

**ORDINANCE 2012-17**

**AN ORDINANCE AMENDING THE CORVALLIS LAND DEVELOPMENT CODE, MODIFYING ORDINANCE 93-20, AS AMENDED, TO REVISE PROVISIONS AFFECTING DEVELOPMENT CONSISTENT WITH THE CATEGORY OF HOUSEKEEPING ITEMS (LDT12-00001)**

AN ORDINANCE relating to a Legislative Amendment to the Land Development Code (LDT12-00001), modifying Ordinance 93-20, as amended.

Whereas, the Planning Commission, after holding duly advertised public hearings on September 19, 2012, and October 3, 2012, has forwarded its recommendation to the City Council concerning a request for a Legislative Amendment to the Land Development Code;

Whereas, on October 3, 2012, the Planning Commission recommended that the City Council approve the request to amend some Land Development Code provisions affecting development consistent with the category of housekeeping items;

Whereas, the City Council held a duly-advertised public hearing concerning the proposed Legislative Amendment to the Land Development Code on November 5, 2012, and interested persons and the general public were given an opportunity to be heard;

Whereas, the Council has reviewed the public testimony and the recommendations of the Planning Commission and City Staff, and on November 19, 2012, met to deliberate on the matter, and made a preliminary decision to approve the housekeeping items, subject to adoption of formal findings;

Whereas, findings of fact have been prepared and consist of the formal findings attached hereto as Exhibit A and the final version of this Amendment, attached hereto as Exhibit B;

Whereas, said findings are by reference incorporated herein and are hereby adopted by the City Council;

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

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

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

NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

**Section 1.** The Land Development Code is amended as shown by the provisions contained in Exhibits A and B.

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

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

Effective the 13th Day of December, 2012.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

# EXHIBIT A

## Housekeeping Items

BEFORE THE CITY COUNCIL  
OF THE CITY OF CORVALLIS

In the Matter of the City Council decision to approve a )	
Legislative Amendment to the Land Development Code )	LDT12-00001
(LDC) as proposed and as modified by the Council in )	
Ordinance 2012-_____, which will change the LDC and )	FINDINGS AND
implement the proposed changes. )	CONCLUSIONS

### INTRODUCTION

The matter before the City Council is:

A decision regarding a Legislative Amendment to the Land Development Code (LDC) to amend several LDC provisions affecting development throughout the City of Corvallis. The Legislative Amendment to the LDC is collectively referred to as case LDT12-0001 (“2012 LDC Changes”). However, the final local decision on this matter involves five separate ordinances adopted by City Council, each ordinance representing one of five components of the collective package of code amendments. The discussion contained in this Exhibit A to Ordinance 2012-\_\_\_\_\_ reflects the City Council’s Findings regarding what is referred to in the record for case LDT12-00001 as the “housekeeping items” component of the LDC Legislative Amendment.

The applicant for this case is the City of Corvallis. In accordance with LDC Section 1.2.80.02, the City Council initiated this Legislative Amendment to the LDC on August 20, 2012. In accordance with LDC Section 1.2.80.03, the Planning Commission conducted and completed a public hearing process for the Legislative Amendment to the LDC on September 19 and October 3, 2012. The Planning Commission forwarded its recommendation for approval to the City Council.

In accordance with LDC Section 1.2.80.03, the City Council held a duly-advertised de novo public hearing on November 5, 2012, to consider this Legislative Text Amendment to the LDC. On November 19, 2012, the City Council deliberated on the Legislative Text Amendment.

The members of the City Council voted to APPROVE the Legislative Amendment to the LDC as recommended by the Planning Commission and modified by the Council, subject to review and approval of these findings, and subject to the changes reflected in Exhibit B of this implementing Ordinance 2012-\_\_\_\_\_, adopted December 3, 2012.

Having considered all the testimony presented at the hearings, together with all relevant evidence in the record, the City Council makes the following findings and conclusions. These findings and conclusions address relevant Comprehensive Plan Policies, LDC sections, and Oregon Statewide Planning Goals.

### **APPLICABLE CRITERIA**

All applicable legal criteria governing review of this application are identified in the staff report to the City Council dated October 24, 2012, and its attached Exhibits.

### **FINDINGS RELATING TO THE LEGISLATIVE AMENDMENT TO THE LAND DEVELOPMENT CODE**

1. **Background and City Council Goals for the Legislative Amendment to the Land Development Code (LDT12-00001) -**

The Council notes that in April of 2011, the City Council approved a bi-annual work program for the Planning Division after receiving public input and in consultation with the Planning Commission. The Council notes that at the time the work program was approved, Council Goals had not been established, but it was anticipated that several goals under consideration would result in a major staff role for Community Development, and therefore would impact planning work program priorities. The Council notes that as it turned out, three of the four Council Goals relate directly to work of the Community Development Department. The City Council determined that once other work program items were completed, the next priority for Planning Division Staff would be to prepare a package of LDC changes that would include “housekeeping” items that correct obvious omissions or inconsistencies in the code, substantive issues items to streamline the code, and the recommendations from the Corvallis Infill Task Force (CITF).

The Council notes that having made major progress on the other long range planning work assignments, in May of 2012, Planning Division staff reviewed the recommendations of the CITF, along with items on the “housekeeping” and substantive issues lists and City Council Goals and prepared recommendations and policy questions for the Planning Commission prior to beginning work on the code amendment package. The Council notes that on June 6<sup>th</sup> and June 13<sup>th</sup>, work sessions were held with the Planning Commission in order to gain preliminary direction and concurrence with the proposed package of code changes. The Council notes that public testimony was received and some adjustments were made to the proposed code amendments. The Council notes that the Planning Commission supported the addition of a few items recommended by staff to be added to the substantive issues list and recommended that two recommended items from the CITF be set aside for the time being.

The Council notes that in order to address two City Council goals, two other items were added to the code amendment package. Firstly, a package of code amendments were included to facilitate the provision of “local food” in the community. The Council notes that these code amendments were developed by Community Development staff, based on the work of a Benton County health impact assessment regarding this issue, as well as additional staff research and analysis. Secondly, a placeholder item was reserved for any code-related “quick action items” from the City/OSU Collaboration Project. The Council notes that one “quick action item” was proposed, which was a recommendation by the City/OSU Collaboration Steering Committee to revise parking requirements for some types of four- and five-bedroom dwelling units. The Council notes that the Planning Commission endorsed the inclusion of these items in the package of 2012 code amendments.

The Council notes that on June 18<sup>th</sup>, a work session was held with the City Council regarding the 2012 code amendments. The Council notes that the City Council endorsed moving forward with the package of code amendments that was recommended by the Planning Commission. The Council notes that Staff then began preparing specific language for the LDC amendments, to be considered by the Planning Commission and City Council through the process required for such amendments. The Council notes that on August 20, 2012, the City Council voted to initiate the process to consider the proposed package of 2012 LDC Amendments.

The Council notes that the Planning Commission held a public hearing on September 19, 2012, and held the hearing open until October 3, 2012, to consider the package of code amendments (minutes of the meetings are included as **Exhibit B** of the Council Staff Report). The Council notes that after hearing testimony and deliberating, the Planning Commission decided to recommend that the City Council consider and approve the code amendments, with a few revisions proposed by the Planning Commission. The Council notes that the City Council staff report describes the changes recommended by the Planning Commission. The Council notes that **Exhibit E** of the City Council staff report summarizes all proposed code amendments, as well as describing the changes recommended by the Planning Commission.

The Council notes that in addition to the changes recommended by the Planning Commission, public testimony has been received concerning certain items in the code amendments package (**Exhibit F** of the City Council Staff Report). The Council notes that after review of the submitted public testimony, Staff recommended revisions to certain code provisions. The Council notes that these Staff-proposed revisions are discussed in the November 19, 2012, staff memorandum to City Council. The Council notes that where the Planning Commission did not recommend changes, complete Staff analysis of each code amendment may be found in the September 10, 2012, Staff Report to the Planning Commission, which is included as **Exhibit A** of the City Council staff report.

## **Conclusions on Background and Text Amendment Goals**

The Council finds that the proposed Legislative Amendment to the LDC achieves the goals articulated by the Council. The Council finds that in achieving these goals, the Legislative Amendment to the LDC is in the interest of public necessity, convenience, and general welfare, as required by LDC Section 1.2.80.01.

## **2. Adequacy of the Public Record -**

The Council notes that this Legislative LDC Text Amendment, in the category of "Housekeeping Items", affects LDC Sections 1.2.90.02.e, 1.2.130, 1.6.30, 2.0.50.04.c, 2.0.50.09, 2.1.30.03, 2.2.40.02, 2.2.40.09.c, 2.2.50.10, 2.3.30.01, 2.3.30.05, 2.3.30.06, 2.3.40.03.f, 2.4.30.01, 2.5.40.01, 2.5.50.01, 2.5.80.a, 2.6.30.03, 2.6.30.07.c (Table 2.6-1), 2.7.50.02, 2.8.40.02, 2.10.40.01, 2.11.60.02, 2.12.10, 2.12.30.01, 2.12.30.03.c, 2.12.30.04.b, 2.13.30.01, 2.14.30.01, 2.14.60, 2.16.30.01, 2.18.40.01, 3.2.30, 3.2.35, 3.3.30, 3.3.35, 3.4.30, 3.4.35, 3.5.30, 3.5.35, 3.9.40.03, 3.15.30.01, 3.24.20.01, 4.2.20.a, 4.4.20.01, 4.7.50, 4.7.60, 4.7.70, 4.7.80, 4.10.70.05.a, 4.11.50.05.c, and 4.14.40.

The Council notes that the LDC identifies procedures for Legislative Amendments to the LDC in Chapter 1.2, which states that such Amendments must be initiated by a majority vote of the Planning Commission or the City Council. The Council notes that in accordance with LDC Section 1.2.80.02, the City Council initiated this Legislative LDC Text Amendment on August 20, 2012.

The Council notes that the applicant for this case is the City of Corvallis and that, in accordance with LDC Section 1.2.80.03, the Planning Commission conducted and completed a public hearing process for the Legislative LDC Text Amendment at two meetings on September 19, and October 3, 2012. The Council notes that the notice for this public hearing was duly published in the Corvallis Gazette-Times on September 7, 2012. The Council notes that the Planning Commission forwarded its recommendation for approval to the City Council.

The Council notes that in accordance with LDC Section 1.2.80.03, the City Council duly advertised a public hearing to consider this Legislative LDC Text Amendment and that the notice was duly published in the Corvallis Gazette-Times on October 22, 2012. The Council notes that this public hearing was held on November 5, 2012. The Council notes that on November 19, 2012 the City Council deliberated on the Legislative LDC Text Amendment.

The Council notes that after deliberating, it approved the housekeeping items portion of the Legislative LDC Text Amendment, subject to approval of formal findings and an ordinance. The Council notes that it considered all applicable legal criteria governing review of the Legislative LDC Text Amendment, which were identified in the staff report to the City Council dated October 24, 2012, and its attached Exhibits. The Council notes that in

reaching its decision it also considered the Planning Commission recommendation, the information and analysis presented by Staff, and all public testimony.

### **Conclusions on Adequacy of the Public Record**

The Council finds that there was ample opportunity for the public to testify, the process for developing and reviewing the Legislative LDC Text Amendment conformed to local and state land use requirements, and the record contains all information needed to evaluate the application for compliance with the applicable criteria.

The City Council accepts and adopts findings contained in the September 10, 2012, Staff Report to the Planning Commission, the Planning Commission findings in support of the Legislative LDC Text Amendment, as expressed in the minutes of the Commission's September 19, 2012, public hearing, and October 3, 2012, deliberations, the October 24, 2012, Staff Report to the City Council, and the findings in support of the Legislative LDC Text Amendment, as expressed in the minutes of the Council's November 5, 2012, public hearing and November 19, 2012, deliberations. These findings shall be referred to as the "Incorporated Findings," and are to be considered along with the "Supplemental Findings" contained within this document.

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

The Council notes that the actual text changes involved in the proposed Legislative Amendment to the LDC are included in the October 24, 2012, staff report to City Council (Incorporated Findings), and with the exception of one item concerning variable message sign standards, were adopted by the City Council without change.

The Council notes that the October 24, 2012, Staff Report to the City Council contains a complete description of these text changes. The revisions recommended by the Planning Commission include: **(1)** a clarification to the Property Line Adjustment process and associated definitions (LDC 1.6.30, 2.14.60, and 4.14.40), **(2)** an addition to allow Temporary Outdoor Markets as a permitted use in the Riverfront Zone (LDC 3.15.30.01.a), **(3)** a clarification of the process to be used for Major Services and Utilities in the GI zone (LDC 3.24.20), **(4)** a correction to the livability indicators and benchmarks tables in the Annexation chapter (LDC Table 2.6-1), **(5)** a correction to the reference for Landslide Debris Runout Areas in the Minimum Assured Development Area (MADA) provisions (LDC 4.11.50.05), **(6)** clarifications to several sign code provisions (LDC 4.7.50, 4.7.60, and 4.7.70), **(7)** a clarification to the Lot Development Option notice requirements and purposes (LDC 2.0.50.04, 2.12.10, 2.12.30.03, and 2.12.30.04), **(8)** standardization of the language for effective date of decisions (LDC 2.2.40.09, 2.2.50.10, and 2.5.80), **(9)** clarification of the land division standards and how they may be varied (LDC 4.4.20.01), **(10)** clarification of minimum lot area language in residential zones that allow mix of building types (LDC 3.2.30, 3.3.30, 3.4.30, and 3.5.30), **(11)** clarification to landscape security requirements (LDC 4.2.20.a), **(12)** clarification to the ten-foot separation requirement between certain

residential building types (LDC 1.6.30, 3.2.35, 3.3.35, 3.4.35, and 3.5.35), (13) clarification of the notice requirements for subdivisions (LDC 2.0.50.04.c), (14) clarification of the notice requirements for conditional development permit modifications (LDC 2.0.50.04.c and 2.3.40.03.f), (15) clarification of the MUR zone development standards for corner lots (LDC 3.9.40.03), (16) clarification to the interpretation of zone boundaries provisions (LDC 1.2.90.02.e), (17) addition of application fees as a completeness item for land use applications (all applicable application types in LDC Article II) , (18) clarification of the 90-day review requirement for collocated wireless telecommunications facilities per FCC standards (LDC 1.2.130, 2.0.50.09, 2.3.30.05, and 2.3.30.06), and (19) modification to the Pedestrian Oriented Design Standards weather protection requirements (LDC 4.10.70.05.a.1.a).

The Council finds that the housekeeping code amendments, as proposed by the Planning Commission and adopted by the City Council, are consistent with applicable City policies and Statewide Planning Goals, as determined in the analysis provided by Staff in the September 10, 2012, Staff Report to the Planning Commission. Specifically, the Council finds that the proposed housekeeping code amendments are consistent with Comprehensive Plan Policies 1.2.1, 1.2.6, 1.2.8, 3.2.1, 13.5.2, 13.5.4, 13.5.9, 13.5.11, and 13.5.12, and with Statewide Planning Goals 1, 2, 9, and 10, as discussed on pages 40 - 70 of the September 10, 2012, Staff Report to the Planning Commission. Additionally, the City Council finds that the housekeeping code amendments, as revised, will promote the general welfare of the community, as specifically detailed in the September 10, 2012, Staff Report to the Planning Commission, and consistent with the requirements of Land Development Code Section 1.2.80.

Additionally, Council notes that during its November 19, 2012, deliberations and decision, Council voted to amend the proposal relative to sign code standards for variable message signs, as currently described in LDC Section 4.7.80.07.b. The Council notes that amendments to the proposed LDC text for variable message sign standards, adopted as part of its November 5, 2012, decision on the matter and Findings in support of those amendments, are outlined below (Supplemental Findings). The Council notes that new text is indicated with double underline font and deleted text is shown with strike-out font.

**A. Variable Message Sign Standards in LDC Section 4.7.80.07.b** - The Council notes that the LDC currently provides operational standards for variable message signs in LDC Chapter 4.7. During the November 5, 2012, City Council public hearing, written testimony was received concerning the LDC variable message sign standards in Section 4.7.80.07.b, and Council notes that the testimony suggested revising the current operational standards for variable message signs where the sign message contains time and temperature information. The Council notes that the written testimony was reviewed by Staff, and in a November 19, 2012, memorandum from staff to City Council, staff recommended revising LDC Section 4.7.80.07.b, consistent with the written testimony. Council notes that the

proposed revision is outlined below.

**LDC Section 4.7.80.07.b:**

- b. The portion of signs that display time and temperature information are exempt from the interval of change limitation of Section 4.7.80.07.a above.**

Discussion - The Council notes that LDC Section 4.7.80.07.a, the subsection preceding the text noted above, provides for an operational “interval of change” standard, which limits variable message signs such that the message must not change more often than once every twenty minutes. The Council notes that this previously adopted operational standard is intended to limit signs that would otherwise be visually distracting if the messages were rapidly changing. The Council notes that LDC Section 4.7.80.07.b, is currently written to exempt sign messages that display time and temperature from the interval of change standard. The Council further notes that the current provisions are written such that they could be interpreted to mean that if a sign contains time and temperature information in addition to other advertising messages, then the entire sign would therefore be exempt from the interval of change standard, thus exposing a loophole in the LDC provisions for variable message signs. The Council finds that by adopting the proposed language submitted as part of the public testimony and recommended by staff in its November 19, 2012, memorandum to City Council, the language provides a clear and objective standard for variable message signs where time and temperature information is included in the sign message.

**4. Applicable Comprehensive Plan Policies -**

The Council notes that in addition to responding to the question of public necessity, convenience, and general welfare, Section 1.2.80.01 - Background requires Text Amendments to conform to the Corvallis Comprehensive Plan and other applicable policies. The Council finds the following Comprehensive Plan policies applicable to the proposed amendment to the variable message sign standards.

**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 City shall maintain a formal Unresolved Planning Issues list to be used as a guide to planning issues that require further study and investigation by City staff and the Planning Commission.**

**1.2.7 The Planning Commission shall schedule at least one public meeting each year to take input, receive a staff report on progress, and make decisions about the contents and relative priority of items on the Unresolved Planning Issues list.**

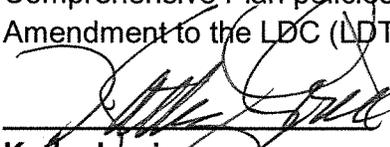
**3.2.5 The City shall implement a process to develop more specific development standards or design guidelines that closely represent the vision of Corvallis as expressed by its citizens.**

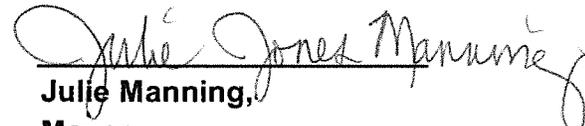
These standards or guidelines may address such items as: the effective use of building mass; orientation to the street; landscaping; and the placement of windows, doors, porches, and other architectural elements. Upon completion, the City shall revise the Land Development Code to ensure conformance with the new development standards or design guidelines.

The Council notes that CCP # 1.2.1 provides for implementation mechanisms that carry out the policies of the Comprehensive Plan, and that the LDC is one mechanism used to implement those policies. The Council finds that the proposed amendment to the LDC variable message sign standards is consistent with CCP # 1.2.1. The Council notes that CCP # 1.2.6 and # 1.2.7 encourage the City to maintain an Unresolved Planning Issues list, and that the proposed amendment addressing the variable message sign standards and the time and temperature exception has been identified on the list of potential LDC amendments that are included in the City's Unresolved Planning Issues list. The Council finds that the proposed amendment is consistent with these Comprehensive Plan Policies. Finally, the Council notes that CCP # 3.2.5 encourages the City to implement development standards and design guidelines that represent the vision of Corvallis, and that amendments to the LDC are one mechanism for implementing these guidelines and standards. The Council finds that the proposed amendment to the LDC variable message sign standards is in keeping with the vision of the community as expressed in the 2020 Vision Statement and Comprehensive Plan Policies. Given the above, Council finds that the proposed LDC amendment for variable message sign standards is consistent with CCP # 3.2.5 and LDC Section 1.2.80.01.

#### SUMMARY OF CONCLUSIONS

The City Council finds that the proposed housekeeping list of items for the Legislative Amendment to the LDC (LDT12-00001) is consistent with the applicable LDC criteria, Comprehensive Plan policies, and Statewide Planning Goals. Accordingly, the Legislative Amendment to the LDC (LDT12-00001) is APPROVED.

  
Kathy Louie,  
City Recorder

  
Julie Manning,  
Mayor

Date: December 3, 2012

# Exhibit B

## Land Development Code Amendments - Housekeeping Items

### Notes:

The attached, revised Land Development Code text represents revisions approved by the City Council associated with the Housekeeping Items, as a component of LDT12-00001. The text includes highlighted language to show where a change has been made from the original text, as well as double-underline to show new text, and ~~strikeout~~, to show deleted text. Once finalized and incorporated into the Land Development Code, all such formatting will be removed.

The attached, revised Land Development Code text in this Exhibit B represents one of five packages of code amendments that are proposed for City Council approval. The other four packages consist of Infill Development Task Force items, Parking Requirements, Substantive Issues items, and Local Food items, which will each be adopted by separate ordinance. The formatting of the proposed text assumes that all five packages will be adopted and implemented as shown. If changes to this text become necessary, due to appeal, remand, or for other reasons, necessary revisions will be reviewed and approved by the City Council at such time as they are needed.

### 1.2.90.01- Amendments

Amendments to the Official Zoning Map shall be adopted as provided in Chapter 2.2 - Zone Changes. After adoption of an amendment, the Director shall alter the Official Zoning Map to indicate the amendment.

### 1.2.90.02 - Interpretation of Zone Boundaries

Zone boundaries shown on the Official Zoning Map shall be located as described in the ordinance or order establishing and amending such zone boundaries. Public streets and highways shall not be zoned, nor shall private streets be zoned unless specifically included within a particular zone. If uncertainty exists as to the boundaries of the zones, and the uncertainty is not resolved by the ordinance or orders that establish and amend such boundaries, the following rules shall apply:

- a. Boundaries indicated as approximately following property lines shall be construed as following such lines;
- b. Boundaries indicated as approximately following railroad lines shall be construed as midway between the main track or tracks;
- c. Boundaries indicated as following the contours of certain elevations or soils of a particular type shall be construed as following the actual height or soil contour as determined by accepted surveying practices;
- d. Boundaries indicated as parallel to, or extensions of natural or human-made features indicated in "a," through "c," above, shall be so construed as following these features;
- e. Where a lot or parcel of land that is one acre or less in size is divided by a zone boundary, the applicable uses and development standards shall be those of the zone that contains the majority of the land area of the lot or parcel of land as it existed as of December 31, 2006.

If a lot or parcel of land that is greater than one acre in size is divided by a zone boundary, the portions of the lot or parcel of land within each given zone shall be subject to the applicable uses and development standards, unless a portion of the lot or parcel of land within a given zone is less than 8,000 square feet in size, in which case, the applicable uses and development standards shall be those of the zone that contains the majority of the land area of the lot or parcel of land as it existed as of December 31, 2006. Where a boundary between zones is present on a lot or parcel, the portions of the lot within the given zone shall be subject to the applicable uses and development standards of that zone. If a boundary between zones is present on a lot or parcel and neither portion of the lot or parcel is developable under the applicable zone, then a property owner may petition the Land Development Hearings Board to apply one or the other zone to the entire lot or parcel. Such a petition shall follow the procedures and review criteria established for a zone change in Chapter 2.2 - Zone Changes; and

- f. Boundaries indicated as approximately following the center lines of alleys, streams, rivers, lakes, or other bodies of water shall be construed as following such center lines.

Where uncertainties continue to exist after application of the above rules, the Land Development Hearings Board shall determine the location of such boundaries.

*[Section 1.2.90.02 amended by Ordinance 2012-xxx, effective December X, 2012]*

## **Section 1.2.100 - DEVELOPMENT REVIEW FEES**

### **1.2.100.01 - Required Fees**

The Director is authorized to charge and collect fees for the provision of municipal services outlined in this Code. The City Council shall set fees in accordance with the Council's financial policies and shall charge no more than the actual or average cost of providing planning and development review services in accordance with ORS 227.175(1), as amended. The Director shall maintain a current schedule of fees for public review.

### **1.2.100.02 - Annual Review**

Development review fees shall be reviewed annually and revised to reflect the change in costs to the City for wages and benefits of appropriate represented employees in the current fiscal year. The annual adjustment of fees shall be effective January 1 of each year.

## **Section 1.2.110 - DEVELOPMENT REVIEW PROCESS**

### **1.2.110.01 - Ministerial Development**

Ministerial Development includes nondiscretionary development activities that are permitted outright, subject to compliance with the criteria and standards of this Code. Floodplain Development Permits processed in accordance with Chapter 2.11 - Floodplain Development Permit, and those Uses that are listed in the zones in Article III as Permitted Uses are Ministerial Development activities. These Floodplain Development Permit applications and Uses require staff review upon application for a Floodplain Development Permit and/or a Building Permit and are subject to those zoning standards and other development provisions of this Code and applicable City ordinances and requirements which are objective and not subject to the exercise of discretion. These standards and provisions include the clear and objective standards and provisions from all acknowledged City-adopted plans such as the Transportation Plan, the public facilities master plans, the Parks Master Plan, etc. Applicants should also be aware that in addition to review under this Code by the City, these Floodplain Development Permit applications and Uses are subject to all applicable Federal and State standards and regulations, such as the Uniform Building and Fire Codes, regulations by the State Department of Environmental Quality (DEQ), the State Department of State Lands (DSL), the Federal Emergency Management Agency (FEMA), etc. Land use approval under

- Chapter 2.10 - Major Neighborhood Center Master Site Plan Review - limited to Master Site Plans and Major Master Site Plan Modifications. See Sections 2.10.40 and 2.10.50.03, respectively, for procedures.
- Chapter 2.11 - Floodplain Development Permit Variance. See Section 2.11.50 for procedures.

**1.2.110.04 - Conditions of Approval**

Conditions of Approval placed on developments shall be based upon Comprehensive Plan and this Code criteria.

**Section 1.2.120 - ROUGH PROPORTIONALITY**

If an applicant intends to assert that he/she cannot legally be required, as a condition of Building Permit or development approval, to provide easements, dedications, or improvements at the level otherwise required by this Code, the Building Permit or site plan review application shall include a Rough Proportionality Report submitted by the applicant and prepared by a qualified civil or traffic engineer, or qualified professional in the field of the issue in question as appropriate, showing:

- a. The estimated extent, on a quantitative basis, to which the improvements will be used by persons served by the building or development, whether the use is for safety or convenience;
- b. The estimated level, on a quantitative basis, of improvements needed to meet the estimated extent of use by persons served by the building or development;
- c. The estimated impact, on a quantitative basis, of the building or development on the public infrastructure system of which the improvements will be a part; and
- d. The estimated level, on a quantitative basis, of improvements needed to mitigate the estimated impact on the public infrastructure system.

For Building Permits that do not involve any City planning processes, the applicant shall submit the report outlined above during the time of its related appeal period. For Building Permits that do involve City planning processes, the applicant shall submit the report either during the period following the staff review committee (SRC) meeting and prior to the mailing of the public notice; or during the regular appeal period associated with such planning applications. Appeal processes are outlined in Chapter 2.19 - Appeals.

**Section 1.2.130 - DEADLINE FOR FINAL ACTION and EXTENSION OF DEADLINE 120-DAY PERIOD FOR REVIEW OF LAND USE APPLICATIONS**

Consistent with state law, the City's review of all land use applications subject to Oregon Revised Statute 227.178, as amended, shall be completed within 120 days of the date an application is deemed complete, allowing for any possible appeals at the local level. This

120-day period may be extended only by written authorization of the applicant. Such authorization shall specify the length of time by which the 120-day deadline is extended.

Consistent with federal law, the City's review of a land use application associated with a collocated wireless telecommunication facility shall be completed within 90 days of the date an application is deemed complete. For this reason, an expedited review process for collocated wireless telecommunication facilities is provided in this Code. This 90-day period may be extended only by written authorization of the applicant. Such authorization shall specify the length of time by which the 90-day deadline is extended.

*[Section 1.2.130 amended by Ordinance 2012-00x, effective December X, 2012]*

# CHAPTER 1.6 DEFINITIONS

## Section 1.6.10 - GENERAL MEANING OF WORDS

All words and terms assume their dictionary definitions unless they are specifically defined in this Code or the context in which they are used clearly indicates to the contrary.

## Section 1.6.20 - COMMON WORDS

- a. All words in present tense include the future tense.
- b. All words in plural include the singular, and all words in singular include the plural unless the context clearly indicates to the contrary.
- c. The word "shall" is mandatory and the word "may" is permissive.
- d. The word "building" includes the word "structure."
- e. The phrase "used for" includes the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- f. The words "land" and "property" are used interchangeably unless the context clearly indicates to the contrary.
- g. The words "lot" and "parcel" are used interchangeably unless the context clearly indicates to the contrary.

## Section 1.6.30 - SPECIFIC WORDS AND TERMS

**Abutting Properties** - Two or more properties joined by a common boundary line or point, as shown in Figure 1.6-1 - Abutting and Adjacent Lots.

**Access** - Place, means, or way by which ingress and egress are

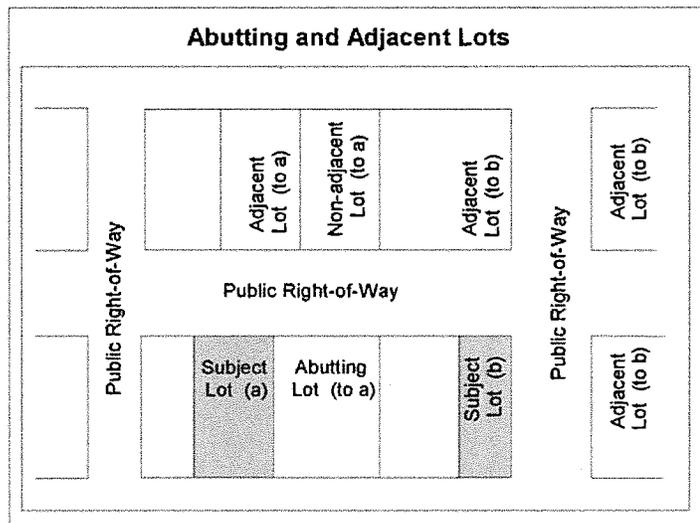


Figure 1.6-1 - Abutting and Adjacent Lots

b. **Residential** - Group of building types comprising the following:

1. Single Detached - One dwelling unit, freestanding and structurally separated from other dwelling units or buildings, located on a lot or development site. Includes Manufactured Dwellings. Graphics below are examples of possible site layouts. All density and development standards (minimum lot size, setbacks, etc.) shall be as specified per unit in the underlying zoning designation, including situations where this building type is combined with another building type on the same lot or development site. ~~Where multiple dwelling units are located on a single lot, setbacks between structures shall be a minimum of 10 ft.~~

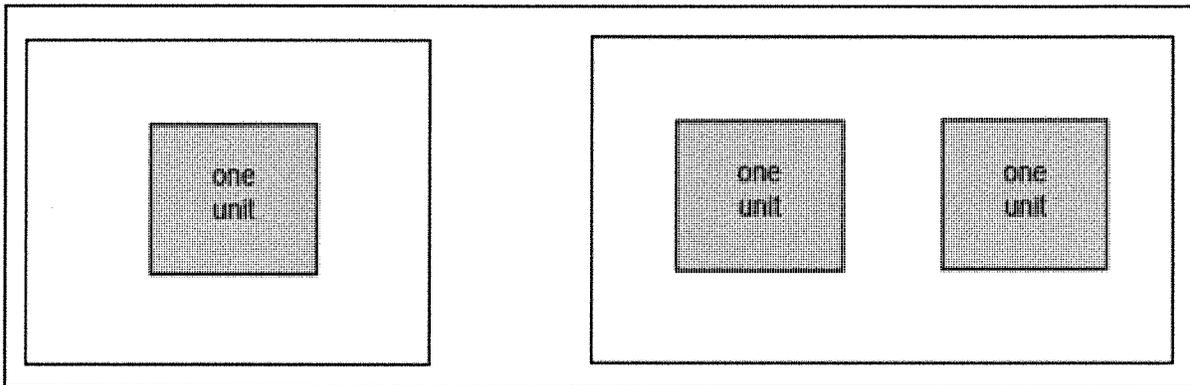
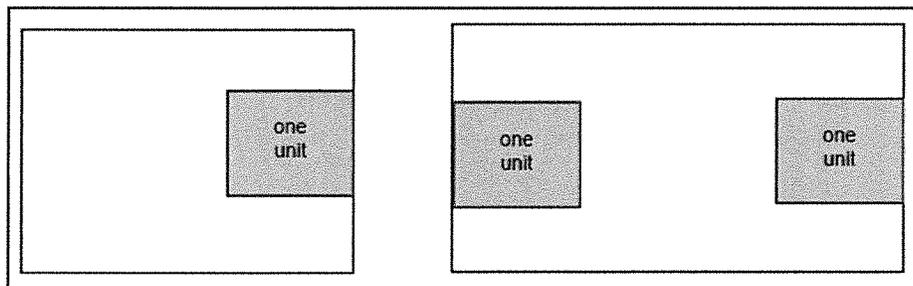


Figure 1.6-5 - Residential Single Detached

2. Single Detached (Zero Lot Line) - One dwelling unit, freestanding and structurally separated from other buildings, with no setback from one lot line. Graphics below are examples of possible site layouts. All density and development standards (minimum lot size, setbacks, etc.) shall be as specified per unit in the underlying zoning designation, including situations where this building type is combined with another building type on the same lot or development site. ~~Where multiple dwelling units are located on a single lot, setbacks between structures shall be a minimum of 10 ft.~~



3 Figure 1.6-6 - Residential Single Detached (Zero Lot Line)

Duplex - Two dwelling units on a single lot placed side by side so that some building walls are common for a minimum length of five ft. Fences, trellises, etc. attached between buildings do not create Attached units. Stacked duplex units (where one unit is on top of another) are acceptable. Graphics below are examples of possible site layouts. All density and development standards (minimum lot size, setbacks, etc.) shall be as specified per unit in the underlying zoning designation, including situations where this building type is combined with another building type on the same lot or development site. ~~Where multiple dwelling units are located on a single lot, setbacks between structures shall be a minimum of 10 ft.~~

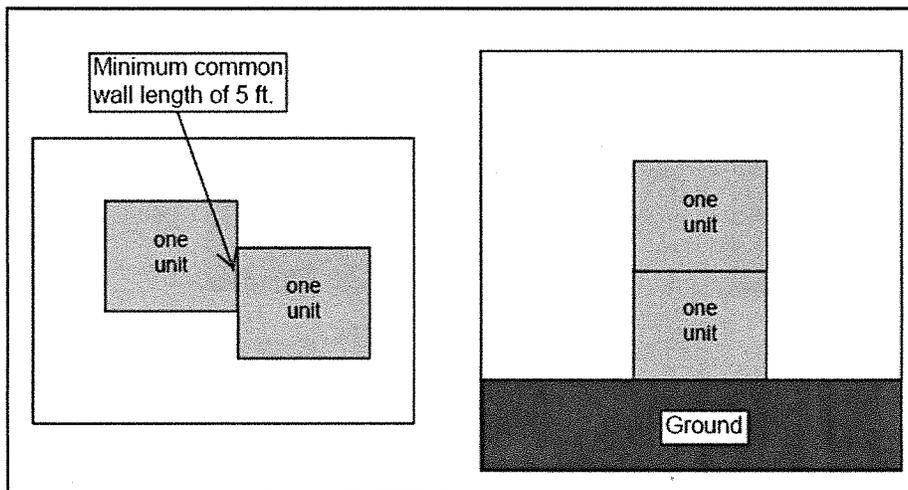


Figure 1.6-7 - Residential Duplex

4. Single Attached (Zero Lot Line) - Two dwelling units on separate lots, but placed side by side so that some building walls are in common for a minimum length of five ft. at a common property line. Fences, trellises, etc. attached between buildings do not create Attached structures.

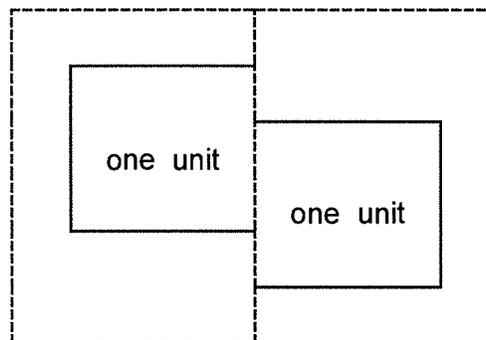


Figure 1.6-8 - Residential Single Attached (Zero Lot Line)

5. Attached - Three or more dwelling units on separate lots, but placed side by side so that some building walls are in common for a minimum length of five ft. at a common property line. Fences, trellises, etc. attached between buildings do not create Attached structures.

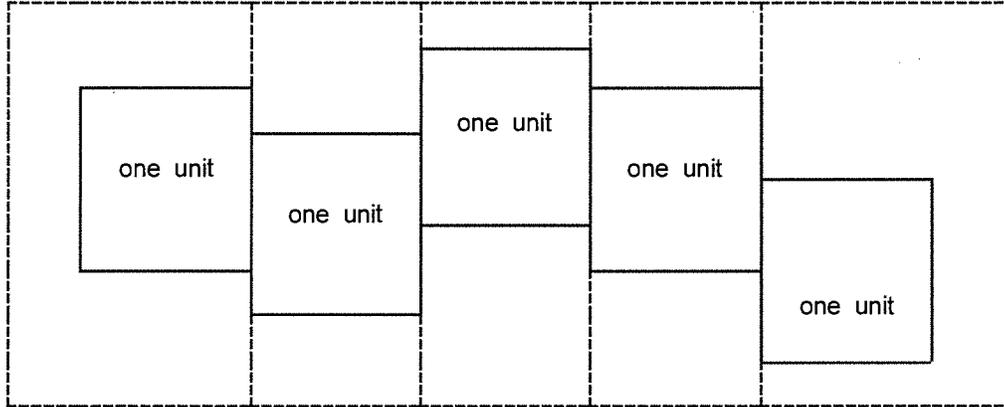


Figure 1.6-9 - Residential Attached

6. Multi-dwelling - Three or more dwelling units in any vertical or horizontal arrangement, located on one lot or development site. The graphic below is an example of a possible site layout. All density and development standards (minimum lot size, setbacks, etc.) shall be as specified per unit in the underlying zoning designation, including situations where this building type is combined with another building type on the same lot or development site. ~~Where multiple dwelling units are located on a single lot, setbacks between structures shall be as required by the underlying zone or, where the zone does not specify such dimensions, a minimum of 10 ft.~~

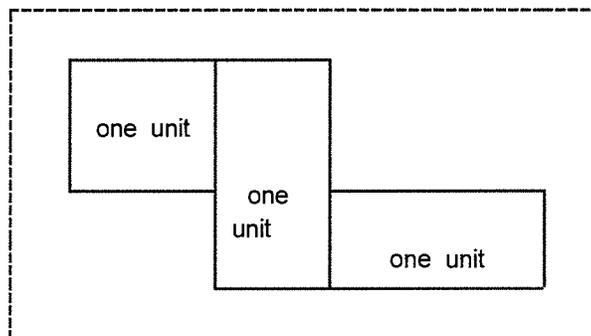


Figure 1.6-10 - Residential Multi-dwelling

7. Manufactured Dwelling Facility - Facility where four or more manufactured or mobile homes are within 500 ft. of one another on a lot, tract, or parcel of land under the same ownership. The primary purpose of the facility is to rent spaces for manufactured or mobile homes. The applicable Oregon Revised Statutes

outlined in Section 1.2.110.02- General Development and Chapter 2.14 - Partitions, Minor Replats, and ~~Lot~~ Property Line Adjustments.

A Partition does not include division of land resulting from any of the following:

1. Establishment or modification of a tax lot by the County Assessor;
2. A lien foreclosure, foreclosure of a recorded contract for the sale of real property, or creation of cemetery lots;
3. An adjustment of a property line where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zone criteria established by this Code; or
4. Sale or grant by a person to a public agency or public body for state highway, county road, City street, or other right-of-way purposes provided that such road or right-of-way complies with the applicable Comprehensive Plan policies and ORS 215.213 (2)(q)-(s) and 215.283 (2)(p)-(r), as amended. See ~~Lot~~ Property Line Adjustment.

- b. Subdivision** - Division of land that creates four or more lots within a calendar year when such lots exist as a unit or contiguous units of land under a single ownership at the beginning of such year. A Subdivision does not include division of land resulting from any of the activities in “ a,” above. Procedures for this type of land use application are outlined in Section 1. 2.110.02 - General Development, Section 1.2.110.03 - Special Development, and Chapter 2.4 - Subdivisions and Major Replats.

**Land, Intensity of** - Relative measure of development impact as defined by characteristics such as the number of dwelling units per acre, amount of traffic generated, and amount of site coverage.

**Land, Parcel of** - Unit of land with established boundaries or a unit of land created by a Partition. See Lot for a unit of land created by a Subdivision.

**Large Wood (as found in streams)** - In the analysis of the local streams of Corvallis that was done for the Endangered Species Act Salmon Listing Response Plan, Large Wood was identified as 10 centimeters (four inches) in diameter and three meters (10 feet) long.

**Lateral Addition** - See “Lateral Addition” in Section 1.6.40.

**Legal Nonconforming Development** - Lawful existing structure or use that does not conform to current requirements of this Code, but which existed before this Code or any amendment to it became effective.

**Legislative Decision** - Formulation of policy characteristic of the actions by a city council. *Ex parte* contact requirements are not applicable to legislative hearings. In general, personal

**Lot Line Adjustment** - Land use process that shifts the location(s) of lot line(s) but does not create or eliminate a unit of land, and where any reduced lots comply with the applicable zoning regulations. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development, Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments, and Section 2.14.60.

**Lot Line, Front** - In the case of an interior lot, a property line that abuts the public street or private street within a separate tract. In the case of a corner lot, or a lot where vehicular access is provided off an alley and there is no frontage on a public or private street, the front lot line is based on the structure's orientation and at least two of the following factors:

- a. Location of the front door;
- b. Location of the driveway (when accessed off a public or private street); or
- c. Legal street address.

For the purposes of remodeling, rebuilding, constructing additions or accessory structures, etc., a corner lot's front lot line that was determined at the time of original construction of structure(s) on the lot may be considered valid.

**Lot Line, Side** - Lot boundary other than a front or rear lot line.

**Lot Line, Rear** - As shown below in Figure 1.6-20 - Rear Lot Line, lot line or lines most distant from and generally opposite the front lot line. In the case of an interior triangular lot or a lot with more than four sides, however, the rear lot line is a straight line 10 feet in length that:

- a. Runs parallel to the front lot line or its chord; and
- b. Intersects the other lot lines at points most distant from the front lot line.

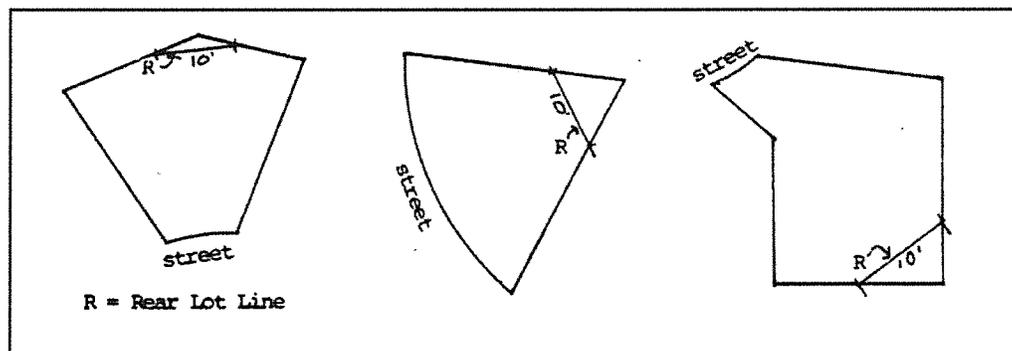


Figure 1.6-20 - Rear Lot Line

**Lot of Record** - Lot or parcel created through applicable Land Division regulations before adoption of this Code.

**Primary Source Material** - Pertains to Designated Historic Resources. Primary source material includes historic photographs, design drawings or blueprints, or other information directly associated with a specific historic resource.

**Primary Use** - Main, principal, or predominant use.

**Principal Use** - See Primary Use.

**Properly Functioning Condition (PFC)** – National Marine Fisheries Service defines PFC as the sustained presence of natural habitat-forming processes that are necessary for the long-term survival of a species through the full range of environmental conditions.

**Property Line Adjustment** - Land use process that relocates all or a portion of the common property line between abutting properties that does not create or eliminate an additional lot or parcel, and where any reduced lot or parcel complies with the applicable zoning regulations. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development, Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments, and Section 2.14.60.

**Protect** – To save or shield from loss, destruction, injury or to save for future intended use.

**Proximate Wetlands** - See Wetlands, Proximate.

**Quasi-judicial Decision** - Similar to a court proceeding in which affected parties are afforded procedural safeguards. The quasi-judicial process is characteristic of most meetings of the Planning Commission and Land Development Hearings Board. Personal notice must be mailed to property owners and occupants living within a prescribed distance from the affected area. Unlike legislative cases, the Planning Commissioners or Land Development Hearings Board members are expected to avoid outside discussion of the business at hand and must declare *ex parte* contacts. See also Legislative Decision.

**Recreational Vehicle** - A vehicle that is:

- a. Built on a single chassis;
- b. 400 sq. ft. or less when measured at the largest horizontal projection;
- c. Designed to be self-propelled or permanently towed by a light duty truck; and
- d. Designed primarily not for use as a primary dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Redevelopment** – Restoring or replacing existing buildings. See also Infill.

**Rehabilitation Treatment** (as applied to Designated Historic Resources) - As used in this Code, Rehabilitation Treatment includes activities that modify properties. Though removal

of Historically Significant features is discouraged, replacement with new materials and even new additions may be allowed, if they are compatible with the property's historic materials, features, size, scale and proportion, and massing to protect the Historic Integrity of the property and its environment. Approval generally requires quasi-judicial review by the Historic Resources Commission.

**Replat (Major)** - Land use process that is used when parcels within a recorded Subdivision are reconfigured such that four or more parcels are created or deleted in a calendar year. Procedures for this type of land use application are outlined in Section 1.2.110.03 - Special Development, Chapter 2.4 - Subdivisions and Major Replats, and Section 2.4.50 - Major Replat.

**Replat (Minor)** - Land use process that is used when parcels within a recorded Subdivision or Partition are reconfigured such that three or fewer parcels are created or deleted in a calendar year. Procedures for this type of land use application are outlined in Section 1.2.110.02 - General Development, Chapter 2.14 - Partitions, Minor Replats, and Lot Property Line Adjustments, and Section 2.14.50.

**Reserve Strip** - Strip of land dedicated to the City and reserved for use as part of a future public street or facility.

**Residential Care** - Services such as supervision; protection; assistance while bathing, dressing, grooming, or eating; management of money; transportation; recreation; and the provision of room and board.

**Residential Care Facility** - Facility licensed by the state to accommodate more than five and fewer than 15 mentally or physically handicapped, elderly, or drug- or alcohol-dependent persons. Does not include resident staff persons engaged in their care.

**Restoration** - Process of returning an area to a close approximation of a former condition, and re-establishing functions.

**Reversible** - Pertains to Designated Historic Resources. Refers to modifications that do not substantially change, obscure, damage, or destroy character-defining materials, features, or finishes. Intent is that the modification could be removed and any impacted character-defining materials, features, or finishes could then be restored.

**Right-of-Way** - Public travel route dedicated for vehicular, bicycle, or pedestrian use. Can and often does contain public and franchise utilities.

**Riparian Area or Riparian Corridor** - Land adjacent to a water body that directly affects or is affected by the aquatic environment. This includes Streams, rivers, and lakes and their side channels, Floodplains, and Wetlands, and portions of adjacent slopes that shade the channel or provide streamside habitat. The area of transition from an aquatic ecosystem to a terrestrial system.

**Yard, Side** - As shown in Figure 1.6-32 - Side Yard below, yard between the main building and the side lot line extending from the front yard or front lot line where no front yard is required, to the rear yard. The width of the required side yard is the minimum horizontal distance between the side lot line and a line parallel to the nearest point of the main building.

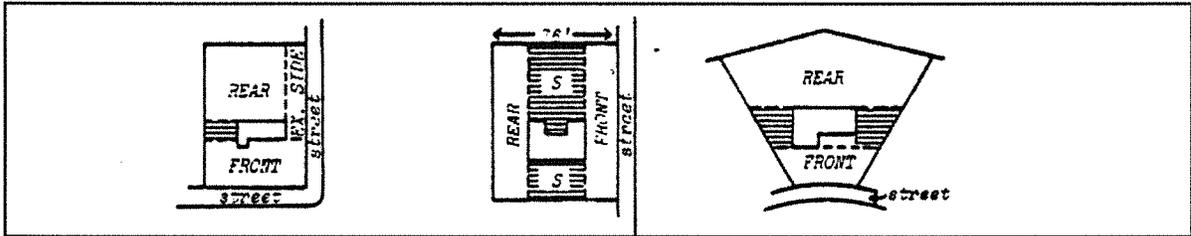


Figure 1.6-32 - Side Yard

**Zone** - Area of land within the Corvallis City limits designated for specific types of permitted developments and subject to the development requirements of that zone.

**Zone Change** - Amendment to the boundaries of zones shown on the Official Zoning Map. Procedures for this type of land use application are outlined in Sections 1.2.90.01 and 1.2.110.03 - Special Development, and Chapter 2.2 - Zone Changes.

[Section 1.6.30 amended by Ordinance 2012-00x, effective December X, 2012]

- a) The application;
  - b) All documents and evidence used by the applicant; and
  - c) Applicable criteria.
10. A statement that the staff report will be available for review at no cost seven days before the hearing and will be duplicated upon request at reasonable cost; and
11. A description of the hearing procedure with encouragement for concerned citizens to submit testimony orally or in writing.
- c. Notice List** - The notice shall be sent by mail at least 20 days prior to the hearing to the following persons:
- 1. The applicant or authorized agent(s), and owner(s) of the property of the subject application if different from the applicant. For the purposes of this mailing, the property owner shall be determined using the most recent Benton County Assessor's database supplied to the City;
  - 2. Any person who resides on or owns property within 300 ft., including street right-of-way, of a parcel of land proposed for:
    - a) Zone Changes or Comprehensive Plan Amendments - excluding establishing or removing Historic Preservation Overlay Zones and Research Technology Center time extensions;
    - 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;
  - i) Major Lot Development Options; and
  - j) Floodplain Development Permit Variances.
3. 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; and
  - h) Sign Variance;
  - i) Minor Lot Development Options;

i) Subdivisions and Major Replats (Residential); and

k) Conditional Development Permit Modifications

4. Tenants of an existing Manufactured Dwelling Facility for which a Zone Change is proposed;
  5. Any other person, agency, or organization required to receive notice per the requirements for vacating public lands, including Subdivision plats and street rights-of-way, as provided in Chapter 2.8 - Vacating of Public Lands and Plats and ORS 271.080, as amended;
  6. Any other person, agency, or organization that has filed a request to the Director to receive notices of hearings and has paid a reasonable fee to cover noticing therefor;
  7. Any other person, agency, or organization that may be designated by this Code, the City Council, or its agencies;
  8. Any other resident owner of property whom the Director determines is affected by the application; and
  9. Historic Resources Commission and State Historic Preservation Office, for the following:
    - a) Appeals of Director-level and HRC-level Historic Preservation Permits; and
    - b) Zone Change applications to establish or remove a Historic Preservation Overlay zoning designation in accordance with Chapter 2.2 - Zone Changes, including appeals of Administrative Zone Changes.
  10. Oregon Department of Parks and Recreation, for development on property with a Willamette River Greenway Overlay Zone.
- d. **Sunset** - The public notice changes instituted by LDT03-00002 shall be re-evaluated by the City within two years of the adoption of that amendment to see if it is still necessary to maintain reduced public notice requirements.
- e. For the purpose of mailed notification, the County Assessor's most recent property tax assessment roll shall be used. Notices shall be sent to the

### **2.0.50.08 - Voting Eligibility**

When a member of the hearing authority becomes ineligible to vote due to absence from a portion of the public hearing on the proposed development, the member may revive voting eligibility by listening to the completed tape recording of the portion of the hearing missed. The member shall then announce to the hearing authority that he or she has listened to the tapes.

### **2.0.50.09 - Action by Hearing Authority**

The hearing authority shall act upon the development proposal application within 120 days after the application is deemed complete (or within 90 days after the application is deemed complete for a collocated wireless telecommunication facility) unless such time limitation is extended with the consent of the applicant or as required by law. Unless otherwise ordered by the hearing authority, the Director shall process applications in the order in which they are filed.

a. The hearing authority may:

1. Hold the written record open for at least seven days to allow the submittal of additional written testimony;
2. Continue the public hearing;
3. Refer the matter to a committee;
4. Approve the applications as submitted;
5. Deny the request; or
6. Approve the request with Conditions of Approval in accordance with "b," below.

Findings of fact in support of any decision shall be required in accordance with Section 2.0.50.10 below, and shall be in the record of proceedings prior to any final action by the hearing authority to approve, approve with conditions, or deny a request.

b. The following limitations shall be applicable to conditional approvals:

1. Conditions of Approval shall be fulfilled within the time limitations set forth in the Conditions of Approval; and

before the last Monday of the month, and found to be complete within the next 30 days, shall be scheduled for a Planning Commission public hearing in the third month following the application submittal. For example, applications filed the last Monday in January, and found to be complete by the end of February, shall be heard by the Planning Commission in April.

*[Section 2.0.50 amended by Ordinance 2012-00x, effective December X, 2012]*

**Section 2.0.60 - PROCEDURES FOR HEARINGS INVOLVING REMANDS FROM THE STATE LAND USE BOARD OF APPEALS (LUBA)**

Procedures for hearings involving both voluntary and involuntary remands from the State Land Use Board of Appeals shall be as follows:

- a. The Director shall present the remand directly to the City Council so that it can decide how to proceed. The Director shall inform the City Council of the nature of the remand, and the Council shall make a formal decision regarding procedures prior to any hearing to decide the matter. The Council may decide to do any of the following:
  1. Send the matter to another authorized hearing authority, such as the Land Development Hearings Board, Historic Resources Commission, or Planning Commission;
  2. Set a hearing date to decide the matter without re-opening the public hearing on the case; or
  3. Set a hearing date and re-open the public hearing for consideration.
- b. When considering a remand, the hearing authority may consider the case in whole or in part.
- c. Procedures for public notice and order of proceedings for remands on legislative matters shall be in accordance with Section 2.0.40.
- d. Procedures for public notice and order of proceedings for remands on quasi-judicial matters shall be in accordance with Section 2.0.50, except that in all cases, required mailing of notices shall occur a minimum of 20 days in advance of the public hearing to address the remand.

## **CHAPTER 2.1 COMPREHENSIVE PLAN AMENDMENT PROCEDURES**

### **Section 2.1.10 - BACKGROUND**

The adopted Comprehensive Plan is the City's official statement of major policies concerning desired future development of the community. The Comprehensive Plan is the controlling land use planning instrument for the City and, as such, land development regulations and related actions are required to conform with the Plan.

This chapter pertains to lands within the City limits. Those portions of the Comprehensive Plan that apply to areas outside the City limits but within the Urban Growth Boundary shall be amended in accordance with the provisions of the Corvallis Urban Fringe Management Agreement.

### **Section 2.1.20 - PURPOSES**

This Chapter describes the review criteria and procedural requirements to accomplish the following:

- a. Respond to changing conditions and community attitudes;
- b. Ensure flexibility while maintaining the integrity of the Comprehensive Plan; and
- c. Establish procedures by which the Plan text and map may be amended.

### **Section 2.1.30 - PROCEDURES**

#### **2.1.30.01 - Initiation**

Comprehensive Plan Amendments shall be initiated by one of the following:

- a. An application submitted by the property owners or their authorized agents;  
or
- b. A majority vote of the City Council. City Council initiation of Comprehensive Plan Map Amendments shall be considered to accomplish the following:
  - 1. Respond to changed circumstances;
  - 2. Correct inconsistencies with state goals;

the full range of development potential (min. to max.) under current vs. proposed land uses designations shall be addressed in the analysis. Also see Section 4.0.60.a;

- l. Statement outlining the method and source of financing required to provide additional facilities; and
- m. Statement of the reasons for the change, and how the proposal meets the review criteria in Section 2.1.30.06 or 2.1.30.07, whichever is applicable.

**n.Required fees as described in LDC § 1.2.100.01.**

**2.1.30.04 - Acceptance of Application**

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new applications shall require additional filing fees and rescheduling of the required public hearing.

**2.1.30.05 - Staff Evaluation**

The Director shall prepare a report that evaluates whether the proposal complies with the review criteria below. The report shall include a recommendation for approval or denial.

**2.1.30.06 - Review Criteria for the Majority of Comprehensive Plan Amendments**

- a. This Section addresses review criteria for the following:
  - 1. Text Amendments to the Comprehensive Plan; and
  - 2. Amendments to the Comprehensive Plan Map that do **not** involve a Map Amendment to Open Space-Conservation or Public Institutional, when such a Map Amendment is required as part of an Annexation

Map corrections made by the Director shall be reported to the Council and the owner of the property receiving the correction by noting the correction as a consent item on a Council agenda following the correction, and by mailing the property owner notification of the correction.

*[Section 2.1.30 amended by Ordinance 2012-00x, effective December X, 2012]*

## **CHAPTER 2.2 ZONE CHANGES**

### **Section 2.2.10 - BACKGROUND**

The Official Zoning Map is consistent with the adopted Comprehensive Plan, as amended, and as such is a reflection of the City's land use planning goals. The map has also been adopted as part of this Code. Frequent and piecemeal amendments to the Official Zoning Map can threaten the integrity of the Comprehensive Plan and the likelihood of its successful implementation. Nevertheless, it may be necessary to amend the Official Zoning Map from time to time to correct errors or to respond to changing conditions or unforeseen circumstances, or to provide an incentive for the protection of Natural Resources and Natural Hazards.

When a zone is amended, there often must be a corresponding change to the Comprehensive Plan Map. There are, however, instances where more than one zone corresponds to a site's Comprehensive Plan designation. In these situations, the zone can be amended without a Comprehensive Plan Map Amendment. Table 2.2-1 - Comprehensive Plan and Corresponding Zoning Map Designations, below illustrates the relationship between the Comprehensive Plan and the Official Zoning Map designations in the City.

Zone Changes are classified as legislative or quasi-judicial, depending on the number of properties involved. While only the City Council makes legislative decisions regarding Zone Changes, quasi-judicial decisions may be made by the:

- a. Community Development Director in the case of Administrative Zone Changes to:
  1. Remove a Historic Preservation Overlay in cases where a public hearing is not required. See Section 2.2.50;
  2. Apply a Conservation - Open Space Zone on lands that already have a Natural Resource or Natural Hazards Overlay. See Section 2.2.50; and
  3. Remove a residential Planned Development Overlay as mandated by the state. See Section 2.2.50.
- b. Planning Commission;
- c. Land Development Hearings Board;

- b) If a Historic Preservation Overlay is proposed to add a historic resource to the Local Register, why the boundaries of the proposed Historic Preservation Overlay are appropriate, given the historic resources located in the proposed Historic Preservation Overlay; and
  4. Two sets of black and white photographs of, and inventory information for, each of the historic resource(s) proposed to be subject to a Historic Preservation Overlay. The photographs shall be four by six in., five by seven in., or eight by 10 in. Digital images meeting federal National Park Service photo policy standards, as amended, for National Register of Historic Places resources, are acceptable.
- c. **Requirements for District Change Applications to Remove a Historic Preservation Overlay**
  1. All requirements of “a,” above;
  2. Map illustrating the location and bounds of the Historic Preservation Overlay proposed to be removed and any Designated Historic Resource(s) within that area;
  3. Statements explaining the following:
    - a) How removal of the proposed Historic Preservation Overlay is consistent with the review criteria in Section 2.2.40.05.c;
    - b) Why the applicant is requesting removal of the existing Historic Preservation Overlay;
  4. Two sets of black and white photographs of, and inventory information for, each of the Designated Historic Resource(s) within the Historic Preservation Overlay area proposed for removal. The photographs shall be four by six in., five by seven in., or eight by 10 in. Digital images meeting federal National Park Service photo policy standards, as amended, for National Register of Historic Places Designated Historic Resources, are acceptable.

**d. Required fees as described in LDC § 1.2.100.01.**

**2.2.40.03 - Acceptance of Application**

and/or Historic Resources Commission, as applicable, shall become effective 12 days after the Notice of Disposition is signed.

- c. Unless an appeal has been filed, decisions of the Planning Commission made in conjunction with a Comprehensive Plan Amendment shall become final effective 12 days after the Notice of Disposition is signed. The Zone Changes will not take effect, however, until and unless the necessary Comprehensive Plan Amendment has been implemented by the City Council.

*[Section 2.2.40 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 2.2.50 - QUASI-JUDICIAL CHANGE PROCEDURES FOR ADMINISTRATIVE ZONE CHANGES**

- a. **Quasi-judicial Zone Changes** - As stated in Section 2.2.40.a, all Zone Changes not deemed legislative shall be quasi-judicial. Administrative Zone Changes are quasi-judicial Zone Changes that are not subject to a public hearing and are defined by and subject to the provisions below. All other quasi-judicial Zone Changes are subject to a public hearing and the provisions of Section 2.2.40.
- b. **Administrative Zone Change Defined** - A Zone Change is considered an Administrative Zone Change if the Change applies to one or more of the situations in "1," through "3," below.
  - 1. Establishment of a Conservation - Open Space Zone - A Zone Change is requested to establish a Conservation - Open Space Zone on property(ies) with a Natural Hazard Overlay or Natural Resource Overlay designation.
  - 2. Removal of a Residential Planned Development Overlay - A Zone Change is requested to remove a residential Planned Development Overlay and both "a," and "b," below are true:
    - a) The underlying Zone designation is RS-1, RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), RS-20, or MUR; and
    - b) The request is limited to the removal of the Planned Development Overlay and there is no active Detailed Development Plan on the site. See Section 2.2.50.06.b.3.

5. Appeal period deadline; and
6. A statement that a copy of the application, all documents and evidence submitted by or on the behalf of the applicant, and applicable criteria are available for inspection at no cost and copies can be provided at a reasonable cost.

#### **2.2.50.09 - Appeals**

The Director's decision may be appealed in accordance with Chapter 2.19 - Appeals.

#### **2.2.50.10 - Effective Date**

Unless an appeal has been filed, t The Director's decision shall become effective 12 days ~~from the date that~~ after the Notice of Disposition is signed, ~~unless an appeal has been filed.~~ Once an Administrative Zone Change is approved and is in effect, the Official Zoning Map shall be amended accordingly.

### **Section 2.2.60 - PROCEDURES FOR RECLASSIFYING A DESIGNATED HISTORIC RESOURCE IN A NATIONAL REGISTER OF HISTORIC PLACES HISTORIC DISTRICT**

Reclassification of a Designated Historic Resource in a National Register of Historic Places Historic District is accomplished per state and federal procedures. Upon notification from the State Historic Preservation Office that a reclassification of a Nationally-designated Historic Resource has been approved, the City shall amend its files accordingly. All future Historic Preservation Permit applications relating to this Nationally-designated Historic Resource shall be evaluated per the revised reclassification. If a property owner believes that an error was made in the nomination papers for a Designated Historic Resource, the property owner may petition the Director to help correct it. The owner should explain the nature of the mistake, using sources of information in Section 2.9.60.c. The Director shall forward the property owner's request for the correction, along with the property owner's documentation, to the State Historic Preservation Office (SHPO) for consideration.

#### **Section 2.2.70 - Map Errors**

If the Land Development Hearings Board, Planning Commission, or City Council approves a Zone Change, but the Director discovers that the Official Zoning Map was not altered to accurately reflect the Zone Change, the Director shall correct the Official Zoning Map to comply with the Zone Change without any additional public review.

## **CHAPTER 2.3 CONDITIONAL DEVELOPMENT**

### **Section 2.3.10 - BACKGROUND**

Certain Use Types listed in each zone require a public hearing to determine how they affect surrounding properties, neighborhoods, and the community as a whole. The Conditional Development review process provides an opportunity to allow a Use when potential adverse effects can be mitigated, or deny a Use if concerns can not be resolved to the satisfaction of the hearing authority. It is the intent of this Chapter to permit Conditional Developments and Conditional Development Modifications consistent with the Comprehensive Plan, subject to procedures and criteria intended to mitigate potentially negative impacts.

### **Section 2.3.20 - PURPOSES**

Procedures and review criteria for Conditional Developments are established for the following purposes:

- a. Permit certain types of public and private development that provide a community service in locations related to their service areas;
- b. Permit commercial development in locations related to its service area;
- c. Ensure that Conditional Development is compatible with its immediate area and the affected part of the community;
- d. Permit Uses when potentially adverse effects can be mitigated; and
- e. Permit a mixture of residential development types.

### **Section 2.3.30 - CONDITIONAL DEVELOPMENT PROCEDURES**

When an application is filed for a Conditional Development or a Conditional Development Modification, it shall be reviewed in accordance with the following procedures.

#### **2.3.30.01 - Application Requirements**

When the Director deems any requirement below unnecessary for proper evaluation of a proposed application, it may be waived.

- d) Provided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the Conditional Development.
5. Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. See Section 4.0.60.a;
6. Statement addressing compatibility of proposed development with adjacent land uses relating to such items as architectural character, Building Type, and height of proposed structures; and
7. Proposals for setbacks or building envelopes, lot areas where land division is anticipated, and number of parking spaces to be provided per gross floor area or per number of units.
8. Information required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA ), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable.

h. Required fees as described in LDC § 1.2.100.01.

**2.3.30.02 - Acceptance of Application**

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new applications shall require additional filing fees and rescheduling of the required public hearing.

**2.3.30.03 - Staff Evaluation**

- m. Preservation and/or protection of Significant Natural Features, consistent with Chapter Chapter 2.11 - Floodplain Development Permit, 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Streets shall also be designed along contours, and structures shall be designed to fit the topography of the site to ensure compliance with these Code standards.

Any Conditional Development request on residentially designated property shall also result in a clear and objective set of development standards, between the Conditional Development proposal, required adherence to this Code, and Conditions of Approval.

#### **2.3.30.05 - Action by the Hearing Authority Planning Commission**

The Planning Commission (or City Council for a Conditional Development Permit application involving a collocated wireless telecommunication facility) shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the public hearing, the hearing authority Commission shall approve, conditionally approve, or deny the Conditional Development. The hearing authority's Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria.

#### **2.3.30.06 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the Planning Commission's Hearing Authority's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing. For development on property with a Willamette River Greenway Overlay Zone, a Notice of Disposition shall also be mailed to the Oregon Department of Parks and Recreation.

#### **2.3.30.07 - Appeals**

The decision of the Planning Commission may be appealed in accordance with Chapter 2.19 - Appeals.

### 2.3.30.08 - Effective Date

Unless an appeal has been filed, the decision of the hearing authority shall become effective 12 days after the Notice of Disposition is signed.

### 2.3.30.09 - Effective Period of Conditional Development Approval

Conditional Development approval shall be effective for a ~~two~~four-year period from the date of approval. If the applicant has not begun the Conditional Development or its phases within the ~~two~~four-year period, all approvals shall expire. ~~Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period one time for a period not to exceed two additional years.~~

### 2.3.30.10 - Review Criteria for Determining Compliance with an Approved Conditional Development

A Building Permit or other site development permit request shall be reviewed to determine whether the request is in substantial compliance with the approved Conditional Development. It shall be deemed to be in substantial compliance if it is consistent with the review criteria in Section 2.3.30.04, does not involve modifications to this Code's development standards, and does not involve changes to any specific requirements established at the time of Conditional Development 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 Conditional Development. Minor revisions shall be allowed if all of the following are met:

1. Falls below the thresholds identified in Section 2.3.40.02.a;
2. Does not affect any conditions of approval;
3. 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;
4. Complies with all applicable Land Development Code provisions; and
5. When evaluated in relation to all prior approved minor revisions to the approved Conditional Development, does not result in changes that would cumulatively exceed the thresholds listed above.

## **Section 2.3.40 - CONDITIONAL DEVELOPMENT MODIFICATION**

### **2.3.40.01 - Purposes of a Conditional Development Modification**

- a. Provide a limited amount of flexibility with regard to site planning and architectural design for approved Conditional Developments; and
- b. Provide benefits within the development site that compensate for requested variations from approved Conditional Developments such that the intent of the original approval is still met.

### **2.3.40.02 - Thresholds of a Conditional Development Modification**

- a. The factors identified here describe the thresholds that separate a Conditional Development Modification from the need to apply for a new Conditional Development Permit:
  1. Change in Use Type;
  2. Increase in dwelling unit density;
  3. Decrease in dwelling unit density by more than three units for development sites one acre or smaller in size; or decrease in dwelling unit density by more than five units or by more than 10 percent, whichever is less, for development sites larger than one acre;
  4. Change in the ratio of the different types of dwelling units;
  5. Change in the type or location of commercial or industrial structures that would result in a less pedestrian-friendly environment (e.g., a pedestrian walk is eliminated, a parking lot is placed to separate, or further separate, a building from pedestrian facilities, etc.);
  6. Change in the type and location of accessways and parking areas where off-site traffic would be affected or which result in a less pedestrian-friendly environment;
  7. Increase in the number of parking spaces where such increase

- d. To determine whether to authorize a Conditional Development Modification, the Director shall consider the review criteria in Section 2.3.30.04 and the following additional review criterion:

New elements are provided that functionally compensate for any negative effects caused by the requested variations from the original project design. New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be changed. Applicants shall provide the Director with information substantiating the value of the new elements in comparison to the value of the elements to be changed. The value information shall be developed by a qualified professional in the field relevant to the elements being exchanged.

- e. Upon finding that the application qualifies as a Conditional Development Modification, the Director may consider the redesign in whole or in part of any Conditional Development, to the extent that the redesign still falls within the thresholds outlined in Section 2.3.40.02.
- f. Notice, action on the application, the Notice of Disposition, appeals, the effective date, and the effective period of approval for a Conditional Development Modification shall be in accordance with sections 2.12.30.04.a, and 2.12.30.07.a, 2.12.30.08.a, 2.12.30.09.a, 2.12.30.10.a, and 2.12.30.11.a ~~through 2.12.30.11~~ of Chapter 2.12 - Lot Development Option, except that for development on property with a Willamette River Greenway Overlay, both a Public Notice and Notice of Disposition shall also be mailed to the Oregon Department of Parks and Recreation.

#### **2.3.40.04 - Determining Compliance with a Conditional Development Modification**

A Building Permit or other site development permit request shall be reviewed to determine whether the request is in compliance with any approved Conditional Development Modification. It shall be deemed to be in substantial compliance if it does not involve deviations from this Code's development standards and does not involve changes to any specific requirements established at the time of Conditional Development Modification 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 Conditional Development Modification.

*[Section 2.3.40 amended by Ordinance 2012-00x, effective December X, 2012]*

## CHAPTER 2.4 SUBDIVISIONS AND MAJOR REPLATS

### Section 2.4.10 - BACKGROUND

The division of land is the first step toward establishing a community's ultimate development pattern. Land Divisions can occur through either a Subdivision or a Partition procedure. A *Subdivision procedure* is used when four or more units (generally called lots) of land are created in a calendar year. Residential Subdivision applications are reviewed by the Director and do not go through a public hearing, except upon appeal. Nonresidential Subdivision applications are reviewed by the Planning Commission. For the purposes of this Chapter, Residential Subdivisions are those involving lands with a Zoning Designation of RS-1, RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), RS-20, and MUR. Nonresidential Subdivisions are those with a Zoning Designation other than those for Residential Subdivisions. Subdivision applications may include requests for Planned Developments to permit greater flexibility in design. Procedural provisions for Planned Developments are addressed in Chapter 2.5 - Planned Development.

A *Partition procedure* is used when three or fewer units (generally called parcels) are created in a calendar year. Partitions may or may not involve creation of a street. Partition applications are reviewed by the Director and do not go through a public hearing, except upon appeal. Partitions, in addition to procedures for Minor Replats and Property Line Adjustments, are addressed in Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments.

This Chapter presents the review process and plat requirements for Subdivisions. Chapter 4.4 - Land Division Standards discusses lot and street design requirements and therefore must be reviewed in conjunction with this Chapter in creating and developing a Subdivision.

### Section 2.4.20 - PURPOSES

Land Division review procedures are established in this Chapter for the following purposes:

- a. Ensure that building sites are of sufficient size and appropriate design for their intended uses and that lots to be created are within density ranges permitted by the Comprehensive Plan;
- b. Minimize negative effects of development upon the natural environment and incorporate natural features into the proposed development where possible;

- b) Residential Subdivisions - a Traffic Impact Analysis (TIA) is required. The TIA shall be prepared by a registered professional engineer, in accordance with the most current ITE standards, and shall address both current conditions and those within a 20- year horizon. The TIA shall quantify the trip generation effects of the proposal. The TIA shall estimate trip distribution patterns. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. If any affected intersection LOS is or will fall below LOS D during any hour, mitigation shall be proposed. The mitigation shall demonstrate that at least LOS D will be maintained for 20 years.
6. Information required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA ), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable.

h. Required fees as described in LDC § 1.2.100.01.

**2.4.30.02 - Acceptance of Application**

- a. The Director shall process Nonresidential Subdivision applications in accordance with Chapter 2.0 - Public Hearings. The Director shall process Residential Subdivisions in accordance with the procedures in Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments.
- b. After accepting a complete application for a Nonresidential Subdivision, the Director shall schedule a public hearing to be held by the Planning Commission. After accepting a complete application for a Residential Subdivision, the Director shall commence review in accordance with Section 2.14.30.02. Notice of the hearing for a Nonresidential Subdivision shall be provided in accordance with Chapter 2.0 - Public Hearings. Notice for a Residential Subdivision shall be provided in accordance with Section 2.14.30.03.
- c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new applications shall require additional filing fees and

review criteria.

- b. **Action by the Director for Residential Subdivisions** - Following the staff evaluation outlined in Section 2.4.30.03, the Director shall approve, conditionally approve, or deny the Tentative Subdivision Plat. The Director's decision shall include findings that specify how the application has or has not complied with the above review criteria.

#### **2.4.30.06 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

#### **2.4.30.07 - Appeals**

The decision of the Director or Planning Commission, whichever the decision-maker as outlined in this Chapter, may be appealed in accordance with the provisions of Chapter 2.19 - Appeals.

#### **2.4.30.08 - Effective Date**

Unless an appeal is filed, the decision of the Director or the Planning Commission shall become effective 12 days after the Notice of Disposition is signed.

#### **2.4.30.09 - Effective Periods of Tentative Subdivision Plat Approval**

- a. **Effective Period for Nonresidential Subdivisions** - Tentative Subdivision Plat approval shall be effective for a ~~two~~four-year period from the date of approval. If the applicant has not submitted a Final Subdivision Plat within the ~~two~~four-year period (with appropriate assurances for improvements, if applicable), all approvals shall expire. ~~Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the period once for a period not to exceed one additional year.~~
- b. **Effective Period for Residential Subdivisions** - Tentative Subdivision Plat approval shall be effective for a two-year period from the date of approval. If the applicant has not submitted a Final Subdivision Plat within the two-year

period (with appropriate assurances for improvements, if applicable), all approvals shall expire.

*[Section 2.4.30 amended by Ordinance 2012-00x, effective December X, 2012]*

## **Section 2.4.40 - FINAL SUBDIVISION PLAT REVIEW PROCEDURES**

### **2.4.40.01 - Application Requirements**

Three originals of the Final Subdivision Plat, as well as an electronic version of the Plat that is compatible with City formats, shall be submitted to the Director. The Final Subdivision Plat shall conform to the approved Tentative Subdivision Plat and Article IV - Development Standards, except where modified by a Planned Development approval. See Chapter 2.5 - Planned Development. The Final Subdivision Plat shall also meet Benton County's survey and Subdivision Plat standards and contain or be accompanied by the following information:

- a. Name of the Subdivision ;
- b. Date, north arrow, scale, legend, and existing features such as highways and railroads;
- c. Legal description of Subdivision boundaries;
- d. Reference and bearings to adjoining recorded surveys;
- e. Exact location and width of streets and easements intersecting the boundary of the Subdivision;
- f. Subdivision, block, and lot boundary lines. Numbering of lots and blocks shall be as follows:
  1. Lot numbers shall begin with the number "1", and shall be numbered consecutively in each block. The numbering generally follows the same sequence as sections in a township;
  2. Block numbers shall begin with the number "1", and shall be numbered consecutively without omission or duplication throughout the Subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and placed so as to not obliterate other elements of the Final Subdivision Plat. Block and lot numbers in an

## **CHAPTER 2.5 PLANNED DEVELOPMENT**

### **Section 2.5.10 - BACKGROUND**

It is the intent of this Chapter to establish procedures that permit flexibility in the land development process, allow for better preservation of Significant Natural Features, and allow for innovation in site planning and architectural design.

The Planned Development process is established to allow the review and approval of Conceptual and Detailed Development Plans, to provide the mechanism for achieving greater flexibility and improved design in cases where the scope of proposed modifications to pre-stated standards exceeds that permitted through a Lot Development Option. A Lot Development Option allows minor modifications to required specification standards on an individual lot of record. The procedures for a Lot Development Option are identified in Chapter 2.12 - Lot Development Option.

**a. The Procedures of this Chapter are Applicable When -**

1. A property owner requests a Conceptual and/or Detailed Development Plan concurrent with a specific project review; or
2. A Nonresidential or Residential Planned Development Overlay, established in accordance with the provisions of Chapter 3.32 - Nonresidential PD (Planned Development) Overlay or Chapter 3.33 - Residential PD (Planned Development) Overlay, respectively, exists on the site and is shown on the City's Official Zoning Map.

Depending on the level of detail provided in a Planned Development application, a Planned Development project proposal is called a Conceptual Development Plan or a Detailed Development Plan. A Conceptual Development Plan provides general concepts for development on a site. A Detailed Development Plan provides the specifics for development on a site and is required following or simultaneously with approval of a Conceptual Development Plan. When a Detailed Development Plan is processed simultaneously with a Conceptual Development Plan, it is called a Conceptual and Detailed Development Plan. Upon Planning Commission approval of a Detailed Development Plan or a Conceptual and Detailed Development Plan, Building Permits are issued consistent with that Plan.

Chapter 4.6 - Solar Access; and

7. Information required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable.
- h. Any proposed Floodplain Development Permit variation that exceeds the scope of Section 2.11.60.01.a shall also meet the Floodplain Development Permit Variance application requirements in Section 2.11.60.02 and, as applicable, Section 2.11.50.01.

i. Required fees as described in LDC § 1.2.100.01.

#### **2.5.40.02 - Acceptance of Application**

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new applications shall require additional filing fees and rescheduling of the required public hearing.

#### **2.5.40.03 - Staff Evaluation**

The Director shall prepare a report that evaluates whether the Conceptual Development Plan complies with the review criteria below. The report shall also include a recommendation for approval or denial and, if needed, a list of conditions for the Planning Commission to consider if an approval is granted.

#### **2.5.40.04 - Review Criteria**

Requests for the approval of a Conceptual Development Plan shall be reviewed to

Development Plan. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria.

#### **2.5.40.06 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings, that includes a written statement of the Planning Commission's decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

#### **2.5.40.07 - Appeals**

The decision of the Planning Commission may be appealed in accordance with the provisions of Chapter 2.19 - Appeals.

#### **2.5.40.08 - Effective Date**

Unless an appeal is filed, the decision of the Planning Commission shall become effective 12 days after the Notice of Disposition is signed.

#### **2.5.40.09 - Effective Period of Conceptual Development Plan Approval**

Conceptual Development Plan approval shall be effective for ~~three~~four-year period from the date of approval. If the applicant has not submitted a Detailed Development Plan for the Planned Development or its phases within the ~~three~~four-year period, all approvals shall expire.

##### **a. Conceptual Development Plans on Residentially Designated Property -**

1. If the Conceptual Development Plan pertains to residentially designated property, was established at the request of the property owner, and there is no active Detailed Development Plan on any portion of the site, the property owner may request and be granted nullification of the Conceptual Development Plan in accordance with Section 2.5.80; ~~and~~
- ~~2. Where the Planning Commission finds that conditions have not changed, at the property owner's request and at its discretion and without a public hearing, the Commission may extend the effective period once for a period not to exceed two additional years.~~

- ~~b. **Conceptual Development Plans on Nonresidentially Designated Property** - Where the Planning Commission finds that conditions have not changed, at its discretion and without a public hearing, the Commission may extend the effective period once for a period not to exceed two additional years.~~

*[Section 2.5.40 amended by Ordinance 2012-00x, effective December X, 2012]*

## **Section 2.5.50 - DETAILED DEVELOPMENT PLAN REVIEW PROCEDURES**

### **2.5.50.01 - Application Requirements**

When the Director deems any requirement below unnecessary for the proper evaluation of a proposed application, it may be waived.

**Prior to formal submittal of an application, the applicant is encouraged to participate in an informal pre-application conference with Community Development Department staff to discuss the proposal, the applicant's requirements, and the applicant's materials developed in response to this Code's applicable requirements.**

An application filed for a Detailed Development Plan shall follow the requirements specified for a Conceptual Development Plan in Section 2.5.40 above and shall also include the following:

#### **a. Graphic Requirements**

In addition to the graphic requirements specified for a Conceptual Development Plan in Section 2.5.40.01, a Detailed Development Plan shall include:

1. Location and floor area of existing and proposed structures and other improvements, including maximum heights, Building Types, and gross density per acre for residential developments; and location of fire hydrants, overhead lines in the abutting right of way, easements, fences, walls, parking calculations, and walkways. Where required by the applicable zone, Lot Coverage and Green Area calculations shall be provided. Parking calculations shall also be provided;
2. Typical elevations and floor plans of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development,

design, material, color, method, and direction of illumination;

9. For residential development, location of existing and proposed structures and trees on the site that could reduce solar access to any buildable area within the development. The application shall indicate the type and location of trees to be preserved or planted, and the shadow patterns of the trees at their mature height between 9 a.m. and 3 p.m. on November 21; and
10. For residential development, the location of solar collectors on land adjacent to the development for which Solar Access permits have been granted.

**b. Narrative Requirements**

In addition to the narrative requirements specified for a Conceptual Development Plan in Section 2.5.40.01 above, the Detailed Development Plan shall include:

1. Proposals for setbacks or building envelopes, lot areas where Land Division is anticipated, and number of parking spaces to be provided (per gross floor area or per number of units);
2. Detailed statement outlining timing, responsibilities, and assurances for all public and non-public improvements such as irrigation, private roads and drives, landscape, and maintenance;
3. Proposed methods of energy conservation; and
4. Statement addressing compatibility of proposed development to adjacent land uses relating to such items as architectural character, building type, and height of proposed structures.

**c. Tentative Plat**

If a Planned Development is to be subdivided, a Tentative Subdivision Plat may also be submitted in accordance with Chapter 2.4 - Subdivisions and Major Replats to permit simultaneous review.

**d. Required fees as described in LDC § 1.2.100.01.**

**2.5.50.02 - Acceptance of Application**

5. Complies with all applicable Land Development Code provisions; and
6. 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 amended by Ordinance 2012-00x, effective December X, 2012]*

## **Section 2.5.60 - PLANNED DEVELOPMENT MODIFICATION**

This Section identifies the processes by which an approved Conceptual or Detailed Development Plan may be modified. In general, such plans may be modified in ~~three~~ four ways, depending upon the degree of modification proposed. These include the Lot Development Option process described in Chapter 2.12 - Lot Development Option, Minor Revisions to the Planned Development, and the Minor and Major Planned Development Modification processes described below. Within the Conceptual or Detailed Development Plan, the Lot Development Option process may only be used for modification of a specific standard at a specific location where no deviation from standards has already been approved.

### **2.5.60.01 - Purposes of a Planned Development Modification**

- a. Provide a limited amount of flexibility with regard to site planning and architectural design for approved Conceptual or Detailed Development Plans; and
- b. Provide elements within the development site that compensate for requested variations from approved Conceptual or Detailed Development Plans such that the intent of the original approvals is still met.

### **2.5.60.02 - Thresholds that Separate a Minor Planned Development Modification from a Major Planned Development Modification**

- a. The factors identified here describe the thresholds that separate a Minor Planned Development Modification from a Major Planned Development Modification.
  1. Change in Use Type, with the exception that for a valid (still active) Planned Development that existed or was approved before December 31, 2006, a Modification request shall be considered as follows:
    - a) A request to add Uses permitted by the underlying zone to up

procedures described in Section 2.5.60.03.

- c. In reviewing the proposed Modification, the Director shall follow the procedures herein required for Minor Planned Development Modification submittal and review.
- d. To determine whether to authorize a Minor Planned Development Modification, the Director shall consider the review criteria in Section 2.5.50.04 and the following additional review criterion:

New benefits are provided that functionally compensate for any negative effects caused by the requested variations from the original project design. New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be changed. Applicants shall provide the Director with information substantiating the value of the new elements in comparison to the value of the elements to be changed. The value information shall be developed by a qualified professional in the field relevant to the elements being exchanged.

- e. Upon finding that the application qualifies as a Minor Planned Development Modification, the Director may consider the redesign in whole or in part of any Planned Development, provided the redesign still qualifies as a Minor Planned Development Modification.
- f. Notice for a Minor Planned Development Modification shall be provided in accordance with Chapter 2.16 - Request for Interpretation.
- g. The Director's action on the application, including issuance of the Notice of Disposition, processing of appeals, establishment of the effective date, and the effective period of the Minor Planned Development Modification, shall be in accordance with Sections 2.12.30.07 through 2.12.30.11.a of Chapter 2.12 - Lot Development Option.

#### **2.5.60.06 - Determining Compliance with a Minor Planned Development Modification**

A Building Permit or other site development permit request shall be reviewed to determine whether the request is in compliance with any approved Minor Planned Development Modification. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.5.50.04, does not involve any additional

deviations from this Code's development standards, and does not involve changes to any specific requirements established at the time of Minor Planned Development Modification 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 Minor Planned Development Modification.

*[Section 2.5.60 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 2.5.70 - NONCOMPLIANCE WITH THE APPROVED DETAILED DEVELOPMENT PLAN**

If the Director determines that the development substantially differs from the approved plans, the Director shall notify the developer and Building Official in writing. Thereafter, the Building Official may issue orders to the developer as are within the range of discretion available to the Building Official, and upon continued noncompliance may withhold Building Permits for further construction or revoke those permits previously issued until compliance is achieved.

#### **Section 2.5.80 - PLANNED DEVELOPMENT NULLIFICATION**

##### **a. Conceptual Development Plan Nullification for Residentially Designated Property -**

1. Property owner(s) or their authorized agents may apply to nullify an active (unexpired) Conceptual Development Plan on residentially designated property by filing an application form provided by the Director and shall include the following:
  - a) Description of the land (address, lot, block, or similar description);
  - b) Map of the subject site, Comprehensive Plan Map Designation, underlying Zoning Map Designation, and Narrative addressing how the application meets the review criteria in Section 2.5.80.a.3, below;
  - c) Maps, drawings, and such other information as may be needed for an adequate review of the application;
  - d) Copies of any applicable Notices of Disposition and/or other documents that explain the background regarding the approval of the Conceptual Development Plan on the subject site and the status of any other land use approvals on the site, including whether or not

- a) Nature of the application and the proposed Use or Uses which could be authorized;
  - b) Street address or other easily understood geographical reference to the subject property;
  - c) Name and phone number of staff contact person; and
  - d) Statement that a copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and copies can be provided at reasonable cost.
7. Appeals - The decision of the Director may be appealed to the City Council in accordance with Chapter 2.19 - Appeals.
8. Effective Date - Unless an appeal has been filed, the decision of the Director shall become effective 12 days after ~~from when~~ the Notice of Disposition is signed. Once the decision is effective, the Conceptual Development Plan shall be considered nullified, and the associated residential Planned Development Overlay designation shall be removed from the Official Zoning Map.
- b. Conceptual Development Plan Nullification for Nonresidentially Designated Property and Detailed Development Plan Nullification for Both Residentially and Nonresidentially Designated Property -**
- 1. Property owner(s) or their authorized agents may apply to nullify an established Conceptual Development Plan for nonresidentially designated property or a Detailed Development Plan for either residentially or nonresidentially designated property by filing an application form provided by the Director and shall include the following information:
    - a) Information required by Section 2.5.80.a.1; and
    - b) Narrative information and supporting documents sufficient to address the review criteria in Section 2.5.80.b.2 below.
  - 2. Review Criteria - The burden of proofs on the applicant to justify Nullification of the Conceptual Development Plan for nonresidentially designated property or a Detailed Development Plan for either residentially or nonresidentially

designated property, by giving substantial evidence that:

- a) Developing the property under conventional zoning standards and regulations will not create Nonconforming Development;
  - b) Special circumstances such as building relationships, drainageways, public improvements, topography, etc., that were to be addressed through the Planned Development process can be dealt with as effectively through conventional standards.
  - c) Conditions of Approval attached by the hearing authority to the approved Planned Development can be met or are no longer necessary; and
  - d) No prior commitments involving the subject property were made that would adversely affect it, other related properties, or the City, as in the case of density transfer, public improvements and activities, building relationships, recreational facilities, open space, or phasing of development.
3. Notice, action on the application, the Notice of Disposition, appeals, and the effective date of a Planned Development Nullification shall be in accordance with the same provisions for a Detailed Development Plan.
  4. If the Conceptual Development Plan for nonresidentially designated property or Detailed Development Plan for either residentially or nonresidentially designated property is nullified, the Planned Development Overlay Designation shall be removed from the Official Zoning Map after the appeal period has expired.

*[Section 2.5.80 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 2.5.90 - REFINEMENT PLAN PROCEDURES**

A Refinement Plan is more detailed than a Comprehensive Plan and applies to a specific geographic area. A Refinement Plan may be legislative or quasi-judicial and is designed to do the following:

- a. Establish efficient density ranges, including a minimum and maximum density for residential Uses;

standards adopted by the City Council;

- b. Approval does not impede future development of property within the boundaries of the approved Refinement Plan; and
- c. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities, including the provision of City services and access from a public street.

#### **2.5.100.07 - Action on Application, Notice of Disposition, Appeals, and Effective Date**

Action on the application, the Notice of Disposition, appeals, and the effective date of the Expedited Land Division shall be in accordance with sections 2.14.30.06 through 2.14.30.09 of Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments.

#### **2.5.100.08 - Effective Period of Expedited Land Division Approval**

Approval of an Expedited Land Division shall be valid for a period of one two years from the effective approval date. ~~Upon request, the Director may approve a single one-year time extension on the approval.~~

#### **2.5.100.09 - Final Plat Review Procedures**

Final Plat review procedures for an Expedited Land Division shall be in accordance with Section 2.14.40 of Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments.

*[Section 2.5.100 amended by Ordinance 2012-00x, effective December X, 2012]*

## CHAPTER 2.6 ANNEXATIONS

### Section 2.6.10 - BACKGROUND

The process of land Annexation allows for the orderly expansion of the City and adequate provision for public facilities and services. The City Charter requires voter approval of an Annexation unless an Annexation is mandated by state law. For example, Health Hazard Annexations are mandated by state law and do not require voter approval.

### Section 2.6.20 - PURPOSES

The procedures and review criteria for proposed Annexations are established for the following purposes:

- a. Maximize citizen involvement in the Annexation review process;
- b. Establish a methodology to evaluate need, serviceability, and the economic, environmental, and related social effects of proposed Annexations;
- c. Provide adequate public information and sufficient time for public review before an Annexation election;
- d. Ensure adequate time for City staff review; and
- e. Allow for simultaneous review of multiple Annexation proposals.

### Section 2.6.30 - PROCEDURES

An application filed for Annexations shall be reviewed in accordance with the following procedures:

#### 2.6.30.01 - Determination of Annexation Type

The Director shall determine whether an application is for a Minor or Major Annexation as follows:

- a. **Minor Annexation** - Intended to address situations where properties are proposed for Annexation and, by virtue of their size and development potential, have negligible impacts on surrounding properties and neighborhoods, and on the community as a whole. These Annexations are typically proposed to gain access to public services, such as sanitary sewer and water facilities, before actual Health Hazards are declared; to incorporate infill sites into the City; and/or to allow a limited level of urban development to occur on existing parcels. Minor Annexation provisions are not intended to provide for piecemeal Annexations whereby a property owner within the county partitions a small piece of land specifically to be classified as a Minor

j. Required fees as described in LDC § 1.2.100.01.

**2.6.30.04 - Acceptance of Application**

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. After an application has been accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees and rescheduling of the required public hearing.

**2.6.30.05 - Staff Evaluation**

The Director shall prepare a report that evaluates whether the Annexation proposal includes adequate information for the hearing authority to determine the proposal's compliance with the review criteria in Sections 2.6.30.06 and 2.6.30.07. The report shall include a recommendation to the Planning Commission and City Council stating whether the Annexation includes adequate information for the electorate to make an informed decision.

The Planning Commission and City Council shall determine whether the Annexation proposal complies with the review criteria and whether the Annexation request should be referred to the electorate.

**2.6.30.06 - Review Criteria**

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

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

- a. **The applicant has demonstrated a public need for the Annexation -**
  1. Minor Annexations - Factors to be considered in evaluating public need for Minor Annexations shall include, but are not limited to:
    - a) Reason for the Annexation;

**Table 2.6 - 1 - Community-wide Livability Indicators and Benchmarks for Annexation Proposals**

<i>Note: The following livability indicators and benchmarks have been placed into the categories of the City's 2020 Vision Statement. As this categorization is a first attempt based upon the actual wording in the Vision Statement, there may need to be some re-categorization and/or other revisions with future updates of this Code.</i>					
LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex'n	Major Annex'n
<b><i>Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Where People Live"</i></b>					
<b>Annexation Density</b>	Average density of proposed Annexation relative to the average density of land within the City that is developed and of the same type (single-family or multi-family).	Meet or exceed the average density of land within the City, developed, and of the same type as the proposed Annexation (single-family or multi-family). Note: Information regarding existing density within the City may be obtained from the City's annual Land Development Information Report.	Residential <sup>1</sup>		Applies
			Commercial/Industrial <sup>2</sup>		
			Open Space <sup>3</sup>		
			Public Inst.		
<b>Rural Development Potential</b>	Type of county development that could occur if property not Annexed (depends on county land use policies in effect at time of proposed Annexation).	Development on land within the Urban Growth Boundary is done in a fashion that does not preclude urban-level development on the subject site and/or on adjacent properties within the UGB.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>	Applies	Applies
			Public Inst.	Applies	Applies
<b>Adjacency to City</b>	Percentage of the perimeter of the Annexation site that is enclosed within the City limits.	It is considered an advantage if $\geq 50$ percent of the perimeter of an Annexation site is enclosed within the City limits.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>	Applies	Applies
			Public Inst.	Applies	Applies

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex'n	Major Annex'n
<b>Development Plans</b>	Concurrent processing of Detailed Development Plan and/or Tentative Subdivision Plat with Annexation request.	It is not considered a disadvantage and may be considered an advantage if an Annexation request is processed concurrently with a Detailed Development Plan and/or Tentative Subdivision Plat, even though such land use decisions may be changed after Annexation.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>	Applies	Applies
			Public Inst.	Applies	Applies
<b>Distance to Bicycle and Pedestrian Access</b>	Distance to bike lanes.	0.5-mile to bike lane.	Residential <sup>1</sup>		Applies
	Distance to sidewalk.	0.25-mile to sidewalk.	Commercial/Industrial <sup>2</sup>		Applies
	Distance to multi-use path.	0.5-mile to multi-use path.	Open Space <sup>3</sup>		
			Public Inst.		Applies
<b>Connectivity &amp; Extension of Bicycle and Pedestrian Facilities</b>	It is considered an advantage if improvements proposed as part of the Annexation request would connect to and extend existing bicycle and pedestrian facilities.	Connection to existing pedestrian facilities and extension of them by at least 350 ft.; or connection to existing pedestrian facilities and filling a gap between existing pedestrian facilities of at least 100 ft.  Connection to existing bicycle facilities and extension of them by at least 350 ft.; or connection to existing bicycle facilities and filling a gap between existing bicycle facilities of at least 100 ft.	Residential <sup>1</sup>		Applies
			Commercial/Industrial <sup>2</sup>		Applies
			Open Space <sup>3</sup>		
			Public Inst.		Applies

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex'n	Major Annex'n
<b>Planned Public Transportation Improvements</b>	Type and extent of public transportation improvements (street, bicycle, pedestrian) that are listed in City master plans and would occur with urban-level development of Annexation site.	It is considered an advantage if public transportation improvements (street, bicycle, pedestrian) would be installed with the Annexation, are listed in City master plans, and would enable other sites within the Urban Growth Boundary to ultimately develop.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>	Applies	Applies
			Public Inst.	Applies	Applies
<b>Distance to Shopping</b>	Distance from neighborhood shopping opportunities (both existing and planned).	Annexation site is within 0.5-mile of neighborhood shopping opportunities (existing or planned). More advantage associated with shorter distances from existing (as opposed to planned) shopping opportunities and/or location within 0.5-mile from existing shopping opportunities.	Residential <sup>1</sup>		Applies
			Commercial/Industrial <sup>2</sup>		Applies
			Open Space <sup>3</sup>		
			Public Inst.		Applies
<b>Affordable Housing</b>	Housing Affordability.	It is considered an advantage if more than 50 percent of the proposed residential housing units are classified as Affordable Housing using the definition in Chapter 1.6 - Definitions. This benchmark to be refined with future update of this Code.	Residential <sup>1</sup>		Applies
			Commercial/Industrial <sup>2</sup>		
			Open Space <sup>3</sup>		
			Public Inst.		
<b><i>Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Economic Vitality"</i></b>					
<b>Employment/Housing</b>	Balance of jobs and housing.	To be developed as part of a future update of this Code, and following completion of regional studies.	Residential <sup>1</sup>		Applies
			Commercial/Industrial <sup>2</sup>		Applies
			Open Space <sup>3</sup>		
			Public Inst.		Applies

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex'n	Major Annex'n
<b>Economic Diversification</b>	Diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low unemployment rate and to promote diversification of the local economy.	It is considered an advantage if the Annexation request supports diversity in type, scale, and location of professional, industrial, and commercial activities to maintain a low unemployment rate and to promote diversification of the local economy.  To be refined as part of a future update of this Code.	Residential <sup>1</sup>		
			Commercial/Industrial <sup>2</sup>		Applies
			Open Space <sup>3</sup>		
			Public Inst.		
<b><i>Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Protecting our Environment"</i></b>					
<b>Natural Features</b>	Acres and percentage of Annexation site with Significant Natural Features.	Consistency with Significant Natural Feature protections specified by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.  It is considered an advantage if Significant Natural Features are protected through Annexation, since they may be better protected within the City.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>	Applies	Applies
			Public Inst.	Applies	Applies
<b>Distance to Transit</b>	Distance from an existing transit line and/or bus stop.	Annexation site is within 0.5-mile of an existing transit line and/or bus stop.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>		

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex'n	Major Annex'n
			Public Inst.	Applies	Applies
<b>Distance to Major Street</b>	Distance to nearest Collector and/or Arterial Street(s) that would serve the proposed Annexation site and is fully improved to City standards or is improved to City standards with regard to bicycle and pedestrian facilities.	Distance to nearest Collector and/or Arterial Street(s) that would serve the proposed Annexation site is $\leq$ 0.25-mile and is either fully improved to City standards or is improved to City standards with regard to bicycle and pedestrian facilities.	Residential <sup>1</sup>		Applies
			Commercial/Industrial <sup>2</sup>		Applies
			Open Space <sup>3</sup>		Applies
			Public Inst.		Applies
<b>Intersection</b>	Levels of service for intersections of Arterial and/or Collector Streets, as determined by the City's Traffic Engineer, within a one-mile radius of the site.	Levels of service for intersections of Arterial and/or Collector Streets affected by the proposal, as determined by the City's Traffic Engineer, and generally within a one-mile radius of the site, will be a level of service "D" or better following urban level development of the Annexation site.	Residential <sup>1</sup>		Applies
			Commercial/Industrial <sup>2</sup>		Applies
			Open Space <sup>3</sup>		
			Public Inst.		Applies
<b>Truck Traffic Routes</b>	Determination of truck traffic route(s).	Truck traffic associated with urban level development of the proposed Annexation will not result in primary travel routes on Local or Local Connector Streets through residential neighborhoods.	Residential <sup>1</sup>		
			Commercial/Industrial <sup>2</sup>		Applies
			Open Space <sup>3</sup>		
			Public Inst.		Applies

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex'n	Major Annex'n
<b><i>Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Education and Human Services"</i></b>					
<b>Local School Capacity/Travel Distance</b>	Student enrollment, capacity, and average class size of public schools to serve the Annexation site. Distance to public elementary school.	Public schools that would serve the Annexation site are not overcrowded. Corvallis School District goals for average class sizes may vary among grades. 0.5-mile to public elementary school. School District policies, re: boundaries of closest schools or additional schools, factor into potential redefinition of school boundaries.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>		
			Open Space <sup>3</sup>		
			Public Inst.		Applies
<b>Police Response Time</b>	Number of police officers per 1,000 persons residing within City limits.	At least 1.2 officers per 1,000 persons residing within City limits.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>		
			Public Inst.	Applies	Applies
<b>Distance from Fire Station</b>	Distance from an existing fire station.	All buildable portions of the Annexation site are within 1.5 miles of a fire station with an engine company.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>		
			Public Inst.	Applies	Applies
<b>Public Improvements</b>	Type and extent of public improvements developed to City standards; and urban-level development, such as clustered housing, etc., existing on the proposed Annexation site.	Annexation of partially developed land within the Urban Growth Boundary (UGB) that already contains some public improvements developed to City standards, and urban-level development on part of the site, is considered more advantageous to the City than Annexation of undeveloped land.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>	Applies	Applies
			Public Inst.	Applies	Applies

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex'n	Major Annex'n
<b>Distance to Sewer and Water</b>	Distance to adequately sized public sanitary sewer and water lines needed to serve the site.	Sanitary sewer and water facilities are proximate to the Annexation site.  After some monitoring, distances for this benchmark may be specified in a future update of this Code.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>		
			Public Inst.	Applies	Applies
<b>Planned Public Utilities</b>	Types and extent of public utility improvements of sanitary sewer, water, and storm drainage, that are listed in City master plans, and would occur with urban-level development of the Annexation site.	It is considered an advantage if the installation of public utilities of sanitary sewer, water, and storm drainage, listed in City master plans, would enable other sites within the UGB to ultimately develop.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>	Applies	Applies
			Public Inst.	Applies	Applies
<b><i>Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Cultural Enrichment and Recreation"</i></b>					
<b>Distance to Parks</b>	Distance from an existing public park.	Annexation site is within 0.5-mile of an existing public park.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>		
			Open Space <sup>3</sup>		
			Public Inst.		Applies

LIVABILITY INDICATORS	DESCRIPTION OF LIVABILITY INDICATORS	BENCHMARKS	LAND USE DESIGNATION	Minor Annex'n	Major Annex'n
<i>Livability indicators and benchmarks relating to the Corvallis Vision 2020 Statement category of "Central City"</i>					
<b>Distance to Downtown</b>	Distance of the Annexation from the Central Business Zone intersection of SW Third Street and SW Monroe Avenue.	It is considered an advantage if an Annexation site is within 3.8 miles from the intersection of SW Third Street and SW Monroe Avenue, within the boundaries of the Central Business Zone.	Residential <sup>1</sup>	Applies	Applies
			Commercial/Industrial <sup>2</sup>	Applies	Applies
			Open Space <sup>3</sup>		
			Public Inst.	Applies	Applies

1. Includes lands with a Comprehensive Plan Map designation of Low, Medium, Medium High, or High Density Residential; or Mixed Use Residential.
2. Includes lands with a Comprehensive Plan Map designation of Mixed Use Commercial, Professional Office, Central Business Zone, Limited Industrial, Limited Industrial-Office, Mixed Use Employment, General Industrial, Intensive Industrial, Mixed Use Transitional, or General Industrial - Office.
3. Includes lands with a Comprehensive Plan Map designation of Open Space-Conservation and Open Space-Agriculture.

**2.6.30.08 - Action by the Planning Commission**

The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings to evaluate the proposed Annexation and determine its appropriate zoning designation upon Annexation.

Following the close of the public hearing, the Planning Commission shall establish the appropriate zone(s) upon Annexation and forward its recommendation concerning the Annexation to the City Council.

**2.6.30.09 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings, that includes a written statement of the Planning Commission's decision regarding the zoning designation, a reference to findings leading to it, and the appeal period deadline. The Notice of Disposition shall also include the Planning Commission's recommendation to the City Council regarding the Annexation. The Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

### **2.6.30.10 - Appeals**

The decision of the Planning Commission regarding the zoning designation may be appealed in accordance with Chapter 2.19 - Appeals. The Commission's recommendation regarding the Annexation is not a final decision.

### **2.6.30.11 - Effective Date of Zoning Designation**

Unless an appeal has been filed, the decision of the Planning Commission regarding establishment of the zoning designation shall become effective 12 days after the Notice of Disposition is signed.

If the Annexation is not forwarded to the voters by the City Council, or the electorate does not approve the Annexation, then the newly established zoning designation shall become null and void.

### **2.6.30.12 - Action by the City Council**

Upon receipt of the Planning Commission's recommendation the proposed Annexation shall be set for a public hearing before the City Council in accordance with Chapter 2.0 - Public Hearings. The Council shall review all proposals in time to comply with county or state deadlines for submitting measures to the voters in May or November. The Council shall set an Annexation for an election only when it finds that the Annexation is consistent with the review criteria in Sections 2.6.30.06 and 2.6.30.07.

Note: The City Council's decision to submit an Annexation to the electorate is the last discretionary decision in the process. Certifying the election after votes are counted is not a discretionary decision.

### **2.6.30.13 - Public Information**

Public information for each Annexation scheduled for an election shall be reviewed by the Council and published in a newspaper of general circulation in the City at least 10 days before the election, and coordinated with the date that the ballots are mailed. The information shall include a summary of the key components and positive and negative effects of the Annexation that the Council used in deciding to place the Annexation request on the ballot. The information shall also state that staff reports are available from the Planning Division.

*[Section 2.6.30 amended by Ordinance 2012-00x, effective December X, 2012]*

## **Section 2.6.40 - EXCEPTIONS**

The City Council may authorize an exception to the requirements of this Chapter involving filing fees and deadlines, and application requirements. An exception to these provisions shall require a favorable vote of the Council. Unless required by state law, the City Council shall not provide an exception to the requirement of voter approval.

## **CHAPTER 2.7 EXTENSION OF SERVICES OUTSIDE THE CITY LIMITS**

### **Section 2.7.10 - BACKGROUND**

The process of annexing land to the City allows for the orderly expansion of the City and efficient, economical provision of public services and facilities. City Charter Section 51 allows Extension of Services outside the City limits only after a City Council public hearing and adoption of an ordinance approving the Extension. This Chapter contains criteria and procedures for use in considering Extension of Service requests. Services refer to City sanitary sewer, storm sewer and water services.

### **Section 2.7.20 - PURPOSES**

Review procedures for Extension of Services have been established to:

- a. Implement City Charter Section 52;
- b. Ensure that any Extension of Services complies with the Comprehensive Plan and other applicable City standards and policies;
- c. Reaffirm the City's policy that Annexation is the principal method of urbanization; and
- d. Expedite provision of services needed to alleviate an identified Health Hazard.

### **Section 2.7.30 - ELIGIBILITY FOR EXTENSION OF SERVICES**

City sanitary sewer, storm sewer, and water services may be extended outside the City limits only if the City Council finds that all of the following conditions exist:

- a. The property is within the City's Urban Growth Boundary;
- b. Service extension will not promote development of property in a manner inconsistent with the City's Comprehensive Plan;
- c. A Health Hazard exists on the subject property and extending City services is the most reasonable method of alleviating the Health Hazard; and
- d. The site cannot be annexed at this time, or the Annexation has been approved but has not yet taken effect.

### **Section 2.7.40 - EXCEPTIONS TO ELIGIBILITY OF EXTENSION**

The following are the exceptions to Section 2.7.30:

shown so that the City can route the application to the appropriate state and federal agencies for comment; and

3. Archaeological sites recorded by the State Historic Preservation Office (SHPO).
- e. Site plan indicating types and intensities of existing and proposed development, Watercourses, adjoining development, and the Significant Natural Features identified in "d," above.
- f. Statement of the availability, capacity, and condition of existing water and sewer services.
- g. Statement indicating type and capacity of the proposed services and intended phasing of such services;
- h. Statement outlining the method and source of financing for proposed services;
- i. Statement from the Benton County Division of Environmental Health, the City Engineer, or the Oregon State Health Division declaring the specific nature and extent of the Health Hazard;
- j. Statement explaining why the subject property should not be annexed prior to the Extension of Services;
- k. Statement committing all service facilities required by the subject property to be built to City standards; and
- l. Brief narrative addressing compliance of the development with the Comprehensive Plan.

m. Required fees as described in LDC § 1.2.100.01.

#### **2.7.50.03 - Acceptance of Application**

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application, the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.
- c. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new applications shall require additional filing fees and rescheduling of the required public hearing.

#### **2.7.50.04 - Staff Evaluation**

Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

#### **2.7.50.10 - Effective Date**

The Extension of Service ordinance shall become effective 30 days after its passage by the Council and approval by the Mayor.

*[Section 2.7.50 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 2.7.60 - ENFORCEMENT**

In addition to the penalties listed in Chapter 1.3 - Enforcement, a violation of the provisions of this Chapter may result in the City terminating sewer and/or water services to the subject property.

## **CHAPTER 2.8 VACATING OF PUBLIC LANDS AND PLATS**

### **Section 2.8.10 - BACKGROUND**

Petitions to vacate all or parts of a public street, alley, easement, plat, or other public place may be granted by the City Council if determined to not be harmful to the City or adjacent properties.

### **Section 2.8.20 - Exemptions**

Notwithstanding other provisions of this Code, exemptions from this Chapter include:

- a. The release of public easements for subsurface water, sanitary sewer, and storm drainage lines owned and operated by the City;
- b. Public Utility Easements (PUEs) for franchise utilities operating within the City's corporate limits that are no longer necessary to serve surrounding properties, as determined by the City Engineer. The City does not consider PUEs to be public places for the purposes of ORS 271, as amended. Vacating of City utility easements and PUEs may be initiated by City staff or private parties. It shall be the responsibility of the initiator to:
  1. Obtain a statement from all owners of property adjacent to the proposed vacating of a water, sanitary sewer, or storm drainage easement, verifying that they have been notified and do not oppose it;
  2. Obtain a statement from all franchise utilities licensed by the City verifying that they have been notified of the proposed vacating of the PUE and do not oppose it;
  3. Provide a completed easement release form for signature by the City Manager; and
  4. Record the easement release and provide the City a copy of the recorded document.

### **Section 2.8.30 - PURPOSES**

The procedures and review criteria established in this Chapter are used for vacating public lands and plats for the following purposes:

- b) Land extending a distance of 400 ft. from the end of the area to be vacated up.
3. When vacating part or all of a plat, consent of the owners of at least two-thirds of the land included in the proposed Vacation is required. An exception to this provision shall occur where the Vacation includes a street, in which case the requirements in "2," above, apply.

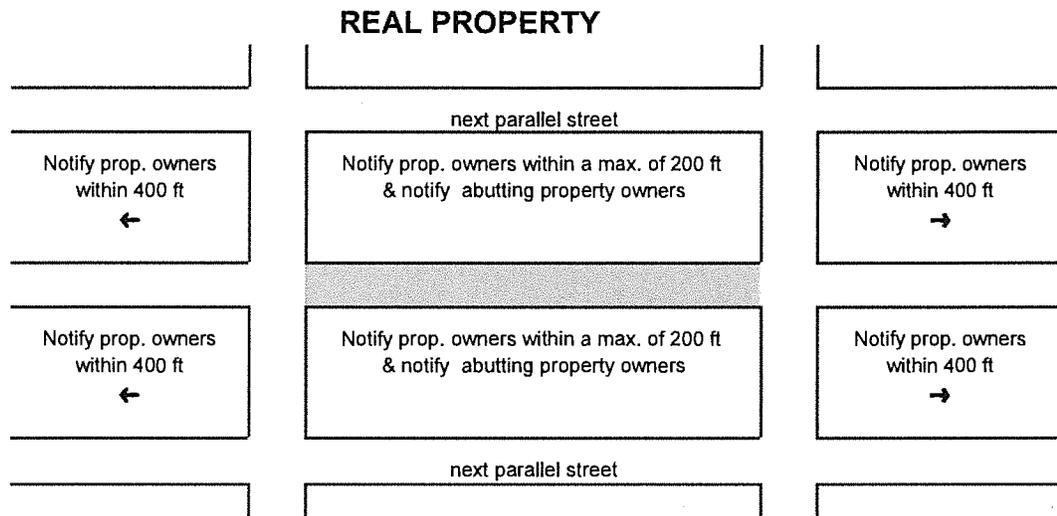


Figure 2.8-1 - Real Property

- c. Consent of the affected property owners shall be submitted in writing, notarized, and duly acknowledged by the Director prior to scheduling of a public hearing for the requested Vacation.
- d. At the discretion of the City Engineer, the applicant may be required to remove or abandon utility connections prior to final approval.

e. Required fees as described in LDC § 1.2.100.01.

**2.8.40.03 - Acceptance of Application**

- a. The Director shall review the application in accordance with Chapter 2.0 - Public Hearings and ORS 271, as amended. After accepting a completed application, the Director shall schedule a public hearing to be held by the City Council.
- b. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a

the City Council directs a method by which the City provides for paying damages. Provisions for paying such damages may be made by a local assessment or in another manner as provided by the City charter. Two or more streets, alleys, avenues, and boulevards, or parts thereof, may be addressed in one proceeding provided they intersect or are adjacent and parallel to each other.

#### **2.8.40.08 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings. The Notice of Disposition shall include a written statement of the City Council's decision, reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. The Notice of Disposition shall also be mailed to all persons who presented oral or written testimony at the public hearing.

#### **2.8.40.09 - Effective Date**

The effective date of the vacating shall be the effective date in the signed ordinance vacating the property.

#### **2.8.40.10 - Existing Service Connections**

If the City Engineer determines that existing public utilities or service connections are not required for the proposed vacated land, they shall be removed prior to final action by the City Council.

*[Section 2.8.40 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 2.8.50 - VACATION RECORDS TO BE FILED**

The City shall file with the City Recorder a certified copy of the ordinance and any other legally required document vacating any street or plat. The applicant shall bear the cost of recording, preparing, and filing the certified copy of the ordinance and map. The City shall then file with the County Assessor and County Surveyor a certified copy of the ordinance.

## **CHAPTER 2.10 MAJOR NEIGHBORHOOD CENTER MASTER SITE PLAN REQUIREMENTS**

### **Section 2.10.10 - BACKGROUND**

As the core of a comprehensive neighborhood and as a site serving community-wide shopping and office needs, a Major Neighborhood Center is envisioned to encompass several acres of land and contain relatively intense commercial and residential development. Development of a new Major Neighborhood Center, and particularly major redevelopment of an existing Major Neighborhood Center, may ultimately involve multiple property owners and businesses that become involved in the development of the Center at different times. Consequently, the coordinated planning and development of a Major Neighborhood Center is important not only to the neighborhood, but also to a broader area.

The Master Site Plan review process is established to provide the mechanism for achieving compatibility between Uses and the surrounding area, as well as to facilitate future developments and redevelopment consistent with established requirements. The procedures of this Chapter are applicable when a property owner requests a Master Site Plan review prior to and/or concurrent with review of a specific project within a Major Neighborhood Center. Upon Planning Commission approval of the Master Site Plan, Building Permits may be issued consistent with that Plan.

### **Section 2.10.20 - PURPOSES OF MASTER SITE PLAN**

Master Site Plan review procedures are established in this Chapter for the following purposes:

- a. Ensure that the requirements of the Neighborhood Center Zone are implemented and coordinated with respect to Major Neighborhood Centers;
- b. Establish a logical framework for development on the applicant's property(ies);
- c. Promote compatibility with surrounding land uses by identifying the relationships of proposed and future development with existing surrounding development and open spaces;
- d. Promote the efficient use of land and energy;

- c) Gross residential densities per acre. A proposed range with a 10 percent difference is permissible;
  - d) Gross square footage of floor areas for nonresidential and residential construction. A proposed range with a 10 percent difference is permissible;
  - e) Floor Area Ratio(s). A proposed range with a 10 percent difference is permissible;
  - f) Proposed Green Areas to structure footprint ratios. A proposed range with a 10 percent difference is permissible. For a definition of Green Area, refer to Chapter 1.6 - Definitions; and
  - g) Number of parking spaces provided and any parking agreements with neighboring properties. A proposed range with a 10 percent difference is permissible.;
5. Traffic impact study, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. See Section 4.0.60.a; and
6. Information required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA ), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable.

h.Required fees as described in LDC § 1.2.100.01.

**2.10.40.02 - Acceptance of Application and Staff Evaluation**

- a. The application shall be accepted and evaluated by City staff in accordance with the procedures identified in Sections 2.3.3002 and 2.3.30.03 of Chapter 2.3 - Conditional Development, and with Chapter 2.0 - Public Hearings.
- b. After accepting a complete application the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with Chapter 2.0 - Public Hearings.

~~b. Master Site Plan approval shall also expire if the applicant has not, within five years of the completion of a phase of a phased development:~~

~~1. Installed and/or bonded for all public improvements related to the next phase of the project; or~~

~~2. Applied for and received foundation permits for at least one building approved as part of the next phase of the project.~~

~~c. At its discretion and without a public hearing, the Planning Commission may extend the approval once for a period not to exceed two additional years.~~

#### **2.10.40.06 - Review Criteria for Determining Compliance with an Approved Master Site Plan**

a. An approval of a Master Site Plan shall apply only to the property(ies) included in the application. Development or major redevelopment on other properties adjacent to the subject properties and within the same Neighborhood Center Zone are also subject to the requirement for submittal of a Master Site Plan. Consistency between one property and another must be demonstrated through the submitted materials, review criteria, and conditions of approval.

b. A site development permit request shall be reviewed to determine whether the request is in compliance with the approved Master Site Plan. It shall be deemed to be in compliance if it is consistent with the review criteria in Section 2.10.40.03, does not involve modifications to this Code's development standards, and does not involve changes to any specific requirements established at the time of Master Site 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 Master Site Plan.

*[Section 2.10.40 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 2.10.50 - MASTER SITE PLAN MODIFICATION**

This Section identifies the processes by which an approved Master Site Plan may be modified. In general, such plans may be modified in two ways, depending upon the degree of modification proposed. These include the Minor and Major Master Site Plan Modification processes described below.

## **CHAPTER 2.11 FLOODPLAIN DEVELOPMENT PERMIT**

### **Section 2.11.10 - BACKGROUND**

To participate in the National Flood Insurance Program (NFIP), a community must adopt and enforce a Floodplain management ordinance that regulates Development in the Floodplain. This Floodplain management ordinance is housed primarily in Chapter 4.5 - Floodplain Provisions, but is in part addressed in other chapters of this Code. One of the basic Federal requirements for regulating Development in the Floodplain is a requirement for a Floodplain Development Permit before construction or other Development begins within any Special Flood Hazard Area (100-yr. Floodplain). In this context, the term "Development" is defined in Section 1.6.40 of Chapter 1.6 - Definitions. This chapter contains provisions for the Federally required Floodplain Development Permit and is consistent with the National Flood Insurance Program (NFIP) regulations.

### **Section 2.11.20 - PURPOSES**

Procedures and standards for the review of Floodplain Development Permits are established in this Chapter for the following purposes:

- a. Protect human life, health and property;
- b. Minimize damage to public facilities and utilities such as water purification and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets and bridges located in Floodplains;
- c. Help maintain a stable tax base by providing for the sound use and Development of flood-prone areas;
- d. Minimize expenditure of public money for costly flood control projects;
- e. Minimize the need for rescue and emergency services associated with flooding and generally undertaken at the expense of the general public;
- f. Minimize unnecessary disruption of commerce, access and public service during times of flood;
- g. Facilitate the notification of potential buyers that property is in an Special Flood Hazard Area;

4. Allowing a lesser degree of floodproofing than watertight or dry-floodproofing for nonresidential buildings in very limited circumstances, where it can be determined that such action will have low damage potential and otherwise comply with Building Codes.
- b. Variance requests that exceed the limited scope described above in “a,” above, shall be made through the Planned Development process in Chapter 2.5 - Planned Development.

#### **2.11.60.02 - Variance Application Requirements**

When the Floodplain Administrator or designee deems any requirement below unnecessary for proper evaluation of a proposed application, it may be waived.

An application for a Floodplain Development Permit Variance shall include:

- a. The items listed above in Sections 2.11.50.01 and an application submittal fee equal to that of a Major Lot Development Option application submittal fee;
- b. Narrative explaining the basis for the Variance request and how the request still meets the purposes in Section 2.11.20 and 4.5.10; and
- c. Other narrative and technical information sufficient to demonstrate compliance with the review criteria in Section 2.11.60.06. The applicant shall also provide narrative and technical information sufficient to demonstrate compliance with the review criteria in Section 2.11.50.04 which can still be met, despite the Floodplain Development Permit Variance request.

d. Required fees as described in LDC § 1.2.100.01.

#### **2.11.60.03 - Acceptance of Variance Application**

An application for a Floodplain Development Permit Variance shall be accepted and reviewed in accordance with the procedures in Section 2.12.30.02.b, except that public notice distance shall be in accordance with Section 2.11.60.04, below.

#### **2.11.60.04 - Public Notice for a Variance Application**

The public notice for a Floodplain Development Permit Variance shall be issued in accordance with the provisions in Section 2.0.50.04, except that the public notice distance shall be 300 ft., as required for the land use applications in Section 2.0.50.04.c.2.

## CHAPTER 2.12 LOT DEVELOPMENT OPTION

### Section 2.12.10 - BACKGROUND

A Lot Development Option provides a means to obtain, within specified thresholds, variations from some clearly measurable, numerically quantifiable development standards. The Lot Development Option exists for those circumstances where uniform, unvarying rules would prevent a more efficient use of a lot or parcel, prevent better preservation of Significant Natural Features, and/or prevent innovation in site planning and architectural design. A typical example is permitting a structure to be located closer to a property boundary than normally allowed by the zone regulations.

A Lot Development Option applies only to existing individual lots or parcels or to individual lots or parcels that are approved, or requested for approval, as part of a Tentative Subdivision Plat or Minor Land Partition process. Proposed modifications that exceed the allowed scopes of Minor and Major Lot Development Options as outlined in this Chapter need to be sought through the Planned Development process described in Chapter 2.5 - Planned Development.

Unless otherwise stated in the following chapters, the Lot Development Option process shall not be used to vary from the minimum and maximum density specified in each zone standards in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions. Requests for variations to the requirements in Chapter 4.0 – Improvements Required with Development shall be processed as a Major Lot Development Option.

*[Section 2.12.10 amended by Ordinance 2012-00x, effective December X, 2012]*

### Section 2.12.20 - PURPOSES

Procedures and standards for the review of Lot Development Options are established in this Chapter for the following purposes:

- a. Permit efficient use of land;
- b. Provide flexibility and innovation in site planning and architectural design on individual lots;

sheet title, date, northarrow, and legend placed in the same location on each sheet and show:

1. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways;
  2. Identification of all requested variations;
  3. Lot line dimensions;
  4. Existing and proposed structures;
  5. Structures on adjacent property(ies) affected by the request;
  6. Vehicle and pedestrian access points and accessways;
  7. Drainageways and any other prominent features;
  8. Location of trees and shrubs over three ft. in height;
  9. Fences and walls;
  10. Off-street parking facilities;
  11. Information required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable; and
  12. Any other information relevant to the proposal.
- e. Documentation that the lot(s) and/or parcel(s) under consideration fall within the thresholds identified in Section 2.12.30.03, below.
- f. An electronic version of these documents (both text and graphics, as applicable) if an applicant has produced part or all of an application in an electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable;
- g. Required fees as described in LDC § 1.2.100.01.

1. Meets "c" - "e," below;
  2. Exceeds the thresholds of a Minor Lot Development Option in "h," below; and
  3. Falls within the thresholds in "i," below.
- c. Unless otherwise stated in the following chapters, the Minor and Major Lot Development Option processes shall not be used to vary from the minimum and maximum density specified in each zone, standards in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.
- d. Minor and Major Lot Development Option requests shall apply only to existing individual lots or parcels or to individual lots or parcels that are approved, or requested for approval, as part of a Tentative Subdivision Plat or Minor Land Partition process. Proposed modifications that exceed the allowed scopes of Minor and Major Lot Development Options as outlined in this Chapter need to be sought through the Planned Development process described in Chapter 2.5 - Planned Development.
- e. Whether a Lot Development Option request is Minor or Major, no more than a total of three variations may occur within a two-year period on the subject property(ies) and its parent recorded Partition, Replat, or Subdivision plat (the development-wide provision applies only to plats recorded after January 1, 2000). If a single lot is involved, variations of up to three different development standards may occur. If a development site includes plans for multiple lots through a Minor Land Partition or Tentative Subdivision Plat, and multiple variations are needed, up to three lots may be involved in variations from the same development standard or different development standards.
- f. Variations exceeding the thresholds described in "a" and "b," above, shall be sought through the Planned Development process described in Chapter 2.5 - Planned Development.
- g. Variations to Chapter 4.0 - Improvements Required with Development shall be processed as a Major Lot Development Option except for variations allowed per LDC Section 4.0.60.o., which shall be processed as a Minor Lot Development Option.

#### 2.12.30.04 - Public Notice

- a. **Minor Lot Development Option - Public Notice for a Minor Lot Development Option** shall be consistent with "1," "2," and "3," below.
1. The Director shall notify by mail affected parties that an application for a Lot Development Option has been filed.
  2. Affected parties shall mean any owner and occupants of property within 100 ft. of the subject property and any other persons whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.
  3. The notice shall state that all comments concerning the proposed Lot Development Option must be submitted in writing and received by the Director within 14 calendar days from the date of mailing the notice. The notice shall include the following:
    - a) Street address or other easily understood geographical reference to the subject property;
    - b) Applicable criteria for the decision;
    - c) Place, date, and time comments are due;
    - d) Statement that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
    - e) Name and phone number of staff contact person;
    - f) Statement that a Notice of Disposition shall be provided to the applicant and any person who submits written comments;
    - g) An explanation of appeal rights; and
    - h) A summary of the local decision making process.
- b. **Major Lot Development Option - Public Notice for a Major Lot Development Option** shall be provided consistent with Section 2.0.50.04.b.

decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. A Notice of Disposition shall also be mailed to persons who presented oral or written testimony at the public hearing.

#### **2.12.30.09 - Appeals**

- a. **Minor Lot Development Option** - The decision of the Director may be appealed to the Land Development Hearings Board in accordance with Chapter 2.19 - Appeals.
- b. **Major Lot Development Option** - The decision of the Land Development Hearings Board may be appealed in accordance with Chapter 2.19 - Appeals.

#### **2.12.30.10 - Effective Date**

- a. **Minor Lot Development Option** - Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the notice of disposition is signed.
- b. **Major Lot Development Option** - Unless an appeal has been filed, the decision of the hearing authority shall become effective 12 days after the notice of disposition is signed.

#### **2.12.30.11 - Effective Period of Approval**

- a. **Minor Lot Development Option** - ~~Both Minor and Major~~ Lot Development Option approvals shall be effective for a two-year period from the date of approval. If the applicant has not begun the development or its phases within the two-year period, the approval shall expire.
- b. **Major Lot Development Option (underlined)** - Major Lot Development Option approvals shall be effective for a four-year period from the date of approval. If the applicant has not begun the development or its phases within the four-year period, the approval shall expire.

[Section 2.12.30 amended by Ordinance 2012-00x, effective December X, 2012]

## **CHAPTER 2.13 PLAN COMPATIBILITY REVIEW**

### **Section 2.13.10 - BACKGROUND**

Each zone is intended for a predominant type of land use. Certain other Uses are permitted, but the intensity and characteristics of those Uses require review to ensure their compatibility with the site and with nearby land uses. For example, any of the following may indicate the need for an individual review of the circumstances of development:

- a. Building's size in relation to other buildings in the area;
- b. Residential, commercial, or industrial aspects of a proposed development;
- c. Character of surrounding development;
- d. Traffic capacity of adjacent streets; and
- e. Potential environmental effects.

Uses requiring Plan Compatibility Review are specified for each zone. For such Uses, Plan Compatibility Review is required before a Building Permit can be issued.

### **Section 2.13.20 - PURPOSES**

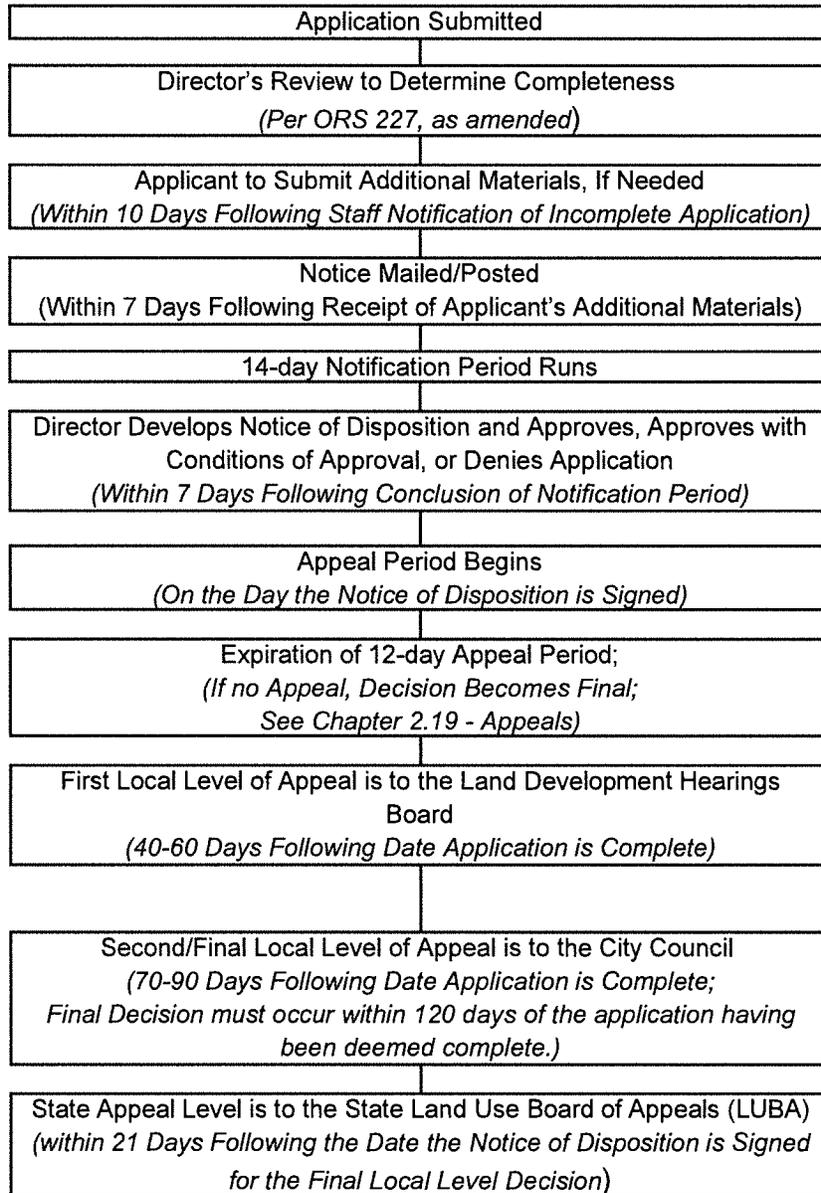
Procedures and review criteria for Plan Compatibility Review are established for the following purposes:

- a. Encourage originality, flexibility, and innovation in site planning and development, including architectural, engineering, and landscaping design;
- b. Protect neighboring property owners and residents by ensuring reasonable provisions have been made regarding surface water drainage; suitable sound and sight buffers; preservation of views, light, and air; and other aspects of design that may have substantial effects on neighboring land uses;
- c. Preserve the City's natural beauty and the quality of its visual character by ensuring proposed structures or improvements are compatible with the terrain and existing development; by preventing unnecessary and inappropriate destruction or blighting of natural landscapes or existing improvements; and by requiring that proper

electronic format. The applicant shall coordinate with the City regarding compatible electronic formats, to the greatest extent practicable.

I. Required fees as described in LDC § 1.2.100.01.

**Figure 2.13-1**  
**Typical Time Frame for Plan Compatibility Review**  
 (Total length of time per ORS 227, as amended)



approve, conditionally approve, or deny the application after the completion of the 14-day comment period.

#### **2.13.30.07 - Revisions of Proposed Plan**

Any revisions of a proposed plan shall be made prior to Building Permit approval.

#### **2.13.30.08 - Notice of Disposition**

The Director shall provide the applicant with a Notice of Disposition that includes a written statement of the decision, a reference to findings leading to it, any Conditions of Approval, and the appeal period deadline. The Notice of Disposition shall also be mailed to persons who provided written comment on the mailed notice. The Notice and all applicable information shall be available in the Development Services Division of the Community Development Department.

#### **2.13.30.09 - Appeals**

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with the provisions of Chapter 2.19 - Appeals.

#### **2.13.30.10 - Effective Date**

Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the Notice of Disposition is signed.

#### **2.13.30.11 - Effective Period of Approval**

Plan Compatibility Review approval shall be effective for a two-year period from date of approval. If the applicant has not begun the development within the two-year period, the approval shall expire.

*[Section 2.13.30 amended by Ordinance 2012-00x, effective December X, 2012]*

## **CHAPTER 2.14 PARTITIONS, MINOR REPLATS, AND PROPERTY LINE ADJUSTMENTS**

### **Section 2.14.10 - BACKGROUND**

The division of land through a Subdivision process is addressed in Chapter 2.4 - Subdivisions and Major Replats. A Subdivision occurs where four or more lots are created in a calendar year, and require review and approval as specified in Chapter 2.4 - Subdivisions and Major Replats. The division of land through an Expedited Land Division process is addressed in Chapter 2.5 - Planned Development. An Expedited Land Division occurs where four or more lots are created in a calendar year on a site with an approved Detailed Development Plan.

This Chapter provides procedural requirements for Residential and Nonresidential Partitions, which involve creation of three or fewer lots in a calendar year, and for Minor Replats and Property Line Adjustments. For the purposes of this Chapter, Residential Partitions, Minor Replats, and Property Line Adjustments are those involving lands with a Zoning Designation of RS-1, RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), RS-20, and MUR. Nonresidential Partitions, Minor Replats, and Property Line Adjustments are those with a Zoning Designation other than those for Residential Partitions, Minor Replats, and Property Line Adjustments. Except on appeal, each of these is reviewed through a General Development process without a public hearing. As with Subdivisions, Partitions, Minor Replats, and Property Line Adjustments are subject to design requirements contained in Article IV of this Code.

### **Section 2.14.20 - PURPOSES**

Land Division procedures are established in this Chapter for the following purposes:

- a. Ensure that building sites are of sufficient size and appropriate design for their intended uses and that lots to be created are within density ranges permitted by the Comprehensive Plan;
- b. Minimize negative effects of development upon the natural environment and incorporate Significant Natural Features into the proposed development where possible;
- c. Ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles;

standards that would be required for a project consisting of the completed phases. The Partition and each phase must also be designed so that by completion of all proposed phases all the phases together will meet all infrastructure requirements for the project.

- b) Explanation of how the proposal complies with the review criteria in Section 2.14.30.05; and

15. Traffic Impact Study -

- a) Nonresidential Partitions - Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures.
- b) Residential Partitions - A Traffic Impact Analysis (TIA) is required. The TIA shall be prepared by a registered professional engineer, in accordance with the most current ITE standards, and shall address both current conditions and those within a 20-year horizon. The TIA shall quantify the trip generation effects of the proposal. The TIA shall estimate trip distribution patterns. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. If any affected intersection LOS is or will fall below LOS D during any hour, mitigation shall be proposed. The mitigation shall demonstrate that LOS D will be maintained for 20 years.

- 16. Information required by Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, Chapter 4.13 - Riparian Corridor and Wetland Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, as applicable.

e. Required fees as described in LDC § 1.2.100.01.

Disposition and all applicable information shall be available in the Development Services Division of the Community Development Department.

#### **2.14.30.08 - Appeals**

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with the provisions of Chapter 2.19 - Appeals.

#### **2.14.30.09 - Effective Date**

Unless an appeal has been filed, the decision of the Director shall become effective 12 days after the Notice of Disposition is signed.

#### **2.14.30.10 - Effective Period of Tentative Partition Plat Approval**

Approval of a Tentative Partition Plat shall be valid for ~~one~~two-year period from the effective approval date. ~~Upon request, the Director may approve a single one-year extension to the approval.~~

*[Section 2.14.30 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 2.14.40 - FINAL PLAT REVIEW PROCEDURES**

#### **2.14.40.01 - Application Requirements**

- a. The Final Partition Plat shall conform to the approved Tentative Partition Plat, as defined in Chapter 4.4 - Land Division Standards, and any Conditions of Approval.
- b. An Oregon licensed land surveyor shall prepare the Final Partition Plat in accordance with ORS Chapters 92 and 209, as amended, and in conformance with the Final Partition Plat standards established by the County Surveyor.
- c. An Oregon-licensed land surveyor shall survey and place monuments on the parcels. All monuments on the exterior boundary and all parcel corner monuments for a partition shall be placed before the partition is offered for recording.
- d. The Final Plat shall include or be accompanied by:

- b. Public assessments, liens, and fees with respect to the partition area have been paid, or a segregation of assessments and liens has been applied for and granted by the City Council;
- c. The City Engineer has reviewed a signed and notarized deed for any areas dedicated to the City prior to the Partition Plat's final signing; and
- d. The Partition Plat has been signed by the Director and City Engineer.

Approval does not relieve the applicant from other applicable provisions of this Code or from the Oregon Revised Statutes.

#### **2.14.40.04 - Recording of Final Plat**

When all required signatures have been obtained on the Final Partition Plat, the Director shall record the Plat and any required covenants with the County Recorder.

#### **2.14.40.05 - Effective Date**

Authorization of the Final Partition Plat shall become effective when the Plat is recorded by the Director.

#### **2.14.40.06 - Notice of Recording**

After the Final Partition Plats recorded, the Director shall notify the applicant of the recording.

### **Section 2.14.50 - MINOR REPLAT PROCEDURES**

- a. An application for a Minor Replat shall be administered in accordance with the Tentative Partition Plat review procedures in Section 2.14.30.
- b. A Final Minor Replat shall be prepared by an Oregon-licensed surveyor in accordance with Section 2.440 in Chapter 2.4 -Subdivision and Major Replats, with the exception that the Final Replat shall be signed by the Director instead of the Planning Commission Chair.

### **Section 2.14.60 - PROPERTY LINE ADJUSTMENT PROCEDURES**

A Property Line Adjustment affects the configuration of existing legally described property ownership boundaries. A Property Line Adjustment will not, by itself, effect changes to the configuration of tax lot boundaries or legally described lot and parcel boundaries created through a Partition or Subdivision plat.

- a. An application for a Property Line Adjustment shall be administered in accordance with the Tentative Partition Plat review procedures in Section 2.14.30, with the exception that the application shall be exempt from public notice provisions in Section 2.14.30.03 and the review criteria in Section 2.14.30.05;
- 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; and
  - 4. The availability of both public and private utilities and required access shall not be adversely affected by a Property Line Adjustment;
- c. 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, the Property Line Adjustment shall not adjust properties unless each resultant property contains an area unconstrained by Natural Resources or Natural Hazards 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:
  - 1. Properties with public park purposes; and
  - 2. Privately- or publicly-owned properties completely contained within an area zoned Conservation - Open Space.
- d. Property Line Adjustments may not create new tracts. Where such tracts are proposed and/or required by this Code, a Land Division is required; and
- e. Approvals shall be subject to the following minimum Conditions of Approval:
  - 1. Deeds based on a metes and bounds legal description for all adjusted lots properties, from the Property Line Adjustment shall be recorded with the Benton County Recorder's Office;

2. A Certified Boundary Survey map that reflects the approved Property Line Adjustment shall be reviewed by the City and signed by the Director and the City Engineer; The map shall then be filed with the County Recorder Surveyor; and
3. Copies of the recorded deeds and filed survey map shall be provided to the City following recording.

*[Section 2.14.60 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 2.14.70 - MAJOR REPLATS**

An application for a Major Replat shall be reviewed and processed in accordance with Chapter 2.4 - Subdivisions and Major Replats.

### **Section 2.14.80 - VACATING PLATS**

An application for vacating a plat shall be reviewed and processed in accordance with Chapter 2.8 - Vacating of Public Lands and Plats, and with OR S Chapter 271.080, as amended.

## CHAPTER 2.16 REQUEST FOR INTERPRETATION

### Section 2.16.10 - BACKGROUND

Property owners and developers often seek interpretations of this Code or Comprehensive Plan from the Director or other City staff. These Interpretations may be legislative in that they apply to a large geographic area, such as all properties within a given zone, or they may be quasi-judicial, such as Interpretations that apply to a specific site or area. Through the processes identified in this Chapter, an applicant can obtain an official written Interpretation from the City.

### Section 2.16.20 - PURPOSES

Requests for Interpretation may be made for the following purposes:

- a. Ensure uniformity of interpretations of this Code and the Comprehensive Plan through a formal process; and
- b. Provide an opportunity to appeal staff Interpretations while protecting owners, users, or developers of property from appeals that might otherwise be filed after an unreasonable delay.

### Section 2.16.30 - PROCEDURES

A Request for an Interpretation of this Code or the Comprehensive Plan shall be reviewed in accordance with the following procedures.

#### 2.16.30.01 - Application Requirements

Any person may file a Request for Interpretation. Requests shall be in writing. The form of the Request for Interpretation shall be as specified by the Director. Fees shall be provided as described in LDC § 1.2.100.01.

#### 2.16.30.02 - Acceptance of Application

- a. Per ORS 227, the Director shall review a Request for Interpretation to verify that the request meets the requirements specified above. If a Request for Interpretation does not meet those requirements, the applicant shall be notified and given the opportunity to correct the deficiency. The Director may consult with the City Attorney to determine whether the request is legislative

## **CHAPTER 2.18 SOLAR ACCESS PERMITS**

### **Section 2.18.10 - BACKGROUND**

Solar energy can make a significant long-term contribution to the City's energy supply. Use of solar energy can be encouraged by providing for and protecting the Solar Access of property owners. A Type 1 Solar Access Permit restricts shading of a solar collector by trees. A Type 2 Solar Access Permit includes protection provided by a Type 1 Permit in addition to protection and remedies to restrict shading of a solar collector by structures.

### **Section 2.18.20 - PURPOSES**

This Chapter provides permit procedures to accomplish the following:

- a. Identify a process to protect Solar Access to support the use of a solar collector; and
- b. Specify conditions under which Solar Access Permits are authorized.

### **Section 2.18.30 - LIMITS ON SOLAR PERMITS**

A Solar Access Permit shall not affect:

- a. A lot or portion thereof more than 150 ft. south of the solar collector location;
- b. A lot located on a slope grade of 20 percent or more and facing within 45 degrees of true north;
- c. Any lot located in the Central Business (CB) Zone;
- d. Any tree or structure on a neighboring lot existing at the time the Solar Access Permit application is accepted;
- e. New structures that shade the solar collector unless a Type 2 Solar Access Permit has been previously approved and recorded;
- f. Proposed new structures resulting in shading of a Type 2 solar collector between 9 a.m. and 3 p.m. on November 21 in an amount that does not exceed the shading that would be caused by a flat-roofed structure half the allowed building height at the minimum setbacks for the zone; and

- g.** Any new tree approved in the Solar Access Permit as a solar-access-friendly tree and listed by location and species consistent with Section 2.18.40.06.f, below.

## **Section 2.18.40 - PROCEDURES**

An application for a Solar Access Permit shall comply with the following.

### **2.18.40.01- Application Requirements for Type 1 Solar Access Permit**

An application for a Type 1 Permit shall include:

- a.** A statement of the solar heating hours for which Solar Access is sought;
- b.** Scaled drawing of the solar collector and its dimensions, height above ground level, orientation, and slope from the horizontal;
- c.** Sunchart for the proposed location of the solar collector, as measured from the center of the lower edge of the collector site and, if applicable, alternative locations for the solar collector. If the solar collector is more than 20 ft. in length, a sunchart photograph shall also be provided from each end of the collector;
- d.** Site plan showing lot lines and dimensions of the solar user's lot and neighboring lots that will be affected by the Solar Access Permit. The site plan shall indicate topography using two- or five-ft. contour intervals, and the location of the solar collector, structures, and trees. The site plan information shall indicate tree species;
- e.** Documentation showing that the solar collector would not be shaded between 9 a.m. and 3 p.m. on November 21 by a six ft.-high fence located on the applicant's lot lines;
- f.** Documentation showing that no reasonable alternative location exists for the solar collector that would result in fewer restrictions on a neighboring lot;
- g.** Documentation showing that removing or trimming vegetation on the applicant's lot will not permit an alternative location for the solar collector that would result in fewer restrictions on a neighboring lot;
- h.** A list by owner of record and address for all affected lots, together with an identification by lot of exempt structures and vegetation as defined in Section 2.18.30 - Limits on Solar Permits; and

- i. Proposed solar envelopes for affected properties and, if applicable, proposed solar-access-friendly trees permitted to grow so as to only partly obstruct the Solar Access.
- j. Required fees as described in LDC § 1.2.100.01.

#### **2.18.40.02 - Application Requirements for Type 2 Solar Access Permit**

An application for a Type 2 Permit shall include information required in Section 2.18.40.01, above, in addition to the following:

- a. Evidence that minimum setbacks and allowable building heights for the zone do not ensure Solar Access protection; and
- b. Proposed solar envelopes prescribing allowed building heights for affected properties.

#### **2.18.40.03 - Acceptance of Application**

- a. The Director shall review the Solar Access Permit application for compliance with the application requirements in Section 2.18.40.01 or Section 2.18.40.02, whichever is applicable. If the application is incomplete, the Director shall notify the applicant within five days and state what information is needed to make the application complete. The applicant shall have 10 days from this notification to submit additional materials.
- b. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees.

#### **2.18.40.04 - Public Notice**

- a. The Director shall notify affected parties that an application for a Solar Access Permit has been filed.
- b. Affected parties shall mean any owner and occupants of property within 100 ft. of the subject property and any other persons whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.

## **CHAPTER 2.18 SOLAR ACCESS PERMITS**

### **Section 2.18.10 - BACKGROUND**

Solar energy can make a significant long-term contribution to the City's energy supply. Use of solar energy can be encouraged by providing for and protecting the Solar Access of property owners. A Type 1 Solar Access Permit restricts shading of a solar collector by trees. A Type 2 Solar Access Permit includes protection provided by a Type 1 Permit in addition to protection and remedies to restrict shading of a solar collector by structures.

### **Section 2.18.20 - PURPOSES**

This Chapter provides permit procedures to accomplish the following:

- a. Identify a process to protect Solar Access to support the use of a solar collector; and
- b. Specify conditions under which Solar Access Permits are authorized.

### **Section 2.18.30 - LIMITS ON SOLAR PERMITS**

A Solar Access Permit shall not affect:

- a. A lot or portion thereof more than 150 ft. south of the solar collector location;
- b. A lot located on a slope grade of 20 percent or more and facing within 45 degrees of true north;
- c. Any lot located in the Central Business (CB) Zone;
- d. Any tree or structure on a neighboring lot existing at the time the Solar Access Permit application is accepted;
- e. New structures that shade the solar collector unless a Type 2 Solar Access Permit has been previously approved and recorded;
- f. Proposed new structures resulting in shading of a Type 2 solar collector between 9 a.m. and 3 p.m. on November 21 in an amount that does not exceed the shading that would be caused by a flat-roofed structure half the allowed building height at the minimum setbacks for the zone; and

- g. Any new tree approved in the Solar Access Permit as a solar-access-friendly tree and listed by location and species consistent with Section 2.18.40.06.f, below.

## **Section 2.18.40 - PROCEDURES**

An application for a Solar Access Permit shall comply with the following.

### **2.18.40.01- Application Requirements for Type 1 Solar Access Permit**

An application for a Type 1 Permit shall include:

- a. A statement of the solar heating hours for which Solar Access is sought;
- b. Scaled drawing of the solar collector and its dimensions, height above ground level, orientation, and slope from the horizontal;
- c. Sunchart for the proposed location of the solar collector, as measured from the center of the lower edge of the collector site and, if applicable, alternative locations for the solar collector. If the solar collector is more than 20 ft. in length, a sunchart photograph shall also be provided from each end of the collector;
- d. Site plan showing lot lines and dimensions of the solar user's lot and neighboring lots that will be affected by the Solar Access Permit. The site plan shall indicate topography using two- or five-ft. contour intervals, and the location of the solar collector, structures, and trees. The site plan information shall indicate tree species;
- e. Documentation showing that the solar collector would not be shaded between 9 a.m. and 3 p.m. on November 21 by a six ft.-high fence located on the applicant's lot lines;
- f. Documentation showing that no reasonable alternative location exists for the solar collector that would result in fewer restrictions on a neighboring lot;
- g. Documentation showing that removing or trimming vegetation on the applicant's lot will not permit an alternative location for the solar collector that would result in fewer restrictions on a neighboring lot;
- h. A list by owner of record and address for all affected lots, together with an identification by lot of exempt structures and vegetation as defined in Section 2.18.30 - Limits on Solar Permits; and

- i. Proposed solar envelopes for affected properties and, if applicable, proposed solar-access-friendly trees permitted to grow so as to only partly obstruct the Solar Access.
- j. Required fees as described in LDC § 1.2.100.01.

#### **2.18.40.02 - Application Requirements for Type 2 Solar Access Permit**

An application for a Type 2 Permit shall include information required in Section 2.18.40.01, above, in addition to the following:

- a. Evidence that minimum setbacks and allowable building heights for the zone do not ensure Solar Access protection; and
- b. Proposed solar envelopes prescribing allowed building heights for affected properties.

#### **2.18.40.03 - Acceptance of Application**

- a. The Director shall review the Solar Access Permit application for compliance with the application requirements in Section 2.18.40.01 or Section 2.18.40.02, whichever is applicable. If the application is incomplete, the Director shall notify the applicant within five days and state what information is needed to make the application complete. The applicant shall have 10 days from this notification to submit additional materials.
- b. After an application is accepted as complete, any revisions to it that result in the need for an additional public notice to be mailed shall be regarded as a new application. Such new application shall require additional filing fees.

#### **2.18.40.04 - Public Notice**

- a. The Director shall notify affected parties that an application for a Solar Access Permit has been filed.
- b. Affected parties shall mean any owner and occupants of property within 100 ft. of the subject property and any other persons whom the Director determines are affected by the application. In addition, notice shall be provided to any neighborhood or community organization recognized by the City and whose boundaries include or are adjacent to the site.

## CHAPTER 3.2 LOW DENSITY (RS-5) ZONE

### Section 3.2.10 - PURPOSE

This zone implements the Low Density Residential Comprehensive Plan designation, which allows from two to six dwelling units per acre. The RS-5 Zone is retained to provide land use and development standards for areas of the City that were zoned RS-5 and platted to urban densities as of December 31, 2006. Additionally, the RS-5 Zone is retained for areas of the City that were zoned RS-5 as of December 31, 2006, and are less than or equal to one acre in size.

The RS-5 Zone also applies to single-family residential areas greater than one acre in size and that were zoned RS-3.5 at the time of adoption of this Code. The RS-5 Zone is intended to provide opportunities for a broader range of lot sizes and Housing Types, consistent with Comprehensive Plan policies that support comprehensive neighborhoods and affordable housing.

### Section 3.2.20 - PERMITTED USES

#### 3.2.20.01 - Ministerial Development

##### a. Primary Uses Permitted Outright

1. Residential Use Types - Family
2. Residential Building Types -
  - a) Single Detached
  - b) Single Detached - Zero Lot Line
  - c) Single Attached - Zero Lot Line, two units
  - d) Attached - Townhouse, three units
  - e) Duplex
  - f) Multi-dwelling - Triplex only

- I. Religious Assembly
- m. Residential Care Facilities
- n. Schools

**3.2.20.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

*[Section 3.2.20 amended by Ordinance 2012-00x, effective December X, 2012]*

**Section 3.2.30 - RS-5 DEVELOPMENT STANDARDS**

**Table 3.2-1**

		Standard
<b>a.</b>	Minimum Density	2 units per acre for existing platted lots as of December 31, 2006; however, all new Residential Subdivisions and Planned Developments in this zone shall achieve a minimum density of 3 units per dwelling acre.
<b>b.</b>	Maximum Density	6 units per acre
<b>c.</b>	Minimum Lot Area	
	1. Single Detached and Attached (one unit only)	6,000 sq. ft. <u>4 8,000 sq. ft. per unit</u>
	2. <del>Single Detached and Attached (multiple units) and all other residential building type configurations Duplex (or other configuration of building types resulting in two units)</del>	<del>12,000 sq. ft.</del>
	3. <del>Triplex (or other configuration of building types resulting in three units)</del>	

		Standard
p.	Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 – Riparian Corridor and Wetland Provisions.
q.	Landscaping	See Section 3.2.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
r.	Required Green Area and Private Outdoor Space	See Section 3.2.40, below.
s.	Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

*[Section 3.2.30 amended by Ordinance 2012-00x, effective December X, 2012]*

**Section 3.2.35 - MULTIPLE RESIDENTIAL STRUCTURES ON ONE LOT OR PARCEL**

Where multiple residential structures are located on a single lot or parcel, the minimum distance between structures shall be 10 ft.

*[Section 3.2.35 added by Ordinance 2012-00x, effective December X, 2012]*

**Section 3.2.40 - GREEN AREA REQUIREMENTS**

- a. A minimum of 50 percent of the gross lot area, and a minimum of 30 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area, as defined in Chapter 1.6 - Definitions. A minimum of 15 percent of the gross lot area shall consist of vegetation consisting of landscaping or naturally preserved vegetation.
- b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.
- c. Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. Within the required Green Area for

## CHAPTER 3.3 LOW DENSITY (RS-6) ZONE

### Section 3.3.10 - PURPOSE

This is the primary zone that implements the Low Density Residential Comprehensive Plan designation, which allows from two to six dwelling units per acre. The RS-6 Zone is intended to accommodate a broad range of lot sizes and varied Housing Types within the established density range. This variety is consistent with Comprehensive Plan policies that support comprehensive neighborhoods and affordable housing.

The RS-6 Zone also permits smaller lots than generally allowed in the RS-3.5 and RS-5 zones, and encourages greater efficiencies in the provision of streets, utilities, and usable Green Area.

The RS-6 Zone shall be applied to all lands zoned RS-6 as of the adoption of this Code. Additionally, the RS-6 Zone applies to single-family residential areas that are unplatted, greater than one acre in size, and that were zoned RS-5 at the time of adoption of this Code. With the exception of properties indicated on the Comprehensive Plan Map as being eligible for the RS-1 (Extra-low Density) Residential Zone, all Low Density Residential lands shall be zoned RS-6 (Low Density) Residential upon their annexation.

### Section 3.3.20 - PERMITTED USES

#### 3.3.20.01 - Ministerial Development

##### a. Primary Uses Permitted Outright

1. Residential Use Types -
  - a) Family
  - b) Group Residential - 12 or fewer persons
  - c) Group Residential/Group Care - 12 or fewer persons
  - d) Residential Care Facilities - 12 or fewer persons
2. Residential Building Types -
  - a) Single Detached

		<b>Standard</b>
<b>c.</b>	Minimum Lot Area	Developments greater than 5 acres in size in this zone shall provide a minimum of 10 percent of the residential lots within the range of 2,500 - 3,500 sq. ft. Remaining lots within the development shall achieve the minimum lot sizes listed below:
	1. Single Detached <u>(one unit only)</u>	3,500 sq. ft.
	2. Single <del>Attached</del> <u>Detached (multiple units) and all other residential building type configurations</u>	2,500 sq. ft. <u>per unit</u> <del>5,000 sq. ft.</del>
	<del>3. Duplex (or other configuration of building types resulting in two units)</del>	<del>7,500 sq. ft.</del>
	<del>4. Triplex (or other configuration of building types resulting in three units)</del>	<del>10,000 sq. ft.</del>
	<del>5. Fourplex (or other configuration of building types resulting in four units)</del>	
<b>d.</b>	Minimum Lot Width	
	1. Single Detached with alley access to garage	40 ft.
	2. Single Detached with street access to garage	50 ft.
	3. Single Attached	25 ft.
	4. Duplex (or other configuration of building types resulting in two units)	50 ft.
	5. Triplex (or other configuration of building types resulting in three units)	75 ft.
	6. Fourplex (or other configuration of building types resulting in four units)	100 ft.

	<b>Standard</b>
<b>o.</b> Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
<b>p.</b> Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
<b>q.</b> Landscaping	See Section 3.3.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>r.</b> Required Green Area and Private Outdoor Space	See Section 3.3.40, below.
<b>s.</b> Landslide Hazards and Hillside	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

*[Section 3.3.30 amended by Ordinance 2012-00x, effective December X, 2012]*

**Section 3.3.35 - MULTIPLE RESIDENTIAL STRUCTURES ON ONE LOT OR PARCEL**

Where multiple residential structures are located on a single lot or parcel, the minimum distance between structures shall be 10 ft.

*[Section 3.3.35 added by Ordinance 2012-00x, effective December X, 2012]*

**Section 3.3.40 - GREEN AREA REQUIREMENTS**

- a.** A minimum of 40 percent of the gross lot area, and a minimum of 20 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area, as defined in Chapter 1.6 - Definitions. A minimum of 15 percent of the gross lot area and a minimum of 10 percent for center-unit townhouses on interior lots, shall consist of vegetation consisting of landscaping or naturally preserved vegetation.
- b.** Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.
- c.** Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. Within the required Green Area for multi-dwellings,

## CHAPTER 3.4 MEDIUM DENSITY (RS-9) ZONE

### Section 3.4.10 - PURPOSE

This zone is the primary zone that implements the Medium Density Residential Comprehensive Plan designation, which allows from six to 12 dwelling units per acre. It is intended to provide areas where single detached, single attached, duplex, triplex, and fourplex units, and townhouses may be constructed under various ownership patterns. The zone provides a higher density and more intensive use of land than the Low Density Residential zones. The RS-9 Zone is intended to achieve efficiencies in provision of streets and utilities, and to encourage provision of usable Green Area.

### Section 3.4.20 - PERMITTED USES

#### 3.4.20.01 - Ministerial Development

##### a. Primary Uses Permitted Outright

##### 1. Residential Use Types -

- a) Family
- b) Fraternities and Sororities existing prior to December 31, 2006, in accordance with Section 3.4.60 below
- c) Group Residential - 12 or fewer persons
- d) Group Residential - more than 12 persons, existing prior to December 31, 2006, in accordance with Section 3.4.60 below
- e) Group Residential/Group Care - 12 or fewer persons
- f) Group Residential/Group Care - more than 12 persons, existing prior to December 31, 2006, in accordance with Section 3.4.60 below
- g) Residential Care Facilities - 12 or fewer persons

##### 2. Residential Building Types -

### 3.4.20.03 - General Development

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and all other applicable provisions of this Code.

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

*[Section 3.4.20 revised by Ordinance 2012-00x, effective December X, 2012]*

### Section 3.4.30 - RS-9 DEVELOPMENT STANDARDS

**Table 3.4-1**

		<b>Standard</b>
<b>a.</b>	Minimum Density	6 units per acre. Applies to the creation of Land Divisions.
<b>b.</b>	Maximum Density	12 units per acre. Applies to the creation of Land Divisions.
<b>c.</b>	Minimum Lot Area	
	1. Single Detached <u>(one unit only)</u>	3,500 sq. ft.
	2. <del>Single Attached</del> <u>Single Detached (multiple units) and all other residential building type configurations</u>	<u>2,500 sq. ft. per unit</u> 5,000 sq. ft.
	3. <del>Duplex (or other configuration of building types resulting in two units)</del>	7,500 sq. ft.
	4. <del>Triplex (or other configuration of building types resulting in three units)</del>	10,000 sq. ft.
	5. <del>Fourplex (or other configuration of building types resulting in four units)</del>	
<b>d.</b>	Minimum Lot Width	
	1. Single Detached with alley access to garage	40 ft.
	2. Single Detached with street access to garage	50 ft.
	3. Single Attached	25 ft.
	4. Duplex (or other configuration of building types resulting in two units)	50 ft.
	5. Triplex (or other configuration of building types resulting in three units)	75 ft.
	6. Fourplex (or other configuration of building types resulting in four units)	100 ft.

	<b>Standard</b>
<b>o.</b> Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
<b>p.</b> Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
<b>q.</b> Landscaping	See Section 3.4.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>r.</b> Required Green Area and Private Outdoor Space	See Section 3.4.40, below.
<b>s.</b> Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

*[Section 3.4.30 amended by Ordinance 2012-00x, effective December X, 2012]*

**Section 3.4.35 - MULTIPLE RESIDENTIAL STRUCTURES ON ONE LOT OR PARCEL**

Where multiple residential structures are located on a single lot or parcel, the minimum distance between structures shall be 10 ft.

*[Section 3.4.35 added by Ordinance 2012-00x, effective December X, 2012]*

**Section 3.4.40 - GREEN AREA REQUIREMENTS**

- a. A minimum of 30 percent of the gross lot area, and a minimum of 20 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area to ensure that the 70 percent maximum lot/site coverage standard of Section 3.4.30 is met. A minimum of 15 percent of the gross lot area and a minimum of 10 percent for center-unit townhouses on interior lots shall consist of vegetation consisting of landscaping or naturally preserved vegetation.
- b. Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.
- c. Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior

- d. Proposed signage;
- e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of Historically Significant or architecturally significant elements; and
- f. Any other structural or site changes that would affect the structure's character.

#### **3.4.50.04 - Required Off-Street Parking**

The City recognizes that Section 3.4.50 ~~generally~~ sometimes applies to large structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, off-street parking is allowed in any adjoining blocks where adequate parking can be made available.

*[Section 3.4.50 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 3.4.60 - REDEVELOPMENT OF EXISTING MULTI-DWELLINGS IN NORTH CAMPUS AREA**

Group Residential and Group Residential/Group Care Use Types and Multi-dwelling Building Types established prior to December 31, 2006 are Permitted Uses and may be redeveloped. This redevelopment may occupy the same building envelope as previously existed; however, current parking standards in Chapter 4.1 - Parking, Loading, and Access Requirements shall be met even if these requirements interfere with reestablishment of the original structure.

#### **Section 3.4.70 - REDEVELOPMENT OF EXISTING OFFICES IN NORTH CAMPUS AREA**

Existing offices are Permitted Uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the parking standards in Chapter 4.1 - Parking, Loading, and Access Requirements, even if the parking requirements interfere with the redevelopment.

#### **Section 3.4.80 - MIX OF HOUSING TYPES**

A mix of permitted Housing Types is encouraged in the RS-9 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined

## CHAPTER 3.5 MEDIUM DENSITY - UNIVERSITY (RS-9(U)) ZONE

### Section 3.5.10 - PURPOSE

This zone implements the Medium Density Residential Comprehensive Plan designation, which allows from six to 12 dwelling units per acre. It is intended to provide areas where a variety of Building Types are permitted in close proximity to the University. This zone contains development standards and design options to help address compatibility issues associated with mixed residential uses.

### Section 3.5.20 - PERMITTED USES

#### 3.5.20.01 - Ministerial Development

##### a. Primary Uses Permitted Outright

###### 1. Residential Use Types -

- a) Family
- b) Fraternities and Sororities existing prior to December 31, 2006, in accordance with Section 3.5.60 below
- c) Group Residential - 12 or fewer persons
- d) Group Residential - more than 12 persons, existing prior to December 31, 2006, in accordance with Section 3.5.60 below
- e) Group Residential/Group Care - 12 or fewer persons
- f) Group Residential/Group Care - more than 12 persons, existing prior to December 31, 2006, in accordance with Section 3.5.60 below
- g) Residential Care Facilities - 12 or fewer persons

###### 2. Residential Building Types -

- a) Single Detached

Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

[Section 3.5.20 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 3.5.30 - RS-9(U) DEVELOPMENT STANDARDS**

**Table 3.5-1**

		<b>Standard</b>
<b>a.</b>	Minimum Density	6 units per acre. Applies to the creation of Land Divisions.
<b>b.</b>	Maximum Density	12 units per acre. Applies to the creation of Land Divisions.
<b>c.</b>	Minimum Lot Area	
	1. Single Detached <u>(one unit only)</u>	3,500 sq. ft.
	2. <del>Single Attached</del> <u>Single Detached</u> (multiple units) and all other <u>residential building type</u> <u>configurations</u>	2,500 sq. ft. <u>per unit</u> <del>5,000 sq. ft.</del> 7,500 sq. ft.
	<del>3. Duplex (or other configuration of building types resulting in two units)</del>	
	<del>4. Triplex (or other configuration of building types resulting in three units)</del>	<del>10,000 sq. ft.</del>
	<del>5. Fourplex (or other configuration of building types resulting in four units)</del>	
<b>d.</b>	Minimum Lot Width	
	1. Single Detached with alley access to garage	40 ft.
	2. Single Detached with street access to garage	50 ft.
	3. Single Attached	25 ft.
	4. Duplex (or other configuration of building types resulting in two units)	50 ft.
	5. Triplex (or other configuration of building types resulting in three units)	75 ft.
	6. Fourplex (or other configuration of building types resulting in four units)	100 ft.

	<b>Standard</b>
<b>o.</b> Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
<b>p.</b> Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
<b>q.</b> Landscaping	See Section 3.5.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>r.</b> Required Green Area and Private Outdoor Space	See Section 3.5.40, below.
<b>s.</b> Landslide Hazards and Hillside	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

*[Section 3.5.30 amended by Ordinance 2012-00x, effective December X, 2012]*

**Section 3.5.35 - MULTIPLE RESIDENTIAL STRUCTURES ON ONE LOT OR PARCEL**

Where multiple residential structures are located on a single lot or parcel, the minimum distance between structures shall be 10 ft.

*[Section 3.5.35 amended by Ordinance 2012-00x, effective December X, 2012]*

**Section 3.5.40 – GREEN AREA REQUIREMENTS**

- a.** A minimum of 30 percent of the gross lot area and a minimum of 20 percent for center-unit townhouses on interior lots shall be retained and improved or maintained as permanent Green Area to ensure that the 70 percent maximum lot/site coverage standard of Section 3.5.30 is met. A minimum of 15 percent of the gross lot area and a minimum of 10 percent for center-unit townhouses on interior lots shall consist of vegetation consisting of landscaping or naturally preserved vegetation.
- b.** Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.
- c.** Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of

conversion, the applicant shall be required to submit plans in addition to the site plan required in Chapter 2.3 - Conditional Development, that indicate the following:

- a. Proposed exterior facade treatment;
- b. Interior remodeling with respect to major structural changes;
- c. Landscaping;
- d. Proposed signage;
- e. Changes resulting from the conversion that will upgrade the structure and site and aid in the retention of Historically Significant or architecturally significant elements; and
- f. Any other structural or site changes that would affect the structure's character.

#### **3.5.50.04 - Required Off-Street Parking**

The City recognizes that Section 3.5.50 generally sometimes applies to large structures with little or no property for off-street parking either on or off the site. Where it is found that the review criteria of Chapter 2.3 - Conditional Development have been met, off-street parking is allowed in any adjoining blocks where adequate parking can be made available.

*[Section 3.5.50 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 3.5.60 - REDEVELOPMENT OF EXISTING MULTI-DWELLINGS**

Group Residential and Group Residential/Group Care Use Types and Multi-dwelling Building Types established prior to December 31, 2006, are Permitted Uses and may be redeveloped. This redevelopment may occupy the same building envelope as previously existed but current parking standards contained in Chapter 4.1 - Parking, Loading, and Access Requirements, shall be met.

#### **Section 3.5.70 - REDEVELOPMENT OF EXISTING OFFICES**

Existing offices are Permitted Uses and may be redeveloped if desired. The redeveloped building may occupy the existing building envelope and shall meet the

## CHAPTER 3.6 MEDIUM-HIGH DENSITY (RS-12) ZONE

### Section 3.6.10 - PURPOSE

This is the primary zone that implements the Medium-high Density Residential Comprehensive Plan designation, which allows from 12 to 20 dwelling units per acre. It is intended to accommodate a wide variety of Housing Types and to serve as a transition area between lands with lower density and higher density residential designations.

### Section 3.6.20 - PERMITTED USES

#### 3.6.20.01 - Ministerial Development

##### a. Primary Uses Permitted Outright

1. Residential Use Types -
  - a) Family
  - b) Group Residential
  - c) Group Residential/Group Care
  - d) Residential Care Facilities
  - e) Fraternities and Sororities
2. Residential Building Types -
  - a) Single Detached
  - b) Single Detached - Zero Lot Line
  - c) Single Attached - Zero Lot Line, two units
  - d) Attached - Townhouse
  - e) Duplex
  - f) Multi-dwelling

		Standard
<b>e.</b>	<b>Setbacks</b>	
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 and Side yards  Interior attached townhouses exempt from interior side yard setbacks.)	5 ft. minimum <del>and each lot must have a minimum 15-ft. usable yard either on the side or rear of each dwelling.</del> Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.
a)	Single Detached	5 ft. minimum each side yard
b)	Single Attached and Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side <sup>1</sup>
c)	Duplex and Multi-Dwelling	10 ft. minimum each side
d)	Abutting a more restrictive zone	10 ft. minimum
3.	<del>Corner Lot</del> <u>Exterior Side Yard and Rear Yard abutting a Street</u>	10 ft. minimum <del>on side abutting the street.</del> <u>and</u> <del>vision</del> 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.	
<b>f.</b>	<b>Minimum Garage/Carport Setbacks</b>	
1.	Garage/carport entrance facing/parallel to the street	19 ft. minimum
2.	Garage/carport entrance sideways/perpendicular to street	10 ft. minimum
	See also "k," and "l," below.	Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development.  Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.

<sup>1</sup> For Detached Zero Lot Line dwelling units, prior to Building Permit approval, the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five ft. in width.

	<b>Standard</b>
<p><b>g.</b> Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land</p> <p>See also "k," and "l," below.</p>	<p>When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant's responsibility to provide this buffer.</p> <p>The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement.</p> <p>Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development.</p>
<p><b>h.</b> Maximum Structure Height.</p>	<p>35 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits or Chapter 4.6 - Solar Access</p>
<p><b>i.</b> Maximum Lot/Site Coverage</p>	<p>70 percent of lot area maximum; interior attached townhouses exempt from this provision.</p> <p>Green area is calculated per lot.</p>
<p><b>j.</b> Off-street Parking</p>	<p>See Chapter 4.1 - Parking, Loading, and Access Requirements</p>
<p><b>k.</b> Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures</p>	<p>Shall not be placed within <u>any required front yard</u> setback area.</p> <p>When located <del>outside a setback area</del>, but within five to 10 ft. of a property line, or within a front yard and outside of the setback area, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment.</p> <p>When located <del>outside a setback area</del>, but greater than 10 ft. from a property line, such equipment requires no screening.</p>
<p><b>l.</b> Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures</p>	<p>Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.</p>
<p><b>m.</b> Minimum Assured Development Area (MADA)</p>	<p>See Chapter 4.11 - Minimum Assured Development Area (MADA).</p>
<p><b>n.</b> Special Flood Hazard Areas</p>	<p>See Chapter 2.11 - Floodplain Development Permit and Chapter 4.5 - Floodplain Provisions.</p>

	<b>Standard</b>
<b>o.</b> Significant Vegetation	See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions.
<b>p.</b> Riparian Corridors & Locally Protected Wetlands	See Chapter 4.13 - Riparian Corridor and Wetland Provisions.
<b>q.</b> Landscaping	See Section 3.6.50, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.
<b>r.</b> Required Green Area, Private Outdoor Space, and Common Outdoor Space	See Section 3.6.50, below.
<b>s.</b> Landslide Hazards and Hillsides	See Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

*[Section 3.6.30 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.6.40 - MULTIPLE BUILDINGS ON ONE LOT OR SITE**

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply to multiple residential buildings on a single lot or site in the RS-12 Zone:

- a.** Buildings with opposing windowed walls shall be separated by 20 ft.
- b.** Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.
- c.** Buildings with opposing blank walls shall be separated by 10 ft. As stated in "b," above, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.
- d.** Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
- e.** Buildings with courtyards shall maintain separation of opposing walls as listed in "a," through "c," above.
- f.** Where buildings exceed a length of 60 ft. or exceed a height of 30 ft., the minimum wall separation shall be increased. The rate of increased wall separation shall be one ft. for each 15 ft. of building length over 60 ft., and two ft. for each 10 ft. of building height over 30 ft.

## CHAPTER 3.7 MEDIUM-HIGH DENSITY - UNIVERSITY (RS-12(U)) ZONE

### Section 3.7.10 - PURPOSE

This zone implements the Medium-high Density Residential Comprehensive Plan designation, which allows from 12 to 20 dwelling units per acre. It is intended to provide for Medium-high density housing near the University that is compatible with existing development and consistent with the purpose of the RS-12 Zone. This zone also contains development standards to help address compatibility issues associated with the North Campus Area.

### Section 3.7.20 - PERMITTED USES

#### 3.7.20.01 - Ministerial Development

##### a. Primary Uses Permitted Outright

1. Residential Use Types -
  - a) Family
  - b) Group Residential
  - c) Group Residential/Group Care
  - d) Residential Care Facility
  - e) Fraternities and Sororities
2. Residential Building Types -
  - a) Single Detached
  - b) Single Detached - Zero Lot Line
  - c) Single Attached - Zero Lot Line, two units
  - d) Attached - Townhouse
  - e) Duplex

Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

[Section 3.7.20 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 3.7.30 - RS-12(U) DEVELOPMENT STANDARDS**

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

		Standard
a.	Minimum Density	12 units per acre. Applies to the creation of Land Divisions.
b.	Maximum Density	20 units per acre. Applies to the creation of Land Divisions.
c.	Minimum Lot Area	2,200 sq. ft. per dwelling unit
d.	Minimum Lot Width	25 ft.
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 and Side yards	5 ft. minimum <del>and each lot must have a minimum 15 ft. usable yard either on the side or rear of each dwelling.</del> Additionally, the setbacks listed below apply for side yards not being used as the usable yard described above.
	Interior attached townhouses exempt from interior side yard setbacks.	
	a) Single Detached	5 ft. minimum each side yard
	b) Single Attached and Zero Lot Line Detached	0 ft. one side; 8 ft. minimum on opposite side <sup>1</sup>
	c) Duplex and Multi-Dwelling	10 ft. minimum each side
	d) Abutting a more restrictive zone	10 ft. minimum
	3. <u>Corner Lot Exterior Side Yard and Rear Yard abutting a Street</u>	10 ft. minimum <del>on side abutting the street; and</del> <u>Vision Clearance Areas</u> in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.
	See also "k," and "l," below.	

<sup>1</sup> For Detached Zero Lot Line dwelling units, prior to Building Permit approval, the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five ft. in width.

## **CHAPTER 3.9 MIXED USE RESIDENTIAL (MUR) ZONE**

### **Section 3.9.10 - PURPOSE**

The Mixed Use Residential (MUR) Zone is established to increase housing opportunities in close proximity to designated commercial zones. The MUR Zone is intended primarily for development of multi-family housing at densities high enough to support the retail uses of the adjacent commercial zones and to provide residents with direct and convenient access to commercial services.

Varied Housing Types are encouraged in the MUR Zone. Small-scale retail, office, and service uses are also allowed when they are developed as part of a mixed-use building. Design standards for the MUR Zone emphasize intensive development with building orientation to the street, as described in Chapter 4.10 - Pedestrian Oriented Design Standards. These design standards are tailored to the type of use proposed, such as townhouse, multi-family, and/or mixed use.

### **Section 3.9.20 - GENERAL PROVISIONS - Establishment of the MUR Zone**

The MUR Zone designation shall apply to lands identified as MUR on the Official Zoning Map as of December 31, 2006, except as amended in accordance with the provisions of this Chapter and Chapter 2.2 - Zone Changes. Through a legislative or quasi-judicial process consistent with Chapter 2.2 - Zone Changes and Chapter 2.0 - Public Hearings, the MUR Zone may also be applied to properties designated Medium-high Density or High Density Residential on the Comprehensive Plan Map.

The following locational and dimensional criteria apply to the MUR Zone.

#### **a. Locational Criteria**

The following locational criteria shall be applied to Zone Changes, in conjunction with Chapter 2.2 - Zone Changes and Chapter 2.0 - Public Hearings.

1. The MUR Zone designation shall be applied only to properties that are contiguous with property designated Commercial on the Comprehensive Plan Map;
2. The outer boundary of the MUR Zone shall extend no farther than 450 ft. (1.5 to 2 blocks) from the edge of the adjacent commercially

		Standard
c.	<p>Setbacks</p> <ol style="list-style-type: none"> <li>1. Front and side yard</li> <li>2. Rear yard setback</li> <li>3. Side and rear yard setback adjacent to Low Density Residential zone</li> <li>4. <del>Corner-Lot</del> <u>Exterior side yard</u> Front porches may encroach up to 5 ft. into setback area, provided vision clearance is still met and the porch's finished floor elevation is at least 3 ft. higher than the street sidewalk.</li> <li>5. Maximum setback against street <ol style="list-style-type: none"> <li><del>a) Mixed Use Buildings</del></li> <li><del>b) Multi-dwelling Structures</del></li> <li><del>c) Townhouses</del></li> </ol> Additions onto existing buildings are not subject to <del>these</del> <u>this</u> maximum setbacks. </li> </ol> <p>See also "h," and "i," below.</p>	<p>None, except as needed for Building Code compliance and Vision Clearance Areas in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements.</p> <p>10 ft. minimum</p> <p>Equal to most restrictive setback in the Low Density Residential zone</p> <p><del>None, except as needed for Building Code compliance and 10 ft. minimum on side abutting the street.</del> Vision Clearance Areas in accordance with Section 4.1.40 of Chapter 4.1 - Parking, Loading, and Access Requirements.</p> <p><del>5 ft.</del> 15 ft. <del>13 ft.</del></p>
d.	<p>Minimum Garage/Carport Setbacks</p> <ol style="list-style-type: none"> <li>1. Detached and attached units <ol style="list-style-type: none"> <li>a) Garage/carport entrance facing/parallel to the street</li> <li>b) Garage/carport entrance sideways/perpendicular to street</li> </ol> </li> <li>2. Multi-dwelling units</li> </ol> <p>See also "h," and "i," below.</p>	<p>19 ft. minimum</p> <p>10 ft. minimum</p> <p>Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development.</p> <p>Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards.</p> <p>Off-street parking and garages shall be located interior to the site in accordance with Chapter 4.10 - Pedestrian Oriented Design Standards.</p>

Area When a Development is Zoned MUR and is Next to Land Zoned RS-9 or RS-9(U) and Figure 3.9-2 - Required Height Transition Area When a Development is Zoned MUR and is Next to Land Zoned RS-3.5, RS-5, or RS-6.

- e. Where a property in the MUR Zone abuts a property in the RS-3.5, RS-5, or RS-6 Zone, buildings on the perimeter of the MUR site and closest to the Low Density Residential zone shall be limited to 150 ft. in length.

*[Section 3.9.40 amended by Ordinance 2012-00x, effective December X, 2012]*

### **Section 3.9.50 - MULTIPLE BUILDINGS ON ONE LOT OR SITE**

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply to multiple residential buildings on a single lot or site in the MUR Zone:

- a. Buildings with opposing windowed walls shall be separated by 20 ft.
- b. Buildings with windowed walls facing buildings with blank walls shall be separated by 15 ft. However, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.
- c. Buildings with opposing blank walls shall be separated by 10 ft. As stated in "b" above, no blank walls are allowed to face streets, sidewalks, or multi-use paths. See Chapter 4.10 - Pedestrian Oriented Design Standards.
- d. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
- e. Buildings with courtyards shall maintain separation of opposing walls as listed in "a," through "c," above.
- f. Where buildings exceed a length of 60 ft. or exceed a height of 30 ft., the minimum wall separation shall be increased. The rate of increased wall separation shall be one ft. for each 15 ft. of building length over 60 ft., and two ft. for each 10 ft. of building height over 30 ft.
- g. Driveways, parking lots, and common or public sidewalks or multi-use paths shall maintain the following separation from dwelling units built within eight ft. of the ground level.

## **CHAPTER 3.15 RIVERFRONT (RF) ZONE**

### **Section 3.15.10 - PURPOSE**

The Riverfront (RF) Zone implements the Central Business Comprehensive Plan designation for a portion of the core downtown area. It is intended to provide an area for Commercial, Civic, and Residential Uses, and to merge downtown with the Riverfront Commemorative Park in a pedestrian-friendly, multi-use neighborhood that focuses on the river. While the Zone does not permit new Low Density Residential Building Types, it does encourage dwelling units in, or attached to, buildings containing commercial activities.

Development in the Riverfront Zone is intended to enhance public safety and the pedestrian experience by encouraging the presence of citizens 24 hours a day. Allowed Uses such as retail, office and restaurants with windows to the sidewalk, and a residential neighborhood promote the greatest public access and activity. Large-scale civic and cultural facilities are encouraged in the Riverfront Zone, provided the Uses and activities promote the basic function of the Zone. Such Uses shall be reviewed for their character and contribution to the viability of the Riverfront Zone and to the Central Business Zone, and may be reviewed under the procedures outlined in Chapter 2.12 - Lot Development Option or Chapter 2.5 - Planned Developments should variations to development standards be needed.

Safe, adequate, and convenient parking for employees, customers, and residents is desired through the use of on-street parking and parking facilities that are functionally and visually compatible with the pedestrian orientation of the area. Structured parking facilities are encouraged to promote Use densities that enhance the intended high level of neighborhood safety and pedestrian activity within the multi-use neighborhood. To the extent that they meet the other purposes of the RF Zone and other requirements of this Code, creative measures to provide needed parking within the RF Zone and potentially within the Central Business Zone are encouraged to foster community-preferred activities in the RF Zone.

### **Section 3.15.20 - GENERAL PROVISIONS**

Establishment of the RF Zone - The provisions of the RF Zone shall apply only to properties designated RF on the Official Zoning Map, effective December 31, 2006.

- c) Business Support Services
- d) Communication Services
- e) Convenience Sales and Personal Services
- f) Day Care, Commercial Facility
- g) Eating and Drinking Establishments - except Drive-through Facilities
- h) Financial, Insurance, and Real Estate Services
- i) Food and Beverage Sales
- j) Medical Services
- k) Participant Sports and Recreation
  - 1) Indoor
  - 2) Outdoor
- l) Professional and Administrative Services
- m) Repair Services - Consumer
- n) Research Services
- o) Retail Sales - General
- p) Spectator Sports and Entertainment - Limited
- q) Technical Technology and Support Services Center - upper floors only
- ~~r) Telemarketing Center - upper floors only~~
- r) Temporary Outdoor Markets
- s) Lodging Services - Hotel/Motel - In the RF Zone, this includes only non-ground-floor rooms; however, access areas such as

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development, and all other applicable provisions of this Code. Items allowable under Conditional Development include occupied towers or penthouses over 75 ft. high, per Section 3.15.40.02.

### **3.15.30.03 - General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review, and all other applicable provisions of this Code.

- a. Minor Utilities - as projections only, subject to standards in Chapter 4.9 - Additional Provisions.
- b. Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 75 ft. in height, in accordance with Chapter 4.9 - Additional Provisions. If adjacent to an RS-3.5, RS-5, RS-6, RS-9, or RS-9(U) Zone, the threshold is 20 ft. above the height of the structure or 85 ft. in height, whichever is less. Note: Flagpoles subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

[Section 3.15.30 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 3.15.40 - DEVELOPMENT STANDARDS**

### **3.15.40.01 - Lot Area and Setback Requirements**

- a. The RF Zone has no minimum parcel area and no minimum setbacks, except as provided in "b," below, and as required for vision clearance, such as at parking structure entrances and intersections.
- b. A building's occupied space shall extend to the street along at least 75 percent of the property line at the sidewalk. An unlimited setback can be applied to a maximum of 25 percent of the property line when development incorporates enhanced pedestrian spaces and amenities that occupy 100 percent of the additional setback area. Enhanced pedestrian spaces and amenities consist of publicly accessed features including plazas, arcades, courtyards, lawns, outdoor cafes, widened sidewalks, benches, shelters, street furniture, or kiosks. Enhanced pedestrian spaces shall open to the sidewalk, include at least one adjoining entry into a building, and meet ground-floor development standards.

## CHAPTER 3.24 GENERAL INDUSTRIAL (GI) ZONE

### Section 3.24.10 - PURPOSE

This is the primary zone that implements the General Industrial Comprehensive Plan designation. It is intended to provide appropriate locations for a variety of General Industrial Uses including Manufacturing and related activities with few, if any, nuisance characteristics. This zone prohibits Residential Uses except as authorized in Chapter 4.3 - Accessory Development Regulations.

### Section 3.24.20 - PERMITTED USES

#### 3.24.20.01 - Ministerial Development

##### a. Primary Uses Permitted Outright

##### 1. Civic Use Types -

~~a) Major Services and Utilities~~

b a) Minor Utilities - with towers not exceeding 75 ft. in height, subject to standards in Chapter 4.9 - Additional Provisions

e b) Parking Services

d c) Public Safety Services

e d) Freestanding Wireless Telecommunication Facilities up to 120 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.

##### 2. Commercial Use Types -

a) Agricultural Sales

b) Agricultural Services

c) Animal Sales and Services -

1) Grooming - in conjunction with veterinary

- b. Freestanding Wireless Telecommunication Facilities greater than 120 ft. in height, subject to the standards in Chapter 4.9 - Additional Provisions.
- c. Freestanding Wireless Telecommunication Facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c in Chapter 4.9 - Additional Provisions.
- d. Colocated/attached Wireless Telecommunication Facilities that increase the height of the existing structures by more than 20 ft., subject to the standards in Chapter 4.9 - Additional Provisions.

### **3.24.20.03 -General Development**

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.

- a. Explosive or Fuel Storage
- b. Major Services and Utilities
- c. Projections such as chimneys, spires, domes, and towers, not used for human occupancy and exceeding 75 ft. in height, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles subject to requirements in Section 47.70.b of Chapter 4.7 - Sign Regulations

[Section 3.24.20 amended by Ordinance 2012-00x, effective December X, 2012]

## **Section 3.24.30 - DEVELOPMENT STANDARDS**

### **3.24.30.01 - Lot Area**

Lots shall be adequate to fulfill applicable Code requirements and minimum standards of this Zone.

### **3.24.30.02 - Setbacks**

- a. **Boundary Area -**
  - 1. A setback of not less than 100 ft. shall be provided from any residential, Agriculture-Open Space, or Willamette River Greenway property line. Off-street parking and loading shall be permitted in this

## CHAPTER 4.2 LANDSCAPING, BUFFERING, SCREENING, AND LIGHTING

### Section 4.2.10 - PURPOSES

The City recognizes the aesthetic and economic value of landscaping and encourages its use to establish a pleasant community character, unify developments, and buffer or screen unsightly features; to soften and buffer large-scale structures and parking lots; and to aid in energy conservation by providing shade from the sun and shelter from the wind. The community desires and intends all properties to be landscaped and maintained.

This Chapter prescribes standards for Landscaping, Buffering, Screening, and Lighting. While this Chapter provides standards for frequently encountered development situations, detailed planting plans and irrigation system designs, when required, shall be reviewed by the City with this purposes clause as the guiding principle.

### Section 4.2.20 - GENERAL PROVISIONS

#### a. Required Landscaping -

1. Landscaping and Irrigation Plans - Where a landscape plan is required by this Code, by a particular proposal, and/or by Conditions of Approval, detailed planting plans, irrigation plans and other related plans shall be submitted for review and approval with Building Permit applications and/or prior to the recordation of a Final Plat, as applicable. Building Permits, including Foundation Permits, shall not be issued until the Director has determined that the plans comply with the purposes clause and specific standards in this Chapter, any specific proposal(s), and/or Conditions of Approval that apply to the particular project. On a case by case basis, and where no Significant Natural Features would be impacted, the Director may grant an exception and allow the issuance of permits. Required landscaping shall be reviewed and approved by the Director, and in no case shall landscaping be less than that required by this Chapter. Landscaping shall consist of ground cover, shrubbery, and trees.
  
2. Installation - All required landscaping and related improvements, such as irrigation, etc., shall be completed prior to the issuance of a Certificate of Occupancy, with the exception of landscaping and related improvements required along Arterial, Collector, and Neighborhood Collector Streets per LDC Section 4.0.30.a.2, or which are located within Tracts and public rights-of-way that abut those Tracts. All required landscaping and related improvements along Arterial, Collector, and Neighborhood Collector Streets or which are located within Tracts and public rights-of-way that abut those Tracts shall be completed or financially guaranteed prior to the recording of the associated Final Plat. Additionally, all required landscaping and related improvements within the public right-of-way, and/or required by Conditions of Approval in conjunction with recording of the Final Plat, shall be completed or financially guaranteed prior to the recording of a Final Plat. If an applicant

years old, and are retained as significant vegetation in common, open space tracts and areas. Irrigation systems needed to establish trees and shrubs in Natural Resource and Natural Hazard areas are required. Where required, a detailed irrigation system plan shall be submitted with Building Permit applications. The plan shall indicate source of water, pipe location and size, and specifications of backflow device. The irrigation system shall utilize 100 percent sprinkler head-to-head coverage or sufficient coverage to ensure 90 percent coverage of plant materials in three years.

- g. In no case shall shrubs, conifer trees, or other screening be permitted within Vision Clearance Areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles.
- h. **Historically Significant Trees** - Definitions, procedures, and review criteria to remove Historically Significant Trees are located in Chapter 1.6 - Definitions, and Sections 2.9.70.y, 2.9.90.02.a.11, 2.9.110.01.e, and 2.9.110.03.d of Chapter 2.9 - Historic Preservation Provisions.
- i. **Hazardous Tree Removal** - Hazardous Trees are defined in Chapter 1.6 - Definitions. Except in emergency situations, removal of Hazardous Trees may only occur following the City Urban Forester's approval of a Hazard Tree Evaluation, which recommends tree removal. The Hazard Tree Evaluation shall be performed by an ISA Certified Arborist or ASCA Consulting Arborist using the 12-point hazard evaluation method, and the associated report must be submitted to the City's Urban Forester for review. The City Urban Forester will make the final determination as to whether or not the tree qualifies as a Hazardous Tree. Historically Significant Trees are also subject to the provisions in LDC Section 2.9.70.y. Protected trees that qualify as Hazardous Trees are also subject to the relevant Natural Resource protection provisions in this Code, and/or any relevant Conditions of Approval.

*[Section 4.2.20 amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 4.2.30 - REQUIRED TREE PLANTINGS AND MAINTENANCE**

##### **a. Tree Plantings -**

Tree plantings in accordance with this Section are required for all landscape areas, including but not limited to parking lots for four or more cars, public street frontages, private streets, multi-use paths, sidewalks that are not located along streets, alleys, and along private drives more than 150 ft. long.

##### **1. Street Trees -**

- a) Along streets, trees shall be planted in designated landscape parkway areas or within areas specified in a City-adopted street tree plan. Where there is no designated landscape parkway area, street trees shall be planted in yard areas adjacent to the street, except as allowed elsewhere by "d," below;

## CHAPTER 4.4 LAND DIVISION STANDARDS

### Section 4.4.10 - PURPOSES

The Land Division standards in this Chapter are intended to preserve, protect, and promote the public health, safety, convenience, and general welfare. These standards are implemented in conjunction with the Subdivision, Expedited Land Division, and Partition procedures in Chapter 2.4 - Subdivisions and Major Replats; Chapter 2.5 - Planned Development; and Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments, respectively. They are also implemented in conjunction with Chapter 4.0 - Improvements Required with Development.

### Section 4.4.20 - GENERAL PROVISIONS

#### 4.4.20.01 - Applicability

All Land Divisions shall be in compliance with the requirements of the applicable zone and this Chapter, as well as with all other applicable provisions of this Code. Modifications to these requirements may be made through the procedures in Chapter 2.5 - Planned Development and/or Chapter 2.12 - Lot Development Option, as applicable.

#### 4.4.20.02 - Blocks

- a. **General** - Length, width, and shape of blocks shall be based on the provision of adequate lot size, street width, and circulation; and on the limitations of topography.
- b. **Size** - Blocks shall be sized in accordance with the Block Perimeter provisions within Section 4.0.60 ~~no~~ of Chapter 4.0 - Improvements Required with Development.

#### 4.4.20.03 - Lot Requirements

- a. **Size and Shape** - Lot size, width, shape, and orientation shall be appropriate for the location of the Subdivision and for the Use Type contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, ~~and depth shall generally not exceed 2.5 times the average width.~~ Lot sizes shall not be less than required by this Code for the applicable zone. Depth and width of properties reserved or laid out for

3. Landscaping in the Through Lot Easement area shall comply with the provisions in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

- d. **Lot Side Lines** - Side lines of lots, as much as practicable, shall be at right angles to the street the lots face.
- e. **Lot Grading** - Lot grading shall conform to Chapter 4.12 - Significant Vegetation Protection Provisions; and the City's excavation and fill provisions.
- f. **Building Lines** - Building setback lines may be established in a final plat or included in covenants recorded as a part of a final plat.
- g. **Large Lots** - In dividing land into large lots that have potential for future further Subdivision, a conversion plan shall be required. The conversion plan shall show street extensions, utility extensions, and lot patterns to indicate how the property may be developed to Comprehensive Plan densities and to demonstrate that the proposal will not inhibit development of adjacent lands.
- h. **Minimum Assured Development Area** - For property 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, lots created through a Subdivision, Partition, or Property Line Adjustment process shall be consistent with the provisions of Chapter 4.11 - Minimum Assured Development Area (MADA).

[Section 4.4.20 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 4.4.30 - SPECIAL PROVISIONS FOR LOTS CREATED THROUGH LAND PARTITIONS OR MINOR REPLATS VIA SECTION 4.4.20.03.b "1" or "2."**

In addition to complying with the provisions of Section 4.4.20 above, Partitions and Minor Replats that qualify for the exception in Section 4.4.20.03.b "1" or "2," above, shall be subject to the following standards and procedures.

**4.4.30.01 - ~~Access Way~~ Accessway**

## **CHAPTER 4.7 SIGN REGULATIONS**

### **Section 4.7.10 - PURPOSES**

The City's sign regulations serve the community by doing the following:

- a. Requiring sound construction and maintenance of signs, and by limiting the number of visual images communicated;
- b. Providing an equitable opportunity to use signs as a communication medium outside of public rights-of-way;
- c. Providing standards for location, size, type, and number of signs; and
- d. Providing reasonable limits on the magnitude and extent of graphic communication presented to the public.

### **Section 4.7.20 - OFFENSES**

Any person who erects, installs, maintains, alters, repairs, removes, or uses a sign in violation of the provisions in this Chapter or of the Corvallis Building Code shall be committing a Class B infraction subject to the penalties set forth in Section 4.7.120 of this Chapter. Any person who causes or permits any of these actions shall also be in violation of these regulations.

### **Section 4.7.30 - SIGN MAINTENANCE REQUIRED**

Signs shall be maintained to protect the public safety, present a neat appearance, and prevent deterioration.

- a. A permit is not required for normal maintenance and repair of a sign or sign structure, such as painting, repainting, and cleaning.
- b. A permit is required for structural and electrical modifications, including changes of sign size, shape, and location.

to the public safety or health by reason of poor structural design or construction, inadequate maintenance, lack of repair, or dilapidation;

- f. Signs located on or above public rights-of-way without written consent of the applicable jurisdiction, unless permitted by Sections 4.7.70 through 4.7.90, below. This includes, but is not limited to: sandwich boards (unless permitted by Section 4.7.90.04.c), posters on utility poles, political signs in parking strips, and signs on sidewalks;
- g. Signs that flash, blink, fluctuate, or have chaser, scintillating, or speller effects, including search lights. The interval of change specified in Section 4.7.80.07 shall be used to inform the meaning of these terms for all sign types;
- h. Signs that move or have any moving part. This includes movement by mechanical, electrical, or kinetic means, wind currents, or any other means;
- i. Signs that inflate, including balloons and blimps;
- j. Pennants, flags, and banners (unless permitted by Section 4.7.90.04.c). See Section 4.7.70.b regarding official national, state, and local flags, Section 4.7.80.05 regarding temporary banners, Section 4.7.90.04.c regarding Portable Signs in the Central Business and Riverfront Zones, and the Portable Sign definition in Chapter 1.6 - Definitions;
- k. Roof signs including those projecting more than four ft. above an eave on sloped roofs, or four ft. above the parapets on flat roofs;
- l. Signs with visible A-frames, trusses, or guy wires as part of the sign or sign structure (unless permitted by Section 4.7.90.04.c);
- m. Signs placed on, affixed to, or painted on any motor vehicle, trailer, or other mobile structure not registered, licensed, and insured for use on public highways; and
- n. Handbills, including any notice, placard, poster, showbill, dodger, circular, pamphlet, booklet, letter, folder, sheet, sticker, or banner, except as permitted by the Corvallis Criminal Code.

*[Section 4.7.50(g) amended by Ordinance 2012-00x, effective December X, 2012]*

## Section 4.7.60 - SIGN PERMIT PROCEDURE

Unless exempt through Section 4.7.70, a Sign Permit is required for installation of each sign and billboard.

- a. A completed Sign Permit application accompanied by the appropriate fee shall be submitted for review to the ~~Development Assistance Center~~ Services Division.
- b. The Director shall review the Sign Permit application to ensure it is complete and accompanied by the appropriate fee, and that the proposed sign complies with the requirements of this Code and other City ordinances. A Permit shall be issued only when all of these criteria have been met. Additionally, unless exempt per Section 2.11.40.e, signs in Special Flood Hazard Areas shall obtain a Flood Development Permit per Chapter 2.11 - Floodplain Development Permit.
- c. An approved Sign Permit does not replace, supersede, or waive structural or electrical standards and permits required by the Corvallis Building Code. These other permits must also be obtained prior to work on the installation of a sign.
- d. The applicable Permit review fee shall be doubled if sign installation is begun before the Permit is obtained. Payment of the double fee shall not relieve any person from full compliance with these regulations.
- e. The Permit shall expire if a sign is not installed within 180 days from the date of a Sign Permit application approval. Re-application shall include a new, fully completed application form and a new Permit review fee. The application must comply with the findings in "b," above, including any amendments to these regulations adopted since the previous Permit approval.
- f. An approved Sign Permit may be revoked by the Director if the sign is not constructed and installed as approved, if incorrect information was provided on the application, or if the City approved the Permit in error. A decision of the Director may be appealed to the Land Development Hearings Board in accordance with Chapter 2.19 - Appeals.
- g. All signs shall be subject to inspection and reinspection by the Director. Footing inspections may be required for all signs having footings.

*[Section 4.7.60(a) amended by Ordinance 2012-00x, effective December X, 2012]*

## Section 4.7.70 - EXEMPTIONS FROM SPECIFIC REQUIREMENTS OF REGULATIONS

The following types of graphic communication are exempt from one or more requirements of this Chapter, but shall comply with other applicable provisions. They are not subject to allocation limits specified in sections 4.7.80 and 4.7.90 below. Limitations on number and size of these classes of signs, if any, are noted below.

- a. Signs erected in a public right-of-way by an agent of the City, Benton County, the State of Oregon, the U.S. Government, or a public utility are exempt from the provisions of these regulations. Exempt signs include:
  1. Street identification signs; and
  2. Traffic control, safety, warning, hazard, construction, and related signs.

- b. One official national, state, and local government flag or banner per property when installed in a manner that meets City ordinances and when flown and maintained with the respect due to these symbols of honor and authority, as specified by the U. S. Flag Code, are exempt from the provisions of these regulations. As per Section 4 of the U. S. Flag Code, the American flag should never be used for advertising purposes.

The flag structure shall not exceed 20 ft. in height or a height 10 percent greater than the maximum height of the primary structure on the property, whichever is greater. All structures over 10 ft. in height supporting flags require a Building Permit and inspection(s) of the footing and structure, as per the Corvallis Building Code, prior to installation of the structure.

- c. Campaign signs related to local, state, or national elections shall be exempt from the permit requirements and allocation limitations, provided they comply with the following: campaign signs shall be limited to the time period between 60 ~~90~~ days preceding the election date to 15 days following the election date; and campaign signs shall be located only on private property and outside of Vision Clearance Areas.
- d. Signs required by City ordinance, County ordinance, or state or federal law are exempt from the provisions of these regulations. Examples include address numbers, street names, public notices, restaurant health inspection ratings, handicapped access signs, and Civil Defense Shelter signs.
- e. For Designated Historic Resources listed in the Local and/or National Register of

Historic Places, one permanent memorial sign or tablet per property is exempt from the provisions of these regulations. To be exempt, the dimensions and design of such memorial signs or tablets shall be consistent with guidelines established by the Corvallis Historic Resources Commission.

- f. Permanent signs directing and guiding traffic and parking on private property, not to exceed six sq. ft. and limited to one sign per driveway entrance or street frontage are exempt from the provisions of these regulations. Other signs that designate reserved parking spaces or are related to traffic or parking regulations, if limited to two sq. ft., are also exempt.
- g. One non-illuminated blade sign per entrance to a building, placed above a walkway and under weather-protecting awnings, marquees, and parapets, is exempt from the Sign Area limits of sections 4.7.80 and 4.7.90 below and from the limitation of two attached signs per occupant or business. An approved Permit is required prior to installation. See Section 4.7.80.06 below for additional blade sign standards.
- h. Signs that communicate only to persons inside buildings or building complexes or on private property shall be exempt from the provisions of these regulations.
- i. Signs, decorations, and displays inside of windows or attached to the inside of a window are exempt from these requirements, except those signs prohibited by Section 4.7.50.
- j. Temporary Signs and Portable Signs conforming with this Chapter shall be exempt from the Permit requirements. See definitions for Temporary Signs and Portable Signs in Chapter 1.6 - Definitions.

*[Section 4.7.70(c) amended by Ordinance 2012-00x, effective December X, 2012]*

#### **Section 4.7.80 - ALLOCATION PROVISIONS AND DESIGN STANDARDS BY TYPE OF SIGN**

The following provisions and design standards organized by type of sign specify how the total sign allocation may be used. Unless specified elsewhere in these regulations, the sign allocation for a property shall be determined by multiplying the length of a property's primary frontage by the primary frontage multiple, which is identified for each zone in Section 4.7.90 below.

banner permit issued on a property shall determine the option chosen. The options are:

1. Each property is limited to three Sign Permits for banners per year. The maximum Sign Area for a banner shall be 16 sq. ft. Each Sign Permit for a banner shall be valid for 30 consecutive days, after which time the banner shall be removed; or
  2. Each property is limited to two Sign Permits for banners per year. The maximum Sign Area for a banner shall be 100 sq. ft. Each Sign Permit for a banner shall be valid for seven consecutive days, after which time the banner shall be removed.
- b. All banners shall be securely attached flush with a building face and comply with the maximum sign height provisions for attached signs in the applicable zone. The Sign Area of a banner sign shall not reduce a property's sign allocation.

#### **4.7.80.06 - General Requirements for Blade Signs**

- a. One non-illuminated blade sign above the walkway shall be allowed under weather protecting awnings, marquees, and parapets, placed at each entrance to a building. An approved Sign Permit is required prior to installation. Blade signs are exempt from the limitation of two attached signs per occupant or business, as discussed in Section 4.7.80.01.b above.
- b. Vertical dimension of a blade sign shall not exceed one ft. and the width shall not exceed 90 percent of the width of the weather protection, for a maximum Sign Area per sign of four sq. ft.

#### **4.7.80.07 - General Requirements for Variable Message Signs**

- a. The interval of change in the message or copy of a variable message sign, whether manual or automated, may not be less than twenty minutes. In no case shall the sign exhibit characteristics of those signs prohibited in Section 4.7.50.g.
- b. The portion of signs that display time and temperature information are exempt from the interval of change limitation of Section 4.7.80.07.a. above.

*[Section 4.7.80.07(b) amended by Ordinance 2012-00x, effective December X, 2012]*

## **CHAPTER 4.10 PEDESTRIAN ORIENTED DESIGN STANDARDS**

### **Section 4.10.10 - PURPOSE**

The Pedestrian Oriented Design Standards in this Chapter are established to do the following:

- a. Implement applicable policies of the Comprehensive Plan;
- b. Foster human-scale development that emphasizes pedestrian rather than vehicular features;
- c. Promote pedestrian oriented buildings, pedestrian amenities, and landscaping that contribute positively to an appealing streetscape;
- d. Promote an environment where developed areas, recreational areas, and multi-use paths are accessible to all;
- e. Promote pedestrian safety by increasing the visibility and vitality of pedestrian areas;
- f. Ensure direct and convenient access and connections for pedestrians and bicyclists;
- g. Augment the sidewalk and multi-use path system for pedestrians;
- h. Provide a connected network of sidewalks and multi-use paths;
- i. Encourage street activity to support livable neighborhoods and vital commercial areas;
- j. Ensure that developments contribute to the logical continuation of the City's street and block form and/or establish block patterns in parts of the City where they do not exist;
- k. Provide a sense of diversity and architectural variety, especially in residential areas, through the use of varied site design layouts and building types and varied densities, sizes, styles, and materials;

**4.10.70.05 - Standards and Menus for Pedestrian Features and Design Variety**

**a. Pedestrian Amenities Standards**

**1. Weather Protection -**

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

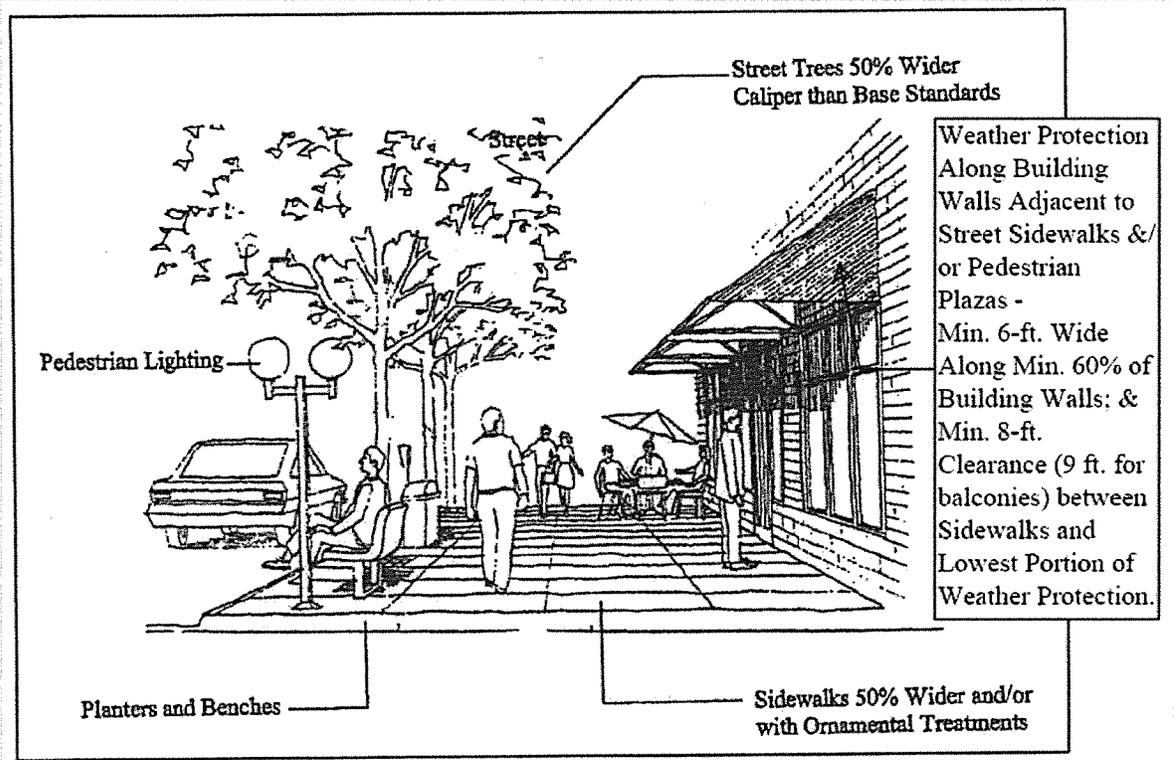


Figure 4.10-22 - Weather Protection

seating wall, that conform to the accessibility standards in Section 4.10.70.05.a.4.

- c) Entrances - Primary building entrances shall be clearly defined by recess or projection, and shall be framed by a sheltering element such as an awning, overhang, arcade, or portico.
- d) Base Treatments - A recognizable Base Treatment consisting of at least one of the following:
  - 1) Thicker walls, such as a bulkhead, ledges, or sills as viewed from the exterior of the building;
  - 2) Integrally textured materials such as stone, stucco, or other masonry;
  - 3) Integrally colored and patterned materials such as smooth-finished stone or tile;
  - 4) Lighter or darker colored materials, Mullions, or panels;
  - 5) Detailing such as scoring, ribbing, moldings, or ornamentation; or
  - 6) Planters integral to the building.
- e) Top Treatments - A recognizable Top Treatment consisting of at least one of the following:
  - 1) Cornice treatments, other than colored stripes or bands that are integral to the building design. Materials such as stone, masonry, brick, wood, galvanized and painted metal, or other colored materials shall be used;
  - 2) Sloping roof (4:12 or greater) with overhangs. Overhangs may be boxed with moldings such as Modillions, Dentils, or other moldings, as applicable; or contain brackets; or
  - 3) Stepped parapets.

[Section 4.10.70 amended by Ordinance 2012-00x, effective December X, 2012]

## **CHAPTER 4.11 MINIMUM ASSURED DEVELOPMENT AREA (MADA)**

### **Section 4.11.10 - PURPOSES**

Procedures and standards for determination of Minimum Assured Development Area (MADA) are established in this Chapter to accomplish the following purposes:

- a. Provide protection for identified significant Natural Resources and reduce risks associated with Natural Hazards as identified in 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, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;
- b. Permit efficient use of land;
- c. Provide flexibility and innovation in site planning to allow for an appropriate level of development on sites where Natural Resources are located;
- d. Establish a balanced, clear, and objective mechanism to avoid an undue burden for property owners protecting Natural Resources on individual properties;
- e. Minimize procedural delays and ensure due process in the review of development proposals.

### **Section 4.11.20 - GREATER RESTRICTIONS**

This Chapter of this Code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, these provisions do provide relief from other ordinances to assure a minimum development area.

### **Section 4.11.30 - PROCEDURES**

Properties with Natural Resources or Natural Hazards subject to the provisions of 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, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, have access to the provisions of this Chapter, provided the regulations within it are

Natural Resources and Natural Hazards, even to provide a Minimum Assured Development Area. Regardless of the area or percentage of a particular lot or parcel covered by the High Risk/Impact Natural Resources and Natural Hazards, no encroachments shall be permitted within them, except as provided in Chapter 2.11 - Floodplain Development Permit, Chapter 4.5 - Floodplain Provisions, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

b. All development in the Natural Resources and Natural Hazards listed in "c," below, shall be limited to the specific land uses, development requirements, and exceptions listed in 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, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions.

c. **High Risk/Impact Natural Resources -**

1. Slopes of 35 percent or greater, unless allowed by Chapter 4.14 - Landslide Hazard and Hillside Development Provisions;
2. Landslide Debris Runout Areas, unless allowed by Section ~~4.5.70~~ 4.14.60;
3. 0.2-ft. Floodway; and
4. Less than five ft. from the Top-of-bank in Riparian Corridors.

[Section 4.11.50 amended by Ordinance 2012-00x, effective December X, 2012]

### **Section 4.11.60 – VARIATIONS**

Except as limited by provisions in 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, and Chapter 4.14 - Landslide Hazard and Hillside Development Provisions, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code

## **CHAPTER 4.14 LANDSLIDE HAZARD AND HILLSIDE DEVELOPMENT PROVISIONS**

### **Section 4.14.10 - PURPOSES - LANDSLIDE HAZARD AND HILLSIDE DEVELOPMENT PROVISIONS**

Without establishing any priority, the purposes of this Chapter are intended to:

- a. Protect human life, health, and property;
- b. Reduce damage and loss of life from the Natural Hazards of steep slopes, landslide risk areas, and landslide-related risk areas;
- c. Implement the landslide hazard and hillside development requirements of Statewide Planning Goal 7 - which relates to Areas Subject to Natural Disasters and Hazards;
- d. Implement the landslide hazard and hillside provisions in Article 4 of the Comprehensive Plan; and
- e. In order to assist in the furtherance of these purposes, where not required, creation of open space tracts is encouraged within areas designated as Natural Resources or Natural Hazards on the Comprehensive Plan and Official Zoning Maps.

### **Section 4.14.20 - APPLICABILITY**

#### **4.14.20.01 - Natural Hazards that are Subject to this Chapter**

- a. **These provisions apply to:**
  1. Areas with slopes equal to or greater than 10 percent;
  2. High landslide risk areas;
  3. Existing landslide areas; and
  4. Landslide debris run-out areas.
- b. **Mapping of Natural Hazards -**
  1. Natural Hazards Map - The Natural Hazard areas in "a," above, are mapped on the Corvallis Natural Hazards Map.
  2. Exclusion of Corvallis Fault Line and Liquefaction Soils - Hazards associated with the Corvallis Fault Line and liquefaction soils are not addressed as part of this Code. Hazards associated with the Corvallis Fault Line, and with fault lines in general, are difficult to anticipate. This is in part because the Fault has not been precisely mapped and

### **Section 4.14.30 - DISCLAIMER OF LIABILITY**

The degree of Natural Hazard protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger hazard events can and will occur on rare occasions. Landslide risks may be increased by man-made or natural causes. Areas impacted by other Natural Hazards may differ from those shown on the Corvallis Natural Hazards Map. This Chapter does not imply that land outside the landslide hazard areas or Uses permitted within such areas will be free from landslides, nor does it imply that land outside of mapped hazard areas will be free from damage or earth movement in a hazard event. This Chapter shall not create liability on the part of the City of Corvallis, any officer or employee thereof, or the Federal Insurance Administration, for any hazard damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder. Compliance with the minimum standards established by this Chapter is not intended to relieve any private party from liability for the design or construction of development which causes damage or injury by aggravating an existing and known hazard.

### **Section 4.14.40 - PROCEDURES**

Compliance with the provisions of this Chapter shall be determined through the development review processes identified in Section 1.2.110 of Chapter 1. 2 - Legal Framework. Applications for Excavation and Grading Permits, Building Permits or other permits for structures on sites containing the Natural Hazard areas, as defined in Section 4.14.20, shall be submitted and reviewed to ensure compliance with specifications referenced herein; and to ensure that development is reasonably safe from anticipated hazards. Such applications for Excavation and Grading Permits, Building Permits or other permits for structures also include those needed for Manufactured Dwellings. Other development activities as described in this provision include, but are not limited to, mining, dredging, filling, grading, paving, and excavating.

- a. **Development Application** - Development applications for all properties containing or abutting a mapped Natural Hazard area shall accurately indicate the locations of these features and the location of any proposed development. Development applications shall include Floodplain Development Permits, Excavation and Grading Permits, Building Permits, Public Improvements by Private Contract Permits (PIPC), and any land use application identified in Chapter 2.1 - Comprehensive Plan Amendment through Chapter 2.14 - Partitions, Minor Replats, and Lot Property Line Adjustments. The Building Official, City Engineer, Floodplain Administrator, or Community Development Director may determine that the following information is not necessary in conjunction with permits for work that would not exacerbate hazard conditions in any way.

**b. Required Information, General** - All such development applications shall include the following information:

1. A site plan showing the proposed development on the site, drawn to a standard scale and including an illustrated scale for use in reductions;
2. Location of all proposed infrastructure necessary to serve the proposed development. Such infrastructure includes streets, driveways, water, sanitary sewer, and storm drainage;
3. Land uses within 300 ft. of the subject property;
4. Title block;
5. North arrow and bar scale;
6. Date(s) of field check(s);
7. A grading plan, if grading is to occur, showing existing and finished contours on the site, at two- ft. contour intervals;
8. Sources of information, such as national, state, or local soil survey maps; and City maps such as Comprehensive Plan and Zoning Maps, the Natural Hazards Map, the Significant Vegetation Map, the Riparian Corridors and Wetlands Map; and date and scale of aerial photos, etc.; and
9. Any other submittal requirements identified for development in areas with specific Natural Hazards, as specified in Sections 4.14.50, 4.14.60, and 4.14.70.

[Section 4.14.40 amended by Ordinance 2012-00x, effective December X, 2012]

**Section 4.14.50 - STANDARDS FOR DEVELOPMENT IN STEEPLY SLOPED AREAS**

**4.14.50.01 - Purposes - Steeply Sloped Areas Provisions**

It is the purpose of these regulations to:

- a. **Provide supplementary development regulations to underlying zones to ensure that development occurs in such a manner that protects:**
  1. The natural and topographic character and identity of these areas;
  2. Environmental resources;
  3. The aesthetic qualities and restorative value of lands; and
  4. The public health, safety, and general welfare;