 2.9 ("Historic Preservation Provisions").
3. The City Council accepts and adopts findings made in the Staff Report to the Planning Commission, dated March 7, 2014, related to public necessity, convenience and general welfare (pages 44 and 45), compliance with Statewide Planning Goals (pages 47 through 49), and consistency with Corvallis Comprehensive Plan Policies (pages 45 through 47), and the additional proposed amendment language brought forward by staff, as presented in a supplemental Memorandum, dated April 10, 2014, which supports approval of the Text Amendment. The City Council adopts as findings those portions of the Minutes of the Planning Commission hearing, dated March 19 and April 16, 2014 that demonstrate support for approving the Text Amendment. The City Council also adopts as findings, those portions of the Minutes of the City Council meeting dated June 16, 2014, that demonstrate support for approving the Text Amendment. The City Council specifically accepts and adopts as findings the

rationale given during deliberations held on July 21, 2014, by Council Members expressing their support for approving the Text Amendment. All of the above-referenced documents shall be referred in these findings as the “Incorporated Findings”. The findings below, (the “supplemental findings”), supplement and elaborate upon 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.

4. The City Council notes that during the July 21, 2014 meeting, the Council deliberated on the application, and a motion to approve the request was made by Councilor Hervey and seconded by Councilor Traber. The Council notes that the motion made by Councilor Hervey to approve the application was unanimously passed with an eight-to-zero vote. The Council finds the text amendment is consistent with the applicable criteria.
5. The City Council notes the record contains all information needed to evaluate the Text Amendment decision for compliance with the relevant criteria.
6. The City Council notes that the Incorporated Findings list all of the applicable approval criteria, and demonstrates compliance with these approval criteria. These supplemental findings elaborate upon and clarify the Incorporated Findings, and primarily address issues raised in support of the text amendment. These supplemental findings, like the Incorporated Findings, are grouped into three categories (LDC Criteria, Statewide Planning Goals, and Comprehensive Plan Policies) which facilitate a comprehensive and cohesive review of the applicable criteria.

I. Land Development Code Text Amendment Criteria

1. The City Council notes that the process and applicable criteria for evaluating proposed LDC Text Amendments are found in LDC Section 1.2.80 – Text Amendments, which is provided below.

Section 1.2.80 - TEXT AMENDMENTS

1.2.80.01 - Background

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

1.2.80.02 - Initiation

An amendment may be initiated through one of the following methods:

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

1.2.80.03 - Review of Text Amendments

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

1. In April of 2013, the City Council approved a bi-annual work program for the Planning Division after receiving public input and a recommendation from the Planning Commission. The first item on the list is a “Near-term” package of Land Development Code Amendments. At the October 7, 2013, City Council meeting, the City Council was presented with a memorandum from the Community Development Director regarding the City-OSU Collaboration Project and associated action requests. The memorandum proposed a schedule and course of action for the consideration of two packages of Land Development Code (LDC) Amendments, largely, but not entirely, associated with recommendations stemming from the City-OSU Collaboration Project. The first proposed package, Package #1, includes a number of recommended Land Development Code Amendments from the Neighborhood Planning Work Group, along with the development of text amendments to facilitate code-compliant changes within approved Planned Developments and the development of text amendments to facilitate certain types of historic reviews in the OSU Historic District. At the October 7, 2013, City Council meeting, the Council authorized Community Development staff to begin work on the development of Package #1.

2. The City Council notes that LDC Section 1.2.80.03 requires the Text Amendment to be reviewed by the Planning Commission and the City Council through separate public hearings. On February 5, 2014, City Staff briefed the Planning Commission on items to be included in the Package #1 LDC Amendments. The City Council notes that the Planning Commission held a duly advertised public hearing to review the Text Amendment application on March 19 and continued the public hearing to April 16, 2014, and unanimously recommended the City Council approve the request. The Council notes that the City Council held a duly advertised *de novo* hearing on June 16, 2014, and deliberated on the application on July 21, 2014. The City Council notes that these public hearings were done in accordance with the legislative provisions of Chapter 2.0 – Public Hearings. The City Council finds that review of the Text Amendment application was consistent with LDC Section 1.2.80.03.

3. The City Council notes that per LDC Section 1.2.80.1 – Background, the LDC may only be amended when the public necessity, convenience, and general welfare require such amendment, and where it conforms to the Corvallis Comprehensive Plan and other applicable policies. The City Council notes that in the case of Text Amendments, applicable policies include Oregon’s Statewide Planning Goals. The City Council notes that the Text Amendment under consideration was evaluated for consistency with the criteria in LDC Section 1.2.80.01 – Background, including applicable Statewide Planning Goals and Corvallis Comprehensive Plan Policies, in the June 9, 2014, Staff Memo to the City Council, which included as an Exhibit, the March 7, 2014, Staff Report to the Planning

Commission. The City Council notes that the analysis in the March 7, 2014, Staff Report to the Planning Commission concludes that the Text Amendment application is consistent with LDC Section 1.2.80.01 – Background, and conforms to applicable Comprehensive Plan policies and Statewide Planning Goals. As explained below, the City Council concurs with the Staff analysis and finds that the Text Amendments under consideration are in the interest of public necessity, convenience, and general welfare, per Section 1.2.80.01.

Statewide Planning Goals

1. The City Council finds the following Oregon Statewide Planning Goals apply to the subject application.

Goal 1 – Citizen Involvement
Goal 2 – Land Use Planning
Goal 5- Open Spaces, Scenic and
Historic Areas, and Natural
Resources

Goal 9 – Economic Development
Goal 10 – Housing

2. The City Council notes that the Text Amendment application was reviewed through two separate public hearings (Planning Commission and City Council), which provided the opportunity for public participation in the planning process. Public notices were provided for both hearings, consistent with state and local noticing requirements. The City Council notes that in reaching a decision, public testimony, comprehensive plan policies, and applicable LDC review criteria were considered. By following the required public hearing processes and evaluating the application against applicable review criteria, the City Council finds that Statewide Planning Goal 1 – Citizen Involvement and Goal 2 – Land Use Planning were achieved.
3. The City Council notes that the proposed amendments are designed to protect previously identified historic resources. The City’s regulation of Designated Historic Resources, which is primarily found in LDC Chapter 2.9 – Historic Preservation Provisions, will be retained, and amended as proposed. The City Council finds that by maintaining an inventory of regulated historic resources and a plan to govern development impacts on those resources, the proposed Text Amendment application is consistent with Statewide Planning Goal 5.
4. The City Council notes that the proposed amendments to Chapter 2.9 will generally serve to facilitate review of alterations or new construction on historic resources or to properties within historic districts, some of which may also be significant locations for economic development. The City Council finds that by providing more certainty in the review process, and by eliminating the requirement for review of many types of

alterations, the proposed code amendments will support economic development in the City, consistent with Goal 9.

5. The City Council notes that some proposed amendments will permit greater exterior alterations to residential buildings and sites regulated by LDC Chapter 2.9 – Historic Preservation Provisions without the need for a Historic Preservation Permit. To some extent, this facilitates the provision of housing in the community. The City Council finds that though Historic Preservation Permits would still be required for many types of alterations affecting residential development, none of the proposed measures would serve to restrict the development of housing in the community beyond restrictions of other LDC provisions, and, therefore, the proposed Text Amendments affecting LDC Chapter 2.9 are consistent with Statewide Planning Goal 10.

Corvallis Comprehensive Plan Policies

1. The City Council notes that the following Comprehensive Plan policy was considered when evaluating the proposed Text Amendment.

1.2 Local Planning Process

1.2.1

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

2. The City Council notes that the proposed Text Amendments are intended to regulate Designated Historic Resources consistent with the Comprehensive Plan; that the Land Development Code serves as the primary mechanism for implementing adopted Comprehensive Plan policies; and, that the proposed amendments are found to be consistent with those policies in general, because the proposed code amendments do not change standards that would represent a shift in policy.
3. The City Council finds that adoption of the proposed code amendments would be consistent with CCP policy 1.2.1.
4. The City Council notes the following Comprehensive Plan policies that relate to the text amendments.

5.4 Historic and Cultural Resources

5.4.1

The City shall continue to use the Corvallis Register of Historic Landmarks and Districts as the City's official historic site listing. The intent of this inventory is to increase community awareness of historic structures and to ensure that these

structures are given due consideration prior to alterations that may affect the historic integrity of the structure.

5.4.2

The City shall encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.

5.4.4

The public's safety and general welfare shall be carefully evaluated when a conflict surfaces between the renovation of an historic structure and the City's building and fire codes.

5.4.5

Special architectural review criteria for historic structures shall be maintained in the Land Development Code.

5.4.8

The first priority for historic inventory and preservation work shall be older neighborhoods, especially those bordering the downtown and the Oregon State University campus.

5. The City Council notes that designated Historic Resources, as defined in LDC Chapter 1.6 – Definitions are regulated under LDC Chapter 2.9 – Historic Preservation Provisions. Some Designated Historic Resources are listed in the Corvallis Register of Historic Landmarks and Districts (Local Register), others are listed in the National Register of Historic Places (National Register), and some are listed in both. The City Council finds that while many of the proposed amendments would make certain activities on certain types of Designated Historic Resources exempt from the need for a Historic Preservation Permit review under LDC Chapter 2.9, activities affecting the Historic Integrity of Designated Historic Resources would still be given consideration, consistent with Corvallis Comprehensive Plan (CCP) 5.4.1. The City Council further finds that the nature and/or scale of these exempt activities has been determined to have no impact, or such a negligible impact on the Historic Integrity of a Designated Historic Resource, that Historic Preservation Permit (HPP) review is not required, also consistent with Corvallis Comprehensive Plan (CCP) 5.4.1.
6. The City Council finds that the identified exempt activities included in the Text Amendment to be historically compatible and therefore, there is no need for a City review process to determine compatibility. The City Council notes that the ability to expediently make pre-defined alterations to buildings and structures may be economically beneficial to those maintaining the building or structure, and that some proposed amendments would allow changes to buildings that are required to comply

with Building Codes or ADA requirements, or otherwise facilitate a contemporary use for a Historic building. The City Council notes that by allowing these changes outright, buildings can be updated to meet current Building Code and ADA requirements, which facilitates the on-going use of Historic buildings in an economically viable manner. The City Council finds this to be consistent with CCPs 5.4.1, 5.4.2, and 5.4.4.

7. The City Council notes that alterations that do not meet the clear and objective HPP exemption or Director-level (administrative) criteria would continue to be required to be reviewed against a set of architectural review criteria to determine historic compatibility, and that such HPP applications require review by the Historic Resources Commission. The City Council notes that these review criteria are not proposed to be altered through the subject Text Amendment, and therefore the Council finds that the Text Amendment is consistent with CCPs 5.4.3 and 5.4.5.
8. The City Council notes that many proposed amendments affect development within the OSU Historic District. The City Council notes that while the proposed amendments don't contemplate any historic inventory work, the Council finds that the focus on creating criteria responsive to the unique development issues within the OSU District is in line with the direction in CCP 5.4.8.

II. PUBLIC TESTIMONY

1. The City Council notes that one piece of written testimony was submitted prior to the Planning Commission hearing on March 19, 2014 regarding the Chapter 2.9 Text Amendments. The testimony was brought forward by the OSU Planning Staff presenting proposed LDC Text Amendments pertaining to collocated wireless telecommunication facilities and ground-level screening, dated February 5, 2014.
2. The City Council notes that, during the March 19, 2014 Planning Commission hearing, neutral testimony was provided by Shelley Murphy, representing the League of Women Voters (LWV). Ms. Murphy had no objections to the Chapter 2.9 provisions but stated that the League had not understood that the provisions would apply to the entire city. The City Council notes that the Chapter 2.9 Text Amendment would only apply to development on properties involving Designated Historic Resources.
3. The City Council notes that, during the March 19, 2014 Planning Commission hearing, testimony was provided by Rebecca Houghtaling, OSU Senior Planner. Ms. Houghtaling asked the Commission to reconsider staff's recommendation pertaining to Required Ground Level Screening.
4. The City Council notes that, during the March 19, 2014 Planning Commission hearing, testimony was provided by Sara Robertson, OSU Associate Planner. Ms. Robertson

stated support for proposed staff language pertaining to collocated wireless communications facilities.

5. The City Council notes that one piece of written testimony was submitted prior to the close of the public record on April 2, 2014 for consideration by the Planning Commission regarding the Chapter 2.9 Text Amendments. The testimony, dated April 1, 2014, was brought forward by the OSU Planning Staff presenting proposed LDC Text Amendments pertaining to ground-level screening.
6. The City Council notes that the Planning Commission unanimously recommended the Text Amendment, as modified by the Planning Commission, be forwarded to the City Council for approval, subject to amendment by the City Council.
7. The City Council notes that, during the June 16, 2014 City Council hearing, testimony was provided by Sara Robertson, OSU Associate Planner. Ms. Robertson stated that the proposed changes would make the review processes for improvements and developments easier without impacting the campus' historic integrity.

III. DELIBERATIONS

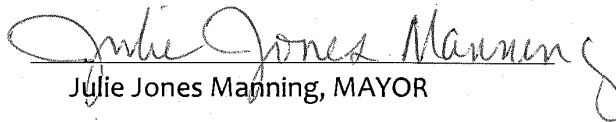
1. The City Council notes that after Planning Commission review of proposed Text Amendments, Staff noted one amendment originally proposed by Staff and accepted by the HRC and Planning Commission that should be further revised. This amendment relates to Director-level HPPs regarding window replacements. Currently, it is possible to replace single-pane windows with double-pane windows with a Director-level HPP. Staff proposed to delete reference to double-pane energy efficient glazing to simplify text because in most cases, new windows will contain double-pane energy efficient glazing. However, deleting this text could create uncertainty about whether double-pane glazing is permitted with Director-level approval. The City Council finds that retaining the current language confirms that double-pane glazing is permitted as part of a Director-level HPP.
2. The City Council notes that, in their deliberations on July 21, 2014, they found that as a result of the OSU Historic District, more staff resources have been required to complete Historic Preservation Permit (HPP) reviews; that the University is continually undertaking projects to maintain buildings, retrofit them to comply with various regulatory construction standards, and to build new structures; that in many instances these types of alterations or new construction activities have a negligible impact on the Historic District or on an affected Designated Historic Resource structure; that the proposed Text Amendments expand the kinds of development activities that can occur without a Historic Preservation Permit, or that can be approved administratively; and, that the proposed exempt activities are considered to be historically compatible and therefore do not require discretionary review.

IV. SUMMARY AND CONCLUSION

Based on the City Council's analysis, and the information and analysis in the March 12, 2014, staff report to the Planning Commission; the staff memoranda to the City Council dated June 9, 2014, and July 2, 2014; the minutes of the City Council public hearing on June 16, 2014; and the minutes and deliberations of the City Council hearing on July 21, 2014, the Council finds the proposed changes to Chapter 2.9 are in conformance with applicable Corvallis Comprehensive Plan policies, and facilitate or obviate certain types of historic reviews, consistent with the applicable review criteria in LDC Section 1.2.80 – Text Amendments.

As the body charged with hearing LDC Text Amendments, the City Council, having reviewed the record associated with the subject Text Amendment application, considered evidence supporting and opposing the application and finds that the proposal adequately addresses applicable review criteria and is found to be consistent with the applicable sections of the Land Development Code. The City Council finds that the proposal provided sufficient information to demonstrate compliance with the criteria that the Council believes apply to the Text Amendment application.

Dated: 8-18-14


Julie Jones Manning, MAYOR



**Community Development
Planning Division**

501 SW Madison Avenue

P.O. Box 1083

Corvallis, OR 97339-1083

(541) 766-6908

Planning@corvallisoregon.gov

**CORVALLIS CITY COUNCIL
NOTICE OF DISPOSITION**

ORDER NO. 2014-043

- CASE:** **LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE – PACKAGE #1**
(LDT13-00003 – NEIGHBORHOOD PLANNING WORKGROUP, ECONOMIC DEVELOPMENT COMMISSION, AND STAFF RECOMMENDATIONS)
- REQUEST:** Legislative Land Development Code Text Amendment (LDT13-00003) involving changes and additions to Chapters 1.2, 1.6, 2.0, 2.5, 2.14, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, and 4.1, associated with recommendations of the Neighborhood Planning Workgroup, Economic Development Commission, and Staff.
- APPLICANT:** City of Corvallis
501 SW Madison Ave
Corvallis, OR 97333
- LOCATION** The proposal applies to development throughout the City of Corvallis.
- DECISION** The Corvallis City Council conducted, after proper legal notice, a public hearing concerning this Legislative Amendment to the Land Development Code (LDT13-00003) on June 16, 2014. A request to hold the record was received, and the City Council allowed the record to be held open until July 15, 2014. Additional public testimony was received and transmitted to the City Council for their deliberations on July 21, 2014.

City Council Decision (LDT13-00003)

Order No. 2014-043

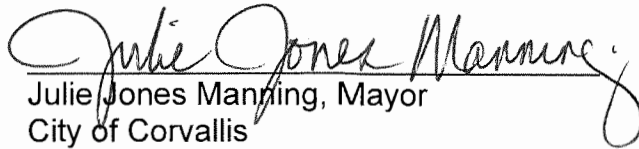
Page 1 of 2

On July 21, 2014, after considering additional public testimony, the City Council deliberated and found that the proposed request, regarding revision of the Land Development Code, should be approved. The City Council adopted Ordinance 2014-11 (**ATTACHMENT A**), to implement the code amendments. The formal findings adopted by the City Council on August 18, 2014, are attached to this Notice of Disposition (**ATTACHMENT B**).

If you wish to appeal the decision regarding this Legislative Amendment to the Land Development Code, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date the decision is signed by the Mayor.

The proposal, staff report, hearing minutes, memoranda to City Council, and findings and conclusions may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

August 18, 2014
Date of Decision


Julie Jones Manning, Mayor
City of Corvallis

ATTACHMENTS:

- A. Ordinance 2014-11: (LDT13-00003)
- B. Formal Findings and Conclusions, adopted by City Council on August 18, 2014

ORDINANCE 2014- 11

AN ORDINANCE AMENDING ORDINANCE 2006-24, AS AMENDED, TO REVISE THE CORVALLIS LAND DEVELOPMENT CODE CHAPTERS 1.2, 1.6, 2.0, 2.5, 2.14, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, and 4.1 (LDT13-00003).

Whereas, the Planning Commission, after holding a duly advertised public hearing on March 19, 2014, has forwarded its recommendation to the City Council concerning a request for a Text Amendment to the Land Development Code;

Whereas, on April 16, 2014, the Planning Commission recommended that the City Council approve the request to amend Land Development Code Chapters 1.2, 1.6, 2.0, 2.5, 2.14, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, and 4.1, consistent with recommendations provided by the Neighborhood Planning Workgroup, Economic Development Commission, and Staff;

Whereas, the City Council held a duly-advertised public hearing concerning the proposed Text Amendment to the Land Development Code on June 16, 2014, and interested persons and the general public were given an opportunity to be heard;

Whereas, the City Council allowed the record to be held open until July 15, 2014, to receive additional public testimony;

Whereas, the Council has reviewed the public testimony and the recommendations of the Planning Commission and City Staff, and on July 21, 2014, met to deliberate on the matter, and made a preliminary decision to approve the proposed Land Development Code text amendment, subject to adoption of formal findings of fact;

Whereas, findings of fact have been prepared and consist of the formal findings, entered into the record at the August 18, 2014, City Council meeting;

Whereas, the final version of this Land Development Code Text Amendment is attached hereto as Exhibit A;

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

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

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

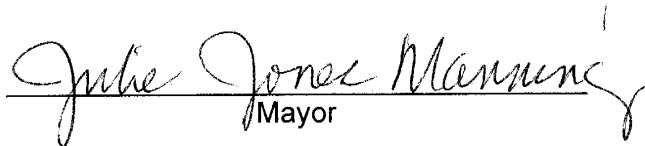
NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Chapters 1.2 (Legal Framework), 1.6 (Definitions), 2.0 (Public Hearings), 2.5 (Planned Development), 2.14 (Partitions, Minor Replats, and Property Line Adjustments), 3.2 (Low Density (RS-5) Zone), 3.3 (Low Density (RS-6) Zone), 3.4 (Medium Density (RS-9) Zone), 3.5 (Medium Density – University (RS-9(U)) Zone), 3.6 (Medium-High Density (RS-12) Zone), 3.7 (Medium-High Density – University (RS-12(U)) Zone), and 4.1 (Parking, Loading, and Access Requirements) of the Land Development Code are amended as shown by the provisions contained in Exhibit A.

PASSED by the Council this 18th Day of August, 2014.

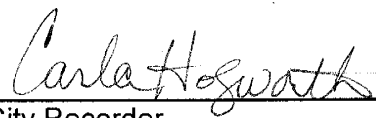
APPROVED by the Mayor this 18th Day of August, 2014.

Effective the 28th Day of August, 2014.



Mayor

ATTEST:



City Recorder

Article I – General Provisions

Chapter 1.2: Legal Framework

1.2.100.02 – Annual Review

Development review fees shall be reviewed annually and revised to reflect the change in costs to the City, including, but not limited to, the wages and benefits of appropriate employees in the current fiscal year. The annual adjustment of fees shall be effective July 1 of each year.

Chapter 1.6: Definitions

Section 1.6.30:

Affordable Housing - Housing for which ownership costs (mortgage loan principal, interest property taxes, and insurance), or rental costs (unit rent and utilities) require no more than 30 percent of the gross monthly income of a household that has income at or below 80 percent of the Corvallis area median. The Corvallis area median is calculated annually by the U. S. Department of Housing and Urban Development (HUD) and applied based on household size. These numbers are updated annually by HUD and are on file in the City's Housing Division. See also; Eligible Affordable Housing Units.

Density Calculation - Density is calculated as either gross density or net density. The minimum density for a site is net density and the maximum density is gross density.

- a. **Density, Gross** - Number of dwelling units per gross area, in acres. See definition for Area, Gross.
- b. **Density, Net** - Number of dwelling units per net area, in acres. See definition for Area, Net.
- c. **Fractions** – When the sum of the dwelling units is a fraction of a dwelling unit, the following adjustments to the Density Calculation apply:
 1. **Development occurring on properties within the established City Limits on or before January 1, 1950:** When the fraction is equal to or greater than 0.5, an additional dwelling unit is allowed, but not required. If the fraction is less than 0.5, an additional dwelling unit shall not be allowed.
 2. **In All Other Areas:** When the sum of the dwelling units is a fraction of a dwelling unit, and the fraction is equal to or greater than 0.5, an additional dwelling unit shall be required (minimum density) or allowed (maximum density).

density). If the fraction is less than 0.5, an additional dwelling unit shall not be required (minimum density) or allowed (maximum density).

Eligible Affordable Housing Units – Housing units that are affordable to and restricted to occupancy by low-income residents with a gross household income of:

- 80% or below the Corvallis median income, adjusted by family size, in the case of owner-occupied housing; or
- 60% or below the Corvallis median income, adjusted by family size, in the case of renter-occupied housing.

“Affordable” means that low-income households within a specified range pay no more than 30% of gross monthly income on mortgage payments (principle, interest, property taxes, and insurance), or monthly rent plus utilities. The applicable income and affordability restrictions shall be recorded by the City of Corvallis and/or State of Oregon in the form of deed restrictions or such other mechanism acceptable to the City of Corvallis and/or State of Oregon. These restrictions shall be for a minimum of 20 years, and will specify the method for calculating affordability that is to be applied to the property.

Family - Individual or two or more persons related by blood, adoption, marriage, or domestic partnership, or a group of not more than five adults unrelated by blood or marriage, living together in a dwelling unit. As used in this Code, Family also refers to not more than five unrelated persons receiving residential care, residential training or residential treatment, as those terms are defined in ORS 443.400. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. The relevant Oregon Revised Statutes that pertain to this definition include ORS 197.660(2) and ORS 197.665, as amended.

Article II – Administrative Procedures

Chapter 2.0: Public Hearings

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 500 ft., including street right-of-way, of a parcel of land proposed for:**
 - a) Major Lot Development Option.**
 - 3. 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;**
 - b) Subdivisions and Major Replats (Non-Residential);**
 - c) Conditional Development - including Willamette River Greenway Permits;**
 - d) Annexation proposals;**
 - e) Planned Developments, including:**
 - 1) Conceptual and/or Detailed Development Plans;**
 - 2) Major Planned Development Modifications; and**
 - 3) Planned Development Nullifications per Section 2.5.80.b:**
 - f) Refinement Plans and Refinement Plan Nullifications;**
 - g) HRC-level Historic Preservation Permits related to Demolitions;**
 - h) Major Neighborhood Center Master Site Plans, including:**
 - 1) Master Site Plans; and**
 - 2) Major Master Site Plan Modifications; and**
 - i) Floodplain Development Permit Variances.**
 - 4. Any person who resides on or owns property within 100 ft., including street right-of-way, of a parcel of land proposed for:**
 - a) Appeals of a General Development decision of the Director;**
 - b) Establishing or removing a Historic Preservation Overlay zoning designation, in accordance with Chapter 2.2 – Zone Changes, including appeals of Administrative Zone Changes;**
 - c) HRC-level Historic Preservation Permits, except those covered by “2.g,” above;**
 - d) Minor Planned Development Modifications;**
 - e) Expedited Land Divisions;**
 - f) Major Neighborhood Center Minor Site Plan Modifications;**

- g) Request for Extension of Services outside the City limits. In addition, all property owners between the City limits and the subject property shall be mailed a notice;
- h) Sign Variance;
- i) Minor Lot Development Options;
- j) Subdivisions and Major Replats (Residential); and
- k) Conditional Development Permit Modifications

Chapter 2.5: Planned Development

Section 2.5.50.10 - Review Criteria for Determining Compliance with a Detailed Development Plan

A Building Permit or other site development permit request shall be reviewed to determine whether the request is in compliance with the approved Detailed Development Plan. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.5.40.04, does not involve any new modifications to this Code's development standards, and does not involve changes to any specific requirements established at the time of Detailed Development Plan approval. Specific requirements include Conditions of Approval, this Code's requirements, and all aspects of the applicant's proposal that were approved as part of the Detailed Development Plan. Minor revisions shall be allowed if all of the following are met:

1. Falls below the thresholds identified in Section 2.5.60.02.a;
2. Does not affect any conditions of approval;
3. Does not affect any approved compensating benefits;
4. Adds, or reduces, less than 1,000 sq. ft. of floor area to the approved development plan, but does not result in the cumulative transfer of approved building square footage between approved buildings beyond 1,000 square feet;
5. Complies with all applicable Land Development Code provisions; and
6. Revisions to approved site design elements, such as landscaping, green areas, sidewalks and pedestrian routes, do not result in a change greater than 10% to those elements approved in the Detailed Development Plan.
7. When evaluated in relation to all prior approved minor revisions to the approved Planned Development, does not result in changes that would cumulatively exceed the thresholds listed above.

Section 2.5.50.20 - Minor Plan Adjustments Considered to be in Compliance with an Approved Detailed Development Plan – Minor plan adjustments to Planned Developments that otherwise comply with all applicable Land Development Code standards are permitted and considered to be in compliance with an approved Detailed Development Plan,

subject to the following criteria, and the additional criteria in A, B, and C, below:

- A. The expansion falls below the thresholds identified in Section 2.5.60.02.a;
- B. The expansion does not affect any Conditions of Approval; and,
- C. The expansion does not affect any approved compensating benefits and would not allow for a reduction in enhancements provided to offset allowed flexibility from LDC standards

1. Residential Minor Plan Adjustments Considered to be in Compliance with an Approved Detailed Development Plan - Minor plan adjustments to a Residential Planned Development are permitted for the following Residential Use Types and Residential Building Type:

- a) Group Residential
- b) Cooperatives and Fraternity and Sorority Houses
- c) Residential Care Facility
- d) Multi-dwelling Building Type

Minor Plan Adjustments to the above Residential Use Types and Residential Building Type are considered to be in compliance with an approved Detailed Development Plan, provided the adjustments fall below the thresholds below:

- a. The expansion adds floor area of 500 sq. ft. or less; or
- b. The expansion adds floor area of 3,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area; and,
- c. The proposed expansion, in conjunction with all prior development authorized under these provisions, constitutes no more than 10% of the total gross area approved under the Planned Development.

2. Commercial, Civic, and Industrial Minor Plan Adjustments Considered to be in Compliance with an Approved Detailed Development Plan - Minor plan adjustments to a Commercial, Civic, or Industrial Planned Development are considered to be in compliance with an approved Detailed Development Plan, provided the adjustments fall below the thresholds below:

- a. The expansion adds floor area of 500 sq. ft. or less; or
- b. The expansion adds floor area of 5,000 sq. ft. or less and is equivalent to 20 percent or less of the existing structure's gross floor area; and,
- c. The proposed expansion, in conjunction with all prior development authorized under these provisions, constitutes no more than 20% of the total gross area approved under the Planned Development.

Chapter 2.14: Partitions, Minor Replats, and Property Line Adjustments

Section 2.14.30.05.a (Non-residential Partitions)

(Remove references to density in this section altogether and re-number)

4. For properties with Natural Resources or Natural Hazards subject to Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, or Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, no Partition or Minor Replat shall create new lots or parcels unless each new and remaining lot or parcel contains:
 - a) An area unconstrained by Natural Resources or Natural Hazards;
 - b) An area that includes Formerly Constrained Areas; or
 - c) Contains an area that includes the areas in 5.a) and 5.b) above; and that area is equal to or greater than the applicable Minimum Assured Development Area(s) for the zone or zones in which the site falls. Exceptions to this requirement are:
 - d) Lots created for public park purposes; and
 - e) Privately- or publicly-owned lots completely contained within an area zoned Conservation - Open Space.
New Partitions may contain common open space tracts for the purpose of protecting Natural Resources and/or avoiding Natural Hazards.

New Partitions may contain common open space tracts for the purpose of protecting Natural Resources and/or avoiding Natural Hazards.

Section 2.14.30.05.b(2)(b)

b. Residential Partitions - Requests for the approval of a Tentative Partition Plat shall be reviewed to ensure:

2. The following criteria are met for Residential Partitions and the application demonstrates adherence to them:
 - b) Consistency with the density requirements of the zone;

LDC Section 2.14.60.b:

A Property Line Adjustment shall be approved if the following criteria have been met:

1. The Property Line Adjustment shall not result in creation of an additional unit of land;
2. Any unit of land reduced in size by the Property Line Adjustment shall comply with all applicable zoning regulations;
3. The Property Line Adjustment shall not increase the degree of nonconformity that may exist on the subject lots;

4. The availability of both public and private utilities and required access shall not be adversely affected by a Property Line Adjustment; and
5. In addition to applicable lot width requirements, any opposing or parallel side property lines shall be separated by a minimum distance of 15 feet. Existing side property lines that do not meet this standard are allowed to be maintained or adjusted, as long as the Property Line Adjustment does not worsen the non-compliant configuration.

Article III - Development Zones

Chapter 3.2: Low Density (RS-5) Zone

Section 3.2.30 - RS-5 DEVELOPMENT STANDARDS

Table 3.2-1

e.	Minimum Setbacks (all Building Types)		
1.		Front yard	15 ft. Also, unenclosed porches may encroach into front yards up to a maximum of 6 ft.
2.		Rear yard	15 ft.
3.		Side yard	
		a) Single Detached	5 ft. minimum each side yard
		b) Single Attached	0 ft. one side; 10 ft. minimum on opposite side
		c) Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side ¹
		d) Duplex and Triplex	10 ft. minimum each side
4.		Exterior Side Yard	15 ft. minimum and Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 -
		See also “k,” and “l,” below.	Parking, Loading, and Access Requirements.

Chapter 3.3: Low Density (RS-6) Zone

Section 3.3.30 - RS-6 DEVELOPMENT STANDARDS

Table 3.3-1

e.	Setbacks		
	1.	Front yard	10 ft. minimum; 25 ft. maximum Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.
	2.	Rear yard	5 ft. minimum
	3.	Side yard	
		a) Single Detached b) Single Attached c) Zero Lot Line Detached d) Duplex, Triplex and Fourplex	5 ft. minimum each side yard 0 ft. one side; 10 ft. minimum on opposite side 0 ft. one side; 8 ft. minimum on opposite side¹ 10 ft. minimum each side Also, interior attached townhouses exempt from interior side yard setbacks.
4.	Exterior Side Yard, and Rear Yard abutting a Street	10 ft. minimum and Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.	
		See also “k,” and “l,” below.	

Chapter 3.4: Medium Density (RS-9) Zone

Section 3.4.30 - RS-9 DEVELOPMENT STANDARDS

Table 3.4-1

e.	Setbacks		
	1.	Front yard	10 ft. minimum; 25 ft. maximum. Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.
	2.	Rear yard	5 ft. minimum.
	3.	Side yards Interior attached townhouses exempt from interior side yard setbacks.	
	a) Single Detached		5 ft. minimum each side yard
	b) Single Attached		0 ft. one side; 10 ft. minimum on opposite side
	c) Zero Lot Line Detached		0 ft. one side; 8 ft. minimum on opposite side ¹
	d) Duplex, Triplex and Fourplex		10 ft. minimum each side
	e) Abutting a more restrictive zone		10 ft. minimum
4.	Exterior Side Yard and Rear Yard abutting a Street		10 ft. minimum and Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
		See also "k," and "l," below.	

Chapter 3.5: Medium Density - University (RS-9(U)) Zone

Section 3.5.30 - RS-9(U) DEVELOPMENT STANDARDS

Table 3.5-1

e.	Setbacks		
	1.	Front yard	10 ft. minimum; 25 ft. maximum. Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.
	2.	Rear yard	5 ft. minimum.
	3.	<p>Side yards</p> <p>Interior attached townhouses exempt from interior side yard setbacks.</p> <p>a) Single Detached</p> <p>b) Single Attached</p> <p>c) Zero Lot Line Detached</p> <p>d) Duplex, Triplex and Fourplex</p> <p>e) Abutting a more restrictive zone</p>	<p>5 ft. minimum each side yard</p> <p>0 ft. one side; 10 ft. minimum on opposite side</p> <p>0 ft. one side; 8 ft. minimum on opposite side¹</p> <p>10 ft. minimum each side</p> <p>10 ft. minimum</p>
	4.	<p>Exterior Side Yard and Rear Yard abutting a Street</p> <p>See also "k," and "l," below.</p>	10 ft. minimum and Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.

Chapter 3.6: Medium-High Density (RS-12) Zone

Section 3.6.30 - RS-12 DEVELOPMENT STANDARDS

Table 3.6-1

e.	Setbacks		
	1.	Front yard	10 ft. minimum; 25 ft. maximum. Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.
	2.	Rear yard	5 ft. minimum.
	3.	Side yards	
		Interior attached townhouses exempt from interior side yard setbacks.	
		a) Single Detached	5 ft. minimum each side yard
		b) Single Attached	0 ft. one side; 10 ft. minimum on opposite side
		c) Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side ¹
		d) Duplex and Multi-Dwelling	10 ft. minimum each side
		e) Abutting a more restrictive zone	10 ft. minimum
4.	Exterior Side Yard and Rear Yard abutting a Street	10 ft. minimum and Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.	
	See also "k," and "l," below.		

Chapter 3.7: Medium-High Density – University (RS-12(U)) Zone

Section 3.7.30 – RS-12(U) DEVELOPMENT STANDARDS

Table 3.7-1 - RS-12(U) Development Standards

e.	Setbacks		
	1.	Front yard	10 ft. minimum; 25 ft. maximum. Also, unenclosed porches may encroach into front yards, provided that a minimum front yard of 5 ft. is maintained.
	2.	Rear yard	5 ft. minimum.
	3.	Side yards	
		Interior attached townhouses exempt from interior side yard setbacks.	
		a) Single Detached	5 ft. minimum each side yard
		b) Single Attached	0 ft. one side; 10 ft. minimum on opposite side
		c) Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side ¹
		d) Duplex and Multi-Dwelling	10 ft. minimum each side
		e) Abutting a more restrictive zone	10 ft. minimum
4.	Exterior Side Yard and Rear Yard abutting a Street	10 ft. minimum and Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.	
	See also “k,” and “l,” below.		

Article IV – Development Standards

Chapter 4.1: Parking, Loading, and Access Requirements

Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS

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

a. Residential Uses Per Building Type –

1. Single Detached and Manufactured Homes -

- a) Vehicles - Two spaces per dwelling unit.
- b) Bicycles - None required.

2. Single Attached - Zero Lot Line

- a) Vehicles -
 - 1) One, Two, or Three-bedroom Unit - Two spaces per unit.
 - 2) Four-bedroom Unit - 3.5 spaces per unit.¹
 - 3) Five-bedroom Unit - 4.5 spaces per unit.¹
- b) Bicycles -
 - 1) Studio or Efficiency Unit - One space per unit.
 - 2) One-bedroom Unit - One space per unit.
 - 3) Two-bedroom Unit - 1.5 spaces per unit.
 - 4) Three-bedroom Unit - Two spaces per unit.
 - 5) Four-bedroom Unit - Three spaces per unit.
 - 6) Five-bedroom Unit - Four spaces per unit.

3. Single Detached with more than one dwelling unit on a single lot, Duplex, Attached, and Multi-dwelling -

- a) Vehicles -
 - 1) Studio or Efficiency Unit - One space per unit.
 - 2) One-bedroom Unit - One space per unit.
 - 3) Two-bedroom Unit - 1.5 spaces per unit.
 - 4) Three-bedroom Unit - 2.5 spaces per unit.
 - 5) Four-bedroom Unit - 3.5 spaces per unit.¹
 - 6) Five-bedroom Unit - 4.5 spaces per unit.¹
- b) Bicycles -
 - 1) Studio or Efficiency Unit - One space per unit.
 - 2) One-bedroom Unit - One space per unit.
 - 3) Two-bedroom Unit - 1.5 spaces per unit.
 - 4) Three-bedroom Unit - Two spaces per unit.
 - 5) Four-bedroom Unit - Three spaces per unit.
 - 6) Five-bedroom Unit - Four spaces per unit.

The required bicycle parking may be located within a structure, in accordance with the provisions of Section 4.1.70.

¹ Minimum parking requirements for four- and five-bedroom units in Sections 4.1.30.a.2., and 3., above shall be 2.5 spaces per unit for development that meets the requirements of Eligible Affordable Housing Units, as defined in Chapter 1.6 – Definitions.

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

**FINDINGS – PACKAGE # 1 TEXT AMENDMENTS
(NEIGHBORHOOD PLANNING WORKGROUP, ECONOMIC DEVELOPMENT COMMISSION,
AND STAFF RECOMMENDATIONS)**

In the matter of a City Council decision to)
approve a Land Development Code Text) **LDT13-00003**
Amendment.)
)

PREAMBLE

The matter before the Corvallis City Council is a decision regarding a Land Development Code (LDC) Text Amendment (LDT) to implement changes recommended by the Corvallis/OSU Collaboration project's Neighborhood Planning Workgroup to facilitate compatible infill development and discourage incompatible infill development, changes recommended by the Economic Development Commission to facilitate code-compliant alterations within approved Planned Developments, and a Staff-recommended change to the annual schedule for review of land use application fees, to better align with fiscal year budget-planning efforts.

On March 19, 2014, the Corvallis Planning Commission conducted a hearing on the LDC Text Amendment application (LDT13-00003), allowed the record to remain open until April 2, 2014, and deliberated on the request on April 16, 2014. The Planning Commission unanimously recommended that the City Council approve the LDC Text Amendment application, with some changes recommended by Staff and the Planning Commission.

The City Council held a duly advertised *de novo* public hearing on the LDC Text Amendment application on June 16, 2014. During the public hearing, the City Council received a request to hold the written record open and granted the request to hold the written record open until 5 pm, June 30, 2014. Additionally, Staff provided City Council with a memorandum on July 2, 2014, that provided additional staff analysis of implications of changes to the density calculation methodology, and consideration of re-opening the written record to allow for additional public comment on the proposed code amendments. On July 7, 2014, the City Council met to discuss the staff memorandums, and voted to allow the written record to remain open until 5pm, on July 15, 2014.

Additional written testimony was received, and on July 21, 2014, the City Council deliberated on the proposed text amendments. After consideration of all the testimony and evidence, the City Council unanimously voted to approve the LDC Text Amendment application, with

one change adopted by the City Council during its deliberations, in response to testimony received from Willamette Neighborhood Housing Services, which proposed that the City Council adopt a definition for “Eligible Affordable Housing Units”.

Applicable Criteria

All applicable legal criteria governing review of this application are identified in the public notices for the March 19, 2014, and June 16, 2014 public hearings; the Staff Report to the Planning Commission, dated March 7, 2014; additional proposed amendments brought forward by staff, regarding Property Line Adjustment criteria, as presented in a supplemental Memorandum dated April 10, 2014; the minutes of the Planning Commission hearing and deliberations held on April 16, 2014; the staff memoranda to the City Council dated June 9, 2014, and July 2, 2014; the minutes of the City Council public hearing on June 16, 2014; and the minutes and deliberations of the City Council hearing on July 21, 2014.

FINDINGS AND CONCLUSIONS RELATED TO THE APPROVAL OF THE PACKAGE #1 LAND DEVELOPMENT CODE TEXT AMENDMENT (LDT13-00003)

1. In the Text Amendment application, three categories of amendments were included. The first category covers amendments proposed by the Neighborhood Planning Workgroup of the City/OSU Collaboration project. The Neighborhood Planning Workgroup recommendations are intended to address concerns about the compatibility of new development with existing residences in established neighborhoods. The second category includes recommendations provided by the Economic Development Commission, intended to facilitate code-compliant alterations within approved Planned Developments. The Planning Commission forwarded to City Council, all but one of the Economic Development Commission’s recommendations. Finally, the third category includes a modification proposed by Staff, to the requirements for annual review of land use application fees.
2. The City Council notes that the stated purpose of the Text Amendment application under consideration is to address compatibility of new development occurring in established neighborhoods, facilitate code-compliant alterations within approved Planned Developments, and improve the budget process associated with review of land use application fees, while maintaining consistency with applicable City of Corvallis Comprehensive Plan policies and Statewide Planning Goals.
3. The City Council accepts and adopts findings made in the Staff Report to the Planning Commission, dated March 7, 2014, related to public necessity, convenience and general welfare (pages 8, 10 through 14, 32 and 41), compliance with Statewide Planning Goals (pages 7, 14, 15, 32, 34, and 35), and consistency with Corvallis Comprehensive Plan Policies (pages 6 through 12, and 32 through 34), and the additional proposed amendments brought forward by staff related to Property Line Adjustment criteria, as presented in a supplemental Memorandum, dated April 10,

2014, which support approval of the Text Amendment. The City Council adopts as findings those portions of the Minutes of the Planning Commission hearing, dated March 19, 2014, that demonstrate support for approving the Text Amendment. The City Council accepts and adopts those findings made in the June 9, 2014, staff memorandum to the City Council that support approving the Text Amendment. The City Council also adopts as findings, those portions of the Minutes of the City Council meeting dated June 16, 2014, that demonstrate support for approving the Text Amendment. The City Council specifically accepts and adopts as findings the rationale given during deliberations held on July 21, 2014, by Council Members expressing their support for approving the Text Amendment. 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.

4. The City Council notes that during the July 21, 2014 meeting, the Council deliberated on the application, and a motion to approve the request, which included an amendment to add a Land Development Code definition for the term “Eligible Affordable Housing Units”, as proposed in testimony received by Willamette Neighborhood Housing Services, and dated June 30, 2014, was made by Councilor Traber and seconded by Councilor Sorte. The Council notes that the motion made by Councilor Traber to approve the application was unanimously passed with an eight-to-zero vote. The Council finds the text amendment is consistent with the applicable criteria.
5. The City Council notes the record contains all information needed to evaluate the Text Amendment decision for compliance with the relevant criteria.
6. The City Council notes that 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, and primarily address issues raised in support of the text amendment. These supplemental findings, like the Incorporated Findings, are grouped into three categories (LDC Criteria, Statewide Planning Goals, and Comprehensive Plan Policies) which facilitate a comprehensive and cohesive review of the applicable criteria.

I. Land Development Code Text Amendment Criteria

1. The City Council notes that the process and applicable criteria for evaluating proposed LDC Text Amendments are found in LDC Section 1.2.80 – Text Amendments, which is provided below.

Section 1.2.80 - TEXT AMENDMENTS

1.2.80.01 - Background

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

1.2.80.02 - Initiation

An amendment may be initiated through one of the following methods:

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

1.2.80.03 - Review of Text Amendments

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

2. The City Council notes that on October 7, 2013, the City Council initiated consideration of the subject Text Amendment, based on an update provided by Staff, of the work and recommendations of the Economic Development Commission, Neighborhood Planning Workgroup, and Staff. On February 5, 2014, City Staff briefed the Planning Commission on items to be included in the Package #1 LDC Amendments. The City Council finds that the initiation of the Text Amendment is consistent with Section 1.2.80.02.
3. The City Council notes that LDC Section 1.2.80.03 requires the Text Amendment to be reviewed by the Planning Commission and the City Council through separate public hearings. The City Council notes that the Planning Commission held a duly advertised public hearing to review the Text Amendment application on March 19, 2014, and unanimously recommended the City Council approve the request. The Council notes that the City Council held a duly advertised *de novo* hearing on June 16, 2014, and deliberated on the application on July 21, 2014. The City Council notes that these public hearings were conducted in accordance with the legislative provisions of Chapter 2.0 – Public Hearings. The City Council finds that review of the Text Amendment application was consistent with LDC Section 1.2.80.03.
4. The City Council notes that per LDC Section 1.2.80.01 – Background, the LDC may only be amended when the public necessity, convenience, and general welfare require such amendment, and where it conforms with the Corvallis Comprehensive Plan and other applicable policies. The City Council notes that in the case of Text Amendments, applicable policies include Oregon’s Statewide Planning Goals. The City

Council notes that the Text Amendment under consideration was evaluated for consistency with the criteria in LDC Section 1.2.80.01 – Background, including applicable Statewide Planning Goals and Corvallis Comprehensive Plan Policies, as identified in the June 9, 2014, Staff Report to the City Council, which included as an Exhibit, the March 7, 2014, Staff Report to the Planning Commission. The City Council notes analysis in the June 9, 2014, Staff Report to the City Council concludes that the Text Amendment application, is consistent with LDC Section 1.2.80.01 – Background, and conforms to applicable Comprehensive Plan policies and Statewide Planning Goals. As explained below, the City Council concurs with the Staff analysis and finds that the Text Amendments under consideration are in the interest of public necessity, convenience, and general welfare, per Section 1.2.80.01.

Statewide Planning Goals

1. The City Council finds the following Oregon Statewide Planning Goals apply to the subject text amendments.

Goal 1 – Citizen Involvement
Goal 2 – Land Use Planning

Goal 9 – Economic Development
Goal 10 - Housing

2. The City Council notes that the Text Amendment application was reviewed through two separate public hearings (Planning Commission and City Council), which provided the opportunity for public participation in the planning process. Public notices were provided for both hearings, consistent with state and local noticing requirements. The City Council notes that in reaching a decision, public testimony, comprehensive plan policies, and applicable LDC review criteria were considered. By following the required public hearing processes and evaluating the application against applicable review criteria, the City Council finds that Statewide Planning Goal 1 – Citizen Involvement and Goal 2 – Land Use Planning were achieved.
3. The City Council notes that development of housing, industry and other commercial business ventures are important components of the local economy, and fulfill a need by providing housing for the populace of Corvallis. The City Council notes that approving the Text Amendment application will facilitate development of land set aside for these purposes, by providing for a measure of flexibility where code compliant development is proposed. The Council finds that Statewide Planning Goal 9 (Economic Development) and 10 (Housing) are supported by the proposed text amendments.
4. The Council notes that ordinances implementing the Goal 10: Housing Guidelines include consideration of “the economic, environmental, social, and energy”

consequences of the proposed densities. The Council notes that many of the proposed changes to the Land Development Code are intended to preclude incompatible types of the development, while allowing for the provision of a needed housing at planned densities in residential zones in the City. Consequently, the Council finds these amended regulations will allow for the provision of needed housing throughout the community while achieving a more appropriate balance of the economic, environmental, social, and energy consequences of local regulations that pertain to housing.

Corvallis Comprehensive Plan Policies

1. The City Council notes the following Comprehensive Plan policy applies to the text amendment associated with annual review of land use application fees.

2.2.5

The City shall strive to ensure that all public information on land use planning issues is available in an understandable form, is accurate and complete, and is made available to all citizens as soon as possible after receipt of an application. The City shall continue to take advantage of the best available technology for dissemination of this information.

2. The City Council notes the following Comprehensive Plan policies apply to the text amendments associated with the recommendations of the Neighborhood Planning Workgroup.

1.2.1

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

1.2.6

The applicable criteria in all land use decisions shall be derived from the Comprehensive Plan and other regulatory tools that implement the Plan.

1.2.8

Procedures for public notification, including timing, shall be contained in the Land Development Code.

2.2.8

The City shall continue to work with neighborhood organizations and other neighborhood and community groups to facilitate dissemination of land use information and review of neighborhood issues.

2.2.9

The City shall seek participation from citizens within the entire Urban Growth Boundary in all land use planning.

3.2.3

The City shall address compatibility conflicts through design and other transitional elements, as well as landscaping, building separation, and buffering.

5.2.3

The City shall develop standards which ensure adequate open space and landscaping on residential, commercial, and industrial developments, and shall maintain these standards in the Land Development Code.

Article 50 – Definition of Infill

Infill – Developing vacant and partially vacant land within a built environment. To be considered infill, such land shall be less than 0.5 acres in size for residentially designated lands or less than 1.0 acre in size for lands designated otherwise.

3.2.1

The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:

- A. Preservation of significant open space and natural features;*
- B. Efficient use of land;*
- C. Efficient use of energy and other resources;*
- D. Compact urban form;*
- E. Efficient provision of transportation and other public services; and*
- F. Neighborhoods with a mix of uses, diversity of housing types, pedestrian scale, a defined center, and shared public areas.*

9.2.1

City land use decisions shall protect and maintain neighborhood characteristics (as defined in 9.2.5) in existing residential areas.

9.2.2

In new development, City land use actions shall promote neighborhood characteristics (as defined in 9.2.5) that are appropriate to the site and area.

9.2.5

Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas. These neighborhood characteristics are as follows:

- A. Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.*
- B. Comprehensive neighborhoods support effective transit and neighborhood services and have a wide range of densities. Higher densities generally are located close to the focus of essential services and transit.*
- C. Comprehensive neighborhoods have a variety of types and sizes of public parks and open spaces to give structure and form to the neighborhood and compensate for smaller lot sizes and increased densities.*
- D. Neighborhood development provides for compatible building transitions in terms of scale, mass, and orientation.*
- E. Neighborhoods have a mix of densities, lot sizes, and housing types.*
- F. Neighborhoods have an interconnecting street network with small blocks to help disperse traffic and provide convenient and direct routes for pedestrians and cyclists. In neighborhoods where full street connections cannot be made, access and connectivity are provided with pedestrian and bicycle ways. These pedestrian and bicycle ways have the same considerations as public streets, including building orientation, security-enhancing design, enclosure, and street trees.*

- G. *Neighborhoods have a layout that makes it easy for people to understand where they are and how to get to where they want to go. Public, civic, and cultural buildings are prominently sited. The street pattern is roughly rectilinear. The use and enhancement of views and natural features reinforces the neighborhood connection to the immediate and larger landscape.*
- H. *Neighborhoods have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas.*
- I. *Neighborhoods have public areas that are designed to encourage the attention and presence of people at all hours of the day and night. Security is enhanced with a mix of uses and building openings and windows that overlook public areas.*
- J. *Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Domestic garages are behind houses or otherwise minimized (e.g., by setting them back from the front facade of the residential structure.) Parking lots and structures are located at the rear or side of buildings. On-street parking may be an appropriate location for a portion of commercial, institutional, and domestic capacity. Curb cuts for driveways are limited, and alleys are encouraged.*
- K. *Neighborhoods incorporate a narrow street standard for internal streets which slows and diffuses traffic.*
- L. *Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure.*
- M. *Neighborhoods have street trees in planting strips in the public right-of-way.*

9.3.5

Residential developments shall conform to the density ranges specified by the Comprehensive Plan and be of housing types permitted by the applicable zoning district.

9.3.6

The development review process shall not result in the exclusion of needed housing at densities permitted by underlying district designations or result in unreasonable cost or delay.

9.4.1

To meet Statewide and Local Planning goals, the City shall continue to identify housing needs and encourage the community, university, and housing industry to meet those needs.

9.4.2

The City shall continue to periodically review the immediate and long-term effects of fees, charges, regulations, and standards on dwelling costs and on community livability as defined in the Corvallis 2020 Vision Statement.

9.5.1

The City shall plan for affordable housing options for various income groups, and assure that such options are dispersed throughout the City.

9.5.2

The City shall address housing needs in the Urban Growth Boundary by encouraging the development of affordable dwelling units which produce diverse residential environments and increase housing choice.

9.5.4

It shall be the goal of the City that 15% of residential owner-occupied units be affordable to buyers with incomes at or below 80% of Benton County median for a household of three persons.

9.5.6

It shall be the goal of the City that 15% of residential rental units be affordable to renters with incomes at or below 50% of Benton County median for a household of two persons.

9.5.15

The City shall evaluate increasing the minimum density in low density residential districts.

14.3.1

Infill and redevelopment within urban areas shall be preferable to annexations.

3. The City Council notes that provision of required off-street parking spaces adds to the cost of housing development, and that the proposed text amendment providing for an exemption to the parking requirements for 4- and 5-bedroom dwelling units for projects that provide affordable housing is supported by CPP 9.4.2 and 9.5.1.
4. The City Council notes that the proposed change to the definition of “Family”, to include domestic partnerships, encourages community goals surrounding diversity and inclusion.
5. The City Council notes that Staff proposed changes to the Property Line Adjustment (PLA) criteria in LDC Section 2.14.60.b. The proposed changes are intended to address recommendations of the Neighborhood Planning Workgroup, which raised concerns about “unusable yard areas” and otherwise oddly-configured lots created through the Property Line Adjustment process. Council notes that Staff provided revised PLA criteria in a memorandum to the Planning Commission, dated April 10, 2014, intended to provide a clear and objective criterion for determining whether or not a Property Line Adjustment creates “unusable yard areas”. The Council finds that the proposed amendments are consistent with CPP 3.2.1.b, which encourages efficient use of land.
6. The City Council finds that the proposed amendments associated with an increase in side-yard setback requirements for zero-lot line attached dwelling units is supported by CPP 9.2.1, 9.2.2, and 9.2.5, by facilitating compatible infill development, by protecting and maintaining existing neighborhood characteristics, and by providing for compatible building transitions in terms of scale, mass, and orientation.
7. The City Council finds that changes to the methods for calculating density, including removal of the provisions that allow for an increase in lot area by incorporating 50 percent of the abutting street right-of-way, promote infill development that is compatible in terms of housing unit density. Additionally, the City Council finds that amending the density calculation provisions, as noted above, maintains existing neighborhood characteristics, which is consistent with CPP 9.2.2. The Council also finds that the proposed density calculation changes associated with rounding of fractions for Minimum Density do not adversely impact the ability of developments

to conform to the density ranges specified by the Comprehensive Plan, consistent with CPP 9.3.5.

8. The City Council notes that increasing the public notice requirements for a Major Lot Development Option application is consistent with Statewide Planning Goal 1, and CPP 1.2.8 and 2.2.9, by encouraging public participation in the land use review process.
9. The City Council notes the following Comprehensive Plan policies apply to the text amendment associated with recommendations of the Economic Development Commission.

8.9.12

The City shall evaluate whether to amend the Land Development Code to provide alternatives to the use of Planned Development overlays for industrial districts. An example would be the creation of different overlays or design guidelines with specific standards that do not require discretionary reviews.

8.10.2

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

9.4.1

To meet Statewide and Local Planning goals, the City shall continue to identify housing needs and encourage the community, university, and housing industry to meet those needs.

9.4.2

The City shall continue to periodically review the immediate and long-term effects of fees, charges, regulations, and standards on dwelling costs and on community livability as defined in the Corvallis 2020 Vision Statement.

9.5.1

The City shall plan for affordable housing options for various income groups, and assure that such options are dispersed throughout the City.

9.5.2

The City shall address housing needs in the Urban Growth Boundary by encouraging the development of affordable dwelling units which produce diverse residential environments and increase housing choice.

9.5.4

It shall be the goal of the City that 15% of residential owner-occupied units be affordable to buyers with incomes at or below 80% of Benton County median for a household of three persons.

9.5.6

It shall be the goal of the City that 15% of residential rental units be affordable to renters with incomes at or below 50% of Benton County median for a household of two persons.

10. The City Council notes that the proposed changes to the Planned Development provisions maintain the requirement that development within approved Planned

Developments be consistent with Land Development Code development standards, unless the previous Planned Development approval specifically granted variations to the LDC standards.

11. The City Council also notes that providing additional flexibility in implementation of approved Planned Developments, by facilitating modifications to the approved Planned Developments, encourages economic activity and housing opportunities, which is consistent with the goals presented by CPP 8.10.2 and 9.4.2.
12. Given the above, the City Council therefore finds the proposal to modify Planned Development provisions facilitates code-compliant development within approved Planned Developments, by ensuring that development complies with adopted Land Development Code standards and is in general conformance with the approved Planned Development, all of which promotes the public convenience and general welfare, consistent with LDC Section 1.2.80.01.

II. PUBLIC TESTIMONY

1. The City Council notes that, during the March 19, 2014, Planning Commission hearing, testimony was provided by Tony Howell, who raised concerns about proposed changes to the Planned Development provisions, which were intended to grant additional flexibility in allowing changes to approved Planned Developments within Limited Industrial-Office, Limited Industrial, and General Industrial Zones. The City Council notes that the Planning Commission unanimously recommended the Text Amendment be forwarded to them for approval, with the exception that changes to the Planned Development provisions associated specifically with the industrial lands mentioned above not be included, because those specific changes create potential conflicts with Comprehensive Plan Policy 8.9.10, which supports preservation of Planned Developments and additional public review for development occurring on industrial lands in South Corvallis.
2. The City Council notes that additional testimony was provided to the Planning Commission on March 19, 2014, and to the City Council at the June 16, 2014, City Council public hearing. The additional testimony concerns applicable density calculation methods, as outlined in the current LDC definition of Density Calculation. The City Council notes that the submitted testimony proposes that further revisions be made to the Density Calculation definition, to address rounding provisions associated with Maximum Density. The City Council notes that the Neighborhood Planning Workgroup, during its review and development of recommendations surrounding Density Calculation definition, also received testimony related to rounding up for the Maximum Density calculation, and that as part of its final package of recommendations for Planning Commission and City Council consideration, decided not to include changes to the rounding provisions for

Maximum Density. The Council notes that the Planning Commission recommended that alternatives to the current practice of density rounding be considered in the future, but did not recommend a specific approach to be included in the Package #1 LDC Amendments. The Council notes that the proposal suggested in public testimony, to eliminate “density rounding” was not included in the Package #1 LDC Amendments that were preliminarily approved on July 21, 2014. However, the Council notes that Staff were instructed to develop an alternative approach to addressing residential density for consideration in conjunction with the Package #2 LDC Amendments to be considered later in 2014. The City Council finds that changes recommended by the Neighborhood Planning Workgroup, and forwarded to the Planning Commission and City Council for consideration, are consistent with CPP 9.3.5, which ensures that development is consistent with the density ranges specified by the Comprehensive Plan.

3. The City Council notes that written testimony was received from Jim Moorefield, Executive Director of Willamette Neighborhood Housing Services, on Monday, June 30, 2014. The testimony presented proposed alternative Land Development Code Definition language, proposing the City Council adopt a definition for “Eligible Affordable Housing Units.” The Council notes that Staff recommended adoption of that language, related to Item # 2-1 - Exemption of affordable housing development from 4/5 bedroom parking requirements.

III. DELIBERATIONS

1. The City Council notes that, in their deliberations on July 21, 2014, they recognized the need to address concerns raised by residents in established neighborhoods, about the non-compatibility of several recent development projects, and the need to facilitate development in those neighborhoods that is compatible with the existing homes. The City Council finds that the recommended changes to the Land Development Code will implement some of the recommendations brought forward by the Neighborhood Planning Workgroup that are anticipated to enhance the compatibility of infill development.
2. The City Council acknowledges the need to adopt revisions to the Planned Development provisions, in order to facilitate code-compliant development in approved Planned Developments. The City Council notes that two of the three proposed changes recommended by the Economic Development Commission were adopted by City Council and one of the recommendations associated with code-compliant development of industrial properties that have not been substantially developed, was not recommended by the Planning Commission. The City Council finds that it supports Planning Commission’s decision to exclude this third recommended change.

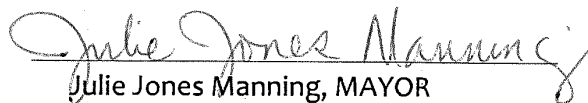
3. The City Council notes that staff recommended the Council adopt the Land Development Code Definition for Eligible Affordable Housing Units, to specify clearly which types of development are eligible for the 4/5 bedroom parking requirement exemption. The City Council finds the proposed Eligible Affordable Housing Units definition is consistent with this goal.
4. The City Council finds that staff recommended changes to provisions associated with annual review of land use application fees meet a public necessity, by providing better budget-planning tools that align with the fiscal year calendar.

IV. SUMMARY AND CONCLUSION

Based on the City Council's analysis, and the information and analysis in the March 7, 2014, staff report to the Planning Commission; the staff memoranda to the City Council dated June 9, 2014, and July 2, 2014; the minutes of the City Council public hearing on June 16, 2014; and the minutes and deliberations of the City Council hearing on July 21, 2014, the Council finds the proposed changes to Chapter 2.9 are in conformance with applicable Corvallis Comprehensive Plan policies, and that there is a public necessity to refine Chapters 1.2, 1.6, 2.0, 2.5, 2.14, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7 and 4.1, to implement changes recommended by the Neighborhood Planning Workgroup, Economic Development Commission, and Staff, consistent with the applicable review criteria in LDC Section 1.2.80 – Text Amendments.

As the body charged with hearing LDC Text Amendments, the City Council, having reviewed the record associated with the subject Text Amendment application, considered evidence supporting and opposing the application and finds that the proposal adequately addresses applicable review criteria and is found to be consistent with the applicable sections of the Land Development Code. The City Council finds that the proposal provides sufficient information to demonstrate compliance with the criteria that the Council believes applies to the Text Amendment application.

Dated: 7-18-14


Julie Jones Manning, MAYOR