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Corvallis Mayor and City Council  
501 SW Madison Street  
Corvallis, OR 97330

Community Development  
Planning Division

Re: Kings Boulevard Extension (PLD15-00003)  
Further information on Detailed Development Plan Status

Dear Mayor and City Councilors:

An issue summary letter I filed earlier today asserted that there is no existing Detailed Development Plan for the Road ROW or the balance of the vacant property that was the subject of the 2014 Needed Housing development proposal. The staff's position is to the contrary, I believe. The status is important because it relates to the "in whole or in part" issue.

The Staff Report reaches back into the 1960s to support its assertion that there is a DDP in effect for this property. That is going back to far. Detailed Development Plans did not exist until the City adopted a wholesale revision of the code in 1980.

For purposes of this discussion, it is important to divide the previous five decades into two parts – before and after 1980. In 1980 the City rewrote the zoning code and adopted a new zoning map that applied the new code. This review was done to bring the city's plan and code into compliance with the State land use program, which was kicked-off in 1973 with Senate Bill 100, and gathered steam in the late 1970s. At the end of the 1970s cities were amending their plans and codes in order to have them acknowledged as being in compliance with the state program. Corvallis adopted its new zoning code and applied its new zoning districts at the end of 1980. See Ord. No. 80-100 (Dec. 24, 1980).

The 1980 development code created the /PD overlay zone as we know it now. "Planned Development" was section 112 of the 1980 code. Its stated purpose was to "permit greater flexibility in the land development process." Section 112.01. Attached to this letter are the relevant pages of the 1980 code. The Planned Development regulations followed the basic structure of the current code, providing for review of Conceptual Development Plans and requiring approval of Detailed Development Plans prior to actual development. The zoning map adopted with the new code in 1980 showed areas given a /PD overlay as having a solid black line perimeter. The entire Timberhill property was assigned the /PD overlay at this time.

The Planned Development designation had a much different meaning in the city development code prior to the 1980 Ordinance. PD was not used as an overlay on the base zoning. Instead it was used to replace the base zoning for a particular tract of property. For example, the 1968 zoning code, Ordinance No. 53-11, explained "PD Planned Development" zoning in Article 16A. Thus, the 1968 code explained: "An approved planned development may include any uses

permitted in any district except those permitted only in the M-2 district.” Section 16A.02, Permitted Uses. The PD process and standards were a way to get approval to develop a use that was not allowed in the base zone. Thus, the Gazette-Times Building downtown, with residential base zoning in a residential neighborhood, was approved for that commercial office and printing use by getting a Planned Development approval.

In summary, when the current code or the city staff inquires as to the existence of a Detailed Development Plan, for any reason, the inquiry begins in 1980. That is because prior to the 1980 development code there were no Detailed Development Plans approved in the city – not for anyone.

The 2000 Conceptual Development Plan contains a very general summary of the major land use decisions for the entire Timberhill site from 1968 to 2000. Maps of the historic approvals accompanied that summary. See Planning Commission Staff Report (June 28, 2000) at page 4. It does not describe any decision approving a Detailed Development Plan for this property.

The chronology of land use decisions under the pre-1980 zoning code (when Detailed Development Plans did not exist) can be summarized as follows:

In 1969 the City approved the Timberhill Master Plan, which was a “preliminary development plan,” for the entire 800-acre site, including land in the city and in the county. The approval was PD-69-12 (Aug. 19, 1969) and included a wide range of residential, commercial and community service areas.

In 1975 the City approved annexation of 9.94 acres (A-75-8) and PD zoning (PD-75-8) based on a preliminary development plan based on consistency with the 1969 Master Plan. This approval became Timberhill 3<sup>rd</sup> Addition.

In 1976 the City approved a finding/modification of the 1969 Master Plan approval, determining that the acreages and uses shown on a revised site plan were consistent with the original 1969 Master Plan. The approval was in CPA-76-5 (April 20, 1976).

In 1978 the City approved a major revision to the Timberhill Master Plan. The approval was by AR-77-10; it characterized as “the official preliminary development plan for the Timberhill Planned Development.” Staff Report (March 27, 1978) at 6.

In 1980 the city adopted a new zoning code and a new zoning map, as discussed above. As the city described in its chronology in the 2000 CDP, “[T]he City used the 1977 Timberhill Master Plan and District Map designations for the property.” 2000 CDP. The /PD overlay was applied to the entire property. The new zoning code for the first time made it possible for a property owner to apply for a Detailed Development Plan, under Section 112.

The chronology of land use decisions under the 1980 zoning code – the Land Development Code, can be summarized as follows:

In 1985 the owner applied for and received plan amendments and district changes, including changes to RTC Research Technology Center. The plan amendments were accomplished in CPA-85-1 (March 18, 1985), approving Ordinance 85-11. The district changes were accomplished by DC-85-2. This did not involve a Detailed Development Plan.

In 1988 the City approved a Detailed Development Plan and Subdivision for the Timberhill SE 4<sup>th</sup> Addition. The DDP was accomplished by PD-88-8, Order 88-22 (June 1, 1988). This was a 19-lot subdivision along the southeast boundary of Timberhill.

In 1990 the City approved a Detailed Development Plan and Subdivision for the Timberhill 5<sup>th</sup> Addition. The DDP was accomplished by PD-89-14, Order 90-13 (Feb. 7, 1990). This was a 42-lot subdivision along the northwest boundary of Timberhill. .

In 1992 the City approved a Detailed Development Plan and Subdivision for the Timberhill 4<sup>th</sup> Addition, Phases 2 and 3. The DDP was accomplished by PD-92-1, Order 92-19 (April 1, 1992). This was an 88-lot subdivision on 40.93 acres. .

In 1993 the City approved a Detailed Development Plan and Subdivision for the Timberhill 4<sup>th</sup> Addition, Phase 3. The DDP was accomplished by PD-93-2, Order 93-33 (June 2, 1993). This was a 42-lot subdivision.

In March of 2000 the City took the initiative to amend the plan designations in several places in Timberhill to correct errors made in 1998 when new maps were adopted as part of periodic review. The plan amendments were accomplished by CPA99-00003, Order 2000-15 (March 6, 2000). There was no associated development approval.

In May of 2000, the City approved a Detailed Development Plan for the Townhomes at Timberhill Project. This was accomplished by PD-00-00006 (May 22, 2000). This was an 8.3 acre project adjacent and to the east of 29<sup>th</sup> Street.

In September of 2000 the City also approved a Conceptual Plan Modification for the remaining undeveloped acreage at Timberhill, about 420 acres. The approval was accomplished by PLD00-00014 (Sept. 26, 2000). Although this decision was described a modification of a Conceptual Plan, there was no Conceptual Development Plan under the new code to be modified. The plan being modified was the Timberhill Master Plan, as it had been revised in 1977, under the old zoning code. The 2000 CDP included a small "Phase 1" area, as shown on Figure 2 to the decision. The "Phase I area" is in the SW part of the site with Walnut on the south, Huckleberry on the north, 29<sup>th</sup> on the west, and Kings Blvd. on the east. The Phase 1 area was the subject of a Detailed Development Plan and actual development. The balance remains undeveloped.

Corvallis City Council

January 11, 2015

Page 4

In January of 2003 the City approved a Detailed Development Plan for Timiberhill Meadows Apartments. This was accomplished by PLD02-00020, Order 2003-03 (Jan. 10, 2003). This approved 136 apartment units north of Walnut and west of Kings Blvd.

In summary, the property that is the subject of this request has residential base zoning and is not the subject of any active Detailed Development Plan in the meaning of the current Land Development Code.

Sincerely,

*Bill Kloos*

Bill Kloos

Cc: Client  
DEVCO Engineering