

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 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland 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 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions have access to the provisions of this Chapter, provided the regulations within it are followed. 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 or through the Building Permit or construction permit review processes.

a. Property within the City Limits as of December 31, 2004 -

1. Existing Lots and Development Sites - Minimum Assured Development Area (MADA) applies only to -
 - a) Individual lots and individual parcels legally established prior to December 31, 2004; and
 - b) Development sites composed of one or more legally established lots or parcels aggregated for a specific development permit application.
2. Property Proposed for Subdivision, Partition, or Property Line Adjustment -
 - a) Any Subdivision, Partition, and/or Property Line Adjustment processed after December 31, 2004, shall not create lots or parcels unless:
 - 1) Each new and remaining lot or parcel contains:
 - i. an area unconstrained by Natural Resources or Natural Hazards; or
 - ii. an area that includes Formerly Constrained Areas; or
 - iii. contains an area that includes the areas in 2.a)1)i. and ii. above; and
 - 2) The area in “2. a) 1),” above, is equal to or greater than the Minimum Assured Development Area (MADA) for the zone or zones in which the development proposal falls.
 - b) Exceptions to the requirements in “a,” above, include:
 - 1) Lots created for public park purposes;
 - 2) Privately- or publicly-owned lots completely contained within land zoned Conservation-Open Space; and
 - 3) Common open space tracts created for the purpose of protecting Natural Resources or Natural Hazards.

3. Zone Changes - Zone Changes, other than those initiated by the City Council, shall not be used to increase the area of encroachment into the protected Natural Resources and Natural Hazards on a lot, parcel, or development site, unless such Zone Change is accompanied by an Economic, Social, Environmental, and Energy (ESEE) analysis indicating the overall balance provided by the City's Natural Resources and Natural Hazards protection program is maintained or improved.

b. Property Annexed to the City after December 31, 2004 -

1. Existing Lots and Development Sites - Minimum Assured Development Area (MADA) applies only to -
 - a) Individual lots and individual parcels legally established prior to Annexation; and
 - b) Development sites composed of one or more legally established lots or parcels aggregated for a specific development permit application.
2. Property Proposed for Subdivision, Partition, or Property Line Adjustment -

Any Subdivision, Partition, and/or Property Line Adjustment processed after Annexation shall not create lots or parcels unless the proposal meets the provisions in Section 4.11.30.a.2, above.
3. Zone Changes - After Annexation, Zone Changes, other than those initiated by the City Council, shall meet the provisions in Section 4.11.30.a.3, above.

c. Re-use of Minimum Assured Development Area (MADA) Prohibited -

1. Once a site has been developed based on the provisions of this Chapter, no increase in the MADA shall be permitted. Development may occur in phases and portions of sites may be developed. However, the total MADA shall not exceed that allowed for the site as a whole. Sites which have used the MADA provisions shall be graphically outlined on the Official Zoning Map and monitored in the City's Permit Plan tracking system.

2. Once annexed, any County development on a site that occurred prior to Annexation shall be included as part of and not in addition to the MADA calculations allowed by this Chapter.

d. Effects of Underground Utility Projects on Minimum Assured Development Area (MADA) - The following improvements shall not be counted as development against the MADA for a site:

1. Underground utility projects that have been or are proposed to be constructed in accordance with the Corvallis Capital Improvement Program (CIP) process; and
2. Areas planted with native species as mitigation for the construction impacts in “1,” above.

Section 4.11.40 - Submittal Requirements for Determining Minimum Assured Development Area

Proposals for development of properties containing Natural Resources and Natural Hazards identified in Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12- Significant Vegetation Provisions, and/or Chapter 4.13 - Riparian Corridor and Wetland Provisions shall contain the following information:

- a.** Description of the land on which the proposed development is to take place, including address, lot, block, tract, Assessor’s Map and Tax Lot number, or similar description;
- b. Narrative** - A narrative that includes:
 1. A description or table identifying the allowed Minimum Assured Development Area (MADA) for the site, calculated in accordance with the provisions of this Chapter; and
 2. The extent of any proposed encroachments into the protected Natural Resource and Natural Hazard areas.

- c. Map information and supporting data to support any Map Refinement requests being submitted in conjunction with a request to determine the MADA on a site.

- d. **Site Plans** - Site plans drawn to scale and showing existing conditions. The plans shall be no larger than 24 by 36 in. and shall include a copy reduced to either 8.5 by 11 in. or to 11 by 17 in. The site plan shall show:
 - 1. Date, scale, scale bar, and north arrow;
 - 2. Relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways;
 - 3. Property lines and dimensions;
 - 4. Location and extent of each of the Natural Hazards identified as Highly Protected on the Natural Hazard Map, both on and within 150 ft. of the site;
 - 5. Location and extent of each of the Natural Hazards identified as Partially Protected on the Natural Hazard Map, both on and within 150 ft. of the site;
 - 6. Location and extent of each of the Natural Resources identified as Highly Protected on the Significant Vegetation Map and the Riparian Corridors and Wetlands Map, both on and within 150 ft. of the site;
 - 7. Location and extent of each of the Natural Resources identified as Partially Protected on the Significant Vegetation Map and the Riparian Corridors and Wetlands Map, both on and within 150 ft. of the site;
 - 8. Public and private roadways and driveways;
 - 9. Location and extent of required Department of State Lands and/or U.S. Army Corps of Engineers Wetland mitigation areas located on the site and/or a permit indicating any off-site mitigation acreage requirements.

10. Vehicle and pedestrian access points and accessways;
 11. Public and private easements and labels as to the purpose of the easements;
 12. Existing structures, including fences and walls;
 13. Existing off-street parking facilities; and
 14. Any dedications that exist on the site.
- e. Site Plans with Preservation Information** - Site plans indicating the proposed development and areas of preservation. The plans shall be no larger than 24 by 36 in. and drawn to scale, and shall include a copy of the site plan reduced to either 8.5 by 11 in. or to 11 by 17 in. The site plan shall include the information required in Section 4.11.40.d and the following:
1. Proposed development and disturbance areas;
 2. If grading is to occur, a grading plan showing existing and finished contours on the site, at two-ft. contour intervals;
 3. Location and extent of the proposed encroachment into the protected Natural Resources and Natural Hazards and area calculations of the encroachment into each specific protected Natural Resource and Natural Hazard, as listed in Section 4.11.50.04.
- f. Minimum Assured Development Area (MADA) Calculations** -Minimum Assured Development Area (MADA) calculations to include:
1. Acreage of the lot, parcel, or development site;
 2. Current Zoning Map designations of the site;
 3. Acreage and Percentage Coverage of the Site for -

- a) The aggregate of the Highly Protected Natural Resources and Natural Hazards; and
 - b) The Net Aggregate Natural Feature Area of the Partially Protected Natural Resources and Natural Hazards. This net aggregate excludes Partially Protected Natural Resources and Natural Hazards that are located in the same physical location as Highly Protected Natural Resources and Natural Hazards. See Chapter 1.6 - Definitions for the definition of Net Aggregate Natural Feature Area;
4. Acreage and percent coverage of the site for areas that are inaccessible due to the location of the protected Natural Resources and Natural Hazards;
 5. Acreage of the portion(s) of public right-of-way dedication that is:
 - a) For roadways that are identified in the Corvallis Transportation Plan and are located outside of the protected Natural Resources and Natural Hazards areas; and
 - b) Limited to the acreage associated with the extra-capacity aspect of the roadways identified in “a,” above. This extra-capacity aspect includes acreage in excess of that required for a Local Street;
 6. Acreage of Wetland mitigation areas required to allow construction of the publicly dedicated road improvements in “5,” above, to and through the site. The Wetland mitigation area acreage is limited to that specifically needed for the extra-capacity portion of the road improvements, as described in “5,” above;
 7. Acreage of on-site and off-site Wetland mitigation areas not already covered in “6,” above, and identification of where any off-site mitigation acres will be located;

8. Acreage and percentage of the site that is not constrained by “3,” through “7,” above;
9. Minimum and maximum residential density calculations for the site;
10. Allowed Minimum Assured Development Area (MADA) in accordance with Section 4.11.50, and proposed number of dwelling units for Residential Uses;
11. Minimum Assured Development Area (MADA) in accordance with Section 4.11.50, and proposed gross square footage of the development for nonresidential Uses;
12. Acreage of the encroachment into each Natural Resource and Natural Hazard protected in Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions; and the net cumulative area of the encroachments; and
13. Acreage remaining of each of the protected Natural Resources and Natural Hazards on the site.

Section 4.11.50 - STANDARDS FOR MINIMUM ASSURED DEVELOPMENT AREA

4.11.50.01 - Natural Resources and Natural Hazards Coverage and Unconstrained Area -

- a. **Determining Natural Resource and Natural Hazard Coverage** - The Natural Resources and Natural Hazards Coverage for a site is composed of:
 1. The areas identified as Highly Protected Natural Resources and Natural Hazards in Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions;

2. The 25-ft. setback/buffer area of Partially Protected Riparian Corridors;
 3. Areas of Partially Protected Significant Vegetation, consistent with Chapter 4.12 - Significant Vegetation Protection Provisions; and
 4. Areas that are not covered by Natural Resources and Natural Hazards, but that cannot be accessed or served with public utilities without encroaching into, or crossing over, protected Natural Resources and Natural Hazards.
- b. Determining Unconstrained Area** - The Unconstrained Area of a site is that portion which is not included in the Natural Resources and Natural Hazards coverage, as determined by the provisions of “a,” above.

4.11.50.02 - Calculation of the Base Minimum Assured Development Area (MADA)

- a. Residential Sites** -The base Minimum Assured Development Area (MADA) for a residential site shall be calculated by multiplying the acreage of the site by the Minimum Assured Development Area (MADA) per acre as shown in Table 4.11-1 - Determining Minimum Assured Development Area (MADA) for Residential Zones, below. Acreage calculations shall be rounded to two decimal points. If a site contains multiple zones, the base Minimum Assured Development Area for each zone shall be determined. The total base Minimum Assured Development Area shall be the sum of the base Minimum Assured Development Areas for all the zones.

Table 4.11-1 Determining Minimum Assured Development Area (MADA) for Residential Zones			
Zone	Base MADA/Acre	Area Credits (4.11.50.02.c)	Total MADA
RS - 1	10,000 sq. ft.		
RS - 3.5	17,500 sq. ft.		
RS - 5	15,250 sq. ft.		

Table 4.11-1			
Determining Minimum Assured Development Area (MADA) for Residential Zones			
Zone	Base MADA/Acre	Area Credits (4.11.50.02.c)	Total MADA
RS - 6	13,000 sq. ft.		
RS - 9	21,800 sq. ft.		
RS - 9U	21,800 sq. ft.		
RS - 12	21,800 sq. ft.		
RS - 12U	21,800 sq. ft.		
RS - 20	24,000 sq. ft.		
MUR	21,800 sq. ft.		

- b. Nonresidential Sites** -The base Minimum Assured Development Area of a nonresidential site shall be calculated by multiplying the acreage of the site by the Minimum Assured Development Area per acre, as shown in Table 4.11-2 - Determining Minimum Assured Development Area (MADA) for Nonresidential Zones, below. Acreage calculations shall be rounded to two decimal points. If a site contains multiple zones, the base Minimum Assured Development Area for each zone shall be determined. The total base Minimum Assured Development Area shall be the sum of the base Minimum Assured Development Areas of all the zones.

Table 4.11-2			
Determining Minimum Assured Development Area (MADA) for Nonresidential Zones			
Zone	Base MADA/Acre	Area Credits (4.11.50.02.c)	Total MADA
Professional and Administrative Office	19,600 sq. ft.		
Minor Neighborhood Center	19,600 sq. ft.		
Major Neighborhood Center	23,950 sq. ft.		

Table 4.11-2 Determining Minimum Assured Development Area (MADA) for Nonresidential Zones			
Zone	Base MADA/Acre	Area Credits (4.11.50.02.c)	Total MADA
Mixed Use Community Shopping	19,600 sq. ft.		
Mixed Use General Commercial	19,600 sq. ft.		
Riverfront	34,850 sq. ft.		
Central Business Zone	34,850 sq. ft.		
Central Business Fringe	23,950 sq. ft.		
Limited Industrial - Office	28,300 sq. ft.		
Limited Industrial	26,150 sq. ft.		
Mixed Use Employment	23,950 sq. ft.		
Mixed Use Transitional	28,300 sq. ft.		
General Industrial	28,300 sq. ft.		
Intensive Industrial	28,300 sq. ft.		
Research Technology Center	26,150 sq. ft.		
Oregon State University	NA (see Chapter 3.36)		
Agricultural- Open Space	4,350 sq. ft.		
Conservation-Open Space	2,200 sq. ft.¹		

¹

MADA determined for Conservation-Open Space (C-OS) areas may only be applied to improvements associated with the actual C-OS property.

c. Additional Allowances for Determining the Minimum Assured Development Area of Residential and Nonresidential Sites -The Minimum Assured Development Area calculated in Section 4.11.50.02.a and Section 4.11.50.02.b may be increased above the base MADA by adding the areas determined by the provisions below:

1. The area of public right-of-way dedications resulting from a required width in excess of the width needed for a local street, provided the required street is identified in the Corvallis Transportation Plan;
2. The area of Wetland mitigation that is required by the Department of State Lands and/or the U.S. Army Corps of Engineers when infrastructure must be extended through a Wetland. The area credited shall be based upon the written requirements of the associated permit approval of the Department of State Lands and/or the U.S. Army Corps of Engineers, whichever is greater;
3. Above-ground stormwater detention facilities designed and constructed consistent with the Corvallis Design Criteria Manual; and
4. Trails required by the Corvallis Transportation Plan or the City of Corvallis Park and Recreation Facilities Plan, or necessary to provide public access to or through designated open space areas.

4.11.50.03 - Variations Allowed Outright to Minimize Development Encroachments -

The following standards may be used to achieve the MADA and minimize development encroachments into protected Natural Resource and Natural Hazard areas:

a. Residential Properties and Residential Uses - To avoid or minimize development on portions of sites containing Significant Natural Resources and Natural Hazards, the Building Types and development standards of the next most intensive residential zone may be used.

- b. **Nonresidential Properties and Nonresidential Uses** - Nonresidential developments may use up to a 15 percent reduction in the development standards for setbacks and minimum required parking spaces required by the applicable zone where the development is located or proposed to be located.

4.11.50.04 – Priority of Encroachments into Protected Natural Resource and Natural Hazard Areas

- a. Encroachments shall be allowed only to the minimum extent necessary to achieve the MADA.
- b. All unconstrained lands shall be used before encroachments can occur, with the exception of areas described in Section 4.11.50.01.b.
- c. **Order of Encroachments** - Encroachments shall occur sequentially into the areas of protected Natural Resources and Protected Natural Hazards based upon the priorities presented below, with encroachments into areas identified in Section 4.11.50.04.c.1 first, and Section 4.11.50.04.c.2.I last. Encroachments into areas described in each subsection shall also occur in the order presented, starting from the top of each list.
 - 1. Access Encroachments - Encroachments are allowed to provide access to areas that do not contain Natural Resources and Natural Hazards as defined in Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions and Chapter 4.13 - Riparian Corridor and Wetland Provisions, where such areas cannot be accessed and/or served with public utilities without encroaching into or crossing over the protected Natural Resources and Natural Hazards. Such access encroachments shall meet the following standards:
 - a) The access encroachment area shall be less than 25 percent of the non-constrained area being accessed via the access encroachment, unless “b,” below applies;
 - b) The access encroachment area for an access driveway/roadway may be increased to 35 percent of the non-

constrained area being accessed, if necessary to meet the maximum slope standards listed in Chapter 4.5 - Natural Hazard and Hillside Development Provisions;

- c) Access roadways/driveways shall provide shared access to the lots/parcels being developed; and
- d) The access roadway serving four or more residential lots/parcels, six or more dwelling units, and/or any nonresidential sites shall use the minimum allowed street width with sidewalks on both sides, no landscape strips, and no on-street parking.

2. Development Encroachments -

- a) Partially Protected Significant Vegetation, in addition to that already allowed in Chapter 4.12 - Significant Vegetation Protection Provisions;
- b) Highly Protected Significant Vegetation;
- c) Highly Protected 100-yr. Floodway Fringe areas;
- d) Proximate Wetlands - Jurisdictional Wetlands associated with Riparian Corridors, including Wetlands not determined to be Locally Significant;
- e) Protected Locally Significant Wetlands;
- f) Protected Locally Significant Wetlands of Special Concern;
- g) Riparian Corridors of the Marys River and the Willamette River;
- h) Riparian Corridors of local Streams with a corridor width of 100 ft. from Top-of-bank on each side of the stream, as shown on the Riparian Corridors and Wetlands Map;

- i) Riparian Corridors of local Streams with a corridor width of 75 ft. from Top-of-bank on each side of the stream, as shown on the Riparian Corridors and Wetlands Map;
- j) Riparian Corridors of local Streams with a corridor width of 50 ft. from Top-of-bank on each side of the stream, as shown on the Riparian Corridors and Wetlands Map;
- k) The 25-ft. setback/buffer within Partially Protected Riparian Corridors shown on the Riparian Corridors and Wetlands Map, but not in a manner that conflicts with Section 4.11.50.05.c; and then
- l) Areas with existing landslides, consistent with the development standards contained in Chapter 4.5 - Natural Hazard and Hillside Development Provisions.

- 3. Allowance under these provisions for development to encroach into otherwise protected Natural Resources and Natural Hazards does not remove the necessity that development shall comply with all other standards of this Code.

4.11.50.05 – Encroachments into High Risk/Impact Natural Resources and Natural Hazards

- a. Some Natural Resources and Natural Hazards present such high risks to life and property, or are of such high importance to the protection of water quality, that encroachments are not appropriate for areas containing these 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 4.5 - Natural Hazards 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 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

c. High Risk/Impact Natural Resources -

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

Section 4.11.60 – VARIATIONS

Except as limited by provisions in Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions, variations from development and design standards, such as the standards in this Chapter and in other chapters of this Code addressing parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option. However, in no case shall an increase in the Minimum Assured Development Area be permitted.