

**TEXT AMENDMENTS TO THE
LAND DEVELOPMENT CODE**

1. General Text Amendments (LDT-81-1) July 6, 1981
2. Parking, Loading, and Access Requirements (LDT-81-2) August 27, 1981
3. Lot Development Option (LDT-81-4) November 2, 1981
4. Comprehensive Plan Amendment Procedures (LDT-81-6) November 2, 1981
5. Notice of Disposition (LDT-81-3) November 2, 1981
6. Fee Adjustment (LDT-81-8) December 7, 1981
7. New Commercial District (LDT-82-1) April 5, 1982
8. Amendment RS-5 District (LDT-82-2) May 3, 1982
9. General Text Amendments (LDT 82-3) August 2, 1982
10. Extension of Services (LDT-81-7) November 17, 1982
11. Semi-Annual Review of Annexation (LDT-82-5) December 6, 1982
12. New District - RTC (LDT-82-7) December 6, 1982
13. New District - Historic Preservation (LDT-82-8) December 20, 1982
14. General Text Amendments (LDT-82-10) December 20, 1982
15. Drainageway Standards (LDT-82-4) December 20, 1982
16. Fee Adjustment (LDT-82-9) December 20, 1982
17. Density Transfer (LDT-82-9) February 23, 1983
18. New District - Regional Shopping Center (LDT-83-1) March 8, 1983
19. Housing-RD-6, Mobile Homes, and Miscellaneous (LDT-82-11) March 21, 1983
20. General Text Amendments (LDT-83-2) November 21, 1983
21. Fee Adjustment (LDT-83-3) December 19, 1983
22. Shopping Area - Flexible Standards (LDT-84-1) July 16, 1984

| | | |
|-----|---|-------------------|
| 23. | Solar Access (LDT-84-2) | December 4, 1984 |
| 24. | Flood Control (LDT-84-3) | December 4, 1984 |
| 25. | General Text Amendments, Fees (LDT-84-4) | December 4, 1984 |
| 26. | General Text Amendments, Fees (LDT-85-1) | December 3, 1985 |
| 27. | Fee Adjustment (LDT-86-2) | December 1, 1986 |
| 28. | OSU District (LDT-86-1) | December 3, 1986 |
| 29. | Solar Access (LDT-87-1) | November 16, 1987 |
| 30. | Fee Adjustment (LDT-87-3) | January 4, 1988 |
| 31. | FEMA (LDT-88-1) | May 16, 1988 |
| 32. | Drainageway Dedications, Landscaping Standards, Parking Standards (LDT-88-3) | June 30, 1988 |
| 33. | Shopping Area - University (LDT-88-2) | July 18, 1988 |
| 34. | Annexations (LDT-88-5) | October 17, 1988 |
| 35. | General Industrial District (LDT-88-6) | November 7, 1988 |
| 36. | Fee Adjustment (LDT-88-8) | January 17, 1989 |
| 37. | Planting and Maintaining of trees in Downtown Corvallis (LDT-88-7) | February 6, 1989 |
| 38. | Parking Requirements for Group Residential Housing (LDT-88-9) | February 22, 1989 |
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| 41. | Lot Line Adjustments, Major Replats, Minor Replats (LDT-89-3) | July 24, 1989 |
| 42. | Regional Technology Center Sunset Provision (LDT-89-4) | July 12, 1989 |
| 43. | Fee Adjustment (LDT-89-6) | December 18, 1989 |
| 44. | Airport Protection Strategies (LDT-90-1) | December 10, 1990 |
| 45. | Manufactured Home Standards (LDT-90-2) | December 10, 1990 |
| 46. | Fee Adjustment (LDT-90-3) | December 17, 1990 |

The Land Development Code consists of three articles:

- * Article I - Administration
- * Article II - Development Districts
- * Article III - Development Standards.

There are three separate table of contents, one at the front of each article.

Article I

ADMINISTRATION

ARTICLE I: ADMINISTRATION

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ORDINANCE 80-100

AN ORDINANCE establishing a code for regulating land development; adopting procedures; providing for amendments; authorizing fees; providing penalties; describing development districts and the uses permitted therein; adopting a development district map; setting development standards; and repealing Sections 1-18 and 20-28 of Ordinance 53-11, and Ordinances 63-15, 72-28, 73-72, 79-62, and 1786, as amended; and stating an effective date.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

SECTION 100 - ADOPTION

This ordinance shall be known as the Land Development Code. This Code is adopted pursuant to the authority found in the Oregon Constitution, Article XI, Section 4; Corvallis Charter Section 4; and Oregon Revised Statutes 227.215 et seq.

Section 100.01 - Statement of Purpose

- a. The land development regulations contained in this Code are in accordance with the Comprehensive Plan and are intended to ensure that development is of the proper type, design, and location and serviced by a proper range of public facilities and services; and in all other respects be consistent with the goals and policies of the Corvallis Comprehensive Plan.
- b. The development approval process shall not result in the exclusion of needed housing at densities permitted by the underlying district designations or result in unreasonable cost or delay.

[Section 100.01 amended by Ordinance 83-30, §6, passed March 21, 1983.]

Section 100.02 - Nondiscrimination

The City of Corvallis will not discriminate on the basis of race, religion, national origin, age, color, gender, sexual orientation or physical disability in the administration or enforcement of this Code.

[Section 100.02 added by Ordinance 90-08, §1, passed February 20, 1990.]

SECTION 101 - DEFINITIONS

Section 101.01 - Meaning of Words Generally

All words and terms used in this Code have their commonly accepted, dictionary meaning unless they are specifically defined in this Code or the context in which they are used clearly indicates to the contrary.

Section 101.02 - Meaning of Common Words

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

Section 101.03 - Meaning of Specific Words and Terms

The following listed specific words and terms are defined as follows:

Abut or Abutting Lots - Two or more lots joined by a common boundary line or point.

Access - The place, means, or way by which ingress and egress is provided.

Accessory Structure - A structure incidental and subordinate to the main use of property and located on the same lot as the main use; freestanding and structurally separated from the main use.

Accessory Use - A use on the same lot with and of a nature customarily incidental and subordinate to the principal use.

Actual Construction - The placing of construction materials in permanent position and fastened in a permanent manner.

Agriculture - Nursery activity, horticulture and similar activities for the cultivation of commercial crops in addition to pasturing, breeding, dairying, and similar uses of animals, poultry for commercial use; not to include processing, slaughtering, large scale poultry raising, and similar uses, or forestation.

Alley - Public or private right-of-way which is designed and intended to serve as secondary access to the side or rear of those properties whose principal access is from a street.

Alteration - A change, addition, or modification in construction or occupancy of a building or structure.

Amendment - A change in the wording, context, or substance of the Development Code, or a change in the boundaries of a district upon the Development District Map.

Apartment - A dwelling unit which is located within a multidwelling.

Application - For purposes of this Code, application is defined as materials submitted or to be submitted.

Average Setback - The formula for determining Average Setback is:

$$(y_1 \times SD_1) + (y_2 \times SD_2) = ASB$$

ASB = Average Setback Distance

SD = Setback Distance

y = (percent of wall length from SD)

Example: Building Height = 30 feet

ASB = 50 feet

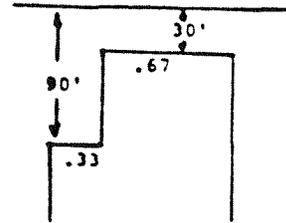
SD₁ = 90 feet

y₁ = .33

SD₂ = 30 feet

y₂ = .67

$$(.33 \times 90) + (.67 \times 30) = 50$$



[Average Setback was added by Ordinance 82-92, §2, passed December 6, 1982.]

Base Flood - Inundation during periods of higher than normal streamflow that has 1 percent chance of being equaled or exceeded in any given year. [Base Flood was added by Ordinance 84-67, §1, passed December 4, 1984.]

Block - A tract of land bounded by street or by a combination of streets and public parks, cemeteries, railroad rights-of-way, drainageways, or unsubdivided land.

Bond - Any form of security including a cash deposit surety bond, collateral, property, or instrument of credit in an amount and form satisfactory to the City.

Buffer, Urban - An area designed to provide attractive space or distance, obstruct undesirable views, serve as an acoustic barrier, or generally reduce the impact of adjacent development.

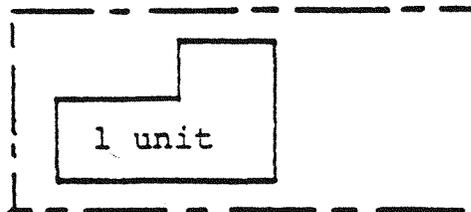
Buffer, Urban Fringe - An area which provides a transition between potentially conflicting land uses, particularly urban and rural uses. Such a buffer may be used for low density or public open space purposes.

Building - Any structure used or intended for supporting or sheltering any use or occupancy.

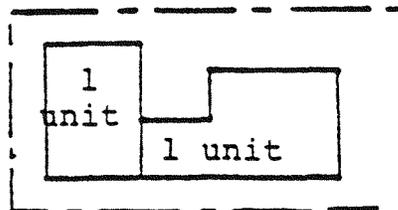
Building Arrangement

a. Nonresidential: That group of building types comprising the following:

1. Detached: A single main building, freestanding and structurally separated from other buildings.

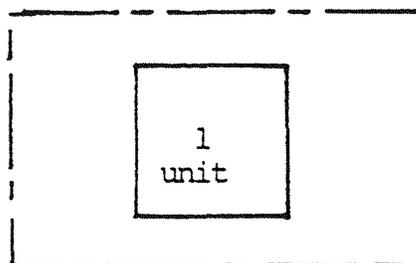


2. Attached: Two or more main buildings placed side by side so that some structural parts are touching one another, located on a lot or development site or portion thereof.

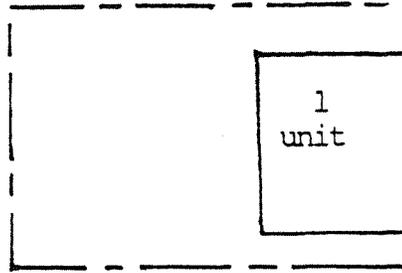


b. Residential: That group of building types comprising the following:

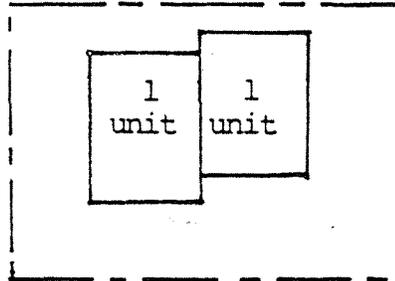
1. Single Detached: One dwelling unit, freestanding and structurally separated from any other dwelling unit or buildings, located on a lot or development site, including manufactured homes as defined in this section.



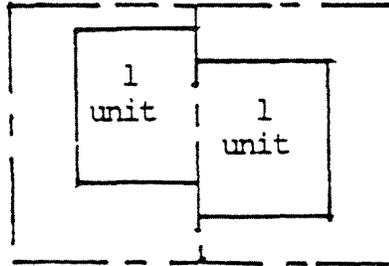
2. Single Detached (Zero Lot Line): A single detached structure with a 0 foot setback from one lot line.



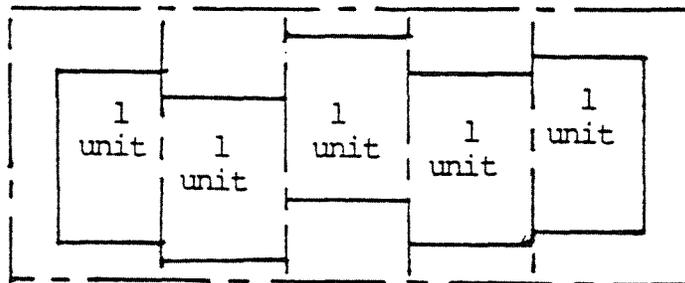
3. Duplex: Two dwelling units placed so that some structural parts are in common and are located on a single lot or development site.



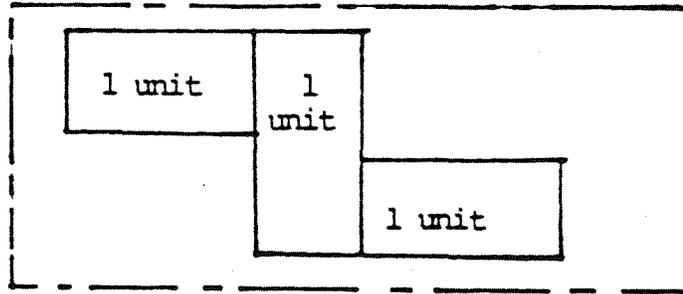
4. Single Attached (Zero Lot Line): Two dwelling units attached side by side with some structural parts in common at a common property line.



5. Attached: More than two dwelling units placed side by side with some structural parts in common, at a common property line.



6. Multi-Dwelling: A structure containing at least three (3) dwelling units in any vertical or horizontal arrangement, located on a lot or development site.



7. Manufactured Dwelling Park: A place where four or more manufactured homes or mobile homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

[Building Arrangement, Sections b.7 and b.8 were added by Ordinance 83-30, §7, passed March 21, 1983; Section b.7. amended by Ordinance 90-08, §2, passed February 20, 1990; and Section b.7. deleted by Ordinance 90-54, §1, passed December 17, 1990.]

- c. The following commonly used terms are not considered building types for purposes of this code.
1. Cluster: A development technique whereby building types are arranged in such a manner as to retain open space areas which are equal to or greater than the cumulative total open space areas normally required under the applicable development district, and the permitted gross density of a site is maintained.
 2. Condominium: A form of ownership which may be applied to any property (where the owner has a deed to a volume of space), and which is governed by the provisions of ORS 91.500 to 91.671 (relating to the creation of unit ownership).
 3. Townhouse: More than two attached units with first floor access (typically two story units).
 4. Apartment House: A building or portion thereof designed, built, rented, leased, let, or hired out to be occupied or is the residence of three (3) or more families living independently of one another.

Building Envelope - That portion of a lot or development site exclusive of the areas required for front, side, and rear yards and other required open spaces; and which is available for siting and constructing a building or buildings.

Building Line - A line on a plat indicating the limit beyond which buildings or structures may not be erected, or the minimum distance as prescribed by this Code between the front property line abutting a street and the closest point of the foundation of any building or structure related thereto.

Building Official - Building Division Manager. [Title changed by Ordinance 85-43, §1-2, passed December 3, 1985.]

Carport - A stationary-roofed structure or a portion of a building open on two or more sides primarily used for the parking of motor vehicles.

Cemetery - Land used or intended to be used for the burial of the dead and related cemetery activities (including: columbarium, crematoriums, mausoleums, and mortuaries) when operated in conjunction with and within the boundary of such cemetery.

Church - A permanently located, fully enclosed building commonly used for religious worship.

City - The City of Corvallis is a municipal corporation of the State of Oregon, where the provision involves a duty owed the City in either its governmental or its corporate capacity; otherwise, that officer, department, or agency of the City indicated by the context, or where the context does not clearly indicate a specific officer, department, or agency, then the City Manager of said City.

Consolidation - The elimination of a property line or lines of unplatted land to create a single unit of land where more than one previously existed. [Consolidation was added by Ordinance 90-08 §2, passed February 20, 1990]

Contiguous - Shall mean the same as abutting.

Day Care Center - An institution, establishment, or place which commonly receives at one time more than twelve (12) children not of common parentage, for a period not to exceed twelve (12) hours per given day for the purposes of and being given board, care, or training apart from their parents or guardians for compensation or reward.

Day Care, Family - "Babysitting", care of twelve (12) or fewer children, including resident family members, as accessory to any residential use. Family day care is not subject to the definition of "home occupation". [Day Care, Family was added by Ordinance 90-08 §2, passed February 20, 1990.]

Density, Gross - The number of dwelling units per acre.

Density, Net - The number of dwelling units per acre (based on the total area of the parcel) excluding rights-of-way and designated open space areas.

Developer - Any person, including a governmental agency, undertaking any development.

Development - Making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, and creating or terminating a right of access. Where appropriate to the context, development refers to the act of developing or the result of development.

Development District - An area of land within the Corvallis City limits, designated for specific types of permitted developments, subject to the development requirements of that district.

Development Site - A legally established lot or parcel of land occupied or capable of being occupied by a building or group of buildings including accessory structure(s) and accessory use(s), together with such yards or open spaces, and setback areas as are required by this Code and having frontage upon a street.

Director - Community Development Director of the City of Corvallis, or the Director's official designee. [Director was added by Ordinance 89-07, §2, passed March 6, 1989.]

Discontinued Use - Discontinued use shall mean nonuse and shall not require a determination of the voluntary or involuntary use or intent to resume the use.

Drainageway - A natural or manmade watercourse which has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation.

Dwelling Unit - One or more rooms, bathroom, living room, and one kitchen facility designed for occupancy by one family. In the case of group residential a dwelling unit may or may not include a kitchen and shall be defined as one or more rooms to include area(s) for sleeping accommodations.

Easement - A right that a property owner of one parcel of land by reason of such ownership has to use the land of another.

Effects of Buoyancy - Uplift force of water on a submerged or partially submerged object. [Effects of Buoyancy was added by Ordinance 88-11, §1, passed May 16, 1988.]

Excavation - The process of mechanically altering a change in the natural (grade) elevation by cutting and/or filling the earth.

Family - An individual or two or more persons related by blood or marriage or a group of not more than five persons unrelated by blood or marriage living together in a dwelling unit. As used in this Code, "family" also refers to five or fewer unrelated physically or

mentally handicapped, elderly, or drug or alcohol dependent persons receiving treatment, and resident staff persons engaged in their care. [Family was amended by Ordinance 90-08, §2, passed February 2, 1990.]

Flag Lot - A lot which has access to a right-of-way by means of a narrow strip of land.

Flood Insurance Rate Map (FIRM) - The official map on which the Federal Insurance Administration has delineated areas of special flood hazards and the risk premium zones applicable to portions of the community. [Flood Insurance Rate Map (FIRM) was added by Ordinance 84-67, §1, passed December 4, 1984.]

Flood Plain - The area adjoining a stream that is subject to inundation by a base flood. The flood plain consists of the following two parts:

- a. Floodway - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.2 (two-tenths) of a foot.
- b. Floodway Fringe: The area of the flood plain lying outside of the floodway.

[Flood Plain was added by Ordinance 84-67, §1, passed December 4, 1984.]

Frontage - That portion of a development site which abuts a public or private street.

Full-Line Department Store - A store providing for general merchandise, apparel, furniture, appliance, and home furnishings in full depth and variety, such as, but not limited to, Meier and Frank, Sears, and The Bon. [Full-Line Department Store was added by Ordinance 83-19, §1, passed March 8, 1983.]

Grade - Given in reference to the slope of land or in reference to construction - is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than 5 feet from the building, between the building and a line 5 feet from the building.

Habitable Floor - Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. [Habitable Floor was added by Ordinance 84-67, §1, passed December 4, 1984.]

Height of Buildings - The vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. The reference datum shall be

selected by either of the following, whichever yields a greater height of building:

- a. The elevation of the highest adjoining sidewalk or ground surface within a 5-foot horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above lowest grade.
- b. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in Item a above is more than 10 feet above lowest grade.

The height of a stepped or terraced building is the maximum height of any segment of the building.

Hearing Authority - The City Council or an agency or officer of the Council designated by this Code to conduct public hearings prior to acting on applications for development permission.

Home Occupation - A lawful activity commonly carried on within a dwelling by members of the family occupying the dwelling with no employee or other persons being engaged, provided that the residential character of the dwelling is maintained and the activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes. To be considered a home occupation the use must also comply with all of the following:

- * No sign shall be used other than a single nameplate of not more than two (2) square feet, in accordance with the sign regulations of Section 107.
- * No display shall indicate from the exterior that the building is being used in whole or in part for any purpose other than a dwelling.
- * There is no outside storage of merchandise or materials.
- * The amount of commercial activity is not equivalent in intensity to that which is permitted in a commercial district.
- * The use will not cause excessive or unusual traffic in the vicinity because of deliveries, pick-ups, parking, or other activities.
- * Noise, smoke or odors are not in excess of those created by normal residential use.

[Home Occupation was amended by Ordinance 90-08, §2, passed February 20, 1990.]

Homeowners Association - An incorporated, nonprofit organization operating under recorded land agreements through which each lot owner of a planned development or other described land area is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common property.

Hydrodynamic Load - Force of water in motion. [Hydrodynamic Load was added by Ordinance 88-11, §1, passed May 16, 1988.]

Hydrostatic Load - Force of water at rest. [Hydrostatic Load was added by Ordinance 88-11, §1, passed May 16, 1988.]

Improvement Plan - The maps or drawings showing the layout of improvements to be installed as a condition of approval for development.

Irrigation System - Method of supplying water (which can be manually or mechanically controlled) to a needed area.

Kitchen - Any room used or intended or designed to be used for preparation of food and storage of food, including any room having a sink, and either a 3/4-inch gas opening or provision for a range or stove.

Land Area, Net - That land area remaining after all area covered by impervious surfaces has been excluded (subtracted).

Land Division -

1. Major Partition: A partition of land creating three or fewer lots which includes the creation of a road or street within a calendar year when such parcel exists as a unit or contiguous units of land under single ownership at the beginning of the year. See also, "replat, minor".
2. Minor Partition: A partition of land creating three or fewer lots within a calendar year that is subject to approval by the City under the provisions of this Code pursuant to ORS 92.046 and that does not include the creation of a road or street. See also, "replat, minor".
3. Subdivide: To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year. See also, "replat, major".

A partition does not include division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots; or an adjustment of a property line by the relocation of a common boundary 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 development district criteria established by this Code;

or a 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) to (s) and 215.283 (2)(p) to (r). See "lot line adjustment". [Land Division was amended by Ordinance 90-08, §2, passed February 20, 1990.]

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

Land, Parcel Of - Any quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit, or which has been used or developed as a unit. Also, a unit of land created by a partition. [Land, Parcel Of was amended by Ordinance 90-08, §2, passed February 20, 1990.]

Lot - A unit of land that is created by a subdivision of land and intended as a unit for the purpose, whether immediate or future, of transfer of ownership and/or for development. [Lot was amended by Ordinance 90-08, §2, passed February 20, 1990.]

Lot Area - The total horizontal area within the lot lines of a lot.

[Lot Consolidation was deleted by Ordinance 90-08, §2, passed February 20, 1990.]

Lot, Corner - A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding 135 degrees.

Lot Coverage - The percent of a development site area covered by the vertical projection of any structures or buildings.

Lot Depth - The distance from the midpoint of the front lot line to the midpoint of the rear lot line.

Lot, Interior - A lot other than a corner lot and having frontage on only one street.

Lot Line - The property line bounding a lot.

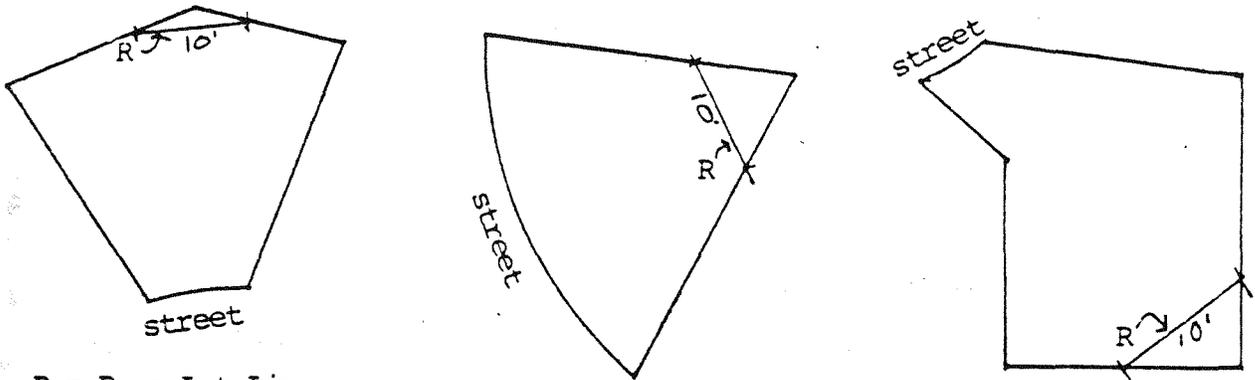
Lot Line Adjustment - The relocation of a common property boundary wherein an additional unit of land is not created and where an existing unit of land reduced in size by the adjustment complies with any applicable Development District regulation. [Section 101.03 amended by Ordinance 89-31, §1, passed July 24, 1989.]

Lot Line, Front - In the case of an interior lot, a property line which abuts the street; and in the case of a corner lot, the property line which abuts that street having the shortest dimension of the two (2) streets bordering the lot; except where the narrowest side of a

lot is a minimum of 75 feet there may be a choice of frontage (see figure below).

Lot Line, Side - Any lot boundary not a front or rear lot line (see figure below).

Lot Line, Rear - The record lot line or lines most distant from and generally opposite the front lot line except that in the case of an interior triangular lot or lot with more than four sides it shall mean a straight line 10 feet in length which is a) parallel to the front lot line or its chord and b) intersects the other lot lines at points most distant from the lot line (see figure below).



R = Rear Lot Line

Lot of Record - A lot or parcel created through applicable land division regulations prior to the adoption of this Code.

Lot, Reversed Corner - A corner lot the rear line of which borders upon the side yard of another lot, whether or not separated by an alley.

Lot, Tax - One parcel of real property shown on the Assessor's map which is identified by a tax lot number and which may not necessarily be a lot of record.

Lot, Through - A lot of record which has both a front and rear lot line abutting a street.

Lot Width - The horizontal distance between the midpoints of the side lot lines.

Lowest Floor - The lowest floor of the lowest enclosed area (including basement). [Lowest Floor was added by Ordinance 88-11, §1, passed May 16, 1988.]

Manufactured Home - A dwelling constructed to Department of Housing and Urban Development standards since June 15, 1976, but not the State Building Code standards. [Manufactured Home was added by Ordinance 90-08, §2, passed February 20, 1990; and amended by Ordinance 90-54, §1, passed December 17, 1990.]

Mobile Home - A residential structure intended for permanent human occupancy and constructed for movement on the public highways, constructed to requirements of Oregon mobile home laws in effect

between January 1, 1962 and June 15, 1976. [Mobile Home was added by Ordinance 83-30, §8, passed March 21, 1983; amended by Ordinance 90-08, §2, passed February 20, 1990; and amended by Ordinance 90-54, §1, passed December 17, 1990.]

[Mobile Home, Class A was added by Ordinance 83-30, §8, passed March 21, 1983 and deleted by Ordinance 90-54 §1, passed December 17, 1990.]

[Mobile Home, Class B was added by Ordinance 83-30, §8, passed March 21, 1983 and deleted by Ordinance 90-54, §1, passed December 17, 1990.]

[Mobile Home, Class C was added by Ordinance 83-30, §8, passed March 21, 1983 and deleted by Ordinance 90-54, §1, passed December 17, 1990.]

[Mobile Home, Class D was added by Ordinance 83-30, §8, passed March 21, 1983 and deleted by Ordinance 90-54, §1, passed December 17, 1990.]

Mobile Home Park - [Mobile Home Park was added by Ordinance 88-11, §1, passed May 16, 1988 and deleted by Ordinance 90-08, §2, passed February 20, 1990.] See "building arrangement, residential".

Manufactured Home Space - Any portion of a manufactured dwelling park which is designated or used for occupancy of one manufactured home or mobile home, including its accessory structures and its outdoor living areas, but exclusive of space provided for the common use of tenants such as roadways and guest parking. [Mobile Home Space was added by Ordinance 83-30, §8, passed March 21, 1983; and amended by Ordinance 90-54, §1, passed December 17, 1990.]

Manufactured Home Stand - That portion of the manufactured home space reserved for the location of the manufactured home or mobile home structure. [Mobile Home Stand was added by Ordinance 83-30, §8, passed March 21, 1983; and amended by Ordinance 90-54, §1, passed December 17, 1990.]

[Mobile Home Subdivision was added by Ordinance 88-11, §1, passed May 16, 1988 and deleted by Ordinance 90-54, §1, passed December 17, 1990.]

National Geodetic Vertical Datum - An elevation reference mark used in determining the flood boundary and floodway maps, formerly referred to as Mean Sea Level. [National Geodetic Vertical Datum was added by Ordinance 84-67, §1, passed December 4, 1984.]

Nonconforming Structure or Use - A lawful existing structure or use in existence at the time this Code, or any amendment thereto, becomes effective which does not conform to the requirements of the district in which it is located.

Notice of Disposition - A written communication which specifies the action of the hearing authority or Director concerning the development proposal. [Notice of Disposition was amended by Ordinance 90-08, §2, passed February 20, 1990.]

Open Space, Group - Areas intended for common use either privately owned and maintained or dedicated to the City, normally including swimming pools, recreation courts, patios, open landscaped areas, and greenbelts with pedestrian, equestrian, and bicycle trails, not to include off-street parking or loading areas or driveways, and designed for outdoor living and recreation or the retention of an area in its natural state.

Open Space, Private - Intended for the private use of an individual dwelling unit, normally including patios and landscaped areas; not to include off-street parking, maneuvering, loading or delivery areas, and designed for outdoor living and recreation.

Order - A final disposition, whether affirmative, negative, injunctive, or declaratory in form. The grant, denial, or grant with conditions of an application for development is an order.

Permitted Outright - Used in reference to permitted uses, "outright" means any development activity which is not subject to discretionary review, as in the case of conditional development.

Person - An individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more people having a joint or common interest, or any other legal entity.

Planned Development - A land development project comprehensively planned as an entity via a unified site plan which permits flexibility in building siting, mixtures of building types and land uses, usable open spaces, and the preservation of significant natural features.

Plat - Includes a final subdivision plat, replat or partition plat. [Plat was added by Ordinance 90-08, §2, passed February 20, 1990]

Plat, Partition - A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition. [Plat Partition was added by Ordinance 90-08, §2, passed February 20, 1990.]

Plat, Subdivision - A final map, diagram, drawing, replat, or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision. [Title changed by Ordinance 90-08, §2, passed February 20, 1990.]

Practical Difficulties - Unique physical characteristics of the subject parcel which significantly lessen the potential enjoyment or profit available to the property owner.

Present Discounted Value - The sum of annual future incremental values (costs or energy savings) with each discounted by the current rate of interest on conventional home mortgages. [Present Discounted Value was added by Ordinance 84-66, §1, passed December 4, 1984.]

Replat, Major - The reconfiguring of lots in a recorded subdivision plat that results in either the creation of four or more additional lots or where four or more lots are being vacated. [Replat, Major was added by Ordinance 89-31, §1, passed July 24, 1989.]

Replat, Minor - The reconfiguring of a portion of the lots in a recorded subdivision or partition plat that results in three or fewer lots being created or vacated within a twelve (12) month period. [Replat, Minor was added by Ordinance 89-31, §1, passed July 24, 1989 and amended by Ordinance 90-08, §2, passed February 20, 1990.]

Reserve Strip - A strip of property, overlaying a dedicated street which is reserved to the City for control of access until such time as additional right-of-way is accepted by the City for continuation or widening of the street.

Residential Care Facility - A dwelling unit which is licensed by the state to accommodate more than five (5) and fewer than sixteen (16) mentally or physically handicapped, elderly, or drug or alcohol dependent persons and resident staff persons engaged in their care. [Residential Care Facility was added by Ordinance 90-08, §2, passed February 20, 1990.]

Right-of-Way - A public way dedicated for vehicular or pedestrian use.

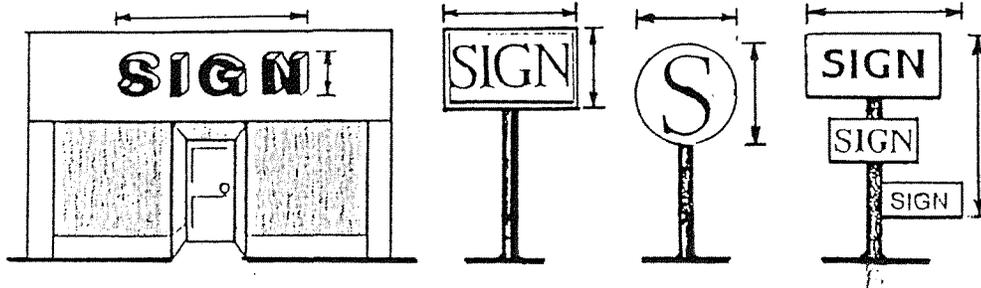
Setback - The minimum allowable horizontal distance from a given point or line of reference, which for purposes of this ordinance shall be the property line unless otherwise excepted; to the nearest vertical wall of a building or structure, fence, or other elements as defined by this Code.

Sign - Any device or medium affixed to property (including its structure, lighting, materials, and component parts) which by reason of its form, color, wording, symbol, design, and illumination visually communicates, identifies, advertises, informs, announces, or attracts attention to the subject thereof. Sign was added by Ordinance 89-07, §2, passed March 6, 1989.]

Sign, Area - The square footage area of a sign face within a single, continuous rectilinear perimeter, which encloses the extreme limits of a sign (in free standing signs, excluding the pole or base).

Where a sign is more than one foot thick, has more than two faces, or is three dimensional, the sign area calculation shall be based on 1/2 the surface area of the four vertical faces of the smallest rectangular solid which can be formed around the sign.

The area of a sign on an awning, where the awning projects more than 6 1/2 feet from the building face over a walkway to provide weather protection, shall be determined using the smallest rectangle around the graphic on the awning. A sign on an awning projecting less than 6 1/2 feet shall be considered a three dimensional sign. Sign, Area was added by Ordinance 89-07, §2, passed March 6, 1989.]



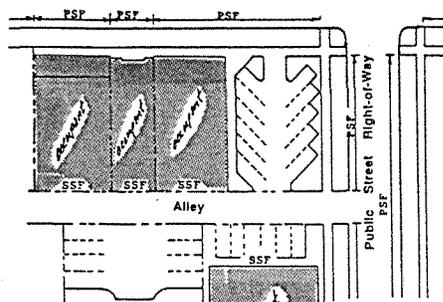
Sign, Attached - A sign attached to the primary building on the subject property, including wall, projecting, fin, parapet, marquee and awning signs. Sign, Attached was added by Ordinance 89-07, §2, passed March 6, 1989.]

Sign, Clearance - The height measured from the highest adjacent grade directly below the sign to the bottom of the sign structure enclosing the sign face. [Sign, Clearance was added by Ordinance 89-07, § 2, passed March 6, 1989.]

Sign, Free-standing - A structurally self-supporting sign not attached to a building, including pole, ground, and monument signs, but not including billboards. [Sign, Free-standing was added by Ordinance 89-07, §2, passed March 6, 1989.]

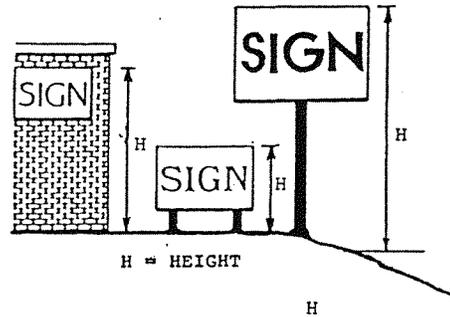
Sign Frontage, Primary - The length of the property line parallel to and along the street right-of-way adjacent to a property. On through-lots, the primary frontage shall be that frontage which corresponds to the address, auto entrance, building entrance, and front yard of the property. [Sign, Frontage, Primary was added by Ordinance 89-07, §2, passed March 6, 1989.]

Sign Frontage, Secondary - The face of a building oriented toward an on-site parking lot, private roadway or public alley, but not oriented toward a street right-of-way. [Sign, Frontage, Secondary was added by Ordinance 89-07, §2, passed March 6, 1989.]



PSP = PRIMARY SIGN FRONTAGE
SSP = SECONDARY SIGN FRONTAGE

Sign, Height - The overall height of a sign or sign structure as measured from the lowest grade beneath the sign to the highest point of the sign structure. [Sign, Height was added by Ordinance 89-07, §2, passed March 6, 1989.]



Sign, Permanent - A sign permanently affixed or attached to a building, structure, or the ground. [Sign, Permanent was added by Ordinance 89-07, §2, passed March 6, 1989.]

Sign, Temporary - A sign which is not permanently affixed or attached to a building, structure, or the ground, and/or is intended to be displayed for a limited period of time. [Sign, Temporary was added by Ordinance 89-07, §2, passed March 6, 1989.]

Solar Access - A line of sight path to the sun during hours that provide beneficial use of solar energy. [Solar Access was added by Ordinance 84-66, §1, passed December 4, 1984.]

Solar Access Easement - A private agreement between property owners which protects solar access. Solar easements are prepared and recorded pursuant to ORS 105.880-105.895. [Solar Access Easement was amended by Ordinance 84-66, §2, passed December 4, 1984.]

Solar Access Friendly Trees - Trees that have a minimal impact on solar access during winter months because of the leafing and branching characteristics of the tree species. [Solar Access Friendly Trees was added by Ordinance 84-66, §1, passed December 4, 1984.]

Solar Access Protection - A right to unobstructed solar access for at least four hours between 9 a.m. and 3 p.m. on November 21. [Solar Access Protection was added by Ordinance 84-66, §1, passed December 4, 1984.]

Solar Energy System - A set of devices whose primary purpose is to collect solar energy and convert and store it for useful purposes including heating and cooling of buildings and any other energy using processes; or to produce generated power by means of any combination of collecting, transferring, or converting solar-generated energy.

Active - A solar energy system that uses a separate collector to transform solar radiation into usable heat using a mechanical system to transfer that heat to its point of use.

Passive - A solar energy system that uses natural and architectural components to collect and store solar energy using a minimal amount or no external mechanical equipment.

Solar Envelope - A drawing or representation by contour lines of a three-dimensional space over a lot or development site representing the allowable height of structures and vegetation that provides solar access protection for neighboring lots. [Solar Envelope was added by Ordinance 84-66, §1, passed December 4, 1984.]

[Solar Skyspace was deleted by Ordinance 84-66, §3, passed December 4, 1984.]

South - 45° east to 45° west of true south. In Corvallis, true south is 20° east of magnetic south. [South was added by Ordinance 84-66, §1, passed December 4, 1984.]

Special District - A development district created by ordinance in recognition of an area's unique characteristics such as environmental resources, natural hazards, or an identified need for redevelopment.

Specification Standards - Measurable standards applicable to development containing the minimum requirements for design and construction of improvements covered by this Code.

Staff - The administrative officers responsible for the operation and management of the various City departments and divisions including: Planning, Public Works, Utilities and Transportation Services, Building, Park and Recreation, Community Safety Services, and City Attorney; and their designated representatives. [Department names changed by Ordinance 85-43, §2- 6, passed December 3, 1985.]

Streets - Shall be those designated in the City of Corvallis Transportation Plan:

- a. Collector: A street intended to move traffic from local roads to arterials. A collector serves a neighborhood or large subdivision.
- b. Cul-de-Sac: A local street with only one outlet and having an appropriate terminal for safe and convenient turnaround of vehicles.
- c. Local: A street intended to provide access to other streets from individual properties.
- d. Primary Arterial: A street intended to move through traffic to and from such major attractors as central business districts, regional shopping centers, colleges and/or universities.
- e. Secondary Arterial: A street intended to collect and distribute traffic in a manner similar to primary arterials, except that these streets service minor traffic generating areas such as community-commercial areas, primary and secondary schools,

hospitals, parks, churches, and offices, and/or designed to carry traffic from collector streets to the system of primary arterials.

Structure - Anything constructed or portable, the use of which requires a location on a parcel of land, including a movable structure, while it is located on the land and used for housing, business, commercial, agricultural, or office purposes either temporarily or permanently.

Substantial Improvement - Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the assessed valuation of the structure.

The term does not include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety regulations which is solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or the State Inventory of Historic Places.

[Substantial Improvement was added by Ordinance 84-67, §1, passed December 4, 1984.]

Sunchart - A photograph showing the positions of the sun during different hours and seasons of the year and any obstructions to solar access from trees, buildings, or topography. The sunchart shall include as coordinates solar altitude in 10-degree increments and solar azimuth in 15-degree increments. [Sunchart was added by Ordinance 84-66, §1, passed December 4, 1984.]

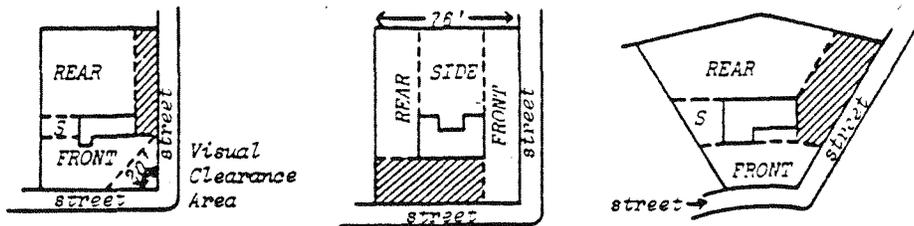
Tree - Any living, standing woody plant having a trunk 10 inches or more in diameter, maximum cross section, at a point 24 inches above mean ground level at the base of the trunk.

Vision Clearance Area - A triangular area located at the intersection of two streets, a street and a railroad, or a street and a driveway; defined by a line across the corner, the ends of which are on the street or alley lines, an equal and specified distance from the corner. Specific distances and prohibitions on visual obstructions within vision clearance areas are contained in Section 301.05.7.

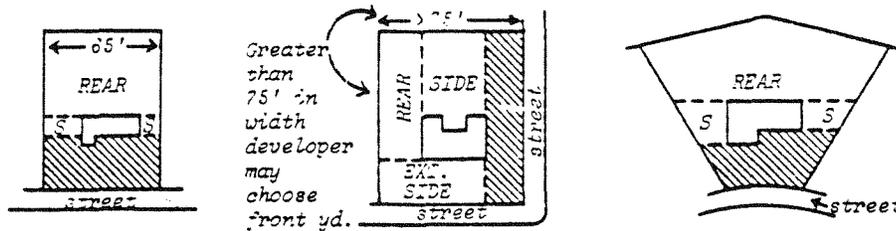
Visual Obstruction - Any fence, hedge, tree, shrub, device, wall, or structure between the elevations of 2 feet and 8 feet above the adjacent curb height or above the elevation of gutter line of street edge where there is no curb, as determined by the City Engineer, and so located at a street, drive, or alley intersection as to limit the visibility of pedestrians or persons in motor vehicles on said streets, drives, or alleys.

Yard - An open space unobstructed from the ground upward except as otherwise provided in this Code.

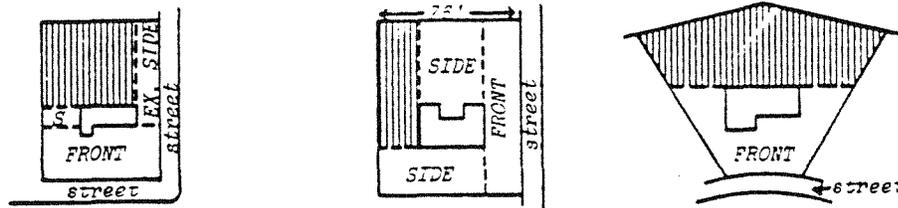
Yard, Exterior Side - A yard extending from the front yard to the rear lot line on the street side of a corner lot.



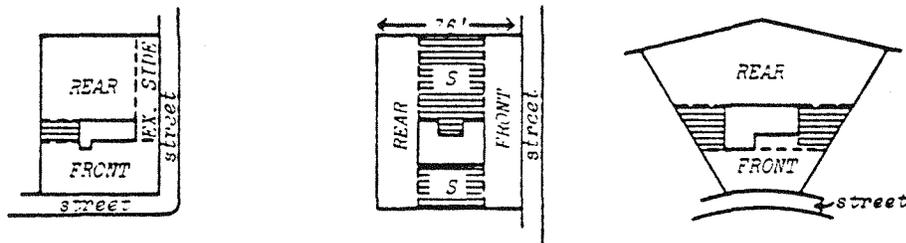
Yard, Front - A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel thereto at the nearest point of the main building.



Yard, Rear - A yard extending across the full width of the lot between the rear main building and the nearest point of the rear lot line.



Yard, Side - A 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 shall be measured horizontally from the nearest point of the side lot line to the nearest part of the main building.



SECTION 102 - COMPREHENSIVE PLAN AMENDMENT PROCEDURES

Section 102.01 - Background

The adopted Comprehensive Plan is the official statement of the City of Corvallis which sets forth its major policies concerning the desired future development of the community. The Comprehensive Plan is the controlling land use planning instrument for the City; all land development regulations and related actions by the City shall conform with the Comprehensive Plan. Those portions of the Corvallis Comprehensive Plan which apply to areas outside the City limits shall be amended in accordance with the provisions in the Corvallis Urban Fringe Management Agreement.

Section 102.02 - Purposes

The Comprehensive Plan is not an inflexible document. It is intended to be responsive to changing conditions and community attitudes. In order to permit such flexibility and at the same time maintain the integrity of the Comprehensive Plan, it is necessary to establish the means by which both the Plan text and map may be amended. It is the purpose of this section to provide a process whereby the Comprehensive Plan may be amended without frustrating its basic purposes. [Section 102.02 was amended by Ordinance 90-08, §3, passed February 20, 1990.]

Section 102.03 - Frequency of Plan Amendment

Applications for Comprehensive Plan amendments initiated by property owners shall be reviewed semi-annually in March and September by the Planning Commission. The City Council may initiate amendments to the Comprehensive Plan at any time. Comprehensive Plan Amendments filed in conjunction with an annexation application shall be reviewed concurrently. Comprehensive Plan amendments are exempt from the time limits established in state law for development review processes and shall be exempt from time restrictions set forth in this code. [Section 102.03 was amended by Ordinance 90-08, §3, passed February 20, 1990.]

Section 102.04 - Initiation

Comprehensive Plan amendments may be initiated by one of the following:

- a. An application submitted by the property owners or their authorized agents.
- b. A majority vote of the City Council.

102.04.01 - Petitions

Petitions may be filed jointly by any or all of the property owners of record or their authorized agents within the area of the proposed Comprehensive Plan amendment. Petitions filed shall include a description and map of the area to be affected by the proposed change, a statement of the reasons for the change, and other information as may be necessary for an adequate review of the petition.

102.04.02 - Planning Commission Public Hearing

Upon the completion of his review, the Director shall schedule a public hearing to be held by the Planning Commission for purposes of reviewing the Comprehensive Plan amendment. The notice, type of public hearing and procedures for the hearing shall be in accordance with the provisions of Section 105. [Section 102.04.02 was amended by Ordinance 90-08, §3, passed February 20, 1990.]

102.04.03 - Report and Recommendation by Director

Upon receipt of a complete application, the Director shall review the proposed Comprehensive Plan amendment. The Director may request the assistance of other City agencies in order to determine the effects of the proposed change. Based on his review, the Director shall prepare a report and make a recommendation to the Planning Commission outlining the effect of the proposed change on the Comprehensive Plan and other applicable criteria and standards. [Section 102.04.03 was amended by Ordinance 90-08, §3, passed February 20, 1990.]

102.04.04 - Criteria for Comprehensive Plan Amendment

The Comprehensive Plan may be amended when new information becomes available or changes in community conditions and attitudes have occurred which affect the information and assumptions on which the Comprehensive Plan is based. Generally, the more drastic the change the greater will be the burden of showing that the proposed change is in conformance with those portions of the Comprehensive Plan which are not to be changed. [Section 102.04.04 was amended by Ordinance 90-08, §3, passed February 20, 1990.]

102.04.05 - Recommendation by Planning Commission

Following the close of the public hearing, the Planning Commission shall make a recommendation to the City Council concerning the proposed Comprehensive Plan amendment. The Commission shall include findings in its recommendation which indicate the basis for its recommendation.

102.04.06 - City Council Public Hearing

Upon receipt of the Planning Commission's recommendation, the matter shall be set for a public hearing before the City Council. The public hearing shall be noticed and conducted in accordance with the provisions of Section 105. [Section 102.04.06 was amended by Ordinance 90-08, §3, passed February 20, 1990.]

102.04.07 - Action by City Council

Following the close of the public hearing, the City Council shall either by ordinance approve the proposed Comprehensive Plan amendment or a modification thereof or deny the petition. In making its

decision, the City Council shall apply the policies of the Comprehensive Plan; and it shall specify such analysis as findings in support of its decision.

102.04.08 - Notice of Disposition

The Director shall, by certified mail, provide the applicant a notice of disposition, stating the decision of the hearing authority, the reasons therefor, and any conditions of approval. A notice of disposition shall also be mailed to each person who was mailed the original hearing notice and to those who presented testimony orally or in writing at the hearing. [Section 102.04.08 was amended by Ordinance 90-08, §3, passed February 20, 1990.]

102.04.09 - Fees

Petitions filed for Comprehensive Plan amendments in accordance with this section shall be accompanied by fees as required by Section 120.

[Section 102 amended by Ordinance 81-87, §1, passed November 2, 1981 and Ordinance 90-08, §3, passed February 20, 1990.]

SECTION 103 - THE OFFICIAL DEVELOPMENT DISTRICT MAP

The boundaries of the development districts established by this Code are shown on the recorded Official Development District Map for which two duplicates shall be maintained by the Director in safe and secure locations. The Official Development District Map and all amendments and other matters entered on the Official Development District Map are hereby made a part of this Code and have the same legal effect as if fully set out herein.

Section 103.01 - Amendments

Amendments to the Official Development District Map shall be adopted as provided in Section 114. Promptly after the adoption of an amendment, the Director shall alter the Official Development District Map to indicate the amendment. [Section 103.01 amended by Ordinance 82-67, §1, passed August 2, 1982.]

Section 103.02 - Interpretation of Development District Boundaries

The boundaries of the development districts shown on the Official Development District Map shall be located as described in the ordinance, or ordinances and orders establishing and amending such district boundaries. If uncertainty exists as to the boundaries of the development districts which is not resolved by the ordinance or ordinances and orders establishing and amending such boundaries, the following rules shall apply:

- a. Boundaries indicated as approximately following the center lines of streets, highways, or alleys, streams, rivers, lakes or other bodies of water shall be construed to follow such center lines;
- b. Boundaries indicated as approximately following railroad lines shall be construed to be 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 manmade features indicated in subsections (a) through (c) above shall be so construed; and
- e. Distances not specifically indicated shall be determined by the scale of the official Development District Map.
- f. Where a lot is divided by a boundary, the applicable uses and development standards shall be those of the district which applies to the majority of the land area of a lot of record as it existed at the time of the adoption of this Code.

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

SECTION 104 - THE CITY COUNCIL AND ITS AGENCIES AND OFFICERS

Section 104.01 - The City Council

104.01.01 - Authority and Responsibility

The state has delegated the responsibility for adopting land use plans and controls to the City Council. The City has adopted this Code pursuant to its responsibilities to secure the health, safety, and welfare of its citizens and also pursuant to its home rule authority. The City Council may create a Planning Commission and Land Development Hearings Board for the purpose of and implementing such plans and controls.

In addition, the state has authorized the Council to act upon applications for development or to delegate its authority to act upon such applications.

104.01.02 - Powers and Duties

The City Council has the following powers and duties in addition to any others it may now have, be given, or confer upon itself. The City Council:

- a. May adopt, amend, supplement, or repeal plans and policies for the development of the community;
- b. May adopt, amend, supplement, or repeal the text of any provisions or regulations of this Code or the boundaries of the development districts established on the Official Development District Map.
- c. Shall review decisions of the Planning Commission and Land Development Hearings Board upon appeal.
- d. Shall appoint the members of the Planning Commission.
- e. May establish a reasonable schedule of fees with respect to matters under this code as provided in Section 120.

Section 104.02 - The Planning Commission

The Planning Commission shall be appointed in accordance with the Boards and Commissions Ordinance. The Commission shall have the powers and duties provided therein and provided by this Code. [Section 104.02 amended by Ordinance 81-67, §1, passed July 6, 1981; and Ordinance 82-6, §1, passed February 1, 1982.]

Section 104.03 - Land Development Hearings Board

There is hereby created a Land Development Hearings Board for the City of Corvallis, Oregon. The Board shall hear and act on appeals resulting from alleged errors in orders, requirements, decisions, and interpretations of the Director or designated administrative officers charged with the enforcement of this Code and such other matters as required by this code.

104.03.01 - Membership

- a. All members of the Planning Commission are eligible to serve on the Land Development Hearings Board. The Land Development Hearings Board shall consist of three (3) members appointed from the Planning Commission by the chairman. One (1) member shall be appointed to a one-year term, one (1) member shall be appointed to a two-year term, and one (1) member shall be appointed to a three-year term. All succeeding appointments shall be for three (3) year terms or until they are no longer members of the Planning Commission, whichever comes first.

Any vacancy in office shall be filled by the chairman for the unexpired portion of the term of the member whose office became vacant.

- b. The members of the Land Development Hearings Board shall continue as voting members of the Planning Commission.
- c. The Chairman may appoint alternatives to serve in the absence of Board members.

104.03.02 - Quorum

Two members of the Land Development Hearings Board shall constitute a quorum. Any position in the Land Development Hearings Board may be filled, or substitution made to allow all members of the Planning Commission to serve for purposes of a quorum.

104.03.03 - Conflict of Interest

A member of the Land Development Hearings Board shall not participate in any Board proceedings or action in which any of the following has a direct or substantial financial interest - the member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he is then serving or has served with the previous two (2) years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual potential interest shall be disclosed at the meeting of the Land Development Hearings Board where the action is being taken. Examples of conflict of interest include: a) the member owns property within the area entitled to receive notice of the public hearing; b) the member has a direct private interest in the proposal; or c) for any other valid reason, the member or the commissioner has determined that participation in the hearing and decision cannot be in an impartial manner.

104.03.04 - Powers and Duties

The Land Development Hearings Board shall conduct hearings, and prepare findings of fact in accordance with Section 105 and take such actions concerning appeals as required by this Code. [Section 104.03.04 amended by Ordinance 81-67, §2, passed July 6, 1981.]

104.03.05 - Rules and Regulations

The Land Development Hearings Board shall adopt rules and regulations necessary to the conduct of its affairs and in keeping with the provisions of this Code. The rules and regulations of the Land Development Hearings Board shall be maintained as a separate document of public record at the office of the Planning Department.

Section 104.04 - The Community Development Director

104.04.01 - Position

The City Manager may delegate the powers and duties herein created to the administrative officer of the City of Corvallis herein defined as the Community Development Director to supervise, organize, direct, and control the activities defined under this rule. In all other sections, the Land Development Code shall reference the Community Development Director as Director. [Section 104.04.01 amended by Ordinance 82-67, §2, passed August 2, 1982.]

104.04.02 - Powers and Duties

The Director provides professional planning assistance to the general citizens, City Council, Planning Commission, Land Development Hearings Board, and City Manager; and, he is hereby authorized to interpret the provisions of this Code and to perform such other duties in the administration of the Land Development Code as are required herein. Such powers and duties may be accomplished by person(s) as designated by the Director.

Section 104.05 - Participation by Interested Officers or Employees

No officer or employee of the City who has a financial interest in a proposal shall participate in discussions with or give an official opinion to the hearing body without first declaring for the record the nature and extent of such interest.

[All references to the term "Planning Director" are deleted and replaced with the term "Director" as per Ordinance 82-67, §3, passed August 2, 1982.]

SECTION 105 - PUBLIC HEARINGS

The following procedures are established for the conduct of public hearings where such hearings are required by the provisions of this Code.

Developers of any major project within the City of Corvallis are strongly urged to conduct their own public informational meetings in the neighborhood affected by the proposed development, prior to the City's public hearing.

Developers are also urged to work closely with City staff and to take part in preapplication meetings to assure that applications are complete when filed. [Section 105 amended by Ordinance 90-08, §4, passed February 20, 1990.]

Section 105.01 - Initial Review of Applications

- a. Within five (5) working days from the date of application, the City Attorney shall determine whether a legislative or a quasi-judicial hearing is required. Such decision shall be based upon a construction of applicable state regulations and relevant court decisions.
- b. Planning Division staff shall review applications as soon as possible after they are filed to verify their completeness. Applicants shall be notified of any information required for the application to be considered complete. Within thirty (30) calendar days of the original filing each application shall be formally accepted as complete or rejected as being incomplete. The applicant shall be notified of the acceptance or rejection of the application. If the application is rejected, the applicant shall be advised what information is needed to render the application complete. Applicants shall be advised that the hearing authority will be unable to approve an incomplete application if it cannot assure that the required criteria have been met.

[Section 105.01 amended by Ordinance 90-08, §4, amended February 20, 1990.]

Section 105.02 - Legislative Hearings

If this Code requires the City Council or an agency of the City Council to conduct a legislative hearing, it shall hold the hearing in accordance with the procedures of this Section.

105.02.01 - Notice

Notice of the hearing shall be published in a newspaper of general circulation at least ten (10) calendar days in advance of the hearing.

- a. The notice shall contain the following information:
 - 1. The terms of, or a statement of, the proposed public action;

2. The department of the City from which additional information can be obtained; and
 3. The time, place, date, and methods for presentation of views by interested persons.
- b. Such notice shall be sent by mail at least twenty (20) calendar days prior to the hearing to owners of property if the land use action would change the land use designation of the property or change in the number of dwelling units per acre permitted on the property. If the number of affected property owners exceeds 300, no mailed notice shall be required. [Section 105.02.01 b. amended by Ordinance 90-08, §4, passed February 20, 1990.]
- c. For the purpose of mailed notification, the County Assessor's Office most recent property tax assessment roll shall be used. The failure of the property owners to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons entitled to personal notice. [Section 105.02.01 c. amended by Ordinance 90-08, §4, passed February 20, 1990.]

[Section 105.02.01 amended by Ordinance 83-80, §1, passed November 21, 1983.]

105.02.02 - Submission of Written Testimony

Any person may submit written recommendations and comments, copies of which shall be kept on file and made available for public inspection. Time limitations on the acceptance of written testimony shall be determined by the hearing authority.

105.02.03 - Order of Proceedings

- a. The presiding officer will state the case and call the public hearing to order. The presiding officer may establish the time allowed for the presentation of information.
- b. Any objections or jurisdictional grounds shall be noted in the record.
- c. Disqualifications shall be determined. Members shall announce all potential conflicts of interest.
- d. Staff reports shall be presented. City staff may also present additional information whenever allowed by the presiding officer during the proceedings.
- e. Presentation of information or inquiries by those persons who support the proposed action.
- f. Presentation of information or inquiries by those persons who oppose the proposed action.
- g. Presentation of information or inquiries by those persons who do not necessarily support or oppose the proposed action.

h. At the close of presentation of public testimony, the presiding officer shall declare that the hearing is closed unless there is a motion to continue the public hearing. If the hearing is closed no further information shall be received and, unless the presiding officer has otherwise ordered, no further argument shall be received.

i. Action by Hearing Authority

1. The action of the hearing authority may be: to continue the public hearing and refer the matter to a committee; to approve or to deny the action. Findings in support of any decision may be required by State law and shall be in the record of proceedings prior to any final action by the hearing authority.
2. If a quorum of the hearing authority does not appear for a hearing, the hearing shall automatically be continued to the date and time of the next regularly scheduled meeting.

j. Findings of Fact

The hearing body may state findings of fact prior to any final action to include:

1. The applicable policies, criteria, and standards against which a proposal was tested.
2. Statements assuring the compliance or noncompliance of the proposed actions with each applicable policy, criteria, and standard.
3. The reason for a conclusion to approve or deny.

[Section 105.02.03 k. renumbered to 105.02.03 j. by Ordinance 90-08, §4, passed February 20, 1990.]

Section 105.03 - Quasi-Judicial Hearings

Where a quasi-judicial hearing is required by this Code it shall be conducted in accordance with the following procedures.

105.03.01 - Public Notice

a. Notice of hearings shall contain the following information:

1. The date, time and place of the hearing;
2. The nature of the proposed development and the proposed uses which could be authorized;
3. Legal description, address, or tax map designations;

4. A map showing the location of a district change, subdivision, annexations, or conditional developments.
 5. The name and telephone number of a staff member from whom additional information can be obtained.
 6. Where the proposed development involves a district change, the Director shall have the discretion to include within the notice the statement that the hearing authority may consider classifications other than that for which application is made.
 7. A list of the Land Development Code and Comprehensive Plan criteria which apply to the decision.
 8. A statement that failure to raise an issue, orally or in writing, during the hearing with sufficient specificity to allow the decision-makers an opportunity to respond will preclude appeal to the State Land Use Board of Appeals on that issue.
 9. A statement that the following are available for inspection at no cost, and will be duplicated upon request at reasonable cost:
 - * the application;
 - * all documents and evidence relied upon by the applicant;
 - * the applicable criteria.
 10. A statement that the staff report will be available for review at no cost seven (7) days before the hearing and that it will be duplicated upon request at reasonable cost.
 11. A description of the hearing procedure with encouragement for concerned citizens to submit testimony orally or in writing.
- b. Such notice shall be sent by mail at least twenty (20) calendar days prior to the hearing to the following persons:
1. The applicant or his authorized agent.
 2. Any person who resides on or owns property within 500 feet, excluding street right-of-way, of a parcel of land which is proposed for the following types of development:
 - (a) District changes or Comprehensive Plan amendments for commercial and/or industrial use. Except, however, the following district changes for which notice will be provided as specified in the relevant Code Section:
 - * Establishment or removal of HPO designation (Section 216.04);

- * Time extension of RTC (Section 216.05) or RSC (Section 216.06) designation.
 - (b) Subdivisions and replats which create 100 or more lots.
 - (c) Conditional development (including development processed in accordance with Planned Development procedures contained in Section 112) on parcels of land which are more than one (1) acre in area.
 - (d) Annexation proposals.
3. Any person who resides on or owns property within 300 feet, excluding street right-of-way, of a parcel of land which is proposed for the following type of development:
 - (a) District changes or Comprehensive Plan amendments for other than commercial or industrial use.
 - (b) Subdivisions and major replats which create fewer than 100 lots.
 - (c) Conditional development (including development processed in accordance with Planned Development procedures contained in Section 112) on parcels of land which are one (1) acre or less in area.
 4. Any person who resides on or owns property within 100 feet, excluding street right-of-way, of a parcel of land which is the subject of an appeal of a quasi-judicial decision of the Director.
 5. Vacations shall be notified as provided in Section 116.03.03.
 6. Any other person, agency, or organization that has filed with the Planning Division a request 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; and
 8. Any other person, agency, or organization that may be designated by the City Council or its agencies.
 9. The tenants of any existing mobile home park for which a development district change is proposed.
- c. 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 occupant and owner in each case where the Assessor's records indicate that the owner's address differs from the site address. Persons whose names and addresses are

not on file at the time of the filing of the application need not be notified of the action. The failure of the property owners to receive notice shall not invalidate the action if a good faith attempt was made to notify all persons entitled to mailed notice.

- d. Notice shall also be posted in three (3) conspicuous places in the immediate vicinity of the subject property at least ten (10) calendar days prior to the date of the hearing.
- e. Notice shall also be given by publication in a newspaper of general circulation at least ten (10) calendar days prior to the date of the hearing.
- f. Where a hearing is continued by the hearing authority to a date certain, no additional notice need be given.

[Section 105.03.01 amended by Ordinance 90-08, §4, passed February 20, 1990.]

105.03.02 - Hearing Authority

The City Council or an agency of the City Council shall be designated by this Code as the hearing authority for specific types of development proposals which require a quasi-judicial hearing. [Section 105.03.03 renumbered Section 105.03.02 by Ordinance 81-67, §5, passed July 6, 1981.]

105.03.03 - Order of Proceedings

- a. The presiding officer will state the case and call the public hearing to order, informing those present that testimony and evidence is to be directed towards the applicable criteria for the case and that failure to raise an issue with sufficient specificity to afford the decision-makers and other parties an opportunity to respond will preclude appeal to the State Land Use Board of Appeals on that issue. The presiding officer may establish the time allowed for the presentation of information.
- b. Any objections on jurisdictional grounds shall be noted in the record.
- c. Any abstentions or disqualifications shall be determined. Members shall announce all conflicts of interest and shall disclose the time, place, and nature of any ex-parte contacts they have had. Parties to the case shall have the opportunity to rebut any information contained in the ex-parte contact.
- d. Presentation of staff report including a list of the criteria applying to the case. City staff may also present additional information whenever allowed by the presiding officer during the proceedings.

- e. The hearing authority may view the area in dispute for purposes of evaluating the proposal, but shall state the place, time, manner, and circumstances of such viewing in the record.
- f. Presentation of information by the applicant or those representing the applicant.
- g. Presentation of evidence or inquiries by those persons who support the proposed change. If additional documents or evidence are provided in support of an application, any party shall, upon request, be entitled to a continuance of the hearing to allow for adequate preparation of rebuttal. Such a continuance is exempt from the time limits established in state law for development review processes.
- h. Presentation of evidence or inquiries by those persons who oppose the proposed change.
- i. Presentation of evidence or inquiries by those persons who do not necessarily support or oppose the proposed change.
- j. Rebuttal testimony may be presented by persons who have testified supporting or opposing the proposed change. The scope of material presented during rebuttal shall be limited to matters which were brought up during the course of the hearing. Rebuttal shall be first presented by the applicant or her/his representative and then by those opposed to the proposed change. The presiding officer shall limit rebuttal to avoid repetition and redundancy.
- k. At the close of presentation of information, rebuttal, and written argument, the presiding officer shall declare that the hearing is closed unless there is a motion to continue the public hearing. When the public hearing is not to be continued, the record shall remain open for submittal of additional written testimony for a period of seven (7) calendar days after the close of the hearing, if requested by any participant in the initial hearing, and may be permitted for a longer period at the discretion of the hearing authority.
- l. Once a hearing has been closed, no further evidence shall be received except in response to specific questions directed to staff or one of the parties to clarify earlier evidence. The opportunity for brief rebuttal shall also be afforded to adverse parties.

If the hearing is closed, it shall be reopened only upon a majority vote of the hearing authority and only after a reasonable showing that:

- 1. There is evidence which was not reasonably available at the time of the hearing; and
- 2. The evidence is now available to the person seeking to reopen the hearing; and

3. The evidence is factual, substantial, and material.

Upon reopening a hearing, any person may raise new issues which relate to the new evidence, testimony, or criteria for decision-making which apply to the matter at issue.

m. Action by Hearing Authority

1. The hearing authority shall act upon the development proposal application within 60 days after the application is deemed complete 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 take such applications in the order in which they are filed.
2. The action of the hearing authority may be to continue the public hearing and refer the case to a Committee, approve the applications as submitted, to deny the request, or to approve the request with conditions in accordance with Section 105.03.03.m.(3). Findings in support of any decision shall be required in accordance with the applicable provisions of this Code, and shall be in the record of proceedings prior to any final action by the hearing authority to either approve, approve with conditions, or deny a request. [Section 105.03.03m.2. amended by Ordinance 81-67, §7, passed July 6, 1981.]
3. The following limitations shall be applicable to conditional approvals:
 - (a) Conditions shall be fulfilled within the time limitations set forth in the approval thereof or, if no time is set forth, within a reasonable and agreed time.
 - (b) Such conditions may concern any matter subject to regulation under this Code, or other law, policy, or ordinance of the City.
4. By vote, the hearing authority may continue any public hearing to a later date and time certain. If a quorum of the hearing authority does not appear for a hearing, the hearing shall automatically be continued to the date and time of the next regularly scheduled meeting.

n. Findings of Fact

Findings shall include:

1. A preamble summarizing basic facts regarding the property and action taken prior to the public hearing by the hearing authority. This preamble should include, but should not be limited to statements regarding.

- a. Size and location of property in question including tax lot number(s) and map number(s).
 - b. Purpose of application.
 - c. Statement of applicant(s) legal interest in the property.
 - d. Date of original application.
 - e. Whether or not applicant represents self or another person.
 - f. Date of all public hearings (if any other) and actions taken at those hearings.
 - g. Other relevant background facts, as appropriate.
2. The identification of applicable legal criteria for decision making. These may include the Corvallis Charter, Code, Comprehensive Plan, applicable Statewide Planning Goals, and applicable State statutes.
 3. Specific findings of fact, individually numbered.
 4. Ultimate findings of fact and conclusions, individually numbered. Such findings must relate relevant facts to the legal criteria identified previously. The findings may require an explanation of possible conflict between provisions of the identified legal criteria and an explanation of how any such conflicts were resolved.
 5. All parties shall be encouraged to prepare and submit written findings for the consideration of the hearing authority. The authority may direct staff to prepare proposed findings or, in the event that the authority does not follow staff's recommendation, the prevailing party may be directed to prepare findings.

o. Signing of the Order

A written order setting forth the action of the hearing authority shall be rendered, to be signed by the chairman of the presiding body or his designate, to become effective upon the expiration of the appeal period unless an appeal has been filed in accordance with Section 118.

p. Notice of Disposition

Following the signing of the order the Director shall issue a Notice of Disposition which describes the decision of the hearing authority and the applicable appeal period.

The notice of disposition will be issued to persons who testified at the public hearing or those who submitted written testimony, in addition to those persons who are entitled to receive a notice of disposition by other provisions of this Code. [Section 105.03.04 renumbered Section 105.03.03 and amended by Ordinance 81-67, §6, 7, and 8, passed July 6, 1981. Section 105.03.03 amended by Ordinance 90-08, §4, passed February 20, 1990.]

Section 105.04 - Rules of Procedure

- a. Formal rules of evidence shall not apply.
- b. Written exhibits, visual aids, affidavits, maps, and the like may be submitted as part of the evidence. Any signed writing presented to, or received by any member of the hearing authority or by any other city agency or official outside the public hearing may be received as argument and placed in the record, but will not be considered as part of the information except that a signed writing received at the office of the Planning Department prior to the closing of the public hearing shall be included as part of the information in that hearing. Unless the hearing authority specifically allows later filing of argument, no writings received after the close of the hearing will be considered as argument.
- c. All information received by the hearing authority shall be retained and preserved and shall be transmitted to an appellate body in the event an appeal is filed in accordance with Section 118. True copies of original information may be substituted for original documents.
- d. All evidence and argument shall be as brief as possible, consistent with full presentation.
- e. Redundancy shall be avoided.
- f. Each person presenting information or argument shall be permitted to complete his presentation without interruption except by the presiding officer to enforce this Code.
- g. Discussion of personalities shall be avoided to the extent possible in making a complete presentation.
- h. No person present shall engage in applause, cheers, or other vocal or outward expressions of approval, or disapproval, agreement or disagreement. If any person persists in such conduct after warning by the presiding officer, such person may be expelled from the hearing.
- i. The presiding officer has complete authority to enforce these provisions to assure that a fair hearing is held including the authority to expel from the public hearing and to bar from further appearance at the public hearing any person who willfully violates any one or more of these provisions.

Section 105.05 - 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, he may revive his eligibility by listening to the completed tape recording of the portion of the hearing missed. He shall then announce to the hearing authority that he has listened to the tapes thus reviving his eligibility.

Section 105.06 - Public Information

- a. A copy of these provisions (Section 105) shall be made available to any interested person requesting such a copy.
- b. Copies of the rules of procedure (Section 105.04) shall be available to the public within the hearing room prior to and during every public hearing conducted pursuant to Section 105.

Section 105.07 - Reapplication Following Denial

Upon final denial of a development proposal, a new application and fee for the same development or any portion thereof may not be heard for a period of one (1) year from the date of denial. Upon consideration of a written statement by the applicant showing how the proposal has been sufficiently modified to overcome the findings for denial or that conditions have changed sufficiently to justify reconsideration of the original or a similar proposal, the Director may waive the one (1) year waiting period.

Section 105.08 - Multiple Applications Filed Together

When more than one application has been filed at one time for a specific property or development, and any of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same meeting. For example, applications for Development District changes are ordinarily heard by the Land Development Hearings Board. When a District change is sought simultaneously with an amendment to the Comprehensive Plan, however, the two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board is required. [Section 105.08 was added by Ordinance 90-08, §4, passed February 20, 1990.]

Section 105.09 - Filing deadlines

Unless otherwise specified in this Code, the following filing deadlines shall apply to any application requiring a public hearing by the Planning Commission. Where an application has been filed by the last Monday of the month, and found to be complete within the next 30 days, it shall be scheduled for public hearing in the third month following. For example, applications filed the last Monday in January, and found to be complete by the end of February, will be heard by the Planning Commission in April. [Section 105.09 was added by Ordinance 90-08, §4, passed February 20, 1990.]

SECTION 106 - DEVELOPMENT REVIEW PROCESS

Section 106.01 - Background

This section describes those development review processes which are necessary to coordinate all review functions, and authorize specific types of developments outlined in this Code.

For purposes of this Code, there are two types of developments, "General and Special Development," described as follows.

Section 106.02 - General Development

General Development includes those development activities which are permitted outright subject to compliance with the criteria and standards of this Code. Those uses which are listed as "Permitted Uses" in Article II are General Development activities and require staff review upon application for a building permit. Review of building permits shall be accomplished according to administrative procedures for the review of general development.

Review for development code compliance does not exempt development from review under other applicable City ordinances and requirements.

Section 106.03 - Special Development

Special Development is development for which approval is granted discretionary. There are two types of special developments:

Type I: Development which requires a public hearing and approval by an established hearing authority; and

Type II: Development which may be permitted by staff.

106.03.01 - Type I: Special Development

Special development activities which require a public hearing are described in the following sections of Article I:

Section 110 - Conditional Development (excluding Home Occupations)

Section 111 - Nonconforming Development

Section 112 - Planned Development

Section 113 - Land Divisions - Subdivisions and Major Replats

Section 114 - District Changes

Section 115 - Annexations

Section 116 - Vacation

[Section 106.03.01 amended by Ordinance 89-31, §2, passed July 24, 1989.]

106.03.02 - Type II: Special Development

Special development activities which may be approved by staff without a prior public hearing are described in the following sections of Article I:

Section 108 - Plan Compatibility Review

Section 109 - Lot Development Option

Section 110 - Conditional Development - Home Occupations

Section 112 - Planned Development - Minor Modifications

Section 113 - Land Division - Partitions, Minor Replats and Lot Line Adjustments

[Section 106.03.02 amended by Ordinance 89-31, §2, passed July 24, 1989.]

SECTION 107 - CORVALLIS SIGN REGULATIONS

Section 107.01 - Title

Section 107 of the Corvallis Land Development Code shall be known and cited as the Corvallis Sign Regulations.

Section 107.02 - Purpose of Signs

The primary purpose of signs is to provide location and identification information to the public. Signs can also be used to communicate messages and advertisements. Corvallis recognizes these informational values of signs and encourages the appropriate use of signs as a communication medium.

Section 107.03 - Purpose of Section 107

The Corvallis Sign Regulations serve the community in several ways.

- a. Section 107 protects public health, safety, and welfare by requiring sound construction, by requiring that signs be maintained, by limiting the number of visual images to be communicated, and by prohibiting signs which demand rather than invite attention.
- b. Section 107 provides an equitable opportunity to use signs outside of public rights-of-way as a communication medium.
- c. To prevent excessive signage that overwhelms the viewer's ability to assimilate messages, Section 107 provides standards for the frequency, location, size, construction, type, and number of signs.
- d. Section 107 provides reasonable limits on the magnitude and extent of graphic communication presented to the public, in order to protect the aesthetic quality, appearance, and economic viability of Corvallis.
- e. Section 107 repeals Ordinance 72-57, as amended.

Section 107.04 - Offenses

Any person who erects, installs, maintains, alters, repairs, removes or uses a sign in violation of the provisions of Section 107, or the Corvallis Building Code, shall be committing a Class B infraction and be subject to the penalties set forth in Section 107.16. Any person who causes or permits any of the actions described above shall also be in violation of Section 107.

Section 107.05 - Sign Maintenance Required

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

- a. Normal maintenance and repair of a sign or sign structure, including painting, repainting, and cleaning, is permitted without a permit.

- b. Structural and electrical modifications, including changes of sign size, shape, and location require a permit.

Section 107.06 - Nonconforming Signs

Signs existing when these regulations are adopted, which conformed to the provisions of Ordinance 72-57, as amended, but which do not conform to the provisions of Section 107, and which also have an approved City, County, or State sign permit, shall be considered nonconforming signs.

- a. Nonconforming signs may continue to be utilized until altered, replaced, modified, or moved, at which time the sign shall be brought into conformance with all provisions of Section 107.
- b. Signs on lands annexed to the City and which have an approved County or State sign permit shall be considered nonconforming signs.
- c. Nonconforming signs abandoned by establishments no longer occupying an address shall be removed from the location within 180 days after closing. A sign permit for the same establishment shall not be issued until the nonconforming sign at the previous location is removed. Where the establishment does not remove signs from the premises, the property owner shall be responsible for removal.

Section 107.07 - Prohibited Signs

No person shall erect, install, maintain, alter, repair, remove, or use (or cause or allow the same to be done) any sign unless specifically authorized by Section 107. No permit shall be issued for the erection, display, or maintenance of any sign in violation of Section 107. The following types of signs are specifically prohibited:

- a. In districts with a front yard setback, signs which obstruct the vision clearance area (as defined by Section 301.04) of a street or driveway intersection are prohibited. Also, signs which obstruct the ingress or egress through any door, window, fire escape, standpipe, or like facility, required or designated for safety or emergency use are prohibited.
- b. Signs which may be confused with public traffic signs or highway identification signs, or graphically appear similar to these types of signs are prohibited.

Signs which use words like "STOP", "SLOW", "CAUTION", "LOOK", "DANGER", or any other word, phrase, symbol, or character that may mislead or confuse vehicle operators are prohibited.

- c. Signs or sign structures which are determined by the Building Official to constitute a hazard to the public safety or health by reason of poor structural design or construction, inadequate maintenance, lack of repair, or dilapidation are prohibited.
- d. Unless permitted by Section 107.09, Section 107.10, or Section 107.11, signs located on or above public rights-of-way, without written consent of the applicable jurisdiction are prohibited. This

includes (but is not limited to) sandwich boards, posters on utility poles, political signs in parking strips, and signs on sidewalks. Any person may remove such prohibited signs from the public right-of-way.

- e. Signs (or any part thereof) which flash, blink, fluctuate, or which have chaser, scintillating or speller effects, including search lights, are prohibited.
- f. Signs which are moving or have any moving part are prohibited. This includes movement by mechanical, electrical, or kinetic means, wind currents, or any other means.
- g. Inflatable signs, including balloons and blimps are prohibited.
- h. Pennants, flags, and banners (or strings thereof) are prohibited. See Section 107.09(b) regarding official national, state, and local flags. See Section 107.10.05 regarding temporary banners.
- i. Signs that have copy changeable by other than manual means (except time and temperature signs that are a part of a permanent sign) are prohibited.
- j. Roof signs are prohibited. Signs projecting more than four feet above the eave on sloped roofs, or four feet above the parapets on flat roofs are prohibited.
- k. Signs which have visible "A" frames, trusses, or guy wires as part of the sign or sign structure are prohibited.
- l. 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 are prohibited.
- m. Handbills (including any notice, placard, poster, showbill, dodger, circular, pamphlet, booklet, letter, folder, sheet, sticker, or banner) shall be prohibited except as permitted by City Ordinance 82-77, as amended, Section 101 - POSTING AND DISTRIBUTION OF HANDBILLS.

Section 107.08 - Permits Required for Installation of Signs

Unless exempted by Section 107.09, an approved sign permit is required for the installation of each sign and billboard.

- a. A completed Sign Permit Application (available from the Development Assistance Center), accompanied by the appropriate fee specified in Section 120, shall be submitted to the Development Assistance Center for review.
- b. The Director shall review the Sign Permit Application to assure that it is complete, is accompanied by the appropriate fee, and that the proposed sign complies with the provisions of Section 107 and other City ordinances. A permit may only be issued when all of these criteria have been met.

- 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. Where installation requiring a sign permit is initiated prior to obtaining a permit, the applicable permit review fee shall be doubled. Payment of such double fee shall not relieve any person from full compliance with Section 107.
- e. If a sign is not installed as approved within 180 days from the date of a sign permit application approval, the permit shall become null and void. Reapplication shall include a new, fully completed application form and a new application fee. The application must comply with the findings in (b) above, including any amendments to Section 107 adopted since the previous permit approval.
- f. An approved sign permit may be revoked by the Director if the approved 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. As provided in Section 118, the decision of the Director may be appealed to the Land Development Hearings Board.
- g. All signs shall be subject to inspection and reinspection by the Director. Footing inspections may be required for all signs having footings.

Section 107.09 - Exemptions from Specific Requirements of Section 107

The following types of graphic communication must comply with other applicable provisions of Section 107, but are exempted from one or more requirements of Section 107. They are not subject to the allocation limits specified in Section 107.10 and Section 107.11. Limitations on the number and size of these classes of signs, if any, are noted below.

- a. Signs erected in a public right-of-way by the City of Corvallis, Benton County, the State of Oregon, the U.S. Government, or public utility, or an agent thereof are exempt from the provisions of Section 107, including:
 - Street identification signs.
 - 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 these symbols of honor and authority, as specified by the U. S. Flag Code are exempt from the provisions of Section 107. As per Section 4 of the Flag Code, the American flag should never be used for advertising purposes in any manner whatsoever.

The flag structure shall not exceed 20 feet or 110 percent of the maximum height of the primary structure on the property, whichever is greater. All structures over 10 feet in height supporting flags require a Building Permit and inspections of the footing and structure, as per the Corvallis Building Code prior to installation.

- c. Campaign signs shall be exempt from the permit requirements and allocational limitations of Section 107.
- d. Signs required by City ordinance, County ordinance, or State or Federal law are exempt from the provisions of Section 107. Examples include address numbers, street names, public notices, restaurant health inspection ratings, handicapped access signs, and Civil Defense Shelter signs.
- e. One permanent memorial sign or tablet per property, which displays only historical information, the name of the building, date of erection, and/or logo, is exempt from the provisions of Section 107. Sign area may not exceed ten (10) square feet.
- f. Permanent signs directing and guiding traffic and parking on private property, not to exceed six (6) square feet in area and limited to one sign per driveway entrance or street frontage are exempt from the provisions of Section 107. Other signs to designate reserved parking spaces or related to traffic or parking regulations limited to two (2) square feet are also exempted.
- g. A non-illuminated blade sign (one per entrance to a building) placed above the walkway and under weather protecting awnings, marquees, and parapets is exempt from the sign area limits of Section 107.10 and 107.11 and the limitation of two attached signs per occupant or business. An approved permit is required prior to installation. (See Section 101.10.06 for additional standards on blade signs.)
- h. Signs which communicate only to persons inside buildings or building complexes, or private property shall be exempt from the provisions of Section 107.

Signs, decorations, and displays inside of windows or attached to the inside of a window are also exempt, except that signs prohibited by 107.07 (a,b,c,e, and i) shall not be visible from outside of the building.

- i. Temporary signs, conforming with Section 107 shall be exempt from the permit requirements of Section 107. (See Section 107.10.04 and 107.13.02 for other standards on Temporary signs.)

Section 107.10 - Allocation Provisions and Design Standards by Type of Sign

Unless specified elsewhere in Section 107, the sign allocation for a property shall be determined by multiplying the primary frontage multiple for the applicable development district by the length of primary frontage of the property. The following provisions and design standards,

organized by type of sign, specify how the resulting total sign allocation may be utilized.

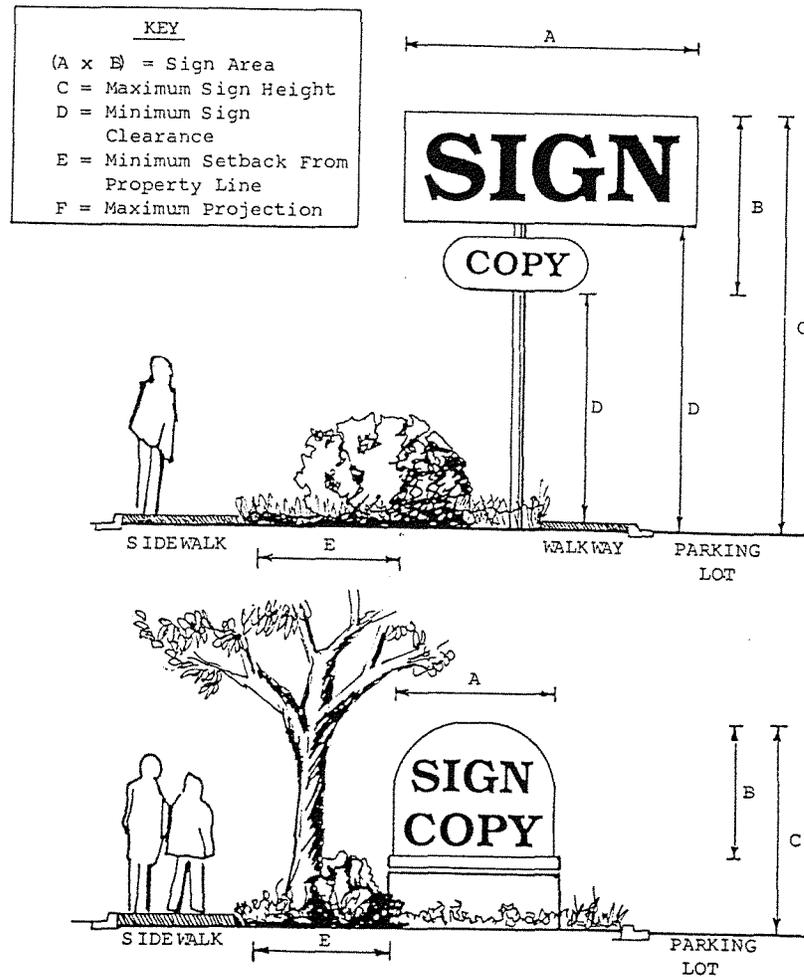
Section 107.10.01 - General Sign Standards

- a. All signs and sign structures shall comply with the standards of Section 107 and the provisions of the Corvallis Building Code. Unless otherwise permitted by Section 107, no sign with a sign area exceeding 200 square feet shall be allowed.
- b. The sign allocation for a given frontage may be apportioned to attached signs and, if otherwise permitted by Section 107, free-standing and temporary signs. That portion of the sign allocation utilized by a business or tenant for attached signage on a given frontage shall be utilized in not more than two signs. If the property frontage allocation for attached signs exceeds the maximum sign area size of the district, the additional allocation may be utilized in (an) additional sign(s), provided an eight foot separation is maintained between the signs.
- c. The sign area allocation calculated for a primary frontage may be utilized for an attached sign(s) which faces a secondary frontage, limited to one sign per establishment. The amount of allocation used for secondary frontage signs shall be subtracted from and shall not exceed the total sign allocation for the property.
- d. The maximum projection of attached signs facing secondary frontages shall be six (6) inches, except that no sign shall project over a public alley.
- e. The minimum setback from the curb face where signs are permitted over a public street right-of-way shall be two (2) feet.
- f. Where illuminated signs are permitted, and unless otherwise specified, illumination may be provided by internal lighting or external spot lighting. In no case shall this illumination cause direct glare on adjacent properties or streets.
- g. Up to 2 poles, with a maximum diameter of six inches each may be placed within the vision clearance triangle and used to support a sign above a vision clearance area. Any other intrusion into the vision clearance area by a sign or its supporting structure is prohibited without written approval of the City Engineer.

Section 107.10.02 - General Requirements for Free-standing Signs

- a. The minimum separation between free-standing signs shall be 100 feet.
- b. Minimum clearance above a pedestrian walkway shall be 10 feet.

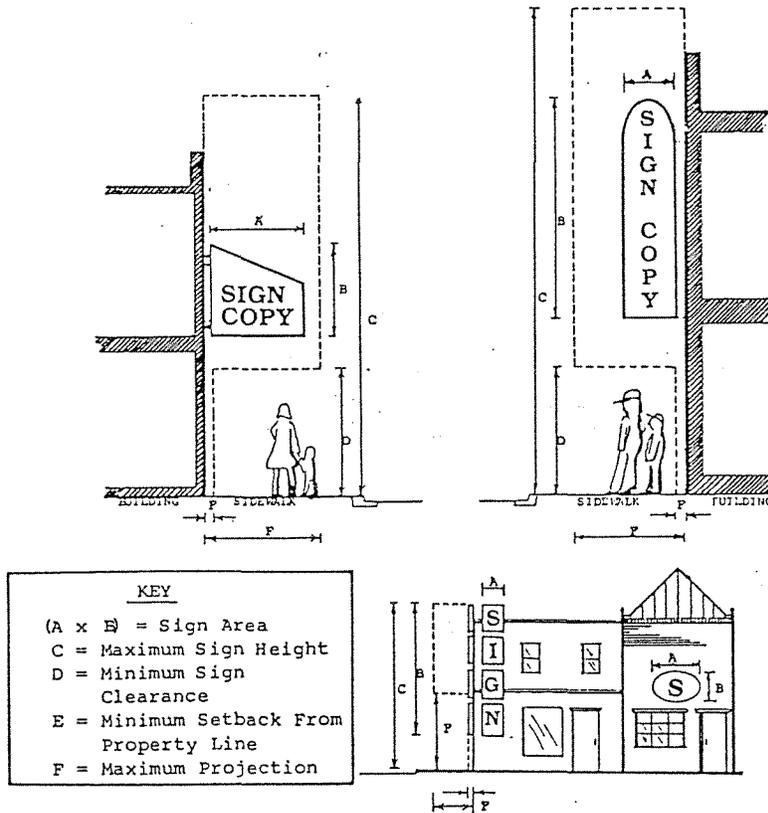
- c. The following diagram illustrates the terms applicable to free-standing signs under this section and Section 107.11.



Section 107.10.03 - General Requirements for Attached Signs

- a. Where an attached sign projects more than six (6) inches, the minimum clearance above a pedestrian walkway shall be 7 1/2 feet.
- b. Other than in Residential Districts, an attached sign may extend up to four (4) feet above a wall, eave, or parapet on the exterior of the building face. In Residential Districts, an attached sign may not extend above the top of the wall, eave, or parapet.
- c. Where an attached sign projects more than one (1) foot, the edge of the sign face closest to the building shall not project more than six (6) inches.

- d. For attached signs (other than awnings and marquees) which project more than one (1) foot, a minimum separation of five (5) feet for each foot of projection shall be maintained between signs to facilitate visibility. No attached sign shall project more than 8 feet from the building face.
- e. The following diagram illustrates the terms applicable to attached signs under this section and Section 107.11.



Section 107.10.04 - General Requirements for Temporary Signs, Other Than Banner Signs

One temporary sign per property (other than banner signs) maintained in sound condition, appearance, and repair, shall be allowed.

The maximum sign area and height for a temporary sign shall be as specified for each district in Section 107.11. The total sign area of temporary signs shall reduce, and may not exceed, the total sign allocation of a property. A temporary sign installed and utilized in compliance with Section 107 is exempt from the permit requirement.

ORDINANCE NO. 91-51

AN ORDINANCE relating to signs, amending Ordinance 80-100, as amended.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Section 107.10.05 of Ordinance 80-100, as amended, is hereby amended to read as follows:

Section 107.10.05 - General Requirements for the Use of Banner Signs

The use of banner signs is allowed in office, OSU, commercial and industrial districts, and for properties in residential districts having a primary frontage measuring greater than 200 feet.

An approved sign permit is required for each banner sign. ~~[An approved sign permit for a banner sign shall be valid for thirty consecutive calendar days, after which time the banner shall be removed.]~~ Banners may be used consistent with either option provided herein in a calendar year. The first 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 square feet. Each sign permit for a banner shall be valid for thirty consecutive days, after which time the banner shall be removed.
- 2) Each property is limited to two sign permits for banners per year. The maximum sign area for a banner shall be 100 square feet. Each sign permit for a banner shall be valid for seven consecutive days, after which time the banner shall be removed.

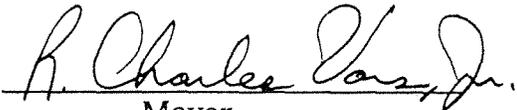
~~[Each property is limited to three sign permits for banners per year. The maximum sign area for a banner shall be 16 square feet.]~~ All banners shall be securely attached flush with a building face and comply with the maximum sign height provisions for attached signs in the applicable district. The sign area of a banner sign shall not reduce the sign allocation for a property.

NOTE: Matter in [] is new; matter [-] is existing law to be omitted.

PASSED by the Council this 16th day of September, 1991.

APPROVED by the Mayor this 16th day of September, 1991.

Effective this 26th day of September, 1991.



Mayor

ATTEST:



City Recorder

Section 107.10.05 - General Requirements for the Use of
Banner Signs

The use of banner signs is allowed in office, OSU, commercial and industrial districts, and for properties in residential districts having a primary frontage measuring greater than 200 feet.

An approved sign permit is required for each banner sign. An approved sign permit for a banner sign shall be valid for thirty consecutive calendar days, after which time the banner shall be removed.

Each property is limited to three sign permits for banners per year. The maximum sign area for a banner shall be 16 square feet. 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 district. The sign area of a banner sign shall not reduce the sign allocation for a property.

Section 107.10.06 - General Requirements for Blade Signs

One non-illuminated blade sign (above the walkway and under weather protecting awnings, marquees, and parapets) placed at each entrance to a building is allowed. An approved sign permit is required prior to installation.

The vertical dimension of a blade sign shall not exceed one foot and the width may not exceed 90% of the width of the weather protection, for a maximum sign area per sign of four square feet.

Section 107.11 - Allocation Provisions and Sign Standards by District

Unless specified elsewhere in Section 107, the sign allocation for a property shall be determined by multiplying the primary frontage multiple for the applicable development district by the length of primary frontage of the property. The following provisions and design standards, organized by District designation, specify how the resulting total sign allocation may be utilized.

Section 107.11.01 - Sign Standards for Residential Districts

| <u>District/ Sign Type</u> | <u>Primary Frontage Multiple</u> | <u>Maximum Sign Area</u> | <u>Maximum Sign Height</u> | <u>Maximum Sign Projection</u> | <u>Setback</u> |
|--------------------------------|--|----------------------------------|------------------------------------|--|----------------|
| Residential (All) | 1/10 square feet | 5 square feet | | | |
| Attached Temporary | | | 16 feet 4 feet | 6 inches | |

Special Instructions:

1. Attached signs shall not extend above eaves.

2. Unless specified below, signage shall be limited to one frontage.
3. Where a primary frontage exceeds 100 feet:
 - a. permanent free-standing signs shall be allowed (minimum setback shall be 5 feet).
 - b. maximum height for temporary and free-standing signs shall be 6 feet.
 - c. the maximum sign area shall be 16 square feet.
 - d. signs may be illuminated.
4. Banner signs which comply with Section 107.10.05 shall be permitted on properties with more than 200 feet of primary sign frontage.

Section 107.11.02 - Sign Standards for SA-U District

| <u>District/ Sign Type</u> | <u>Primary Frontage Multiple</u> | <u>Maximum Sign Area</u> | <u>Maximum Sign Height</u> | <u>Maximum Sign Projection</u> | <u>Setback</u> |
|--------------------------------|--|----------------------------------|------------------------------------|--|----------------|
| SA-U | 1 1/2 square feet | | | | |
| Attached | | 32 square feet | 20 feet | (See Section 107.10) | |
| Free-standing | | 32 square feet | 8 feet | | 5 feet |
| Temporary | | 5 square feet | 6 feet | | |

Special Instructions:

1. Attached signs may project over the right-of-way.
2. Height of attached signs shall not exceed 4 feet above the eave or parapet.
3. Banner signs which comply with Section 107.10.05 shall be permitted.
4. Illuminated signs are permitted.

Section 107.11.03 - Sign Standards for SA, SA-SS, PA-O, and RTC Districts

| <u>District/ Sign Type</u> | <u>Primary Frontage Multiple</u> | <u>Maximum Sign Area</u> | <u>Maximum Sign Height</u> | <u>Maximum Sign Projection</u> | <u>Setback</u> |
|--------------------------------|--|----------------------------------|------------------------------------|--|----------------|
| SA, SA-SS PA-O, RTC | 1 1/2 square feet | | | | |
| Attached | | 100 square feet | 25 feet | (See Section 107.10) | |
| Free-standing | | 100 square feet | 20 feet | | 5 feet |
| Temporary | | 5 square feet | 6 feet | | |

Special Instructions:

1. Height of attached signs shall not exceed 4 feet above the eave or parapet.
2. Banner signs which comply with Section 107.10.05 shall be permitted.
3. Illuminated signs are permitted.

Section 107.11.04 - Sign Standards for CS, LC, CB, CBF, LI, GI, and II Districts

| <u>District/ Sign Type</u> | <u>Primary Frontage Multiple</u> | <u>Maximum Sign Area</u> | <u>Maximum Sign Height</u> | <u>Maximum Sign Projection</u> | <u>Setback</u> |
|-----------------------------------|--|----------------------------------|------------------------------------|--|----------------|
| CS, LC, CB, CBF, LI, GI, II | 1 1/2 square feet | | | | |
| Attached | | 200 square feet | 25 feet | (see Section 107.10) | |
| Free-standing | | 200 square feet | 25 feet | | |
| Temporary | | 5 square feet | 6 feet | | |

Special Instructions:

1. Attached signs may project over the right-of-way only in the CB district.
2. Height of attached signs shall not exceed 4 feet above the eave or parapet.

3. Illuminated signs are permitted.
4. Banner signs which comply with Section 107.10.05 shall be permitted.

Section 107.11.05 - Sign Standards for Oregon State University
(OSU) District

Sign regulations for the OSU District vary depending on the location and visual impact of the sign in relation to properties surrounding the district.

- a. Any sign located more than 100 feet inside the following described portion of the OSU District and which has a sign area of less than 32 square feet (and/or which does not function as a graphic communication to persons outside the described area) shall be exempt from the provisions of Section 107: East of 30th Street, South of Johnson and Monroe Avenues, west of the east boundary of the OSU District, and north of Western Boulevard and Oak Creek.
- b. Any sign located in the OSU District outside of the above described exemption area, and which does not function as a graphic communication to persons on adjacent streets or private property shall be exempt from the provisions of Section 107.
- c. All other signs in the OSU District outside the exempted area described above shall have a sign area not greater than 32 square feet. Free-standing signs shall not exceed six feet in height and attached signs shall not vertically or horizontally project from a building more than six inches. Unless otherwise exempted, signs along the boundary shall have a minimum separation of 100 feet apart. An approved Corvallis Sign Permit is required prior to installation of any sign not exempted by the provisions of Section 107.09, 107.10.04, 107.10.05, and 107.11.05(a) or (b).
- d. In cases where OSU believes that graphic communication needs exceed the allocation provisions or the sign area and height specified herein, OSU may petition the Planning Commission for approval to exceed the limitations as a modification of the Physical Development Plan (Special Development review).

Section 107.11.06 - Sign Standards for the Historic Preservation
(HP) District

A sign to be placed on a building or property subject to a Historic Preservation district shall comply with both the provisions of Section 107 and the provisions and criteria of Section 216.04 of the Land Development Code.

Section 107.11.07 - Sign Standards for the Willamette River
Greenway (WRG) District

A sign to be placed on property subject to the Willamette River Greenway district (WRG) and visible from the Willamette River shall be consistent with the purposes of the Greenway, as stated in Section 216.01.01.

Section 107.11.08 - Sign Standards for the Agriculture/Open
Space (A-OS) District

A sign to be placed on property in the Agriculture/Open Space district shall comply with the standards for uses in Residential districts.

Section 107.12 - Signs in Planned Developments

A sign plan shall be required for all Planned Developments. The plan shall establish the location and allocation guidelines for signs, to assure that all parties in the development have an equitable opportunity to communicate through the graphic medium without creating undue negative impacts on surrounding properties.

- a. The plan shall be reviewed by the Planning Commission concurrently with Detailed Development Plan review.
- b. The Commission must find that the signs in the proposed sign plan comply with Section 107 and are compatible with the type of development (existing and future) surrounding the Planned Development prior to approving the sign plan. While other development standards in Planned Developments may be varied, standards for signs in Planned Developments shall not benefit the development to a greater degree than is otherwise permitted by the provisions of Section 107.
- c. An approved sign permit for each sign in a Planned Development shall be obtained prior to construction or installation. A proposed sign shall comply with Section 107 and any additional guidelines or conditions specified in the approved sign plan before a permit may be issued for the sign.
- d. Modifications of a Planned Development Sign Plan shall follow the provisions for a Major Planned Development Modification (Section 112.05).

Section 107.13 - Sign Construction Standards

Section 107.13 provides material, structural design, and safety clearance standards for the construction of signs.

Section 107.13.01 - Materials for Permanent Signs

Materials for the construction of permanent signs or sign structures shall be of a quality and grade as specified for buildings or structures in the Corvallis Building Code.

The external surfaces and structural components of all permanent signs shall be made of metal, glass, wood, or approved plastics as defined by the Corvallis Building Code.

- a. Glass thickness and area limitations are specified in the table below:

| MAXIMUM SIZE OF EXPOSED GLASS PANEL | | MINIMUM THICKNESS OF GLASS (In inches) | TYPE OF GLASS |
|-------------------------------------|-------------------------|--|------------------------|
| ANY DIMENSION (In inches) | AREA (In Square inches) | | |
| 30 | 500 | 1/8 | Plain, Plate, or Wired |
| 45 | 700 | 3/16 | Plain, Plate, or Wired |
| 144 | 3600 | 1/4 | Plain, Plate, or Wired |
| Over 144 | Over 3600 | 1/4 | Wired Glass |

- b. Anchors and supports when of wood and embedded in the soil, or within six (6) inches of the soil, shall be of all heartwood of durable species or shall be pressure treated with an approved preservative. Such members shall be marked or branded by an approved agency.
- c. Sections of approved plastics shall not exceed 225 square feet in area, unless approved by the Building Official.
- d. Permanent free-standing signs may be constructed of any material meeting the requirements of the Corvallis Building Code. Structural components of permanent attached signs shall be constructed of noncombustible materials, except that non-electric, non-projecting signs on walls permitted to be of unprotected combustible construction, may be constructed of unprotected combustible materials. Non-structural trim, such as moldings, battens, caps, nailing strips, cutouts, and letters, may be of wood, metal, approved plastics, or any combination thereof.

Section 107.13.02 - Materials for Temporary Signs and Banner Signs

Temporary signs shall be constructed of weather resistant paper, cloth, wood, plastic, metal, or other material with sufficient structural integrity to withstand wind and moisture to maintain appearance and service for the term of use.

Banner signs shall be constructed of weather resistant cloth, canvas, plastic, or other similar material approved by the Director.

Section 107.13.03 - Structural Design of Signs

All signs shall be securely anchored to their load-bearing supporting structure(s). Signs attached to masonry, concrete or steel shall be safely and securely fastened thereto by means of metal anchors, bolts, or approved expansion screws of sufficient size and anchorage to support safely the loads applied.

- a. No anchor or support of any sign shall be connected to, or supported by, an unbraced parapet wall, unless such wall is designed in accordance with the requirements for parapet walls specified for seismic zones in the Corvallis Building Code.
- b. All bracing systems shall be designed and constructed to transfer lateral forces to the foundations. For signs on buildings, the dead loads and lateral loads shall be transmitted through the structural frame of the building to the ground in such a manner as not to over stress any of the elements thereof.
- c. The overturning moment produced from lateral forces shall in no case exceed two thirds of the dead-load resisting moment. Uplift due to the overturning shall be adequately resisted by proper anchorage to the ground or to the structural frame of the building. The weight of earth superimposed over footings may be used in determining the dead-load resisting moment. Such earth shall be carefully placed and thoroughly compacted.
- d. Signs and sign structures shall be designed and constructed to resist wind forces and seismic forces as specified in the Corvallis Building Code.

Wind and seismic loads need not be combined in the design of signs or sign structures; only that loading producing the larger stresses need be used. Vertical design loads, except roof live loads, shall be assumed to be acting simultaneously with the wind or seismic loads.

- e. Loads, both vertical and horizontal, exerted on the soil shall not produce stresses exceeding those specified in CHAPTER 29 of the Corvallis Building code. Working stresses for wind or seismic loads combined with dead loads may be increased as specified in CHAPTER 23 of the Corvallis Building Code.

Section 107.13.04 - Clearances and Electrical Signs

Signs shall not be placed in close proximity to electrical conductors or in unsafe locations. Electric signs shall be constructed to be safe and prevent harm and injury.

- a. Signs shall not be located less than six (6) feet horizontally or twelve (12) feet vertically from overhead electrical conductors installed above the ground (either bare or insulated), which are energized in excess of 750 volts. If the conductor is enclosed in iron pipe or other material covering of equal strength, this requirement may be modified by the Building Official.
- b. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit, or standpipe.
- c. No sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by the Corvallis Building Code.
- d. Signs erected within five (5) feet of an exterior wall in which there are openings within the area of the sign shall be constructed of non-combustible material or approved plastics.
- e. The enclosed shell of electric signs shall be watertight, except that service holes fitted with covers shall be provided into each compartment of such signs.
- f. Electrical equipment used in connection with signs shall be installed in accordance with the Corvallis Building Code.
- g. All signs containing electrical wiring shall be subject to the provisions of the Corvallis Building Code and shall bear the required testing agency label.

Section 107.14 - Variance to Standards of Section 107

There may be rare instances where a combination of strict application of the standards in Section 107 and/or public safety concerns may preclude use of signs as a communication medium for a primary frontage. In these cases it may be appropriate to vary a particular standard to enable a property owner to utilize signage in a manner similar to others in the district.

- a. To request a variance, a completed Sign Variance application shall be submitted to the Development Assistance Center accompanied by the appropriate review fee as specified in Section 120 of this Code.
- b. A hearing before the Land Development Hearings Board, complying with Section 105, shall be held to review the sign variance request.

- c. A variance request shall not extend to:
- economic hardship,
 - size of a proposed sign,
 - limitations on visibility resulting from required landscaping, location of buildings or other structures,
 - lack of exposure on a primary sign frontage,
 - the convenience of the applicant, nor
 - inclusion of signs otherwise prohibited by Section 107.
- d. To approve a sign variance request, the Land Development Hearings Board must find that the application meets all of the following criteria:
1. The type of the proposed sign is not of a type prohibited by Section 107.
 2. The variance is the minimum remedy necessary to eliminate the hardship.
 3. The variance does not substantially subvert the basic regulating formula, relating the amount of graphic communication (sign area) to the amount of exposure to the public (sign frontage).
 4. No other alternative solution which complies with Section 107 is available to the applicant.
- e. The Land Development Hearings Board may impose such conditions on the approval as necessary to achieve the purposes of Section 107.
- f. The Land Development Hearings Board decision shall be final unless the decision is appealed to the City Council.
- g. Where a sign approved through these variance procedures is not installed within one (1) year, the variance approval shall expire and all work must fully comply with Section 107 as amended to that date.

Section 107.15 - Administration

The Director shall administer and enforce Section 107. The Director or the Director's designee is authorized to issue citations for violations of Section 107.

Section 107.16 - Violations

Violations of Section 107 shall be considered a Class B infraction, and subject to the procedures provided in ORS 153.110 through 153.310, as now constituted.

- a. A person cited for a violation shall be fined up to one hundred (\$100.00) dollars.
- b. Each day a sign is in violation of Section 107 shall be considered a new violation.

Section 107.17 - Ordered Removal

The Director may order removal of any sign erected or maintained in violation of Section 107.

- a. The Director shall provide written warning notice that the sign is in violation of Section 107 to individuals utilizing the sign or the owner of the sign or enterprise, or the property owner.
- b. Notice shall be three (3) working days for temporary signs and ten (10) working days for permanent signs.
- c. In the event that the owner or permittee fails to remove the sign pursuant to the warning notice, the Director may cite the individual and may cause removal of the sign. Any expense incidental to removal shall be paid by the owner or permittee of the sign. If such persons cannot be found, the expense shall be paid by the owner of the building, structure, or property to which the sign is affixed.
- d. If the condition of the sign presents an immediate threat to the safety of the public, the Director may cause removal of the sign immediately, without prior notice, and any expense incident thereto shall be paid by the owner or permittee of the sign. If such persons cannot be found, the expense shall be paid by the owner of the building, structure, or property.

Section 107.18 - Limitation of Liability

The City shall not be held responsible for any damage to persons or property by reason of approval, disapproval, or the issuance of a sign permit authorized herein, or the inspection or re-inspection of a sign as authorized herein.

Section 107.19 - Conflict and Severability

If any subsection or requirement of Section 107 should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of Section 107. The latter shall remain in effect and be declared severable.

Section 107.20 - Repeals Ordinance 72-57

Ordinance 72-57, as amended, is repealed.

[Section 107 amended by Ordinance 89-07, §3, passed March 6, 1989.]

SECTION 108 - PLAN COMPATIBILITY REVIEW

Section 108.01 - Background

Although each development district is primarily intended for a predominant type of land use, the characteristics of certain permitted development types and intensities within each district may require additional review to ensure compatibility with the site and surrounding area. For example, the building location and bulk, nature of the proposed development, character of the surrounding development, traffic capacities of adjacent streets, and potential environmental effects all may require that the circumstances of development should be individually reviewed. It is the intent of this Code to require review of such development, only where specified in Article II of this Code, so that the community is assured that development is compatible with its site and adjoining land uses, and that it will further the purposes of this Code.

Section 108.02 - Purposes

Development specified in Article II of this code shall be reviewed for plan compatibility for the following purposes:

- a. To encourage originality, flexibility, and innovation in site planning and development, including architectural, engineering, and landscaping design;
- b. To protect neighboring property owners and residents by assuring that reasonable provision has been made for such matters as surface water drainage, suitable sound and sight buffers, the preservation of views, light, and air, and such other aspects of design which may have substantial effects on neighboring land uses;
- c. To preserve the City's natural beauty and the quality of its visual character by assuring that proposed structures or improvements relate harmoniously to the terrain and to existing development; by preventing the unnecessary and inappropriate destruction or blighting of natural landscapes or existing improvements; and by requiring that proper attention be given to the exterior appearance of structures, signs, parking, landscaping, and other improvements;
- d. To protect and ensure the adequacy and usefulness of public and private facilities and services as they relate to each other and to the neighborhood or area; and
- e. To maintain and improve the qualities of, and relationships between individual buildings, structures, and physical improvements which best contribute to the amenities and attractiveness of a neighborhood or area.
- f. To promote and encourage the conservation of energy.

Section 108.03 - Plan Compatibility Review Required

Pursuant to and in furtherance of these purposes, Plan Compatibility Review is required for certain development types, e.g., in S-A, PA-O, and CBF districts and special development, Type II in districts where specified, prior to the issuance of a building permit. Those special development activities which require Plan Compatibility Review are specified in Article II of this Code. [Section 108.03 amended by Ordinance 90-08, §5, passed February 20, 1990.]

Section 108.04 - Procedures

Whenever Plan Compatibility Review is required by this Code it shall be accomplished in accordance with the following procedures:

108.04.01 - Request for Preliminary Review

At the request of the applicant, the Director shall schedule a staff meeting to review the site plan on a preliminary (or conceptual) basis. The meeting shall be held prior to the submittal of the finalized site plan (as required in Section 108.04.02). Where such a review is requested, the applicant is advised to submit as much applicable information as possible fifteen (15) working days prior to the scheduled staff meeting to assure proper evaluation.

108.04.02 - Application Requirements

An application for plan compatibility review shall include the following where applicable:

- a. A description of the land on which the proposed development is to take place by address, lot, block, tract, or similar description.
- b. A site plan drawn to scale showing existing lot line dimensions, the location of all structures, accessways, pedestrian ways, landscaped areas, service areas, fences, walls, and all parking, maneuvering, loading, and refuse areas. The site plan shall indicate all vehicle and pedestrian access points and the direction of flow of traffic on the property as well as how utility service and drainage are to be provided. The site plan shall show proposed modifications to existing grades. The site plan shall also show the relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways.
- c. The exterior lighting plan, which may be shown on the site plan, indicating the location, size, height, typical design, material, color, and method of illumination.
- d. Plans and elevations of structure(s) to scale indicating heights of structure, entrances and exits of proposed structures, as well as architectural drawings or sketches, including floor plans, in sufficient detail to permit computation of yard requirements.

- e. A landscape plan drawn to scale showing the location of existing trees and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigations systems required to maintain plant materials.
- f. Data indicating square footage of site and structures, building coverage, landscaped area, amount of parking provided, building materials to be used with specifications as to type, color, and texture of exterior surfaces of proposed structures.
- g. Any additional information which may be required by the Director to properly evaluate the proposed site plan. Such additional information may only be required where the need can be justified on the basis of special and/or unforeseen circumstances. The Director may also waive any of the above requirements where he finds that the information required by this Section is unnecessary to properly evaluate the proposal.
- h. No plan sheet shall exceed dimensions of 24 inches by 36 inches. Where necessary an overall plan with subsequent detail sheets shall be submitted.

[Section 108.04.02 was amended by Ordinance 84-66, §4, passed December 4, 1984.]

108.04.03 - Acceptance of Application

The Director shall review the application for compliance with established application requirements. If the application is found to be incomplete, the Director shall notify the applicant of the reasons therefor and shall advise the applicant of the requirements for a complete application.

Upon determining that an application for Plan Compatibility Review is complete the Director shall mail notice to the owners and occupants of property within 100 feet of the subject property advising them that the application has been filed. The notice will state that all comments must be received by the Planning Division within fourteen (14) calendar days from the date that the notice is mailed.

[Section 108.04.03 amended by Ordinance 90-08, §5, passed February 20, 1990.]

108.04.04 - Review by Staff

Upon acceptance of a complete application, the Director may schedule a staff review of the site plan. The plan and any narrative materials shall be distributed to staff and other agencies which may be affected by the development.

[Section 108.04.04 amended by Ordinance 90-08, §5, passed February 20, 1990.]

108.04.05 - Staff Evaluation

Upon receipt of said plans and accompanying narrative, staff shall make an evaluation and set forth any comments and recommendations. These comments and recommendations shall be available to the Director and developer. The developer shall be advised of any recommended changes and any additional information or conditions recommended for the development.

[Section 108.04.05 was amended by Ordinance 90-08, §5, passed February 20, 1990.]

108.04.06 - Revision of Proposed Plan

Any revisions to a proposed plan based on comments received shall be made prior to building permit approval.

108.04.07 - Action on Application

Based on applicable criteria, the Director shall either approve, approve subject to conditions, or deny the site plan at the conclusion of the fourteen (14) day notification period. [Section 108.04.07 amended by Ordinance 90-08, §5, passed February 20, 1990.]

108.04.08 - Findings

In making his decisions, the Director shall consider the requirements of this Code and the policies of the Comprehensive Plan as well as accepted design principles, and he shall specify such conditions as findings in support of his decision.

Section 108.05 - Effective Date

The decision of the Director shall become effective at the end of the appeal period, unless the decision is appealed. [Section 108.05 amended by Ordinance 90-08, §5, passed February 20, 1990.]

Section 108.06 - Notice of Disposition, Appeal

The Director shall issue a notice of disposition indicating the action taken on the application and shall mail a copy to all parties who received the original notice of the application. The applicant shall be provided with a copy of the notice of disposition by certified mail.

The decision of the Director may be appealed within 10 days from the mailing of the notice of disposition, in accordance with the provisions of Section 118. [Section 108.06 amended by Ordinance 90-08, §5, passed February 20, 1990.]

Section 108.07 - Fees

Applications for plan compatibility review shall be accompanied by fees in accordance with Section 120.

SECTION 109 - LOT DEVELOPMENT OPTION

Section 109.01 - Background

Prestated specification standards which are applied uniformly to lots are desirable in that they require a minimum of administration. However, there may be circumstances where compliance with established specification standards prevent a more efficient use of a lot to the detriment of the property owner and the community.

This section is intended to apply to individual lots only. Therefore, a developer who is proposing to vary a specification standard for lots yet to be created through a subdivision process may not utilize the Lot Development Option procedure. The Planned Development process or exceptions to the Subdivision regulations are the appropriate mechanisms for achieving greater flexibility where the scope of requested modifications exceeds that permitted through the Lot Development Option process.

Section 109.02 - Purpose

The procedures and standards for the review of Lot Development Options contained herein are established for the following purposes:

- a. To permit the efficient use of land;
- b. To encourage originality, flexibility, and innovation in site planning and architectural design;
- c. To permit building location and encourage construction techniques which conserve energy;
- d. To minimize procedural delays and ensure due process in the review of unique and exceptional development situations.

Section 109.03 - Procedures

Whenever an application is filed for a Lot Development Option, it shall be reviewed in accordance with the following procedures:

109.03.01 - Application for a Lot Development Option

All applications for Lot Development Options shall be made on forms provided by the Director and shall include the following information: An accurate scale drawing of the site and any adjacent affected property, showing lot area, dimensions and all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian ways, off-street parking facilities, drainageways, utilities, screening, and landscaped areas, or elements thereof which pertain to the proposed modification.

109.03.02 - Acceptance of Lot Development Option Application

The Director shall review the Lot Development Option application for compliance with the requirements stated in Section 109.03.01. If a

Lot Development Option application is found to be incomplete, the Director shall notify the applicant of the reasons therefor; and he shall advise the applicant of the requirements for an acceptable Lot Development Option application.

109.03.03 - Determination of Lot Development Option Type

The Director shall determine whether an application is for a Major or Minor Lot Development Option.

109.03.03.01 - Major Lot Development Option

A Lot Development Option shall be considered major if one or more of the following would result:

- a. Reduction of any setback in residential district by more than forty (40) percent or the reduction of any setback in other districts by more than twenty (20) percent;
- b. An increase to the height of a structure of more than ten (10) percent;
- c. Reduction of lot area by more than five (5) percent of the required lot area for only those lots to be created through the land partition or minor replat process;
- d. Reduction of required lot width of more than five (5) feet, excluding access way widths required for flag lots when created through the land partition or minor replat process;
- e. Increase in the total ground area proposed to be covered by structure or impervious surfaces by more than five (5) percent where previously specified;
- f. Reduction of more than ten (10) percent of the area reserved for private outdoor space and/or usable open space;
- g. Reduction of project site amenities such as screening and/or landscaping provisions by more than ten (10) percent;
- h. Reduction of the required number of parking spaces by more than ten (10) percent or an increase in the number of compact parking spaces by more than ten (10) percent.

[Section 109.03.03.01 was amended by Ordinance 90-08, §6, passed February 20, 1990.]

109.03.03.01.01 - Public Notice

The Director shall mail affected parties notice that an application for the Major Lot Development Option has been filed. The notice will state that all comments concerning the proposed Lot Development Option must be in writing and received

by the Planning Department within fourteen (14) calendar days from the date of mailing the notice.

For purposes of this section, "affected parties" shall mean any owner and/or occupant of property within 100 feet of the subject development site excluding public right-of-way for which a Lot Development Option to a specification standard(s) is requested and any other resident owner of property who is determined by the Director to be affected by the application.

The development site shall be posted in conspicuous location(s) adjacent to the right-of-way for a duration of ten days. The posting shall contain the applicant's name and address, the type of action requested, the date by which comments concerning the action shall be received by the Planning Department, the date the Director shall render his decision concerning the requested Lot Development Option, the deadline date for appeals, and the address and phone number of the Planning Department. [Section 109.03.03.01.01 was amended by Ordinance 90-08, §6, passed February 20, 1990.]

109.03.03.01.02 - Action on Application

Based on the applicable criteria of Section 109.03.04 as well as staff comments and those from affected parties, the Director shall review the proposed development and shall either approve, approve subject to condition(s), or deny the application at the completion of the fourteen (14) day comment period. [Section 109.03.03.01.02 was amended by Ordinance 90-08, §6, passed February 20, 1990.]

109.03.03.02 - Minor Lot Development Option

Any Lot Development Option which is not within the description provided in Section 109.03.03.01 is considered a Minor Lot Development Option. A Minor Lot Development Option which may be approved, approved conditionally or denied by the Director based on the review and recommendation of staff, public comment, and the criteria stated in Section 109.03.04.

Prior to the Director's decision, the Director shall mail notice to the owners and occupants of property within 100 feet of the subject property that an application for a Minor Lot Development Option has been filed. The notice will state that all comments concerning the proposed Lot Development Option must be received by the Planning Division within fourteen (14) calendar days from the date of mailing the notice. [Section 109.03.03.02 was amended by Ordinance 90-08, §6, passed February 20, 1990.]

109.03.04 - Review Criteria for Lot Development Options

Approval of a Lot Development Option shall be made where the Director finds that all the following criteria have been met:

- a. The proposed development will not be contrary to the Comprehensive Plan, the purposes and objectives of this Code, and any other applicable policies and standards adopted by the City; and
- b. The proposed development will not substantially reduce the amount of privacy currently enjoyed by the users of nearby structures if the development were located as specified by this Code; and
- c. Existing physical systems and natural systems, such as traffic, drainage, dramatic land forms, or parks, and the potential to use solar energy devices by abutting properties, will not be adversely affected any more than would occur if the development were located as specified in this Code; and
- d. The architectural features of proposed structure(s) will be compatible to the design character of the existing structure(s).

109.03.05 - Notice of Disposition

The Director shall, by certified mail, provide the applicant with a notice of disposition and written statement of his decision, the reasons therefor, and any conditions of approval. The Director shall also provide a notice of disposition to those affected parties who provided written comment on, and those who were mailed the original notice of, the Lot Development Option. A notice of disposition and all applicable information shall be available in the Planning Division. [Section 109.03.05 was amended by Ordinance 90-08, §6, passed February 20, 1990.]

109.03.06 - Effective Date

The decision of the Director shall become effective upon the expiration of the appeal period as provided in Section 118 unless an appeal has been filed.

109.03.07 - Effective Period of Approval

Lot Development Option approval shall be effective for a 3-year period from the date of approval. In the event that the applicant has not commenced the development or phases thereof, prior to the expiration of the established effective period, all approvals are null and void. At the Director's discretion and for good cause, the Director may extend the effective period. [Section 109.03.07 amended by 85-43, passed December 3, 1985 and amended by Ordinance 90-08, §6, passed February 20, 1990.]

109.03.08 - Appeals

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with the provisions of Section 118 of this Code. Upon receipt of an appeal, the Director shall schedule a public hearing to be held by the Land Development Hearings Board.

109.03.09 - Fees

Applications for a Lot Development Option shall be accompanied by fees as required by Section 120.

[Section 109 amended by Ordinance 81-67, §§10 and 11, passed July 6, 1981; and Ordinance 81-87, §2, passed November 2, 1981 and amended by Ordinance 90-08, §6, passed February 20, 1990.]

SECTION 110 - CONDITIONAL DEVELOPMENT

Section 110.01 - Background

Each development district excludes certain types of development which are not permitted outright because of inherent characteristics which may have an adverse effect on the immediate area or the larger community. However, under certain circumstances it may be desirable to permit normally excluded development provided its potential adverse effects can be mitigated.

Section 110.02 - Purposes

It is the intent of this section to permit such development where it is consistent with the Comprehensive Plan subject to procedures and criteria which are intended to mitigate potentially negative impacts. The procedures and standards contained herein are established for conditional development for the following purposes:

- a. To permit certain types of public and private development which provide a community service in locations related to their service areas.
- b. To ensure that conditional development is compatible with its immediate area and affected portion of the community.
- c. To permit flexibility in the implementation of Special District Plans;
- d. To permit a mixture of residential development types;
- e. To permit commercial development in locations related to its service area;
- f. To permit limited business ventures in the home.

Section 110.03 - Procedures

Whenever an application is filed for a conditional development, it shall be reviewed in accordance with the following procedures.

110.03.01 - Application

An application for conditional development shall include the following, where applicable:

- a. A description of the land on which the proposed development is to take place by address, lot, block, tract, or similar description.
- b. A site plan drawn to scale showing existing lot line dimensions, the location of all structures, accessways, pedestrian ways, landscaped areas, service areas, fences, walls, and all parking, maneuvering, loading, and refuse areas. The site plan shall indicate all vehicle and pedestrian access points and the

direction of traffic flow on the property as well as how utility service and drainage are to be provided. The site plan shall show proposed modifications to existing grades. The site plan shall also show the relationship of the site to adjoining properties, streets, alleys, structures, public utilities, and drainageways.

- c. The exterior lighting plan, which may be shown on the site plan, indicating the location, size, height, typical design, material, color, and method of illumination.
- d. Plans and elevations of structure(s) to scale indicating heights of structure, entrances and exits of proposed structures, as well as architectural drawings or sketches, including floor plans, in sufficient detail to permit computation of yard requirements.
- e. A landscape plan drawn to scale showing the location of existing trees and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other pertinent landscape features, and irrigation systems required to maintain plant materials.
- f. Data indicating square footage of site and structure, building coverage, landscaped area, amount of parking provided, building materials to be used with specifications as to type, color, and texture of exterior surfaces of proposed structures.
- g. Any additional information which may be required by the Director to properly evaluate the proposed site plan. Such additional information may only be required where the need for it can be justified on the basis of special and/or unforeseen circumstances. The Director may also waive any of the above requirements where he finds that the information required by this section is unnecessary to properly evaluate the proposal.
- h. No plan sheet shall exceed dimensions of 24 inches by 36 inches. Where necessary an overall plan with subsequent detail sheets shall be submitted.

[Section 110.03.01 was amended by Ordinance 84-66, §5, passed December 4, 1984.]

110.03.02 - Acceptance of Application

The Director shall review each application for compliance with established application requirements. If an application is found to be incomplete, the Director shall notify the applicant of the reasons therefor, and he shall advise the applicant of the requirements for a complete application. [Section 110.03.02 amended by Ordinance 90-08, §7, passed February 20, 1990.]

110.03.03 - Public Hearing

Upon acceptance of a complete application for conditional development the Director shall schedule a public hearing to be held by the Planning Commission. Notice of the hearing shall be provided in accordance with the provisions of Section 105. [Section 110.03.03 amended by Ordinance 81-67, §12, passed July 6, 1981, and Ordinance 90-08, §7, passed February 20, 1990.]

110.03.04 - Review of Proposed Development

- a. Upon acceptance of a complete application, and at the request of the applicant the Director shall schedule a meeting of affected staff members to be held within fifteen (15) calendar days from the established deadline date where practical for purposes of conducting a review of the proposed conditional development. Copies of the site plan and any narrative materials shall be distributed to the staff and other public or private agencies which may be affected by the conditional development.

The Director may request such other materials from the developer as needed by staff for proper review.

- b. Upon receipt of said plans and accompanying narrative, staff members shall evaluate the proposed development and set forth any comments and recommendations. These comments and recommendations shall be available to the Director and developer. The developer shall be advised of any recommended changes or conditions for approval of the conditional development and any additional information needed. The Director shall incorporate all staff comments into a report to the Planning Commission. The report shall indicate whether the proposed conditional development complies with applicable City development standards and the Comprehensive Plan and suggest conditions and stipulations to be attached to the development proposal, if any.

[Section 110.03.04 amended by Ordinance 90-08, §7, passed February 20, 1990.]

110.03.05 - Revisions to the Application

Revisions to the application filed after an application is accepted as complete shall be regarded as a new application, requiring additional filing fees and rescheduling of the required public hearing to the next regularly scheduled meeting of the Planning Commission. [Section 110.03.05 amended by Ordinance 90-08, §7, passed February 20, 1990.]

110.03.06 - Action by Hearing Authority

The Planning Commission shall hold a public hearing in accordance with the provisions of Section 105 for purposes of reviewing the proposed development. Following the close of the public hearing, the

hearing authority shall approve, conditionally approve, or deny the conditional use. [Section 110.03.06 amended by Ordinance 81-67, §13, passed July 6, 1981.]

110.03.07 - Findings

In making its decision, the hearing authority shall consider the requirements of this Code and the policies of the Comprehensive Plan and other applicable policies and standards as adopted by the City, and it shall specify such considerations as findings in support of its decision in accordance with Section 105. [Section 110.03.07 amended by Ordinance 81-67, §14, passed July 6, 1981.]

110.03.08 - Notice of Disposition

The Director shall, by certified mail, provide the applicant with a notice of disposition, and a written statement of the Planning Commission's decision, the reasons therefor, and any conditions of approval. A notice of disposition shall also be mailed to those persons who presented testimony orally or in writing at the public hearing and all applicable information shall be available in the Planning Division. [Section 110.03.08 amended by Ordinance 81-87, §3, passed November 2, 1981, and Ordinance 90-08, §7, passed February 20, 1990.]

110.03.09 - Effective Date

The decision of the hearing authority shall become effective upon the expiration of the appeal period as provided in Section 118 unless an appeal has been filed.

110.03.10 - Effective Period of Conditional Development Approval

Conditional development approval shall be effective for a 3-year period from the date of approval. In the event that the developer has not commenced the conditional development or phases thereof, prior to the expiration of the established effective period, all approvals are null and void. At its discretion and for a good cause, the Planning Commission may extend the effective period.

110.03.11 - Appeal

The decision of the hearing authority may be appealed in accordance with the provisions of Section 118.

110.03.12 - Fees

Applications for conditional development filed in accordance with the provisions of this Section shall be accompanied by fees as required by Section 120.

[Section 110.04 - Home Occupation deleted by Ordinance 90-08, §8, passed February 20, 1990.]

SECTION 111 - NONCONFORMING DEVELOPMENT

Section 111.01 - Background

Within the development districts established by this Code or amendment hereof, development may exist which was lawful before the effective date of this Code but which would be prohibited in the future under the terms of this Code or future amendments. It is the intent of this section to permit such nonconformities to continue, but not to encourage their perpetuation. It is further the intent of this Code that nonconformities shall not be enlarged, expanded, or extended nor be used to justify development prohibited elsewhere in the same district.

In order to avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, and a building permit has been acquired prior to the rebuilding it shall be deemed to be actual construction, provided that work shall be carried on in a continuous manner and shall have commenced prior to the effective date of this Code.

Section 111.02 - Purpose

Nonconforming development is restricted in order to ultimately bring such development into conformance with this Code and the Comprehensive Plan.

Section 111.03 - General Provisions

111.03.01 - Alterations

No building, structure, or land area devoted to a nonconforming development shall be enlarged, extended, reconstructed, moved, or structurally altered unless such development thereafter conforms to the provisions of this Code. Nothing in this Section shall be construed to prohibit normal repair, maintenance, and nonstructural alterations to such development, nor the alteration, strengthening, or restoration to safe condition as may be required by law.

111.03.02 - Expansion

No nonconforming development shall be expanded or moved to occupy a different or greater area of land, buildings, or structures than was occupied by such development at the time it became nonconforming.

111.03.03 - Damage to Nonconforming Development

If a nonconforming structure or building is damaged by any means to an extent of more than 60 percent of its assessed valuation as indicated in the assessor's office, any future development on the site shall conform to the requirements of the district in which it is located.

111.03.04 - Discontinuance

Whenever nonconforming development is discontinued for one (1) or more year(s), any further use shall be in conformity with the provisions of this Code. For purposes of this Code, rental payments or lease payments and taxes shall not be considered as a continued use; and discontinued shall mean nonuse and shall not require a determination of the voluntary or involuntary nature of the discontinuance or the intent to resume the nonconforming development.

Section 111.04 - Reclassification to Conditional Development

Wherever nonconforming development is development which may be permitted conditionally, it may be reclassified as conditional development.

Section 111.05 - Offices in RS-9, RS-12, or RS-20 Residential Districts

Office buildings located in the RS-9, RS-12, or RS-20 residential districts as of the effective date of this Code shall not be classified as nonconforming development. Any expansion in the floor area for office use may be authorized through the Conditional Development process as provided in Section 110.

Section 111.06 - Commercial Uses in a Specified RS-12 District

Commercial uses in existence as of February 7, 1981, in the RS-12 Residential District located between S.W. Fifth and S.W. Sixth Streets, S.W. Adams Avenue and Western Boulevard, shall not be classified as nonconforming development. [Section 111.06 added by Ordinance 81-67, §15, passed July 6, 1981.]

Section 111.07 - Nonconforming Structures

Where the use of a structure is permitted by the applicable development district but the structure is nonconforming, an alteration, expansion, enlargement, extension, reconstruction, or relocation may be authorized if the Director finds the improvement does not increase the degree of noncompliance. [Section 111.06 renumbered Section 111.07 by Ordinance 81-67, §15, passed July 6, 1981; Section 111.07 amended by Ordinance 84-68, §1, passed December 4, 1984.]

Section 111.08 - Nonconforming Lots of Record

Any lot of record which does not meet the lot size requirements of the district in which it is located may be occupied by a use permitted in the district, provided that if there is an area deficiency, residential use shall be limited to one dwelling unit or to the number of dwelling units consistent with the density requirements of the district. [Section 111.07 renumbered Section 111.08 by Ordinance 81-67, §15, passed July 6, 1981.]

Section 111.09 - Nonconforming Duplexes

Where a duplex is a nonconforming building type in the district where it is located, and has been damaged to the extent provided in Section 111.03.03, a duplex may be reconstructed provided such reconstruction commences within one (1) year of said damage and complies with required development standards. [Section 111.08 renumbered Section 111.09 by Ordinance 81-67, §15, passed July 5, 1981.]

Section 111.10 - Street Dedication

No use of land, structure, or other improvement maintained upon a lot, or a portion of the subject lot, at the time of conveyance to or appropriation to the City of Corvallis for street purposes shall be or become nonconforming by reasons of such conveyance or appropriation. [Section 111.10 added by Ordinance 81-67, §16, passed July 6, 1981.]

SECTION 112 - PLANNED DEVELOPMENT

Section 112.01 - Background

Development regulations with pre-stated requirements often frustrate innovation and the use of new techniques of project and architectural design which are in the public interest, but which were not contemplated when the requirements were adopted. In addition, the increasing cost of housing is a matter of public concern, and development requirements which contribute to this increase because of their inflexibility should not preclude new development approaches that will reduce such costs, so long as the objectives of this Code and the Comprehensive Plan are met. It is the intent of this Section to establish those procedures necessary to permit greater flexibility in the land development process.

A lot development option has been established to allow a modification to a required specification standard on an individual lot of record where the objectives of this Code can be met. The Planned Development process is established to provide the mechanism for achieving greater flexibility and improved design where the scope of proposed modifications to pre-stated standards exceeds that permitted through a lot development option.

Section 112.02 - Purposes

Planned development review procedures have been established herein for the following purposes:

- a. To promote flexibility in design and permit diversification in the location of structures;
- b. To promote the efficient use of land and energy and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;
- c. To preserve to the greatest extent possible, the existing landscape features and amenities and to utilize such features in a harmonious fashion;
- d. To provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures;
- e. To combine and coordinate architectural styles, building forms and building relationships within the planned development;
- f. To provide the developer with reasonable assurance of ultimate approval before the expenditure of complete design monies while providing the City with assurances that the project will retain the character envisioned at the time of concurrence.
- g. To promote and encourage energy conservation.

Section 112.03 - General Provisions

Planned development is an alternative development process which is permitted as conditional development according to the following procedures.

The following procedure allows for Planning Commission review of a Conceptual Development Plan and/or Detailed Development Plan. The applicant may either select to process the development proposal under Detailed Development Plan where sufficient information has been submitted, in accordance with Section 112.05, or;

Where Conceptual Development Plan is requested the applicant shall also be required to submit a Detailed Development Plan in accordance with Section 112.05 following Conceptual Development Plan approval.

Where the Planned Development process is approved, a detailed development plan is required prior to any building permit processing.

Where a Planned Development has been approved, the Official District Map shall be amended to indicate the approved Planned Development designation for the subject development site.

Section 112.04 - Conceptual Development Plan Review

112.04.01 - Application

All applications shall be made on forms provided by the Director. The person filing the application must be the owner or a person having an interest in the land to be included in the planned development. If the planned development is to include land in more than one ownership, the application must be submitted jointly by all of the owners or persons having an interest in each of the separately owner properties to be included.

The application must be accompanied by ten (10) copies of a conceptual development plan and a narrative.

112.04.01.01 - Conceptual Development Plan

A conceptual development plan shall include the following information where applicable:

- a. The existing site conditions including: contours at intervals sufficient to indicate topographic conditions, water courses and floodplains (for review in accordance with Section 305), and any unique natural features; [Section 112.04.01.01(a) amended by Ordinance 88-11, §2, passed May 16, 1988.]
- b. The boundary of the proposed planned development as well as any interior boundaries related to proposed development phases or land divisions;

- c. The general location of existing and proposed structures including building types and gross density per acre. An indication of approximate building envelopes may be required where necessary to evaluate building relationships.
- d. The general location and size of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semipublic uses;
- e. The existing and proposed general circulation system including bikeways, off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way. Notations of proposed ownership (public or private) should be included where appropriate;
- f. The existing and proposed general pedestrian circulation system, including its interrelationship with the vehicular circulation system, indicating proposed treatments of points of conflict;
- g. The existing and proposed utility systems including sanitary sewer, storm sewer, drainageways, and water, where appropriate;
- h. Sufficient information on land areas adjacent to the proposed planned development to indicate their relationships with the proposed development including land uses, densities, circulation systems, public facilities, and unique natural features of the landscape;
- i. Identification of heavily wooded areas and other significant natural areas;
- j. For residential developments, existing structures and trees located on land adjacent to the development which will reduce solar access between 9 a.m. and 3 p.m. on November 21 to any buildable area within the development;
- k. No plan shall exceed dimensions of 24 inches by 36 inches. Where necessary, an overall plan with subsequent detail sheets may be submitted;
- l. Any additional information which may be required by the Director to properly evaluate the proposed planned development. Such additional information may be required or needed on the basis of special or unforeseen circumstances. The Director may also waive any of the above requirements where he finds that the information required by this section is unnecessary to properly evaluate the proposed planned development.

[Section 112.04.01.01 amended by Ordinance 84-66, §6, passed December 4, 1984.]

112.04.01.02 - Narrative

A written statement shall include the following information:

- a. A statement of planning objectives to be achieved by the planned development through the particular approach to land development as proposed by the developer and should address the proposed developments compatibility with the surrounding area, relative to its land use, proposed density, and character. This statement should indicate a description of the character of the proposed development and the rationale behind the assumptions and choices made;
- b. A statement of the developer's intentions, with regard to the future selling or leasing, of all or portions of the planned development such as land uses, dwelling units, etc.;
- c. Quantitative data for the following where appropriate: Total number and type of dwelling units, parcel size, and proposed lot coverage of buildings and structures where known, gross densities per acre, total amount of open space (including a separate figure for usable open space), total amount of nonresidential construction, and economic feasibility studies or market analysis where necessary;
- d. A general statement of the developer's intentions concerning the timing, responsibilities, and assurances for all improvements; and for improvements other than public improvements such as, but not limited to: irrigation, private roads and drives, landscape, and maintenance;
- e. For residential development a statement or map describing existing and proposed buildings with protected solar access consistent with Section 310.02;
- f. A statement describing project phasing where proposed. Such phases shall be:
 1. Substantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, open spaces, and similar physical features, capable of substantial occupancy, operation, and maintenance upon completion of construction and development; and
 2. Arranged so as to preclude conflicts between higher density and lower density development; and
 3. Properly related to other services of the community as a whole and to those facilities and services yet to be provided; and

4. 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 planned development.

[Section 112.04.01.02 amended by Ordinance 84-66, §7, passed December 4, 1984.]

112.04.02 - Acceptance of Application

Upon receipt of an application, the Director shall review it for compliance with the above requirements for submittal Section 112.04.01 within five (5) working days. Additional information may be required by the Director to properly evaluate the proposed planned development. The Director may also waive any of the above requirements given in Section 112.04.01 where he finds that the information required by this Section is unnecessary to properly evaluate the proposed planned development. If an application is found to be incomplete, the Director shall notify the applicant of the reasons therefore and he shall advise the applicant of the requirements for an acceptable application.

112.04.03 - Public Hearing

Upon acceptance of a complete application, the Director shall schedule a public hearing to be held by the Planning Commission within forty-five (45) calendar days of the established deadline date and he shall provide notice of the hearing in accordance with the provisions of Section 105.03.

112.04.04 - Review by Staff

Upon acceptance of a complete application, the Director shall schedule a staff meeting or meetings to be held within fifteen (15) calendar days from the established deadline date where practical for purposes of conducting a review of the proposed planned development. The plan and narrative shall be distributed to staff and other agencies which may be affected by the planned development.

112.04.05 - Staff Evaluation

Upon receipt of said plans and necessary accompanying data, staff shall make an evaluation and set forth any appropriate comments and recommendations. These comments and recommendations shall be available to the Director and developer at the staff meeting. The developer shall be advised of any recommended changes and any additional information or conditions recommended for the planned development. The Director shall incorporate all staff comments and recommendations into a report to the Planning Commission. The report shall indicate whether the proposed planned development complies with applicable City development standards and the Comprehensive Plan and suggest conditions and stipulations to be attached to the development proposed.

112.04.06 - Revision of Proposed Planned Development

Any revisions to a proposed planned development shall be filed with the Director no later than twenty (20) calendar days prior to a scheduled public hearing. Failure to comply with this requirement shall result in the rescheduling of the required public hearing to the next regularly scheduled meeting of the Planning Commission.

112.04.07 - Action by Planning Commission

The Planning Commission shall hold a public hearing in accordance with the provisions of Section 105.03 for purposes of reviewing the proposed planned development. Following the close of the hearing the Planning Commission shall approve, conditionally approve, or deny the proposed planned development.

112.04.08 - Findings

In making its decision, the Planning Commission shall consider the requirements of this Code and the policies of the Comprehensive Plan; and it shall specify such considerations as findings in support of its decision in accordance with Section 105.03.04(n).

112.04.09 - Notice of Disposition

The Director shall, by certified mail, provide the applicant with a notice of disposition, a written statement of the Planning Commission's decision, the reasons therefor, and any conditions of approval. A notice of disposition and all applicable information shall be available in the Planning Department. [Section 112.04.09 amended by Ordinance 81-87, §4, passed November 2, 1981.]

112.04.10 - Effective Date

The decision of the Planning Commission shall become effective upon the expiration of the appeal period as provided in Section 118 unless an appeal is filed.

112.04.11 - Effective Period of Conceptual Development Plan Approval

The approval of a conceptual development plan shall be effective for a 3-year period of from the date of approval. In the event that the developer has not submitted a detailed development plan for the planned development or phases thereof, prior to the expiration of the established effective period, all approvals of the conceptual development plan are null and void. At its discretion and for good cause, the Planning Commission may extend the period.

112.04.12 - Appeals

The decision of the Planning Commission may be appealed in accordance with the provisions of Section 118.

112.04.13 - Fees

Applications filed for conceptual development plan review shall be accompanied by fees as required by Section 120.

112.04.14 - Detailed Development Plan Required

Where a conceptual development plan is approved, approval of a detailed development plan is required prior to any building - permit processing.

Section 112.05 - Detailed Development Plan

112.05.01 - Application

Application made for the review of Detailed Development Plan shall follow those plan requirements outlined in Section 112.04.01. The applicant shall include the following additional information:

112.05.01.01 - Detailed Development Plan

A detailed development plan shall show the following information in addition to that specified under Section 112.04.01.01 where applicable.

- a. The location and floor area of all existing and proposed structures, and other improvements including maximum heights, building types, and gross density per acre (for residential developments).
- b. Typical elevations of buildings and structures sufficient to indicate the architectural intent and character of the proposed development (which may be submitted on additional sheets).
- c. A landscape plan drawn to scale showing the location of existing trees and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, other landscape features including walls and fences, and irrigation systems required to maintain plant materials.
- d. Detailed utilities plan which indicates how the sanitary sewer, storm sewer, drainage, and water systems will function.
- e. Street, driveway, parking area, service area, loading area, pedestrian way, and bikeway improvements and their dimensions.
- f. The area and dimensions of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and similar public and semi-public areas.

- g. The exterior lighting plan, which may be shown on the site plan, indicating the location, size, height, typical design, material, color, and method and direction of illumination.
- h. For residential developments the types and locations of trees to be preserved or planted and the shadow pattern of the trees at their mature height between 9 a.m. and 3 p.m. on June 21 and November 21.
- i. For residential developments all existing and proposed structures and their shadow patterns between 9 a.m. and 3 p.m. on June 21 and November 21.

[Section 112.05.01.01 amended by Ordinance 84-66, §8, passed December 4, 1984.]

112.05.01.02 - Narrative

A written statement shall include the following information in addition to that required under Section 112.04.01.02:

- a. Proposals for setbacks or building envelopes, lot areas where land division is anticipated, the number of parking spaces to be provided (in ratio to gross floor area or number of units).
- b. A detailed statement outlining the timing, responsibilities, and assurances for all public improvements; and for improvements other than public improvements such as, but not limited to, irrigation, private roads and drives, landscape, and maintenance.
- c. Proposed methods of energy conservation in accordance with the requirements of adopted energy standards for the City of Corvallis. [Section 112.05.01.02.c. amended by Ordinance 81-67, §18, passed July 6, 1981.]
- d. A statement addressing the compatibility of the proposed development to adjacent land uses relating to such items as architectural character, building type, height of proposed structures.

112.05.01.03 - Tentative Plat

If the Planned Development is to be partitioned or subdivided, a tentative plat may also be submitted in accordance with Section 113.04 in order to permit simultaneous review of the detailed development plan and land division.

112.05.02 - Acceptance of Application

- a. Upon receipt of the application the Director shall review it for compliance with the above requirements for submittal within two (2) working days where a conceptual development plan has been

reviewed and approved or within five (5) working days where no conceptual development plan has been approved.

- b. Additional information may be required by the Director to properly evaluate the proposed planned development. The Director may also waive any of the requirements given in Sections 112.05.01.01 and 112.05.01.02, where he finds that the information required by these sections is unnecessary to properly evaluate the proposed planned development.
- c. If the application is found to be incomplete the Director shall notify the applicant of the reasons therefore and shall advise the applicant of the requirements for an acceptable application.

[Section 112.05.02 amended by Ordinance 81-67, §19, passed July 6, 1981.]

112.05.03 - Detailed Development Plan Review Procedure

Detailed Development Plans shall be reviewed in accordance with the procedures established under Sections 112.04.03-112.04.13 and the following provisions.

112.05.03.01 - Compliance with Conceptual Development

- a. Upon receipt of an acceptable application for detailed development plan review, the Planning Commission shall determine whether the detailed development plan is in substantial compliance with the conceptual development plan, where one was previously approved. The detailed development plan shall be deemed to be in substantial conformance with the conceptual development plan provided any modification by the developer does not involve a change of one or more of the following factors which may be considered as a major change in the Planned Development.
 - 1. Land Use;
 - 2. Increase in dwelling unit density;
 - 3. Decrease in dwelling unit density below that specified in the Comprehensive Plan.
 - 4. Ratio of number of different types of dwelling units;
 - 5. Type of commercial or industrial structures;
 - 6. Type and location of accessways and parking areas where off-site traffic would be affected;
 - 7. Increase in the floor area proposed for nonresidential use by more than ten (10) percent where previously specified;

8. Reduction of more than ten (10) percent of the area reserved for common open space and/or usable open space where previously specified;
 9. Increase in the total ground area proposed to be covered by structures by more than five (5) percent where previously specified;
 10. Reduction of specific setback requirements by more than twenty-five (25) percent where previously specified;
 11. Reduction of project amenities provided such as recreational facilities, screening, and/or landscaping provisions by more than ten (10) percent where previously specified; and
 12. Any other modification to specific requirements established at the time of conceptual development plan approval.
- b. Where the Planning Commission finds that substantial compliance can be established, consideration of and findings made for the approval or conditional approval of the Detailed Plan need only be made with respect to the additional requirements in accordance with Sections 112.05.01.01 (a-g) and Section 112.05.01.02 (a-d), as well as those requirements of Sections 112.04.01.01 and 112.04.01.02 not previously reviewed and approved through the Conceptual Development Plan approval.

Where an appeal has been filed for a Detailed Development Plan with prior Conceptual Development Plan approval, an appeal shall only be heard by the hearing authority for those items considered by the Planning Commission under Sections 112.05.01.01 (a-g) and 112.05.01.02 (a-d) as well as those requirements of Section 112.04.01.01 and Section 112.04.01.02 not previously reviewed and approved through Conceptual Development Plan approval.

- c. As a condition of approval of the detailed development plan, the Planning Commission may permit the implementation of the plan in phases. Such phases shall be during the time period established in accordance with Section 112.04.01.02(f).

112.05.03.02 - Major Modification(s) of a Detailed Development Plan

- a. The developer may petition for review of the previously approved plans for purposes of modifying such plans stating his reasons therefore.
- b. Where the Director determines that a major modification or modifications has resulted from one or more of the changes

listed in Section 112.05.03.01 (1) through (12) above, he shall schedule a hearing before the Planning Commission in accordance with Section 105. [Section 112.05.03.02.b. amended by Ordinance 81-67, §20, passed July 6, 1981.]

- c. The Planning Commission, upon finding that the petition is reasonable and valid, may consider the redesign in whole or in part of any planned development and shall follow the procedures herein required for detailed development plan submittal and review.

The Planning Commission may only authorize the major modification(s) after a duly noticed public hearing and upon a finding by the Planning Commission that the proposed modification will result in a development which is consistent with the objectives of this Code and the policies of the Comprehensive Plan.

112.05.03.03 - Minor Modification(s) of a Detailed Development Plan

Any modification which is not within the description of a major change as provided in Section 112.05.03.01 shall be considered a minor change, which may be approved conditionally, approved, or denied by the Director following the review and recommendation of staff.

Appeals of the Director's decision concerning minor modifications may be appealed to the Land Development Hearings Board in accordance with the provisions of Section 118.

Section 112.06 - Noncompliance with the Approved Detailed Development Plan

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

Section 112.07 - Planned Development Nullification

112.07.01 - Initiation

The property owner(s) or their authorized agents may petition to nullify an established Planned Development designation, in accordance with the following procedures.

112.07.02 - Petitions

Petitions to nullify an established Planned Development designation shall be made on forms provided by the Director and shall be accompanied by maps, drawings, and other such information as may be necessary for adequate review of the petition.

The Planning Commission may review a petition for a district change where one is proposed, concurrent with a petition to nullify an established Planned Development designation.

112.07.03 - Review of Petition

Upon receipt of a petition, the Director shall review it for compliance with the requirements of Section 112.07.02 within five (5) working days. If an application is found to be incomplete the Director shall notify the petitioner of the reasons therefore and shall advise the petitioner of the requirements for an acceptable petition.

112.07.04 - Public Hearing

Upon acceptance of a complete petition, the Director shall schedule a public hearing by the Planning Commission within 45 calendar days of the established deadline day and he shall provide notice of the hearing in accordance with the provisions of Section 105.03.

112.07.05 - Staff Evaluation

Upon receipt of an acceptable petition, the Director shall review the proposal to nullify the established Planned Development designation. The Director may request the assistance of other City agencies in order to determine the effects of the change. Based on his review, the Director shall prepare a report with recommendation to the Planning Commission. The report shall address the criteria established in Section 112.07.06.

112.07.06 - Criteria for Nullifying the Planned Development Designation

The burden of proof is placed on the proponent to justify the nullification of the established Planned Development designation, giving substantial evidence that:

- a. Developing the property under conventional district standards and regulations will not create nonconforming development.
- b. Special circumstances such as building relationships, drainage ways, public improvements, topography, etc., which were to be responded to specifically through the Planned Development process can be dealt with as effectively with conventional standards.
- c. Conditions attached to the approved Planned Development by the hearing authority can be met.
- d. No prior commitments involving the property were made which would adversely affect the subject property, 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.

112.07.07 - Action by the Planning Commission

The Planning Commission shall conduct a public hearing in accordance with the provisions of Section 105. Following the close of the public hearing, the Planning Commission shall by motion either approve, conditionally approve, or deny the petition. [Section 112.07.07 amended by Ordinance 81-67, §21, passed July 6, 1981.]

112.07.08 - Findings

In making its decision, the Planning Commission shall consider the effects of the petition, based on the criteria established in Section 112.07.06 and shall specify such considerations as findings in support of its decision.

112.07.09 - Effective Date

The decision of the Planning Commission shall become effective upon the expiration of the appeal period as provided in Section 118, provided no appeal has been filed.

112.07.10 - Notice of Disposition

Following the action of the hearing authority, the Director shall issue a notice of disposition which gives in writing the status of the petition, to be available in the Planning Department.

112.07.11 - Appeal

The decision of the Planning Commission may be appealed in accordance with the provisions of Section 118.

112.07.12 - Fees

Petitions filed in accordance with this section shall be accompanied by fees as required by Section 120.

Section 112.08 - City Initiation of a Planned Development

A Planned Development may be initiated by the City Council, Planning Commission, or the Director. The initiated Planned Development need not include a conceptual or detailed development plan as required in Section 112.03. Upon the initiation of a Planned Development by the City, the Planning Commission shall hold a public hearing in accordance with the provisions of Section 105.03. [Section 112.07.13 renumbered Section 112.08 by Ordinance 81-67, §22, passed July 6, 1981; amended by Ordinance 82-67, §4, passed August 2, 1982.]

SECTION 113 - LAND DIVISIONS

Section 113.01 - Background

The division of land is the initial step in the process of establishing a community's ultimate development pattern. The physical arrangement of the City as determined by this process can have a direct effect on the cost and adequacy of public facilities and services as well as the overall character and form of the City.

Section 113.02 - Purposes

Land division review procedures have been established herein for the following purposes:

- a. To ensure building sites of sufficient size and appropriate design for the purposes for which they are to be developed and that lots to be created are within the density ranges permitted by the Comprehensive Plan.
- b. To minimize negative effects of development upon the natural environment and to incorporate natural features into the proposed development where possible.
- c. To ensure economical, safe, and efficient circulation systems for pedestrians, bicycles, and motor vehicles.
- d. To ensure the appropriate level of urban facilities and services including provisions for water, drainage, and sewerage, as well as lands for recreation and educational needs.
- e. To create residential living environments which foster a sense of neighborhood identity and which are effectively protected from the adverse effects of heavy traffic and more intensive land uses.
- f. To promote energy efficiency.

Section 113.03 - Major and Minor Land Partitions

113.03.01 - Preliminary Application, Tentative Plat

- a. The applicant shall submit a preliminary partition application which includes a tentative plat of the land partition indicating the following:
 1. The names of the owner and partitioner, and the engineer or surveyor as appropriate.
 2. Lot line boundaries of all contiguous land in the same ownership as the area encompassed in the application.
 3. Sufficient description to define the location and boundaries of the proposed area to be partitioned.
 4. Date, scale, and north arrow.

5. Location of existing structures.
 6. The number and type of units proposed where known and appropriate.
 7. The location and width of all existing or proposed public or private accessways (rights-of-way), to include any reserve strips. Parking lot layouts shall be shown.
 8. The proposed parcel layout(s) indicating dimensions, parcel lines and lot areas of parcels.
 9. The approximate location and width of all water courses (for review in accordance with Section 305).
 10. All public areas proposed to be dedicated by the partitioner (to include any reserve strips) and the proposed uses thereof.
 11. Location and use of adjacent structures within 25 feet of the property line.
 12. Location of existing trees including outline centers having a trunk diameter of ten (10) inches or more at a point twenty-four (24) inches above natural grade.
 13. Where it is evident that the subject parcel can be further partitioned the applicant must show that the land partition will not preclude the efficient division of land in the future.
- b. The tentative partition plat shall be sufficiently accurate to ensure proper review by affected City agencies.
 - c. Upon receipt of an application, the Director shall review it for compliance with the above requirements for submittal, Section 113.03.01(a)-(b) within ten (10) working days. If the application is found to be incomplete, the Director shall notify the applicant of the reasons therefor and shall advise the applicant of the requirements for a complete application within that 10 day period.
 - d. Upon acceptance of a complete application, the Director shall transmit copies of the preliminary land partition application to the Engineering Division, Development Services Division, the Fire Marshal's Office, the Finance Department and others where necessary. The Director shall review the proposed partition for compliance with the provisions of this Code and shall also coordinate the review conducted by affected City agencies for compliance with other City regulations.
 - e. Following the review of the land partition by the above stated agencies, the applicant will be advised of the status of the proposal and of any additional information which shall be

required prior to the filing of a final partition plat and shall be notified of conditions to be attached to final land partition approval.

- f. Approval of a tentative partition plat shall not constitute approval of a final plat for recording. However, approval of a tentative partition plat shall be binding on the City for purposes of preparation of the final plat. The City may require only such changes to the final partition plat as are necessary to assure compliance with the terms of the tentative plat approval.

113.03.02 - Final Application

- a. All applications shall follow procedures established by the Director.
- b. The applicant shall submit a partition plat meeting the following requirements:
 - 1. The partition plat shall be prepared by an Oregon licensed land surveyor in accordance with ORS Chapters 92 and 209. The plat shall conform to the partition plat standards established by the County Surveyor. The surveyor shall submit one copy of the plat to the Development Services Division and shall submit the original and one copy, and the appropriate recording fee, to the County Surveyor.
 - 2. An Oregon licensed land surveyor shall survey and monument the parcels. All monuments on the exterior boundary and all parcel corner monuments of partitions shall be placed before the partition is offered for recording. The surveyor shall file a map of survey and submit the appropriate filing fee to the County Surveyor.
 - 3. Have a notarized signature of the owner declaring the ownership and consenting to the recording of the map.
 - 4. Be accompanied by legal descriptions of areas proposed for dedication. A notarized copy of any deeds dedicating land to the City shall be signed by the grantor and submitted with the final application. Legal descriptions shall meet the approval of the City Engineer.
 - 5. Be accompanied by all proposals for sewage disposal, flood control, and easements or deeds for drainage land, where appropriate (for review in accordance with Section 305).
 - 6. Indicate all streets, driveways, easements, and improvements proposed to be made or installed, as well as a time within which such improvements are envisioned to be completed. (This information may be given on the land partition application form.)

7. Indicate the domestic water system proposed to be installed, including the source, quality, and quantity of water. (This information may be given on the land partition application form.)
 8. Provide a designated space for approval signatures in accordance with Section 113.03.02(h).
 9. Be in substantial conformance with the tentative partition plat as reviewed by the City, in accordance with Section 113.03.01. All previously submitted information shall be shown on the final partition plat application, to meet the requirements of the County Surveyor for the recording of a partition plat.
- c. Upon acceptance of the final application for a land partition, the Director shall transmit copies of the application to the Engineering Division, Development Services Division, the Fire Marshal's Office, the Finance Department and others where necessary who shall review the final application to ensure compliance with the preliminary land partition and recommended additions to the tentative partition plat, Sections 304 and 305, and other applicable City regulations.
 - d. Within ten (10) days of the receipt of all comments and recommendations as requested from appropriate agencies and departments, or within forty-five (45) working days of acceptance of a complete partition application as provided for in this Code, whichever date shall first occur, the Director shall provide the applicant with a letter stating whether the land partition is to be approved, conditionally approved, denied, or when further information is required that a decision on the application has been postponed.
 - e. In the case of conditional approval, the applicant shall then be required to respond in writing to the letter of conditions, stating the applicant's agreement to fulfill said conditions prior to final approval of the partition. In the event that the developer has not signed the letter of conditions and returned it to the Development Services Division within one (1) year from the date indicated on the letter of conditions, then the partition application and any City guarantees for the approval thereof shall be null and void.
 - f. After having been assured that any and all conditions of approval have been met to the satisfaction of affected City, County, and state agencies, the Director shall commence to authorize the proposed partition.
 - g. Approval must include affirmative findings that:
 1. Approval does not impede the future maximum best and efficient use of this property under the same ownership or adversely affect the safe and healthful and efficient

development of such remainder or any adjoining land or access thereto.

2. The minor partition complies with Corvallis' policies, regulations, and plans as well as the intent and purpose of this Code.
3. Prior to final approval, the City shall be assured that:
 - (a) Improvements as required by the City and this Code have been completed, and a statement to that effect has been filed with the Development Services Division; or
 - (b) A performance agreement (bond), or suitable substitute as agreed upon by the applicant and the City, has been filed with the Finance Director in sufficient amount to insure the completion of all required improvements; or
 - (c) A petition has been submitted to the City Council and formation of a Local Improvement District has been approved for the construction of the required improvements; or
 - (d) Any combination of the above approved by the City.
4. 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.
5. The City Engineer shall review a signed and notarized deed for any areas being dedicated to the City prior to the final signing of the partition plat.
- h. The signing of the partition plat shall be made in accordance with the following:
 1. In the case of minor land partitions, the Director and City Engineer shall then sign the original minor land partition plat with the effective date of such approval.
 2. In the case of major land partitions, the Director and City Engineer shall then sign the original major land partition plat with the effective date of such approval.
- i. Approval as stipulated herein does not relieve the applicant from other applicable provisions of this Code and/or Oregon Revised Statutes.

113.03.03 - Recording Approved Partition

The County Surveyor shall record the partition plat with the Benton County records and Elections Office.

113.03.04 - Effective Date

The signing of the partition plat by the Director and the City Engineer indicates approval of the land partition and it shall become effective upon the expiration of the appeal period.

113.03.05 - Appeals

Appeals may be made within ten (10) days of the effective date of approval in accordance with the provisions of Section 118.

113.03.06 - Fees

Application for a land partition in accordance with the provisions of this section shall be accompanied by fees as required by Section 120.

Section 113.04 - Subdivisions

Whenever an application is filed for a subdivision, it shall be reviewed in accordance with the following procedures.

113.04.01 - Tentative Subdivision Plat Review

113.04.01.01 - Application

All applications shall be made on forms provided by the Director and shall be accompanied by copies of the tentative subdivision plat which shall not exceed dimensions of 24 inches by 36 inches. Where necessary, an overall plan with subsequent detail sheets may be submitted. The tentative subdivision plat shall contain, or be accompanied by, the following information:

- a. Proposed subdivision name, date, north arrow, scale and sufficient description to define the location and boundaries of the proposed tract. The proposed name is subject to approval by the Planning Commission;
- b. A vicinity map showing the general location of the proposed subdivision;
- c. Name and address of owner or owners of record, developer, and registered professional land surveyor who prepared said plat;
- d. Existing use or uses, district or districts, and proposed use or uses. Location and use of adjacent structures within 25 feet of the property lines;
- e. Locations, names, widths (for rights-of-way and improvements), centerline radii and centerline slopes of all streets (both existing and proposed), highways, and other ways in and adjacent to the proposed subdivision;

- f. Number of lots, dimensions of lots, including frontage, depth, and area in square feet;
- g. Two-foot contours for slopes under 20 percent. Five-foot contours for slopes greater than 20 percent. Where the grade of any part of the subdivision exceeds 10 percent or where the subdivision abuts existing developed lots, a conceptual grading plan may be required showing features adjacent to the subdivision within a reasonable distance therefrom which would affect said subdivision and areas adjacent to the proposed subdivision. In those cases in which a grading plan is required, it shall show how runoff or surface water from individual lots will be managed and the ultimate disposal of all subdivision surface waters;
- h. Location and character of all existing easements and/or dedications for drainage, sewage, and public utilities together with all building and use restrictions applicable thereto;
- i. The approximate locations of all proposed easements and/or dedications for drainage, sewage, or other public utilities;
- j. Location of all creeks, streams, drainageways, and other water courses showing top of existing banks and channel depth, and if requested, a separate sheet showing cross sections at 50 foot intervals of all such water courses (for review in accordance with Section 305);
- k. Location of existing native, ornamental, and orchard trees including outline, centers, and species having a trunk diameter of ten inches or more at a point 24 inches above natural grades;
- l. Statement of the improvements proposed to be constructed or installed and of the time when said improvements shall be installed, and the date of their anticipated completion:
 - 1. All provisions for domestic water supply which are proposed by the developer, including source, quality, and approximate quantity;
 - 2. All provisions for sewage disposal, storm drainage, and flood control which are proposed by the subdivider;
 - 3. Public or common areas proposed, if any, and provisions for improvements and maintenance of common areas;
 - 4. Tree planting plan;

5. Street lighting plan, if any.
- m. The location of solar collectors on land adjacent to the development for which solar access permits have been granted;
 - n. For residential developments, existing structures and trees which will reduce solar access to any buildable area within the development. The types and location of trees to be preserved and the shadow patterns of the trees at their mature height shall be shown from 10 a.m. to 3 p.m. on November 21;
 - o. For residential developments the proposed southern building line of each lot with solar access protection shall be shown on the tentative plat;
 - p. For residential developments a proposed solar envelope for each lot as necessary for solar access protection consistent with Section 310.02. Each lot subject to a solar envelope shall be shown on the tentative plat.

If any of the foregoing information cannot practicably be shown on the map, it shall be incorporated into a narrative and submitted with the attached application.

113.04.01.02 - Acceptance of Tentative Subdivision Plat Application

Upon receipt of an application, the Director shall review it for compliance with the above requirements for submittal in Section 113.04.01.01. Additional information may be required by the Director to properly evaluate the proposed subdivision. The Director may also waive any of the above requirements given in Section 113.04.01.01 where it is found that the required information is unnecessary to properly evaluate the tentative subdivision plat. If an application is found to be incomplete, the Director shall notify the applicant of the reasons therefor and shall advise the applicant of the requirements for a complete application.

113.04.01.03 - Public Hearing

The Director shall schedule a public hearing to be held by the Planning Commission upon the receipt of a complete application and shall provide a notice of the hearing in accordance with the provisions of Section 105.03.

113.04.01.04 - Review by Staff

Upon acceptance of a complete application, and at the request of the applicant, the Director shall schedule a staff meeting or meetings to be held within fifteen (15) calendar days of the established deadline date where practical for purposes of conducting a review of the tentative subdivision plat. The

plat and narrative shall be distributed to the staff and other agencies which may be affected by the proposed subdivision.

113.04.01.05 - Staff Evaluation

Upon receipt of said plans and necessary accompanying data, staff shall make an evaluation of the proposed plat and set forth any comments and recommendations available. These comments and recommendations shall be available to the Director and developer. The developer shall be advised of any recommended changes and any additional information or conditions recommended for the tentative subdivision plat. The Director shall incorporate all staff comments and recommendations into a report to the Planning Commission. The report shall indicate whether the proposed tentative subdivision plat complies with applicable City development standards and the Comprehensive Plan and suggest conditions and stipulations, if any, to be attached to the proposed plat.

113.04.01.06 - Revision of Proposed Tentative Subdivision Plat

Revisions to the application after an application has been found to be complete shall be regarded as a new application, requiring additional filing fees and rescheduling of the required public hearing to the next regularly scheduled meeting of the Planning Commission.

113.04.01.07 - Action by the Planning Commission

The Planning Commission shall hold a public hearing in accordance with the provisions of Section 105.03 for purposes of reviewing the proposed tentative subdivision plat. Following the close of the hearing, the Planning Commission shall approve, conditionally approve, or deny the tentative subdivision plat.

113.04.01.08 - Findings

In making its decision, the Planning Commission shall determine whether the proposed subdivision complies with the applicable standards of this Code and policies of the Comprehensive Plan. The Commission shall specify such compliance in support of its decision.

113.04.01.09 - Notice of Disposition

The Director shall, by certified mail, provide the applicant with a notice of disposition, a written statement of the Planning Commission's decision, the reasons therefor, and any conditions of approval. A notice of disposition shall also be mailed to all persons who presented testimony, orally or in writing, at the hearing. All applicable information shall be available in the Planning Division.

113.04.01.10 - Effective Date

The decision of the Planning Commission shall become effective upon the expiration of the applicable appeal period as provided in Section 118 unless an appeal has been filed.

113.04.01.11 - Effective Period of Tentative Subdivision Plat Approval

The approval of a tentative subdivision plat shall be effective for a period of one (1) year from the date of notification by the Director as provided in Section 113.04.01.09. In the event that the developer has not submitted a final subdivision plat for the total subdivision, or portion thereof, within this period, then the tentative subdivision plat for the subdivision, or portion thereof, shall be null and void.

113.04.01.12 - Appeals

The decision of the Planning Commission may be appealed in accordance with the provisions of Section 118.

113.04.01.13 - Fees

Applications filed for a tentative subdivision plat in accordance with the provisions of this Section shall be accompanied by fees as required by Section 120.

113.04.02 - Exceptions

113.04.02.01 - Exceptions Authorized

Exceptions and conditional exceptions to the subdivision regulations prescribed by this Code may be authorized by the Planning Commission.

113.04.02.02 - Application

Application for an exception will be made to the Planning Commission on a form available at the Planning Division. The applicant shall state fully the reasons for the application, the supporting facts, and any other data pertinent to the findings prerequisite to the granting of an exception prescribed in Section 113.04.02.04. The application shall be filed at the time of filing the tentative subdivision plat of a subdivision.

113.04.02.03 - Referrals

The Director shall transmit copies of the application to staff with the accompanying tentative subdivision plat application.

113.04.02.04 - Action of Planning Commission

The Planning Commission shall consider the application for an exception at the same meeting at which it considers the tentative subdivision plat. An exception may be approved or approved subject to conditions provided the Commission finds:

- a. That there are special circumstances or conditions affecting the property; and
- b. That the exception is necessary for the proper design and/or function of the subdivision; and
- c. That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the area in which the property is situated; and
- d. That the granting of the exception is in accordance with the purposes and objectives of the Code; and
- e. That the exception is necessary for the preservation and enjoyment of a substantial property right because of an extraordinary hardship which would result from strict compliance with the regulations of this ordinance.

113.04.02.05 - Appeal

The Planning Commission's action on an application for an exception may be appealed in accordance with Section 118.

Section 113.05 - Final Subdivision Plat Review

113.05.01 - Application

All applications shall be made on forms provided by the Director and shall be accompanied by the final subdivision plat which shall be made in black India Ink; upon material that is 18 inches by 24 inches in size; that is suitable for binding and copying purposes; and that has such characteristics of strength and permanency as may be required by the County Recorder together with an exact copy (duplicate transparencies thereof). The plat shall be of such scale and the lettering of such a size as will be clearly legible but no part shall come nearer any edge of the sheet than one (1) inch. The plat may be placed on as many sheets as necessary, but a face sheet and an index page shall be included for plats placed upon more than two sheets.

The final subdivision plat shall conform to the approved tentative subdivision plat and it shall contain or be accompanied by the following information:

- a. The name of the subdivision, date, north arrow, scale, legend, and existing features such as highways and railroads;

- b. Legal description of the subdivision boundaries;
- c. Reference and bearings to adjoining recorded surveys;
- d. The exact location and width of streets and easements intersecting the boundary of the subdivision;
- e. Subdivision, block, lot boundary lines. Numbering of lots and blocks as follows:
 - 1. Lot numbers beginning with the number "1" and numbered consecutively in each block. Number sequence to generally follow the same system as sections are numbered in a township.
 - 2. Block numbers shall begin with the number "1" and continuing consecutively without omission or duplication throughout the subdivision. The numbers shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Block and lot numbers in an addition to a subdivision of the same name shall be a continuation of the numbering in the original subdivision. Block numbering sequence shall be the same system as for lots.
 - 3. Block numbers may be omitted where the blocks are of irregular shape. When block numbers are omitted the lots shall be numbered consecutively throughout the subdivision and lots in an addition to the subdivision of the same name shall be a continuation of the numbering of the original subdivision.
- f. Street rights-of-way, center lines with dimensions to the nearest one/one-hundredth (1/100) of a foot, bearings or deflection angles, radii, arc, points of curvature, and tangent bearings shall be indicated on the plat. Subdivision boundaries, lot boundaries, and street bearings shall be shown to the nearest thirty (30) seconds with basis for bearings;
- g. The name and width of proposed and existing streets, the width of any existing right-of-way and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line. In addition to the center line dimensions, the radius and center angle shall be indicated;
- h. Easements shall be denoted by fine dotted lines clearly identified and, if already of record, their recorded reference. If an easement is not definitely located or recorded, there shall be a written statement of the easement. The width of the easement, its length and bearing and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated

by the plat, it shall be properly referenced in the owners certificates of dedication. The wording of the easement shall be approved by the City Engineer;

- i. Locations and widths of creeks, streams, drainageways, and other water courses (for review in accordance with Section 305); railroad rights-of-way and reserve strips at the end of stub street or along the edge of partial width streets on the boundary of the subdivision (see Section 113.05.04);
- j. Parcels to be dedicated shall be distinguished from lots intended for sale with acreage and alphabetic symbols for each parcel indicated;
- k. Notations indicating any limitations on rights of access to or from streets and lots or other parcels of land;
- l. The following certificates, acknowledgments, and other requirements established by state law shall appear on the final subdivision plat. Such certificates may be combined where appropriate.
 1. A certificate, signed and acknowledged by the owner of record of the land to be subdivided who is consenting to the preparation and recordation of the final subdivision plat; the offering for dedication of all parcels of land for public use and the offering for dedication of rights of access to and from prescribed streets, lots, and parcels of land.
 2. A certificate of the registered or licensed surveyor who prepared the survey and final subdivision plat.
 3. A certificate for execution by the chairman of the Planning Commission on behalf of the Planning Commission.
 4. A certificate for execution by the City Engineer.
 5. A certificate for execution by the County Surveyor.
 6. A certificate for execution by the City Finance Director.
 7. A certificate for execution by the County Director of Finance and Tax Collection.
 8. A certificate for execution by the Benton County Assessor.
 9. A certificate for execution by the Benton County Board of Commissioners.
- m. The southern building line for lots with solar access protection shall be denoted and clearly identified on the final subdivision plat as the south building line.

113.05.02

The following additional information shall be submitted to accompany the final subdivision plat.

- a. A complete and accurate survey of the land to be subdivided made by a registered or licensed surveyor;
- b. Traverse data on standard form work sheets or accurate and complete electronic computations showing the closure of the exterior boundaries of the subdivision and of each block in the subdivision;
- c. Two copies of all proposed covenants, conditions, and restrictions (CC&R's) or a statement in writing signed by the developer that no such restrictions will be established;
- d. A title guarantee by title company doing business in Benton County, showing the names of all persons whose consent is necessary for the preparation of the final plat and for any dedication to public use, and their interests therein, certified for the benefit and protection of the City of Corvallis that the persons therein named are all of the persons necessary to give clear title to the streets and other easements therein to be offered for dedication;
- e. Statement to verify authorization by the Postal Service for proposed mail delivery facilities locations as shown on the final subdivision plat or accompanying sheet to be approved by the City Engineer;
- f. A copy of solar envelopes for lots providing solar access protection to the southern building line of a lot with protected solar access.

113.05.03 - Dedications and Public Utility Requirements

- a. All parcels of land shown on the final subdivision plat intended for public use shall be offered for dedication for public use at the time the subdivision plat is filed.
- b. All streets, pedestrianways, drainage channels (reviewed in accordance with Section 305), easements, and other rights-of-way shown on the final subdivision plat intended for public use shall be offered for dedication for public use at the time the final subdivision plat is filed.
- c. All rights of access to and from streets, lots, and parcels of land shown on the final subdivision plat intended to be surrendered shall be offered for dedication at the time the final subdivision plat is filed.
- d. For all land proposed to be dedicated for public use, including, but not limited to, rights-of-way, drainageways, open space, and easements, evidence of unencumbered and clear title

shall be submitted prior to approval of the final subdivision plat.

113.05.04 - Designation and Conveyance of Reserve Strips

The subdivider may be required to provide one-foot reserve strips across the ends of stubbed streets adjoining unsubdivided land or along half streets adjoining unsubdivided land and where required they shall be designated as such on the final subdivision plat or map. The reserve strip shall be included in the dedication granting to the City the right to control access over the reserve strip to assure the continuation or completion of the street. This reserve strip shall overlay the dedicated street right-of-way.

113.05.05 - Monuments

- a. All monuments shall be set according to the provisions of state law.
- b. In making the survey, the Surveyor shall set sufficient permanent monuments prior to recording so that the survey or any part thereof may be retraced according to standards required by the City Engineer except interior monuments may be delayed with approval of the Planning Commission as provided in Section 113.05.05.01(b).

113.05.05.01 - Monumentation Requirements

- a. The minimum requirements for monumentation and accuracy for a subdivision plat or partition plat shall be in compliance with state law.
- b. Interior "post monumentation" may be permitted by approval of the Planning Commission at the time of approval of the tentative subdivision plat or upon special request prior to filing the final subdivision plat subject to the following:
 1. The developer has shown that it is necessary and practical to delay the interior monumentation.
 2. The developer of the subdivision plat agrees to furnish a bond or cash deposit in an amount equal to not more than 120 percent of the estimated cost of performing the work for the interior monuments.
 3. That the developer will sign an agreement with his surveyor and the City Engineer as to the amount of the bond or cash deposit to be furnished at the time of submitting the final subdivision plat, how the surveyor is to be paid for the work of establishing the interior monuments, that the rules for post monumentation as provided in ORS 92 shall be followed; establish a date when the monumentation will be completed, and set out other particulars

that may be necessary to insure the completion of the monumentation at a later date.

113.05.06 - Review of Final Subdivision Plat Application

Upon receipt of an application, the Director shall review it for compliance with the above requirements for submittal under Sections 113.05.01 and 113.05.02 within ten (10) working days. If an application is found to be incomplete, the Director shall notify the applicant of the reasons therefor and shall advise the applicant of the requirements for a complete application.

113.05.07 - Review by Affected Agencies

Upon acceptance of a complete application for final subdivision plat review, the Director shall distribute copies of the subdivision plat to affected agencies for review. Each agency shall review the final subdivision plat for compliance with the approved tentative subdivision plat, the provisions of this Code, and other regulations for which they have administrative responsibility. Those affected shall include, but not be limited to: the Public Works Department, Engineering and Development Services Divisions, the City Recorder's Office, the County Finance and Tax Collection Office, and the County Assessor's Office. The City Engineer may make checks in the field to verify that the map is sufficiently correct on the ground and he may enter the property for this purpose.

113.05.08 - Coordination by Director

The Director shall coordinate the review of the final subdivision plat as required by Section 113.05.07. Upon notification by each agency that the final subdivision plat is satisfactory, the Director or the Director's authorized agent shall circulate the original copy of the final subdivision plat for the signatures of the chairman of the Planning Commission, the City Engineer, the City Recorder, the County Director of Finance and Tax Collection, County Assessor, County Surveyor, and the County Board of Commissioners.

113.05.09 - Agreement for Improvements

Before the signature of the City Engineer is obtained, the subdivider shall improve, agree to improve, or have gained approval of the formation of an improvement district for lands dedicated for streets, alleys, pedestrianways, drainage channels, easements, and other rights-of-way or common areas as a condition precedent to acceptance thereof and approval of the Final Subdivision Plat, subject to the exceptions that apply where access to a street is limited. These three procedures are more fully described as follows:

- a. The subdivider may elect to construct the improvements for the subdivision prior to the recording of the final subdivision plat. If this procedure is to be used, the subdivision plat

shall contain all the required certifications except the Board of County Commissioners. Assurances that utility service can be provided as required by Section 113.05.09.02 shall be provided. The subdivision plat shall be retained by the City until the improvements have been completed and approved by the City Engineer. Upon approval, the City shall forward the final subdivision plat for certification by the Board of County Commissioners and to the County Clerk for recording.

- b. The subdivider may elect to execute and file with the City Council an agreement between himself and the city specifying the period within which required improvements and repairs shall be completed. The agreement shall state should the work not be completed within the period specified, the City may complete the work and recover the full cost and expense thereof from the subdivider. A performance guarantee as provided in Section 113.05.09.01 shall be required. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions.
- c. The subdivider may elect to have all or part of the public improvements constructed under an assessment district procedure. Under this procedure the subdivider shall enter into an agreement with the City proposing the establishment of the district for the improvements to be constructed, proposing a schedule when improvements are to be installed, and the extent of the plat to be improved. The City reserves the right, under the assessment district procedure, to limit the extent of the improvements in a subdivision during a construction year and may limit the area of the final subdivision plat to the area that is to be improved. A developer performance guarantee may be required under the assessment district procedure.

113.05.09.01 - Developers Performance Guarantee

- a. When required under provisions of Section 113.05.09, the subdivider shall file with the agreement for improvements a performance guarantee to assure his full and faithful performance thereof, one of the following:
 - 1. A surety bond executed by a surety company authorized to transact business in the State of Oregon in a form approved by the City Attorney.
 - 2. In lieu of said bonds, the subdivider may (a) deposit with the City Clerk cash money in an amount fixed by the City Engineer; (b) certification by a bank or other reputable lending institution that money in an amount fixed by the City Engineer is being held to cover the cost of the improvements and incidental expenses, said money to be released only upon authorization of the City Engineer as in the

case of cash; or (c) bonds in amount fixed by the City Engineer and in a form approved by the City Attorney.

- b. Such assurance of full and faithful performance shall be for a sum determined by the City Engineer as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses.
- c. If the subdivider fails to carry out provisions of the agreement and the City has reimbursed costs or expenses resulting from such failure, the City shall call on the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit exceeds the cost and expense incurred, the remainder shall be released. If the amount of the bond or cash deposit is less than the cost and expense incurred, the subdivider shall be liable to the City for the difference.

113.05.09.02 - Utility Service

Prior to approval of the final subdivision plat, the subdivider shall provide evidence to the satisfaction of the City Engineer that electrical power, natural gas, cable television, and telephone service shall be provided for each lot unless specifically exempted during the review of the tentative subdivision plat.

113.05.10 - Recordation Final Subdivision Plat

When all required signatures have been obtained on the final subdivision plat, the Director shall record the subdivision plat and any required covenants with the County Recorder.

113.05.11 - Effective Date

The authorization of the final subdivision plat shall become effective upon the recordation of the subdivision plat in accordance with Section 113.05.10.

113.05.12 - Notice of Recordation

After the recordation of the final subdivision plat, the Director shall notify the applicant that recordation has occurred.

113.05.13 - Fees

No fees are required for final subdivision plat review. However, a subdivision plat check fee may be required in accordance with ORS Chapter 92.

Section 113.06 - Major Replat

Whenever an application is filed for a major replat, it shall be reviewed and processed in accordance with the provisions for subdivisions and final subdivision plat review (Sections 113.04 and 113.05).

Section 113.07 - Minor Replat

Whenever an application is filed for a minor replat, it shall be reviewed in accordance with the following provisions.

113.07.01 - Tentative Minor Replat Review

113.07.01.01 - Application

All applications shall conform to the requirements set forth in Section 113.04.01 for tentative plat review.

113.07.01.02 - Acceptance of Minor Replat Application

Upon receipt of an application, the Director shall review it for compliance with the requirements for submittal in Section 113.04.01 within ten (10) working days. Additional information may be required by the Director to properly evaluate the proposed minor replat. The Director may also waive any of the requirements of Section 113.04.01 where he finds that the required information is unnecessary to properly evaluate the tentative minor replat. If an application is found to be incomplete, the Director shall notify the applicant of the reasons therefore and he shall advise the applicant of the requirements for an acceptable application.

113.07.01.03 - Public Notice

The Director shall mail affected parties notice that an application for a minor replat has been filed. The notice will state that all comments concerning the proposed minor replat must be in writing and received by Development Services within ten (10) calendar days from the date of mailing the notice. The notice shall also contain the applicant's name and address, the type of action requested, the date by which comments concerning the request shall be received by Development Services, the date the Director shall render his decision concerning the requested minor replat, the deadline date for appeals, and the address and phone number of Development Services.

For purposes of this section, "affected parties" shall mean any resident or property owner within 150 feet, excluding street right-of-way, of the land for which a minor replat is proposed.

Notice shall also be posted in three (3) conspicuous places in the immediate vicinity of the subject property at least ten (10) calendar days prior to the date of the decision.

Notice shall also be given by publication in a newspaper of general circulation at least ten (10) calendar days prior to the date of the decision.

113.07.01.04 - Review of Application

Upon acceptance of a complete application, the Director shall transmit copies of the minor replat application to Engineering Services, the Fire Department, the Finance Department, the Plans Review Section of Development Services Division and others where necessary. The Director shall review the proposed minor replat for compliance with the provisions of this Code and he shall also coordinate the review conducted by affected City agencies for compliance with other City regulations.

113.07.01.05 - Action on Application

Based on staff comments and those from affected parties, the Director shall review the proposed minor replat and shall either approve, approve subject to condition(s), or deny the application within twenty-one (21) working days of acceptance of an application.

113.07.02 - Notice of Disposition

The Director shall, by certified mail, provide the applicant with a notice of disposition and written statement of his decision, the reasons therefor, and any conditions of approval. The Director shall also provide a notice of disposition to those affected parties who were mailed the original notice of the application and those who provided written comments on the tentative minor replat. A notice of disposition and all applicable information shall be available in the Development Services Division of Community Development.

113.07.03 - Effective Date

The decision of the Director shall become effective upon the expiration of the appeal period as provided in Section 118 unless an appeal has been filed.

113.07.04 - Effective Period of Tentative Minor Replat Approval

The approval of a tentative minor replat shall be effective for a period of one (1) year from the date of notification by the Director as provided in Section 113.07.02. In the event that the developer has not submitted a final plat for the affected portion of the subdivision within this period, then the tentative minor replat shall be null and void.

113.07.05 - Appeals

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with the provisions of Section 118 of the Code. Upon receipt of an appeal, the Director shall schedule a public hearing to be held by the Land Development Hearings Board.

113.07.06 - Fees

Applications for a tentative minor replat shall be accompanied by fees as required by Section 120.

113.07.07 - Final Plat Review

A final plat filed for an approved tentative minor replat shall be processed in accordance with the provisions of Section 113.05, except that Section 113.05.01 (1.3.) shall not apply. A certificate for execution by the Development Services Director shall be required.

Section 113.08 - Lot Line Adjustment

Whenever an application is filed for a lot line adjustment, it shall be reviewed in accordance with the following provisions.

113.08.01 - Application

- a. The applicant(s) shall submit a lot line adjustment application which includes the names, addresses, and signatures of consent of all property owners affected by the proposed lot line adjustment. The application shall be accompanied by a plot plan of the lot line adjustment drawn to a scale of not less than 1" = 20' indicating the following:
 1. Date, scale, and north arrow.
 2. All existing and proposed lot lines (clearly labeled and dimensioned) for all lots affected by the application.
 3. Location and name of all public street rights-of-way abutting the affected lots.
 4. Total lot area in square feet of all existing lots affected by the application and total square footage of the resultant adjusted lots.
 5. Outline the location of all existing structures on all lots affected by the application.
 6. The location and type of easements on all lots affected by the application.
 7. The location of all public and private utilities on the lots affected by the application.

- b. Upon receipt of an application, the Director shall review it for compliance with the above requirements for submittal (Section 113.08.01.a.) within ten (10) working days. If the application is found to be incomplete, the Director shall notify the applicant of the reasons therefor and shall advise the applicant of the requirements for a complete application within that ten (10) day period.
- c. Upon acceptance of a complete application, the Director shall transmit copies of the lot line adjustment application to Engineering Services, the Fire Department, the Finance Department, the Plans Review Section of Development Services and others where necessary. The Director shall review the proposed lot line adjustment for compliance with the provisions of the Code and he shall also coordinate the review conducted by affected City agencies for compliance with other City regulations.

113.08.02 - Decision on Application

Based on staff comments, the Director shall review the lot line adjustment and shall either approve or deny the application and notify the applicant(s) in writing of the decision within twenty-one (21) working days of acceptance of an application.

- A. A lot line adjustment will be approved if the following criteria have been met:
 - 1. The lot line adjustment shall not result in the creation of an additional unit of land.
 - 2. Any unit of land reduced in size by the lot line adjustment shall comply with all applicable development district regulations.
 - 3. Any non-conforming development on lots subject to a lot line adjustment shall not have the degree of nonconformity increased as a result of the lot line adjustment.
 - 4. The availability of both public and private utilities and required access shall not be adversely affected by a lot line adjustment.
- B. Approvals will be subject to the following minimum conditions:
 - 1. Deeds, based on a metes and bounds legal description, for all adjusted lots resulting from the lot line adjustment shall be recorded with the Benton County Recorder's Office.
 - 2. A Certified Boundary Survey map which reflects the approved lot line adjustment shall be filed with Benton County. Prior to the filing of the survey map with

Benton County the map shall be reviewed by the City and shall be signed by the Director and the City Engineer.

3. Copies of the recorded deeds and filed survey map shall be provided to the City of Corvallis following recordation.

113.08.03 - Effective Date

The decision of the Director shall become effective upon the expiration of the appeal period as provided in Section 118 unless an appeal is filed.

113.08.04 - Effective Period of Lot Line Adjustment Approval

The approval of a lot line adjustment shall be effective for a period of one (1) year from the date of notification by the Director as provided in Section 113.08.02. In the event that the applicant(s) has not complied with the conditions of approval for the lot line adjustment within this period, then the lot line adjustment shall be null and void.

113.08.05 - Appeals

The decision of the Director may be appealed to the Land Development Hearings Board in accordance with the provisions of Section 118 of this Code. Upon receipt of the appeal, the Director shall schedule a public hearing to be held by the Land Development Hearings Board.

113.08.06 - Fees

Applications for a lot line adjustment shall be accompanied by fees as required by Section 120.

SECTION 114 - DEVELOPMENT DISTRICT CHANGES

Section 114.01 - Background

The Development District Map is consistent with the adopted Comprehensive Plan, as amended, and as such it is a reflection of the City's land use planning goals. The Map has also been adopted as part of the Land Development Code. Frequent and piecemeal amendments to the Development District Map can threaten the integrity of the Comprehensive Plan and the likelihood of its successful implementation.

Nevertheless, it may be necessary to amend the Development District Map to correct a manifest error or to respond to changing conditions or unforeseen circumstances. District changes will, in general, be discouraged unless clear and convincing evidence is presented in support of the change.

Because the City's Development District Map is required to conform with the Comprehensive Plan, Development District changes generally occur in conjunction with amendments to the Comprehensive Plan. There are cases, however, where more than one Development District will conform with the Comprehensive Plan. In such cases Development District changes can occur without requiring amendments to the Comprehensive Plan.

[Section 114.01 amended by Ordinance 90-08, §10, passed February 20, 1990.]

Section 114.02 - Purposes

In accordance with Section 114.01, the procedures and standards established herein are required for the following purposes:

- a. To establish and maintain sound, stable, and desirable development within the City of Corvallis;
- b. To permit changes in development district boundaries where appropriate;
- c. To ensure that district changes are consistent with the community's land use policies and goals; and
- d. To ensure due process and lessen the influence of private economic interests in the land use decision making process.

Section 114.03 - Legislative Changes

A district change which applies uniformly to all properties, or a large number of properties, is a legislative act.

114.03.01 - Initiation

The initiation of a district change which is legislative in nature may be accomplished by one of the following methods:

- a. A majority vote of the City Council; or
- b. A majority vote of the Planning Commission.

Where a motion by either the City Council or Planning Commission involves a Planned Development, the motion by either body need not include a conceptual or detailed development plan, but shall include a recommendation for land use. [Section 114.03.01 amended by Ordinance 90-08, §10, passed February 20, 1990.]

114.03.02 - Petitions

Petitions for district changes which affect a large area and a number of parcels, and owners having varying interests may be filed jointly by a majority of the property owners of record or their authorized agents within the area of the proposed district change.

Petitions filed in accordance with this Section shall include a description and map of the area to be affected by the proposed change, a statement of the reasons for the change, and of its relationship to the Comprehensive Plan and such other information as may be necessary for an adequate review of the petition.

114.03.03 - Review of Petitions

The Planning Commission shall review a petition filed in accordance with the provisions of this Section and it shall determine whether there is sufficient cause to initiate a district change as requested. Upon a finding that there is sufficient cause, the Commission may initiate the district change as provided in Section 114.03.01.

114.03.04 - Report and Recommendation

Upon the initiation of a district change in accordance with the above provisions, the Director shall conduct a review of the proposed change. The Director may request the assistance of other City agencies in order to determine the effects of the change in district boundaries. Based on his review, the Director shall prepare a report and recommendations for the Planning Commission outlining the effect of the proposed change on City facilities and services, existing and future development in the area, and the Comprehensive Plan.

114.03.05 - Planning Commission Public Hearing

Upon the completion of his review, the Director shall schedule a public hearing to be held by the Planning Commission for purposes of formally reviewing the district change. The public hearing shall be noticed and conducted in accordance with the provisions of Section 105. [Section 114.03.05 was amended by Ordinance 81-67, §24, passed July 6, 1981.]

114.03.06 - Recommendation by Planning Commission

Following the close of the public hearing, the Planning Commission shall make a recommendation to the City Council concerning the proposed district change. The Commission shall include findings in its recommendation which indicate the basis for its recommendation.

114.03.07 - City Council Public Hearing

Upon the receipt of the Planning Commission's recommendation the matter shall be set for a public hearing before the City Council. The public hearing shall be noticed and conducted in accordance with the provisions of Section 105. [Section 113.07 amended by Ordinance 81-67, §25, passed July 6, 1981 and Ordinance 90-08, §10, passed February 20, 1990.]

114.03.08 - Action by City Council

Following the close of the public hearing, the City Council shall either by ordinance approve the proposed district change or a modification thereof or deny the petition. In making its decision, the City Council shall consider the policies of the Comprehensive Plan and it shall specify such considerations as findings in support of its decision.

114.03.09 - Notice of Disposition

The Director shall, by certified mail, provide the applicant with a notice of disposition, a written statement of the Planning Commission's decision, the reasons therefor, and any conditions of approval. A notice of disposition shall also be mailed to all persons who presented testimony orally or in writing at the public hearing. All applicable information shall be available in the Planning Division. [Section 114.03.09 amended by Ordinance 81-87, §6, passed November 2, 1981 and Ordinance 90-08, §10, passed February 20, 1990.]

Section 114.04 - Quasi-Judicial Changes

All district changes which are not deemed legislative shall be quasi-judicial.

114.04.01 - Initiation

The initiation of a district change which is quasi-judicial in nature may be accomplished by one of the following methods:

- a. A majority of owners of the subject property, or their authorized agents; or
- b. A majority vote of the City Council; or
- c. A majority vote of the Planning Commission.

Where a motion by either the City Council or Planning Commission involves a Planned Development, the motion by either body need not include a conceptual or detailed development plan, but shall include a recommendation for land use in accordance with Section 112.08. [Section 114.04.01 amended by Ordinance 90-08, §10, passed February 10, 1990.]

114.04.02 - Petitions

Petitions for a district change which requires a quasi-judicial hearing shall be made on forms provided by the Director and shall be accompanied by maps, drawings, data, and such other information as may be necessary for an adequate review of the petition.

If the proposed district change is to include land in more than one ownership, the application must be submitted jointly by all of the owners or authorized agents.

114.04.03 - Review of Petition

Upon receipt of a petition for a quasi-judicial district change, the Director shall review it for compliance with the requirements of Section 114.04.02. If an application is found to be incomplete, the Director shall notify the applicant of the reasons therefore and shall advise the applicant of the requirements for a complete petition. [Section 114.04.03 amended by Ordinance 90-08, §10, passed February 20, 1990.]

114.04.04 - Public Hearing

The Director shall schedule a public hearing to be held within sixty (60) calendar days of acceptance of a complete application. Notice of the hearing shall be provided in accordance with the provisions of Section 105.03.

The public hearing shall be conducted by the Planning Commission if the District Change is requested in conjunction with an amendment to the Comprehensive Plan. If no Comprehensive Plan amendment is required to approve the District Change, the hearing is to be conducted by the Land Development Hearings Board. [Section 114.04.04 amended by Ordinance 90-08, §10, passed February 20, 1990.]

114.04.05 - Report and Recommendation by Director

Upon receipt of a complete application the Director shall review the proposed district change. The Director may request the assistance of other City agencies in order to determine the effects of the change in district boundaries. Based on his review, the Director shall prepare a report and make recommendation to the hearing authority outlining the effect of the proposed change on City facilities and services, and existing and future development in the area. The report shall also address the criteria established by Section 114.04.06. [Section 114.04.05 amended by Ordinance 90-08, §10, passed February 20, 1990.]

114.04.06 - Criteria for District Change

Petitioners for district changes which are quasi-judicial in nature must prove that the change conforms to the Comprehensive Plan; and the burden is placed on the proponent of the district change to justify the reclassification with substantial evidence. Generally, the more drastic the change the greater will be the burden of showing that the proposed change is in conformance with the Comprehensive Plan as implemented by the Land Development Code.

114.04.07 - Action by Land Development Hearings Board

The hearing authority shall conduct a public hearing to review the proposed district change in accordance with the provisions of Section 105.03. Following the close of the public hearing, the hearing authority shall by motion either approve the proposed district change, a modification thereof, or deny the petition. [Section 114.04.07 amended by Ordinance 90-08, §10, passed February 20, 1990.]

114.04.08 - Findings

In making its decision, the hearing authority shall consider the effects of the proposed district change, the policies of the Comprehensive Plan and the criteria established by Section 114.04.06. The hearing authority shall specify such considerations as findings in support of its decision. [Section 114.04.08 amended by Ordinance 90-08, §10, passed February 20, 1990.]

114.04.09 - Effective Date

The decision of the Land Development Hearings Board shall become effective upon the expiration of the appeal period as provided in Section 118 provided no appeal has been filed.

Decisions of the Planning Commission on District Changes made in conjunction with Comprehensive Plan amendments shall be final upon the expiration of the appeal period specified in Section 118, provided that no appeal has been filed. Such District Changes will not take effect, however, until and unless the necessary Comprehensive Plan amendment has been implemented by the City Council. [Section 114.04.09 amended by Ordinance 90-08, §10, passed February 20, 1990.]

114.04.10 - Notice of Disposition

The Director shall, by certified mail, provide the applicant with a notice of disposition, a written statement of the hearing authority's decision, the reasons therefor, and any conditions of approval. A notice of disposition shall also be mailed to all persons who presented testimony orally or in writing at the public hearing. All applicable information shall be available in the Planning Division. [Section 114.04.10 amended by Ordinance 81-87, §7, passed November 2, 1981 and Ordinance 90-08, §10, passed February 20, 1990.]

114.04.11 - Appeal

The decision of the Land Development Hearings Board or Planning Commission may be appealed in accordance with the provisions of Section 118. [Section 114.04.11 amended by Ordinance 90-08, §10, passed February 20, 1990.]

114.04.12 - Fees

Petitions filed for district changes in accordance with this section shall be accompanied by fees as required by Section 120.

No fee will be charged for review of a petition for district change when it is filed with an application for planned development. [Section 114.04.12 amended by Ordinance 81-67, §26, passed July 6, 1981.]

SECTION 115 - ANNEXATIONS

Section 115.01 - Background

The annexation of land to the City of Corvallis is a process that allows for the orderly expansion of the City and the provision of public facilities and services. The City Charter of Corvallis requires that, unless mandated by State law, annexation, delayed or otherwise, may only be approved by a prior majority vote among the electorate.

Section 115.02 - Purposes

The procedures and standards established herein are required for the review of proposed annexations for the following purposes:

- a. To allow for simultaneous review and comparative evaluation of annexation proposals.
- b. To provide adequate public information and sufficient time for public review prior to an annexation election.
- c. To maximize citizen involvement in the annexation review process.
- d. To establish a system for measuring the physical, environmental, and related social impacts of proposed annexations.
- e. To ensure adequate time for staff review.

Section 115.03 - Procedures

Whenever an application for annexation is filed, it shall be reviewed in accordance with the following procedures:

115.03.01 - Application Filing Deadlines

Annexation elections are scheduled in May and November. Application deadlines are established to permit public hearings by both the Planning Commission and the City Council in time to meet State requirements for submitting ballot information for these election dates. Application deadlines differ for major and minor annexations; these terms are defined in Section 115.03.02.

115.03.01.01 - Major Annexation Filing Deadline

An application for annexation must be filed with the Community Development Department prior to 5:00 p.m. on the last working day in October for an election ballot in May and the last working day in April for an election ballot in November.

115.03.01.02 - Minor Annexation Filing Deadline

An application for minor annexation must be filed with the Community Development Department prior to 5:00 p.m. on the last working day in November for an election ballot in May and

the last working day in May for an election ballot in November.

[Section 115.03.01 amended by Ordinance 88-49, §5, passed October 17, 1988.]

115.03.02 - Determination of Annexation Type

The Director shall determine whether an application is for a Major or Minor Annexation.

115.03.02.01 - Major Annexation

An annexation shall be considered major if one or more of the following exist:

- a. More than one property is involved;
- b. City services do not abut the site;
- c. The land is vacant and the request involves more than one district designation or the land is developed with more than one type of existing land use and more than one district designation is needed or requested.

115.03.02.02 - Minor Annexation

In general an annexation is considered minor where measuring the physical, environmental and related social impacts will be easier than with a Major Annexation. Specifically, any annexation which is not within the description provided in Section 115.03.02.01 is considered a Minor Annexation.

In addition, if the Director determines measuring the physical, environmental and related social impacts of the proposal will be similar in difficulty to that of a Minor Annexation, a major annexation can follow the timeline for minor annexation.

[Section 115.03.02 added by Ordinance 88-49, §5, passed October 17, 1988.]

115.03.03 - Application Requirements

Each application for annexation shall include the following material:

- a. Written consent to the annexation signed by the requisite number of affected property owners, electors, or both, to dispense with an election within the area to be annexed, as provided by state law.

[Section 115.03.03(a) amended by Ordinance 88-49, §5, passed October 17, 1988.]

- b. A legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.
- c. A map of the area to be annexed including adjacent City territory.
- d. A statement of the availability, capacity, and status of existing water, sewer, drainage, transportation, park, and school facilities.
- e. A statement of the increased demand for such facilities to be generated by the proposed development.
- f. A statement of the additional facilities which may be required to meet the increased demand and the phasing of such facilities in accordance with the projected demand.
- g. A statement outlining the method and source of financing which will be required to provide the additional facilities.
- h. A general land use plan which indicates the types and intensities of proposed development, transportation corridors, watercourses, significant natural features, and adjoining development.

[Section 115.03.01(i) renamed Section 115.03.03(h) by Ordinance 88-49, §1, passed October 17, 1988.]

- i. A statement of the overall development concept and methods by which the physical and related social environment of the site, surrounding area, and community will be enhanced.

[Section 115.03.01(j) renamed Section 115.03.03(i) by Ordinance 88-49, §1, passed October 17, 1988.]

- j. A comprehensive narrative of the potential negative physical, aesthetic, and related social impacts of the proposed development on the community as a whole and on the smaller subcommunity or neighborhood which it will become a part of and proposed actions to mitigate such impacts.

[Section 115.03.01(k) renamed Section 115.03.03(j) by Ordinance 88-49, §1, passed October 17, 1988.]

- k. A narrative demonstrating the need for the urban development which is proposed for the annexation area. Demonstration of need should be based upon a factual analysis of the following factors:
 - 1. Availability of undeveloped land within the City which is designated for the proposed urban development.
 - 2. Analysis of the immediate, short-term (1 to 5 years) demand for the proposed urban development.

3. Probable phasing of the proposed urban development consistent with the projected demand for the period in which the annexation area is expected to be developed.

[Section 115.03.01(l) renamed Section 113.03.03(k) by Ordinance 88-49, §1, passed October 17, 1988.]

[Section 115.03.01(m) deleted by Ordinance 88-49, §1, passed October 17, 1988.]

[Section 115.03.01 renamed Section 115.03.03 and amended by Ordinance 88-49, §1, passed October 17, 1988.]

115.03.04 - Acceptance of Application

The Director shall review each application for compliance with established application requirements. If an application is found to be incomplete, the Director shall notify the applicant of the reasons therefor and shall advise the applicant of the requirements for a complete application.

[Section 115.03.02 renamed Section 115.03.04 by Ordinance 88-49, §1, passed October 17, 1988 and amended by Ordinance 90-08, § 11, passed February 20, 1990.]

115.03.05 - Public Hearing

Upon the filing of a complete application for annexation, the Director shall schedule a public hearing by the Planning Commission to evaluate the proposed annexation and to determine the appropriate development district designation upon annexation. Such public hearing shall be conducted as indicated below:

115.03.05.01 - Major Annexations

In the first half of January for applications filed in October and in the first half of July for applications filed in April.

115.03.05.02 - Minor Annexations

In the second half of January for applications filed in November and in the second half of July for applications filed in May.

[Section 115.03.03 renamed Section 115.03.05 amended by Ordinance 88-49, §1, passed October 17, 1988 and Ordinance 90-08, §12, passed February 20, 1990.]

115.03.06 - Review of Proposed Annexation

115.03.06.01 - Review by Staff

Upon acceptance of a complete application, the Director may schedule a staff meeting to be held within thirty (30) calendar days from the established application deadline.

Copies of plans and accompanying narrative material shall be distributed to the staff and other public or private agencies which may be affected by the proposed annexation.

The Director may request such other materials from the developer as needed by staff for proper review. [Section 115.03.06.01 amended by Ordinance 90-08, §13, passed February 20, 1990.]

115.03.06.02 - Staff Evaluation

Upon receipt of said plans and accompanying narrative, staff shall make an evaluation and set forth any appropriate comments and recommendations. These comments and recommendations shall be available to the Director and developer. At the staff meeting, the developer shall be advised of any recommended changes or conditions of development. The Director shall incorporate all staff comments into a report to the Planning Commission. The report shall include an analysis of the impacts of the proposed annexation, a review of applicable City and

State policies and standards, and a recommendation as to the appropriateness of the proposed development types and the annexation itself.

115.03.06.03 - Revisions to the Application

Any revisions to the application shall be filed with the Director no later than forty-five (45) calendar days prior to the scheduled public hearing. [Section 115.03.06.03 amended by Ordinance 90-08, §14, passed February 20, 1990.]

115.03.06.04 - Action by Planning Commission

The Planning Commission shall hold a public hearing in accordance with the provisions of Section 105.03 for the purposes of reviewing the proposed annexation and development district(s). Following the close of the public hearing the Commission shall establish the appropriate development district(s) upon annexation and forward its recommendation concerning the annexation to the City Council.

115.03.06.05 - Findings

In making its decision and recommendation, the Planning Commission shall consider the requirements of this Code, the policies of the Comprehensive Plan, and other applicable policies and standards of the City and the State of Oregon, and the Planning Commission shall specify such consideration as findings in support of its decision and recommendation.

115.03.06.06 - Action by City Council

A public hearing shall be conducted by the City Council to evaluate the proposed annexation. The Council shall review all proposals prior to the third Tuesday in March for applications filed in October and the first Tuesday in September for applications filed in April. The Council shall set appropriate annexations for an election.

115.03.06.07 - Findings

In its determination of which annexation(s) are appropriate for submission to the voters, the City Council shall consider the requirements of this Code, the policies of the Comprehensive Plan, and other applicable policies and standards of the City and the State of Oregon. The City Council shall specify such considerations as findings in support of its decision to schedule an annexation for an election.

[Section 115.03.04 renamed Section 115.03.06 renamed by Ordinance 88-49, §1, passed October 17, 1988.]

115.03.07 - 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 of Corvallis. The information shall include positive and negative impacts contained in the staff report as well as the findings upon which the City Council based its decision to schedule the annexation for an election. This information shall be published at least ten (10) days prior to the election. [Section 115.03.06 renumbered Section 115.03.05 by Ordinance 81-67, §27, passed July 6, 1981, Section 115.03 amended by Ordinance 82-93, §1, passed December 6, 1982., Section 115.03.05 renumbered Section 115.03.07 by Ordinance 88-49, §1, passed October 17, 1988.]

Section 115.04 - Effective Date

The decision of the Planning Commission regarding the establishment of development district(s) designation upon annexation shall become effective upon the expiration of the appeal period provided in Section 118 unless an appeal has been filed.

Section 115.05 - Fees

Applications for annexations filed in accordance with the provisions of this Section shall be accompanied by fees as required by Section 120.

Section 115.06 - Exceptions

The City Council may authorize an exception to either one or all of the requirements of this Section. An exception shall require a favorable vote of six or more Council members and a statement of findings which indicates the basis for the exception. Exceptions may be granted for reasons such as, but not limited to: identified health hazards, limited development potential, or administrative error.

[Section 115 amended by Ordinance 90-08, §§ 11, 12, 13, and 14, passed February 20, 1990.]

SECTION 116 - VACATION

Section 116.01 - Background

Where it is determined that a proposed vacation shall not be injurious to the City or on abutting properties for purposes of preserving public access, it may be appropriate for a person or persons to be granted a petition to vacate all or parts of a public right-of-way easements, or other public places.

Section 116.02 - Purposes

The procedures and standards established herein are required for the vacation of public rights-of-way for the following purposes:

- a. To permit the vacation of public lands not needed for municipal purposes where it is consistent with the community land use policies and goals.
- b. To permit private ownership of public land where the proposed use of the lands promotes the public welfare.

Section 116.03 - Procedures

Whenever an application is filed for purposes of vacating public lands, it shall be reviewed in accordance with the following procedures.

116.03.01 - Application

All applications shall be made on forms provided by the Director. Persons filing the application shall set forth a description of the ground proposed to be vacated and shall submit a map showing the same area and shall state the purpose and justification for the proposed vacation.

116.03.02 - Application Acceptance

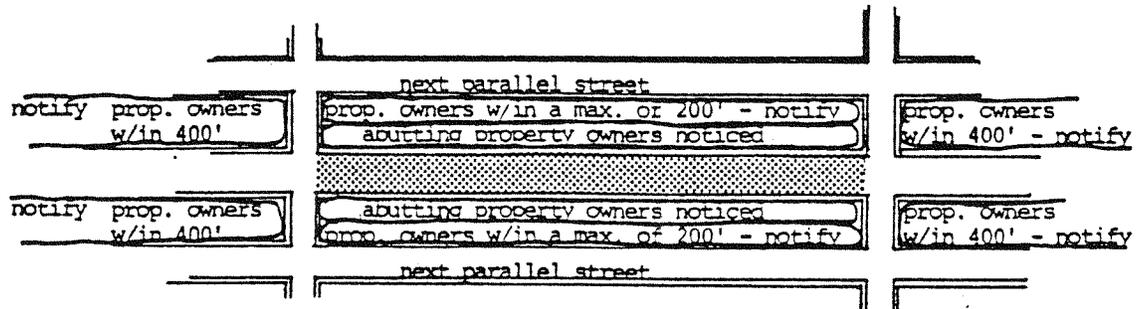
The Director shall review the application for compliance with established application requirements within five (5) working days. If the application is found to be incomplete, the Director shall notify the applicant of the reasons therefore and he shall advise the applicant of the requirements for an acceptable application.

116.03.03 - Notice to and Consent of Affected Property Owners

At the time the application is submitted, the person or persons filing the application shall submit a letter or letters of consent from affected property owners. For purposes of this Code and in compliance with ORS 271.080, affected property owners shall be defined as follows:

- a. All abutting property owners, and
- b. Owners of not less than two-thirds in area of the real property affected thereby. "Real property" shall be deemed to

be the land lying on either side of the street or portion thereof to be vacated and extending laterally to the next street serving as a parallel street, but not in any case to exceed 200 feet, and the land for a lateral distance on either side of the street for 400 feet, as shown in the following illustrated example.



116.03.04

Consent of the owners of the required amount of property shall be submitted in writing and duly acknowledged by the Director prior to the scheduling of a public hearing for the requested vacation.

116.03.05 - Review of Proposed Vacation

- a. Upon acceptance of a complete application, the Director shall schedule a meeting of affected staff members for purposes of conducting a review of the proposed right-of-way vacation.
- b. Staff members shall evaluate the proposed vacation and set forth any comments and recommendations. These comments and recommendations shall be available to the Director and the applicant. At the staff meeting, the applicant shall be advised of any recommended changes or conditions for approval of the right-of-way vacation. The Director shall incorporate all staff comments into a report to the City Council.

116.03.06 - Public Hearings

Upon acceptance of a completed application, the Director shall inform the City Council of the need for a public hearing and shall provide notice of the hearing in accordance with the provisions of Sections 116.03.03. [Section 116.03.06 amended by Ordinance 81-67, §28, passed July 6, 1981.]

Section 116.04 - Action by the City Council

The City Council shall hold a public hearing in accordance with the provisions of Section 105.03 for purposes of reviewing the proposed vacation. Following the close of the hearing the Council shall approve, conditionally approve, or deny the requested vacation. In the case of vacated plats, no ordinance for the vacation of all or part of a plat shall be passed by the Council until the City Recording Officer has verified that all City liens and taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

Section 116.05 - Findings

In making its decision, the Council shall consider the requirements of this Code, the policies of the Comprehensive Plan, and ORS 271.080; and it shall specify such consideration as findings in support of its decision.

Section 116.06 - Effective Date

The effective date of the vacation shall be the effective date of the ordinance vacating the property. [Section 116.06 amended by Ordinance 81-67, §38, passed July 6, 1981.]

Section 116.07 - Vacation Records to be Filed

A certified copy of the ordinance vacating any street or plat area and any major plat or other record in regard to a vacation which may be required or provided for by law shall be filed for record with the County Recorder by the City. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of such ordinance shall then be filed by the City with the County Assessor and County Surveyor. [Section 116.07 amended by Ordinance 81-67, §29, passed July 6, 1981.]

Section 116.08 - Notice of Disposition

Following the action of the hearing authority the Director shall provide the applicant and interested persons with a notice of disposition.

Section 116.09 - Vacations on City Council's Initiation

The City Council may initiate vacation proceedings authorized by this Code and ORS 271.080 and make such vacations without a petition or consent of property owners prior to the publishing of the subject vacation. Notice shall be given in accordance with Section 116.03.03. Said vacation shall not be made before the date is set for a public hearing, to be held in accordance with Section 116.03.06, nor if major affected property owners object in writing thereto, nor shall any street area be vacated without the consent of owners of abutting property owners if the vacation will substantially affect the market value of such property unless the City Council provides for paying damages. Provisions for paying such damages may be made by a local assessment or in such other manner as the City charter may provide. Two or more streets, alleys, avenues, and boulevards, or parts thereof, may be joined in one proceeding provided they intersect or are adjacent and parallel to each other.

Section 116.10 - Fees

Applications filed for vacations in accordance with this section shall be accompanied by fees as required in Section 120.

SECTION 117 - TEXT AMENDMENTS

Section 117.01 - Background

From time to time it may be appropriate to amend sections of this Code whenever the public necessity, convenience, and general welfare require such amendment; where such an amendment is to be in conformity with the Corvallis Comprehensive Plan and any other applicable policies.

Section 117.02 - Purposes

In accordance with Section 117.01, the procedures and criteria established herein are required for the following purposes:

- a. To prescribe the procedure by which changes can be made in the text of the Land Development Code, the application thereof to land within the City of Corvallis.
- b. To allow for any change in any regulations set forth in this Code where appropriate.

Section 117.03 - Initiation

Text amendments shall be initiated by a motion of the City Council or the Planning Commission.

The initiation of an amendment may be accomplished by one of the following methods:

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

Section 117.04 - Review of Text Amendment

The Planning Commission shall review all proposed amendments in accordance with the provisions of this section.

117.04.01 - Report and Recommendation

Upon the initiation of a text amendment in accordance with the above process, the Director shall prepare a background report outlining the need for the amendment, justification for the proposed text amendment, and the proposed verbiage of the text change.

117.04.02 - Planning Commission Public Hearing

Upon the completion of his review, the Director shall schedule a public hearing to be held by the Planning Commission for purposes of formally reviewing the text amendment. The public hearing shall be noticed and conducted in accordance with the provisions of Section 105. [Section 117.04.02 amended by Ordinance 81-67, §30, passed July 6, 1981.]

117.04.03 - Recommendation by Planning Commission

Following the close of the public hearing, the Planning Commission may make a recommendation to the City Council concerning the proposed text amendment. The Commission shall include findings in its recommendation which indicate the basis for its recommendation.

117.04.04 - City Council Public Hearing

Upon the receipt of the Planning Commission's recommendation the City Council may set a public hearing. The public hearing shall be noticed and conducted in accordance with the provisions of Section 105.02.

117.04.05 - Action by City Council

Following the close of the public hearing, the City Council shall either approve the proposed text amendment change, or a modification thereof, or deny the text amendment. In making its decision, the City Council shall consider the policies of the Comprehensive Plan and it shall specify such considerations as findings in support of its decision.

117.04.06 - Effective Date

The City Council shall determine the effective date of the ordinance which amends the text of this Code.

117.04.07 - Notice of Disposition

Following the action of the City Council the Director shall issue a notice of disposition to interested parties.

SECTION 118 - APPEALS

Section 118.01 - Background

This Code is intended to permit flexibility in order to achieve the goals of the Comprehensive Plan. The provisions of this Code therefore permit considerable discretion in decision making by the City Council, its agencies and officers.

To ensure consistency in discretionary decisions, criteria and standards have been adopted as part of this Code.

To ensure due process it is also necessary to provide for the review of discretionary decisions which are allegedly inconsistent with the Comprehensive Plan and/or the requirements of this Code.

Section 118.02 - Purposes

In accordance with Section 118.01, the procedures and requirements herein are established for the following purposes:

- a. To provide an appeal process wherein parties affected by discretionary land use decisions may request review of such decisions.
- b. To provide for the expeditious review of appeals.
- c. To establish the basis for valid appeals.
- d. To establish who may appeal a discretionary decision.

[Section 118.02 amended by Ordinance 90-08, §15, passed February 20, 1990.]

Section 118.03 - General Provisions

- a. Every decision relating to the provision of this Code substantiated by findings of every board, commission, committee, hearings officer, and official of the City of Corvallis is subject to review by appeal in accordance with the following provisions.
- b. The filing of an appeal to a higher level City of Corvallis hearings authority, in accordance with the provisions of this section, shall initiate the appeal process and stays the order or decision appealed. The process shall include adequate public notice, a public hearing, and the preparation of findings by that authority which either affirm, amend, or reverse the decision appealed.
- c. All hearings on appeals shall be de novo. [Section 118.03.c. added by Ordinance 81-67, §31, passed July 6, 1981.]

[Section 118.03 amended by Ordinance 90-08, §15, passed February 20, 1990.]

Section 118.04 - Hearings Authority

- a. Appeals from the decisions of the Director shall be reviewed by the Land Development Hearings Board.
- b. Appeals from the decisions of the City Engineer shall be reviewed by the Land Development Hearings Board.
- c. Appeals from the decision of the Planning Commission or the Land Development Hearings Board shall be reviewed by the City Council.
- d. Appeals from the decision of the City Council shall be in conformance with the applicable ORS provisions. [Section 118.04 amended by Ordinance 82-103 §1, passed December 20, 1982.]

Section 118.05 - Standing

Appeals may only be filed by parties affected by a discretionary land use decision. For purposes of this section "affected parties" shall include any of the following:

- a. The applicant or the applicant's authorized agent.
- b. Any person who appeared, orally or in writing, before the decision-maker whose decision is being appealed.
- c. Any agency, officer, or department of the City which has responsibility for the provision of City facilities and services to the proposed development.
- d. Ten registered voters who are residents of the City.
- e. Any person who was entitled to receive notice of the application as specified in this Code.

[Section 118.05 amended by Ordinance 90-08, §15, passed February 20, 1990.]

Section 118.06 - Appeal Periods

Appeals must be filed within ten (10) calendar days from the date that the notice of disposition is mailed. In the case of a legislative interpretation of the Land Development Code or the Comprehensive Plan the appeal must be filed within ten (10) days of the published notice of such interpretation.

Appeals must be filed by 5:00 p.m. on the final day of the appeal period. Where the final day of an appeal period falls on a weekend or holiday the appeal period shall be extended to 5:00 p.m. on the subsequent work day. [Section 118.06 amended by Ordinance 90-08, §15, passed February 20, 1990.]

Section 118.07 - Filing Requirements

Appeals shall be filed in writing with the City Recorder and shall include:

- a. Name and address of the appellant.
- b. A reference to the subject development and case number, if any.
- c. A statement of the specific grounds for the appeal.
- d. A statement as to the applicant's standing to appeal as an affected party (Ref. Section 118.05).
- e. Filing fee in accordance with Section 120.

[Section 118.07 amended by Ordinance 90-08, §15, passed February 20, 1990.]

Section 118.08 - Notice and Hearing

- a. The Director shall schedule complete and properly filed appeals for public hearing. Such hearing is to be held not later than 60 days after the receipt of the notice of appeal.

Appeals which are not complete or properly filed shall be referred to the hearing authority for dismissal per subsection "b", below.

1. The hearing authority shall give notice of time, place, and particular nature of the appeal. At least ten (10) days prior to the hearing, notice shall be published in the newspaper; and at least twenty (20) days prior to the hearing, notice shall be sent by mail to the appellant(s), to the applicant (in the event they are not one and the same), and those persons who originally received notice of the application and anyone who testified or submitted written information for the record of the case. In the event that the decision being appealed was a quasi-judicial decision of the Director, the notice shall be provided to the owners of properties within 100 feet of the subject property.
2. All public hearings shall be conducted in accordance with Section 105.03.

- b. Appeals which are not complete, timely filed or properly filed may be denied by the hearing authority without further review.

[Section 118.08 amended by Ordinance 90-08, §15, passed February 20, 1990.]

Section 118.09 - Effective Date of Decision

Approval of any development shall become effective upon the expiration of the appeal period, unless an appeal has been filed. Where the hearing authority is the City Council, the effective date shall be twenty-one (21) days after the notice of disposition of the Council's action has been mailed. [Section 118.09 amended by Ordinance 90-08, §15, passed February 20, 1990.]

Section 118.10 - Fees

Appeals filed in accordance with the provisions of this Section shall be accompanied by fees as required by Section 120.

SECTION 119 - HILLSIDE DEVELOPMENT, DENSITY TRANSFER

Section 119.01 - Purpose

To establish a mechanism that encourages density transfer from open space hillside areas as an incentive for preservation of natural resources and protection from natural hazards.

Section 119.02 - Applicability

Properties on Locke Cemetery Hill, IV Hill, or Bald Hill designated in the Comprehensive Plan as Open Space/Hillside may transfer density in accordance with this section.

Once the allowable density and development standards for open space hillside areas are established pursuant to Section 119, the developer may utilize planned development, subdivision, or other Land Development Code provisions for obtaining development approval(s).

Section 119.03 - Procedures and Standards

119.03.01 - Application

- a. All applications for a density transfer consistent with Option 1 or Option 3 shall be on forms provided by the Director and shall contain the following information:
 1. Name and address of the owner or owners of record;
 2. Location and use of adjacent structures within 100 feet of property lines;
 3. Number of proposed lots and dimensions of lots, including frontage, depth, and area in square feet;
 4. Type of housing or other uses to be developed;
 5. A deed restriction executed on behalf of property owners assuring permanent retention of the density transfer land area as Open Space. Staff shall record this deed restriction with the Benton County Recorder in the event the density transfer application is approved. If the application is not approved, the deed restriction will be returned to the applicant;
 6. Developers utilizing Option 3 shall also provide an identification by survey and legal description of the land areas within the open space hillside area which are proposed for development and the land areas proposed for permanent open space.

119.03.02 - Selection of Development Option

The developer of applicable properties may utilize either Option 1, 2, or 3 for determining the maximum allowable density and

applicable development standards. Option 1 describes procedures and development standards for density transfer from the open space hillside areas. Option 2 describes procedures and standards for development within the hillside area. Option 3 describes procedures and standards for partial transfer of density and partial development of the open space hillside area.

119.03.03 - Option 1, Density Transfer

When density is to be transferred from the identified open space hillside area to other portions of the property, the following provisions shall be used:

- a. **Allowed Density Transfer:** The allowed density transfer of open space hillside areas is 4 units per acre. When density is to be transferred outside the hillside area to the remaining portion of the ownership, multiply the size of the area by the allowed density transfer per acre (4 units per acre) to determine the total number of residential units that can be transferred from the hillside boundary area.
- b. **Applicable Development Standards:** When density is transferred, the use types, minimum lot area, setback, height requirements, and other development standards of the RS-9 district shall apply and may be used for purposes of preparing the density transfer plan.
- c. **Condition of Approval:** As a condition of approval for density transfer plans, a deed restriction that assures permanent retention of the density transfer land area as open space shall be recorded with the Benton County Recorder within 30 days of the decision of the Director.

119.03.04 - Option 2, Development of Hillside Areas Without Density Transfer

When the identified open space hillside area is to be developed, the following provisions shall be used:

- a. **Calculate the Allowed Density:** The allowed density for development of hillside area(s) is 2 units per acre. When the hillside area is to be developed, multiply the size of the hillside area by 2 units per acre to determine total potential residential units allowed within the hillside area.
- b. **Applicable Development Standards:** When the open space hillside area is to be developed, the development standards of the underlying development district shall apply.

119.03.05 - Option 3, Partial Density Transfer and Partial Development of Hillside Areas

When the developer elects to develop a portion of the open space hillside area and to retain as permanent open space other portions of the area, the following provisions shall be used:

)
)
Applicable Development Standards: All hillside density transfer proposals shall comply with Section 119.03.03 for density that is to be transferred and Section 119.03.04 for development within the hillside boundary area.

Section 119.04 - Approval of the Density Transfer Plan

The Director shall approve density transfer plans that are consistent with this section.

Section 119.05 - Effective Date

The decision of the Director shall become effective on the day the density transfer plan is approved.

Section 119.06 - Appeals

A decision of the Director may be appealed in accordance with the provisions of Section 118.

Section 119.07 - Fees

Applications filed for hillside density transfer in accordance with this section shall be accompanied by fees as required by Section 120.

) [Section 119 added by Ordinance 83-14, §1, passed February 23, 1983.]
)

SECTION 120 - DEVELOPMENT REVIEW FEES

Section 120.01 - Required Fees

The following fees shall be paid as required by the applicable sections of this Code. Where an applicant withdraws an application, the Director may authorize a refund less the costs incurred by the City.

Section Authorizing Fees

Fee

a. 118.10 Appeals.....\$102.00

No fee will be charged for appeals from decisions of the Director to the Land Development Hearings Board.

b. 115.05 Annexations.....\$776.00 +
\$7.00/Acre

c. 102.01 Comprehensive Plan Amendments.....\$394.00

d. 110.03.12 Conditional Development
Residential.....\$299.00
Nonresidential.....\$394.00
Home Occupation.....\$ 34.00

e. 114.04.12 District Change
Residential.....\$299.00
Nonresidential.....\$496.00

District Change fee will be reduced by 50 percent when filed in conjunction with a Comprehensive Plan Amendment.

f. 113.03.06 Land Partition
Residential.....\$147.00
Nonresidential.....\$178.00

g. 109.06 Lot Development Option
Major.....\$200.00
Minor.....\$ 70.00

h. 112.04.13 Planned Development

| | | |
|----|------------------------------------|-----------------------------|
| 1. | <u>Conceptual Development Plan</u> | <u>Floor Area</u> |
| | Residential | N/A.....\$299.00 |
| | Nonresidential | 0-9,999 SF.....\$394.00 |
| | | 10,000-19,999 SF...\$444.00 |
| | | 20,000-49,999 SF...\$593.00 |
| | | 50,000+ SF.....\$791.00 |

| | | |
|----|----------------------------------|-----------------------------|
| 2. | <u>Detailed Development Plan</u> | <u>Floor Area</u> |
| | Residential | N/A.....\$299.00 |
| | Nonresidential | 0-9,999 SF.....\$394.00 |
| | | 10,000-19,999 SF...\$444.00 |
| | | 20,000-49,999 SF...\$593.00 |
| | | 50,000+ SF.....\$791.00 |

3. Detailed Development Plan Only

Where the applicant elects to skip the conceptual development plan and submit only the detailed development plan, the following fees shall be required:

| | | |
|--|----------------|-----------------------------|
| | | <u>Floor Area</u> |
| | Residential | N/A.....\$575.00 |
| | Nonresidential | 0-9,999 SF.....\$779.00 |
| | | 10,000-19,999 SF...\$889.00 |
| | | 20,000-49,999 SF.\$1,186.00 |
| | | 50,000 + SF.....\$1,580.00 |

No fee will be charged for detailed development plan review when filed with an application for a residential tentative plat.

No fee will be charged for conceptual development plan review when filed with annexation applications.

| | | |
|----|---------------------------|-----------------------------|
| 4. | <u>Major Modification</u> | <u>Floor Area</u> |
| | Residential | N/A.....\$394.00 |
| | Nonresidential | 0-9,999 SF.....\$593.00 |
| | | 10,000-19,999 SF...\$791.00 |
| | | 20,000-49,999 SF.\$1,184.00 |
| | | 50,000+ SF.....\$1,777.00 |

No fee will be charged for major modification review when filed with tentative plat applications.

5. Planned Development Nullification

| | | |
|--|----------------|---------------|
| | Residential |\$292.00 |
| | Nonresidential |\$496.00 |

- i. 113.04.01.13 Tentative Plat.....\$394.00 +
\$7.00/lot
- j. 116.10 Vacation of Right-of-Way.....\$500.00
- k. 108.07 Plan Compatibility Review.....\$70.00

- l. 122.09 Extension of Services.....\$346.00 +
\$7.00/acre
- m. 119.07 Hillside Density Transfer.....\$16.00
[Section 120.01.m added by Ordinance 83-14, §2, passed February 23, 1983.]
- n. 310.03 Solar Access Permit.....\$102.00
[Section 120.01.n added by Ordinance 84-68, §2, passed December 4, 1984.]
- o. 107.08 Sign Permit.....\$55.00
[Section 120.01.o added by Ordinance 89-07, §4, passed March 6, 1989.]
- p. 107.14 Sign Variance.....\$110.00
[Section 120.01.p added by Ordinance 89-07, §4, passed March 6, 1989.]
- q. 113.06 Major Replat.....\$394.00 & \$7.00/lot
[Section 120.01.q added by Ordinance 89-31, §4, passed July 24, 1989.]
- r. 113.07.06 Minor Replat.....\$200.00
[Section 120.01.r amended by Ordinance 91-43, §4, passed August 5, 1991.]
- s. 113.08.06 Lot Line Adjustment.....\$34.00
[Section 120.01.s added by Ordinance 89-31, §4, passed July 24, 1989.]

Section 120.02 - Annual Review

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

EXPLANATION:

The annual review and adjustment of Development Fees was adopted as part of the Land Development Code in 1980. This was done so that fees would not be significantly increased in any one year and to maintain an average allocation of costs between the applicant and the City of approximately 50 percent. Financial Services Department staff have analyzed the increase in City costs for 1988 based upon the criteria in Section 120.02 and have determined that the annual adjustment should be 4.5 percent.

[Section 120 amended by Ordinance 81-67, §32, passed July 6, 1981; Ordinance 81-87, §8, passed November 2, 1981; Ordinance 81-97, §1, passed December 7, 1981; Ordinance 82-105, §1, passed December 20, 1982; Ordinance 83-86, §1, passed December 19, 1983; Ordinance 84-68, §2, passed December 4, 1984.; Ordinance 85-43, §11, passed December 3, 1985; Ordinance 86-39, passed December 1, 1986; Ordinance 88-1, passed January 4, 1988.; Ordinance 89-02, passed January 17, 1989; Ordinance 89-07, passed March 6, 1989; Ordinance 90-56, passed December 17, 1990.]

SECTION 121 - ENFORCEMENT

Section 121.01 - Responsible Officers

The Land Development Code shall be administered and enforced by the Director.

Section 121.02 - Building Permit

No building permit shall be issued by the Building Official for any authorized development unless the Director has determined that the development as proposed would comply with the provisions of this Code and the required development permit has been issued.

Section 121.03 - Certificate of Occupancy

No certificate of occupancy shall be issued by the Building Official for any development unless all requirements of this Code have been met or until the applicant has provided some written form of assurance acceptable to the Director to guarantee the completion of all requirements

[Section 121.03 amended by Ordinance 85-43, passed December 3, 1985.]

Section 121.04 - Stop Work Order

Whenever any work is being done contrary to the provision of this Code, the Director may order the work stopped by notice in writing served on any persons engaged in the work, and any such persons shall forthwith stop such work until authorized by the Director to proceed with the work.

[Section 121.04 added by Ordinance 85-43, passed December 3, 1985.]

Section 121.05 - Violations

Whenever a violation of this Code is known or suspected to exist or expected to be committed, any person may so notify the Director. Upon receiving any information concerning a violation, the Director may conduct, or cause to be conducted, an investigation to determine whether a violation exists or is reasonably expected to be committed. The Director may request the assistance of other City agencies and officers in the conduct of such investigations.

The Director may prepare and deliver to the City Attorney a request for prosecution indicating the location and nature of the suspected violation, applicable code sections, and such other information he may have.

121.05.01 - Notice of Violation

After receiving a report of an alleged violation from the Director, the City Attorney shall, if he determines that probable cause exists, promptly give notice of the alleged violation by registered first class mail or personal service to the owner of record for tax purposes.

Such a notice shall indicate, with reasonable certainty, at least the following: The location and nature of the violation; the provision or provisions of this Code which allegedly have been or are expected to be violated; and whether immediate enforcement will be sought or fifteen (15) days will be allowed to correct or remove the violation. However, a defect in the notice of violation with respect to such matter shall not prevent the enforcement of this Code.

121.05.02 - City Attorney to Pursue Enforcement

As soon as fifteen (15) days have expired from the date of the notice of violation, the City Attorney shall proceed with any legal or equitable action which he deems appropriate unless:

- a. It has been demonstrated to the City Attorney that the violation has been corrected or removed or will not be committed;
- b. A court of competent jurisdiction has stayed enforcement pending the outcome of a proceeding before it, concerning the violation.

121.05.03 - Penalties

A violation of this Code may be the subject of criminal, civil, or other sanctions authorized under ordinance of the City of Corvallis.

- a. Criminal Penalties - Upon conviction of a violation of this Code, a fine of \$1,000 may be imposed. Each day such violation continues will be considered a separate offense.
- b. Civil Penalties and Remedies - In addition to, or in lieu of criminal actions, a violation of this Code or a permit issued hereunder may be the subject of a civil penalty to be recovered by a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.

SECTION 122 - EXTENSION OF CITY SERVICES OUTSIDE THE CITY LIMITS

Section 122.01 - Background

The usual and preferred method of urbanization for the City of Corvallis is to annex land and extend services to that land, thereby allowing for the orderly, logical expansion of the City and the efficient, economic provision of public services. However, the City of Corvallis Charter Section 84 allows extension of services outside the City limits subsequent to a City Council public hearing and adoption of an ordinance approving the extension. To implement the City Charter, this section contains criteria and procedures for use in considering extension of service requests. In the context of this section, "services" refer to City sewer and water services.

Section 122.02 - Purposes

Extension of services review procedures have been established herein for the following purposes:

- a. To implement City of Corvallis Charter Section 84;
- b. To ensure that any extension of services complies with the Comprehensive Plan and other applicable City standards and policies;
- c. To reaffirm the City's policy that annexation is the principal method of urbanization;
- d. To expedite the provision of services needed to alleviate an identified health hazard.

Section 122.03 - Eligibility for Extension of Services

City water or sewer services will be extended outside the City limits only if the property is within the Corvallis Urban Growth Boundary, the service extension will not promote the development of property in a manner which is inconsistent with the Corvallis Comprehensive Plan, and the extension request complies with the following criteria:

- The City Council finds that a health hazard exists on the subject property and that extending City services to the property is the most reasonable method of alleviating the health hazard.
- The City Council finds that:
 - a. the site cannot be annexed at this time; or
 - b. the annexation of the site has been approved but has not yet taken effect.

[Section 122.03 amended by Ordinance 90-08, §16, passed February 20, 1990.]

Section 122.04 - Exceptions

Properties with a written commitment of service on record, prior to the passage of City Charter Amendment 84, obligating the City to furnish City services outside the City limits are exempt from the requirements of Section 122. The provision of water to the City of Philomath pursuant to ordinance is also exempt from Section 122.

Section 122.05 - Procedures

Extension of service requests shall be initiated and reviewed in accordance with the following procedures:

122.05.01 - Initiation of Request

An extension of services request may be initiated by one of the following:

- a. An application submitted by the property owner(s) or their authorized agent(s); or
- b. A majority vote of the City Council.

122.05.02 - Application Requirements

Each application for extension of services shall include the following materials:

- a. Covenant, meeting the approval of the City Attorney, consenting to annexation for the subject properties in a form suitable for recording with the Benton County Recorder;
- b. A map of the area to be serviced showing the relationship of the property to the Corvallis City limits and the Corvallis Urban Growth Boundary;
- c. A legal description of the property to be served and a boundary survey certified by a registered surveyor;
- d. A site plan which indicates the types and intensities of existing and any proposed development, watercourses, significant natural features, and adjoining development;
- e. A statement of the availability, capacity, and condition of existing water and sewer services.
- f. A statement indicating the type and capacity of the proposed services and the intended phasing of such services;
- g. A statement outlining the method and source of financing for the proposed services;

- h. A statement from the Benton County Division of Environmental Health, the City of Corvallis Utility and Transportation Services, or the Oregon State Health Division declaring the specific nature and extent of the health hazard;
- i. A statement explaining why the subject property should not be annexed prior to the extension of services;
- j. A statement committing all service facilities required by the subject property to be built to City standards;
- k. A brief descriptive narrative addressing compliance of the development with the Comprehensive Plan.

122.05.03 - Acceptance of Application

Upon receipt of an application, the Director shall review it for compliance with the requirements in Section 122.05.02. Additional information may be required by the Director to evaluate the proposed extension of services. The Director may also waive any of the requirements in Section 122.05.02(d-f) where the Director finds that such information is unnecessary to evaluate the proposed extension of services. If an application is found to be incomplete, the Director shall notify the applicant of the requirements for a complete application. [Section 122.05.03 amended by Ordinance 90-08, §17, passed February 20, 1990.]

122.05.04 - Scheduling of Review by Planning Commission

Upon acceptance of a complete application, the Director shall schedule a review before the Planning Commission to evaluate the proposed extension of services.

122.05.05 - Staff Review

Upon acceptance of a complete application, the Director may schedule a staff meeting with the applicant for the purpose of conducting a review of the proposed extension of services. Copies of the plans and accompanying narrative material shall be distributed to the staff and other public and private agencies which may be affected by the proposed extension of services. The Director may request additional materials from the applicant as needed for proper review. [Section 122.05.05 amended by Ordinance 90-08, §18, passed February 20, 1990.]

122.05.06 - Staff Evaluation

Staff shall evaluate the proposal and inform the applicant of any appropriate comments and recommendations. The Director shall incorporate staff comments into a report to the Planning Commission. The report shall indicate whether the proposed extension of services complies with the Comprehensive Plan, applicable City standards, and the eligibility criterion in Section 122.03. The report shall also suggest conditions and stipulations for attachment to the ordinance and recommend whether the extension of service request should be approved or denied.

122.05.07 - Revisions to the Application

Any revisions to the application shall be filed with the Director no later than forty-five (45) calendar days prior to the scheduled Planning Commission review. Failure to comply with this requirement shall result in additional filing fees and the rescheduling of the review to the next regularly scheduled meeting of the Planning Commission. [Section 122.05.07 amended by Ordinance 90-08, §19, passed February 20, 1990.]

122.05.08 - Review by Planning Commission

The Planning Commission shall review the proposal and forward its recommendation concerning extension of services, including the basis for the recommendation, to the City Council.

122.05.09 - Public Hearing by City Council

The City Council shall hold a public hearing in accordance with the provisions of Section 105.02 for the purpose of reviewing the proposed extension of services. Notice of the public hearing shall be provided to all owners of property within 100 feet of the subject property as well as to the owners of property between the City limits and the subject property. [Section 122.05.09 amended by Ordinance 90-08, §20, passed February 20, 1990.]

122.05.10 - Action by City Council

Following the close of the public hearing the City Council shall either adopt an ordinance conditionally approving the extension of services or shall deny the service request. In making its decision regarding extension of services, the City Council shall consider the requirements of this Code, including Section 122.03; the policies of the Comprehensive Plan; the City's Master Water and/or Sewer Plans and the impacts upon the City utility system(s); and other applicable policies and standards of the City. The Council shall state the reasons in support of its decision.

122.05.11 - Conditions of Approval

Any ordinance for extension of services shall include at a minimum the following conditions:

- a. Extended City services shall be constructed in compliance with the City's adopted facility master plans.
- b. Extended City services shall be constructed in conformance with applicable City standards, regulations, and policies.
- c. A nonremonstrance agreement for construction of municipal facilities shall be filed with the City of Corvallis Recorder.
- d. The City may specify or limit the uses that will receive the extension of services.

The City Council may add other appropriate conditions to the ordinance.

Section 122.06 - Notice of Disposition

The Director shall, by certified mail, provide the applicant with a notice of disposition and written statement of the City Council's decision including the reasons therefor and any conditions of approval. A notice of disposition shall also be mailed to all persons who presented testimony orally or in writing at the public hearing. All application information shall be available in the Community Development Department. [Section 122.06 amended by Ordinance 90-08, §21, passed February 20, 1990.]

Section 122.07 - Effective Date

As required by the City Charter, the ordinance adopted by the City Council shall contain a provision that it shall not become effective until the expiration of 30 days after its passage by the Council and approval by the Mayor.

Section 122.08 - Fees

Applications filed for extension of services shall be accompanied by fees as required by Section 120 of this ordinance.

Section 122.09 - Enforcement

In addition to the penalties listed in Section 121.04.03, a violation of Section 122 may result in the City terminating sewer and/or water services to the subject property.

[Section 122 added by Ordinance 82-86, §1, passed October 18, 1982, and amended by Ordinance 90-08, §§ 16, 17, 18, 19, 20 and 21, passed February 20, 1990.]

SECTION 123 - REQUEST FOR INTERPRETATION

Section 123.01 - Background

Property owners and developers often seek interpretations of the Land Development Code or Comprehensive Plan from the Director or other City staff persons. These interpretations may be "legislative" in that they apply to a large geographic area (e.g., all of the properties within a given development district) or they may be "quasi-judicial", applying to a specific site or area.

By completing the process outlined in this Section an applicant is assured of receiving an "official" written interpretation from the City. The risks of subsequent appeals will be reduced by completing this process.

Section 123.02 - Purpose

This Section establishes a procedure for requests for interpretation for the following purposes:

- a. To assure uniformity of Code and Comprehensive Plan interpretations through a formal process;
- b. To provide for a reasonable opportunity for appeal of staff interpretations while protecting the owners, users or developers of property from appeals which might otherwise be filed after an unreasonable delay (potentially, years after the action was taken).

Section 123.03 - Procedures

123.03.01 - Application, Request for Interpretation

Any interested person may file a request for interpretation by making such request in writing in a form which is clearly legible, reproducible and readily understood. The form of the request shall be as specified by the Director.

123.03.02 - Acceptance of Request for Interpretation

The director shall review the request for interpretation within ten (10) working days to verify that the request meets the requirements specified in Section 123.03.01. If a request for interpretation does not meet those requirements, the applicant shall be notified and given the opportunity to correct the deficiency.

123.03.03 - Review of Request for Interpretation

- a. Upon acceptance of a request for interpretation meeting the requirements specified in Section 123.03.01 the Director may consult with the City Attorney and shall determine whether the request is legislative or quasi-judicial.

- b. The Director may route copies of the request to other City divisions or departments to receive their comments or suggestions regarding the interpretations.

123.03.04 - Action by Director

Within thirty (30) calendar days after acceptance of a complete request for interpretation the Director shall issue a written interpretation in response to the request. The Director shall clearly state the interpretation being issued and the reasons therefor.

- a. The Director may interpret the provisions of the Land Development Code or Comprehensive Plan, but shall not issue any legal opinion or interpretation of case law.
- b. The Director is not authorized to issue any interpretation which could have the effect of prejudging any application which is required by another Section of this Code.
- c. Interpretations by the Director are advisory only and do not bind the Land Development Hearings Board, Planning Commission, or City Council in making their decisions.
- d. The Director may modify previously issued interpretations if based upon the specific circumstances of the case at hand.

123.03.05 - Notice of Disposition

The Director shall, by certified mail, provide the applicant with a copy of the requested interpretation and relevant findings. Notification of the disposition shall also be provided to the public in the following ways:

- a. If the interpretation has been determined to be legislative, notice shall be published in a newspaper of general circulation in Corvallis.
- b. If the interpretation has been determined to be quasi-judicial, notice shall be provided to the owners and occupants of all property within 100 feet of the subject property for which the interpretation was requested.

123.03.06 - Appeals

The interpretation of the Director may be appealed in accordance with the provisions of Section 118 and the following:

- a. If the interpretation has been determined to be legislative, the appeal period shall be ten (10) days from the date that the notice of disposition was first published in a newspaper of general circulation in Corvallis.

- b. If the interpretation has been determined to be quasi-judicial, the appeal period shall be ten (10) days from the postmarked date of the notices sent to the owners of neighboring properties.

123.03.07 - Fees

Requests for interpretation filed in accordance with the provisions of this Section shall be accompanied by fees as required in Section 120.

[Section 123 added by Ordinance 90-08, §22, passed February 20, 1990.]

Article II

DEVELOPMENT DISTRICTS

ARTICLE II: DEVELOPMENT DISTRICTS

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SECTION 200 - USE CLASSIFICATIONS

Section 200.01 - General Intent of Use Classifications

The provisions of Section 200 shall be known as the Use Classifications. The purpose of these provisions is to classify uses into a limited number of use types on the basis of common functional, product, or compatibility characteristics, thereby providing a basis for the regulation of uses in accordance with criteria which are directly relevant to the public interest. These provisions shall apply throughout the Land Development Code.

Section 200.02 - Listing of Use Classifications

All uses are hereby classified into the following use types:

200.02.01 - RESIDENTIAL USE TYPES

Residential use types include the occupancy of living accommodations on a wholly or primarily nontransient basis. They also include certain development accessory to the above, as specified in Section 303, Accessory Development Regulations.

a. Family Residential

Refers to the residential occupancy of living units by families and excludes transient habitation and group care.

b. Group Residential

Refers to the residential occupancy of living units by other than a family, as defined in this Code, and where communal kitchen/dining facilities are provided. Typical uses include occupancy of fraternity and sorority houses, retirement homes, boarding houses, cooperatives, halfway houses, and intermediate care facilities but excluding group care facilities as specified below.

Group Residential/Group Care

Refers to services provided in facilities authorized, certified, or licensed by the State to provide board, room, and personal care to six (6) or more physically disabled, mentally disordered, handicapped, elderly persons, drug or alcohol dependent persons receiving treatment, or dependent or neglected children; or in facilities authorized to provide supervisory or day-care services to thirteen (13) or more persons, but excluding those uses classified under Major Impact Services and Utilities where communal kitchen/dining facilities are provided. Typical uses include halfway houses and intermediate care facilities, or day care centers. [Section 200.02.01.b. amended by Ordinance 90-08, §23, passed February 20, 1990.]

- c. [Section 200.02.01.c is repealed by Ordinance 83-30, §9, passed March 21, 1983.]

200.02.02 - CIVIC USE TYPES

Refers to the performance of utility, educational, recreational, cultural, protective, governmental, and other uses which are strongly vested with public or social importance. They also include certain development accessory to the above, as specified in Section 303, Accessory Development Regulations.

a. Administrative Services

Refers to consulting, record keeping, clerical, or public contact services that deal directly with the citizen, together with incidental storage and maintenance of necessary vehicles, and excludes commercial use type, "Professional and Administrative Services." Typical use types are associated with governmental offices.

b. Community Recreation

Refers to recreational, social, or multi-purpose uses typically associated with parks, playfields, golf courses, or community recreation buildings.

c. Cultural Exhibits and Library Services

Refers to museum-like preservation and exhibition of objects in one or more of the arts and sciences, gallery exhibition of works of art, or library collection of books, manuscripts, etc., for study and reading.

d. Essential Services

Refers to services which are necessary to support principal use type development and involves only minor structures such as lines and poles, phone booths, fire hydrants, as well as bus stops, benches, and mailboxes, which are necessary to support principal development.

e. Lodge, Fraternal, and Civic Assembly

Refers to meetings and activities primarily conducted for their members. Excluded from this use type are uses classified as group residential, group care, and transient habitation (all types). Typical uses include meeting places for civic clubs, lodges, or fraternal or veteran organizations.

f. Major Impact Services and Utilities

Refers to services and utilities which have substantial impact. Such uses may be permitted in any district when the public interest supercedes the usual limitations placed on land use and transcends the usual restraints of the district for reasons of

necessary location and community wide interest. Typical places or uses are sanitary landfills, airports, hospitals, detention and correction institutions, mass transit waiting stations or turnarounds, and schools; and excludes University services and facilities. [Section 200.02.02(f) amended by Ordinance 83-19, §2, passed March 8, 1983.]

g. Minor Impact Utilities

Refers to public utilities which have a local impact on surrounding properties and are necessary to provide essential services. Typical uses are electrical and gas distribution substations, and radio, microwave, and telephone transmitters.

h. Parking Services

Refers to parking services involving garages and lots.

i. Postal Services

Refers to mailing services and processing as traditionally operated or leased by the United States Postal Service and includes United Parcel Service facilities.

j. Public Safety Services

Refers to the providing of protection by a district or entity pursuant to Fire, Life, and Safety Code Sections together with the incidental storage and maintenance of necessary vehicles. Typical uses include fire stations, police stations, ambulance services.

k. Religious Assembly

Refers to religious services involving public assembly such as customarily occurs in synagogues, temples, and churches.

l. University Services and Facilities

Refers to services and facilities customarily associated with a major university. Typical uses include housing facilities, classrooms, research services, recreational amenities, and parking facilities.

200.02.03 - COMMERCIAL USE TYPES

Commercial use types include the distribution and sale or rental of goods and the provision of services other than those classified as Civic Uses. They also include certain development accessory to the above, as specified in Section 303, Accessory Development Regulations.

a. Agricultural Sales

Refers to sale from the premises of feed, grain, fertilizers, pesticides, and similar goods. Typical uses include nurseries, hay, feed, and grain stores.

b. Agricultural Services

Refers to establishments or places of business engaged in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include crop dusting or tree service firms.

c. Animal Sales and Services

Refers to establishments or places of business primarily engaged in animal related sales and services. The following are animal sales and services use types:

1. Animal Sales and Services: Auctioning. Auctioning of livestock on a wholesale or retail basis with incidental storage of animals produced off property not exceeding a 48-hour period. Typical uses include animal auctions or livestock auction yards.
2. Animal Sales and Services: Grooming. Grooming of dogs, cats, and similar small animals. Typical uses include dog bathing and clipping salons or pet grooming shops.
3. Animal Sales and Services: Horse Stables. Boarding, breeding, or raising of horses not owned by the occupants of the premises or riding of horses by other than the occupants of the premises or their nonpaying guests. Typical uses include boarding stables or public stables.
4. Animal Sales and Services: Kennels. Kennel services for dogs, cats, and similar small animals. Typical uses include boarding kennels or dog training centers.
5. Animal Sales and Services: Stockyards. Stockyard services involving the temporary keeping of transient livestock for slaughter, market, or shipping. Typical uses include stockyards or animal sales yards.
6. Animal Sales and Services: Veterinary (Large Animals). Veterinary services for large animals. Typical uses include animal hospitals (large animals) or veterinary hospitals (large animals).
7. Animal Sales and Services: Veterinary (Small Animals). Veterinary services for small animals. Typical uses include pet clinics, dog and cat hospitals, or animal hospitals (small animals).

d. Automotive and Equipment

Refers to establishments or places of business primarily engaged in motorized vehicle-related sales or services. The following are automotive and equipment use types:

1. Automotive and Equipment: Cleaning. Washing and polishing of automobiles. Typical uses include auto laundries or car washes.
2. Automotive and Equipment: Fleet Storage. Fleet storage of vehicles used regularly in business operation and not available for sale or long term storage of operating vehicles. Typical uses include taxi fleets, mobile-catering truck storage, or auto storage garages.
3. Automotive and Equipment: Parking. Parking of motor vehicles on a temporary basis within a privately owned off-street parking area with or without a fee. Typical uses include commercial parking lots or garages.
4. Automotive and Equipment: Repairs, Heavy Equipment. Repair of trucks, etc., as well as the sale, installation, or servicing of automotive equipment and parts together with body repairs, painting, and steam cleaning. Typical uses include truck transmission shops, body shops, or motor freight maintenance groups.
5. Automotive and Equipment: Repairs, Light Equipment. Repair of automobiles and the sale, installation, and servicing of automobile equipment and parts but excluding body repairs and painting. Typical uses include muffler shops, auto or motorcycle repair garages, or auto glass shops.
6. Automotive and Equipment: Sales/Rentals, Farm Equipment. Sale, retail or wholesale, and/or rental from the premises of farm equipment together with incidental maintenance. Typical uses include farm equipment dealers.
7. Automotive and Equipment: Sales/Rentals, Heavy Equipment. Sale, retail or wholesale, and/or rental from the premises of heavy construction equipment, trucks, and aircraft together with incidental maintenance. Typical uses include aircraft dealers, boat dealers, heavy construction equipment dealers, or tractor trailers.
8. Automotive and Equipment: Sales/Rentals, Light Equipment. Sale, retail or wholesale, and/or rental from the premises of autos, noncommercial trucks, motorcycles, motorhomes, and trailers with less than a 10,000 gross cargo weight together with incidental maintenance. Typical uses include automobile dealers, car rental agencies, or recreational vehicles sales and rental agencies.

9. Automotive and Equipment: Storage, Nonoperating Vehicles.
Storage of nonoperating motor vehicles. Typical uses include storage of private parking towaways or impound yards.

10. Automotive and Equipment: Storage, Recreational Vehicles and Boats.
Storage of recreational vehicles and boats. Typical uses include the collective storage of personal recreational vehicles or boats.

e. Building Maintenance Services

Refers to establishments primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.

f. Business Equipment Sales and Services

Refers to establishments or places of business primarily engaged in the sale, rental, or repair of equipment and supplies used by office, professional, and service establishments to the firms themselves rather than to individuals, but excludes automotive, construction, and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops, or hotel equipment and supply firms.

g. Business Support Services

Refers to establishments primarily engaged in the provision of services of a clerical, employment, protective, or minor processing nature to firms rather than individuals and where the storage of goods other than samples is prohibited. Typical uses include secretarial services, telephone answering services, or blueprint services.

h. Communications Services

Refers to establishments primarily engaged in the provision of broadcasting and other information relay services accomplished through the use of electronic and telephonic mechanisms but excludes those classified as Major Impact Services and Utilities. Typical uses include television studios, telecommunication service centers, or telegraph service offices.

i. Construction Sales and Services

Refers to establishments or places of business primarily engaged in construction activities and incidental storage on lots other than construction sites as well as the retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures other than retail sale of paint, fixtures, and hardware; but excludes those classified as one of the Automotive and Heavy Equipment use

types. Typical uses include building materials stores, tool and equipment rental or sales, and building contracting/construction offices.

j. Convenience Sales and Personal Services

Refers to establishments or places of business primarily engaged in the provision of frequently or recurrently needed small personal items or services. These include various general retail sales and personal services of an appropriate size and scale to meet the above criteria. Typical uses include neighborhood grocery, drug stores, laundromat/dry cleaners, or barbershops.

k. Eating Establishments

Refers to establishments or places of business primarily engaged in the sale of prepared food and beverages for on premise consumption. The following are eating and drinking establishment use types:

Fast Order Food Establishments: An establishment whose primary business is the sale of food which is a) primarily intended for immediate consumption; b) available upon a short waiting time; and c) packaged or presented in such a manner that it can be readily eaten outside the premises where it is sold, but excluding drive-in fast order food establishments.

Fast Order Food Establishment - Drive-in: A business establishment so developed that its retail or service character is dependent on providing a driveway approach so as to serve patrons while in the motor vehicle, or within a building on the same premises and devoted to the same purpose as the drive-in service.

Eating Establishment - Sit-down: An establishment whose primary business is the sale of food which is prepared and served in such a manner that it is generally consumed on the premises, and typically does not have a rapid turnover of clientele.

[Section 200.02.03.k as amended by Ordinance 81-67, §33, passed July 6, 1981.]

l. Explosive Storage

Refers to the storage of any quantity of explosives in accordance with ORS 57.21. Typical uses include storage in the course of manufacturing, selling, or transporting explosives or in the course of blasting operations.

m. Financial, Insurance, and Real Estate Services

Refers to establishments primarily engaged in the provision of financial, insurance, real estate, or securities brokerage services. Typical uses include banks, insurance agencies, or real estate firms.

n. Food and Beverage Retail Sales

Refers to establishments or places of business primarily engaged in the retail sale of food and beverages for home consumption. Typical uses include groceries or delicatessens.

o. Funeral and Interment Services

Refers to establishments primarily engaged in the provision of services involving the care, preparation, or disposition of human dead. The following are funeral and interment services use types:

1. Funeral and Interment Services: Cremating. Crematory services involving the purification and reduction of the human body by fire. Typical uses include crematories or crematoriums.
2. Funeral and Interment Services: Interring. Interring services involving the keeping of human bodies other than in cemeteries. Typical uses include columbariums or mausoleums.
3. Funeral and Interment Services: Undertaking. Undertaking services such as preparing the dead for burial and arranging and managing funerals. Typical uses include funeral homes or mortuaries.
4. Funeral and Interment Services: Cemeteries.

p. Fuel Sales

Refers to establishments or places of business primarily engaged in the retail sale, from the premises, of petroleum products with incidental sale of tires, batteries, and replacement items, lubricating services, and minor repair services. Typical uses include automobile service stations, filling stations, or truck stops.

q. Laundry Services

Refers to establishments primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than those classified as Personal Services, General. Typical uses include laundry agencies, diaper services, or linen supply services.

r. Medical Services

Refers to establishments primarily engaged in the provision of personal health services ranging from prevention, diagnosis and treatment, or rehabilitation services provided by physicians, dentists, nurses, and other health personnel as well as the provision of medical testing and analysis services, but excludes those classified as any civic use or group residential/(group care) use type. Typical uses include medical offices, dental laboratories, or health maintenance organizations.

s. Participant Sports and Recreation

Refers to establishments or places primarily engaged in the provision of sports or recreation by and for participants. Any spectators would be incidental and on a nonrecurring basis. The following are participant sports and recreation use types (for either general or personal use):

1. Participant Sports and Recreation: Indoor. Those uses conducted within an enclosed building. Typical uses include bowling alleys, billiard parlors, swimming pools, or physical fitness centers.

2. Participant Sports and Recreation: Outdoor. Those uses conducted in open facilities. Typical uses include driving ranges, miniature golf courses, or swimming pools.

t. Personal Services, General

Refers to establishments primarily engaged in the provision of informational, instructional, personal improvement, and similar services of a nonprofessional nature but excludes services classified as Spectator Sports and Entertainment, Participant Sports and Recreation, or Transient Habitation. Typical uses include photography studios, driving schools, or reducing salons.

u. Professional and Administrative Services

Refers to offices of private firms or organizations which are primarily used for the provision of professional, executive, management, or administrative services. Typical uses include administrative offices, legal offices, or architectural firms.

v. Regional Shopping Center

Refers to a grouping of commercial uses contained within an enclosed structure with at least 400,000 square feet of leasable retail floor area with the smaller stores arranged on opposite sides of a pedestrian walkway. Uses shall include at least two full-line department stores and other uses customarily allowed in a regional shopping center.

The Regional Shopping Center tenants shall include at least one from each of the following two groups of stores:

Group A: A mass merchandise tenant such as Montgomery Ward, Sears, or Mervyn's

Group B: A fashion tenant such as The Bon, Meier and Frank, or Nordstrom's

w. Repair Services, Consumer

Refers to establishments primarily engaged in the provision of repair services to individuals and households rather than firms, but excluding Automotive and Equipment use types. Typical uses include appliance repair shops, apparel repair firms, or musical instrument repair firms.

x. Research Services

Refers to establishments primarily engaged in research of an industrial or scientific nature which is generally provided as a service or which is conducted by a public agency or private firm. Typical uses include electronics research laboratories, environmental research and development firms, agricultural and forestry research labs, and pharmaceutical research labs. [Section 200.02.03.x amended by Ordinance 82-92, §3, passed December 6, 1982.]

y. Retail Sales

1. General. Refers to the sale or rental of commonly used goods, and merchandise for personal or household use, but excludes those classified as Agricultural Sales, Animal Sales and Services, Automotive and Equipment, Business Equipment Sales and Services, Construction Sales and Services, Food and Beverage Retail Sales, Gasoline Sales, and Swap Meets. Typical uses include department stores, apparel stores, or furniture stores.

2. University. Refers to the sale or rental of goods that are typically associated with or related to a university community in terms of the types of goods, the location, and the size and scale of the business. Typical uses include bookstores, record stores, sporting good stores, gift shops, and other similar uses which cater to students, faculty and university visitors.

[Section 200.02.03(y) amended by Ordinance 88-36, §1, passed July 18, 1988.]

z. Scrap Operations

Refers to places of business primarily engaged in the storage, sale, dismantling, or other processing of used, source separated, or waste materials which are not intended for reuse

in their original form. Typical uses include automotive wrecking yards, junk yards, paper salvage yards, or recycling facilities.

aa. Spectator Sports and Entertainment

Refers to establishments or places primarily engaged in the provision of cultural, entertainment, athletic, and other events to spectators as well as those involving social or fraternal gatherings. The following are spectator sports and entertainment use types:

1. Spectator Sports and Entertainment: Limited. Those uses conducted within an enclosed building with a capacity of 299 or less people. Typical uses include small theaters or meeting halls.
2. Spectator Sports and Entertainment: Other. Those uses with a capacity for 300 or more people, such as theaters, large exhibition halls, or sports stadiums.

bb. Swap Meets

Refers to the display, exchange, barter, or sale of new or used common household items or office equipment and furnishings, provided that such activity being carried on is not a temporary use. Typical uses include flea markets where clothing, personal effects, household furnishings, and household appliances are sold or otherwise exchanged.

cc. Transient Habitation

Refers to establishments primarily engaged in the provision of lodging services on a temporary basis with incidental food, drink, and other sales and services intended for the convenience of guests. The following are transient habitation use types:

1. Transient Habitation: Campground. Campground services involving transient habitation areas for travelers in recreational vehicles or tents. Typical uses include recreation vehicle parks.
2. Transient Habitation: Lodging. Lodging services involving the provision of room and/or board. Typical uses include hotels, motels, or transient boarding houses.

dd. Wholesale, Storage, and Distribution

Refers to establishments or places of business primarily engaged in wholesaling, storage, distribution, and handling of materials and equipment other than live animals and plants. The following are wholesaling, storage, and distribution use types:

1. Wholesaling, Storage, and Distribution: Mini-Warehouses. Storage or warehousing service within a building(s) primarily for individuals to store personal effects and by businesses to store materials for operation of an industrial or commercial enterprise located elsewhere. Incidental uses in a mini-warehouse may include the repair and maintenance of stored materials by the tenant but in no case may storage spaces in a mini-warehouse facility function as an independent retail, wholesale, business, or service use. Spaces shall not be used for workshops, hobbyshops, manufacturing, or similar uses and human occupancy of said spaces shall be limited to that required to transport, arrange, and maintain stored materials.
2. Wholesaling, Storage, and Distribution: Light. Wholesaling, storage, and warehousing services within enclosed structures. Typical uses include wholesale distributors, storage warehouses, or moving and storage firms.
3. Wholesaling, Storage, and Distribution: Heavy. Open air storage, distribution, and handling of materials and equipment. Typical uses include monument or stone yards, or grain elevators.

[Section 200.02.03 amended by Ordinance 83-19, §3, passed March 8, 1983.]

200.02.04 - INDUSTRIAL USE TYPES

Industrial use types include the on-site production of goods by methods not commercial, agricultural, or extractive in nature. They also include certain development accessory to the above, as specified in Section 303, Accessory Development Regulations.

a. Limited Manufacturing

Refers to establishments primarily engaged in the on-site production of goods by hand manufacturing, which involves only the use of hand tools or light mechanical equipment, and the incidental direct sale to consumers of only those goods produced on-site with no outside open storage permitted. Typical uses include ceramic studios, candlemaking shops, wood working, custom jewelry manufacturers, or instruction studios for similar arts and crafts.

b. Technological Production

Refers to the production, processing, assembling, and packaging of products which rely upon research and technological innovation. Typical uses include manufacturing research instruments, electronic products, and surgical and medical instruments. Uses which require a State or Federal air quality discharge permit, except for parking, are not included in this use type.

c. General Industrial

Refers to the:

Production, processing, assembling, packaging, or treatment of food products from previously processed materials; or

Production, processing, assembling, and packaging of finished products from previously prepared materials; or

Manufacturing and assembly of electronic instruments and equipment and electrical devices.

d. Intensive Industrial

Refers to the manufacturing, processing, or assembling of semi-finished or finished products from raw materials.

[Section 200.02.04 amended by Ordinance 82-92, §4, passed December 6, 1982; amended by Ordinance 83-80, §2, passed November 21, 1983.]

200.02.05 - AGRICULTURAL USE TYPES

Agricultural use types include the on-site production of plant and animal products by agricultural methods. They also include certain development accessory to the above as specified in Section 303, Accessory Development Regulations.

a. Animal Husbandry

Refers to the raising and breeding of livestock.

b. Animal Waste Processing

Refers to the processing of animal waste and by-products, including, but not limited to, animal manure, animal bedding waste, and similar by-products of an animal raising agricultural operation, for use as a commercial fertilizer or soil amendment and including composting for commercial purposes.

c. Aquaculture

Refers to the premises primarily devoted to aquacultural research and specialties.

d. Horticulture

Refers to premises primarily devoted to horticultural and floracultural specialties such as flowers, shrubs, and trees intended for ornamental or landscaping purposes. The following are horticulture use types:

1. Horticulture: Cultivation. Cultivation of plants.

2. Horticulture: Storage. Storage of plants, primarily in containers.

e. Packing and Processing

Refers to packing or processing of agricultural crops, animals, and their by-products which entails more than picking, cutting, sorting, and boxing or rating but does not include canning, rendering, tanning, or reduction of meat. The following are packing and processing use types:

1. Packing and Processing: Limited. Packing or processing of crops grown on the premises.
2. Packing and Processing: General. Packing or processing of crops, animals, or their by-products regardless of where they were grown.

f. Row and Field Crops

Refers to premises primarily devoted to the cultivation of agricultural products grown in regular or scattered patterns such as vines, field, forage, and other plant crops intended to provide food or fibers.

g. Tree Crops

Refers to premises primarily devoted to the cultivation for personal use of tree-grown agricultural products such as orchards for apples and cherries.

200.02.06 - EXTRACTIVE USE TYPES

Extractive use types include the on-site production of mineral products by extractive methods. They also include certain development accessory to the above, as specified in Section 303, Accessory Development Regulations.

a. Mining and Processing

Refers to places or plants primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil, or gas together with essential on-site processing and production of only nonmetallic mineral products. Typical places are borrow pits, oil and gas drilling rigs, or concrete batch plants.

Section 200.03 - Classification of Uses

Uses will be classified into use types based upon the description of the use types as contained in Section 200 and upon common functional, product, or compatibility characteristics with other uses already classified within the use type. A list of common uses and the use types into which they are classified shall be maintained by the Director. The

Director shall have the authority to classify common uses according to use type. The classification of a use is subject to the right of appeal in accordance with the provisions of Section 118.

Section 200.04 - Classification of Combination of Principal Uses

The following rules shall apply where a lot contains uses which resemble two or more different use types and which are not classified either special development or as accessory uses (Section 303).

- a. Separate Classification of Several Establishments. The principal uses conducted on a lot or development site by two or more individual establishments, managements, or institutions shall be classified separately into use types.
- b. Classification of Different Uses Conducted by Individual Establishment. If principal uses conducted on a lot or development site by an individual establishment, management, or institution resemble two or more different use types all such principal uses shall be classified in the use types whose description most closely portrays the nature of such uses.

SECTION 201 - DISTRICT RS-3.5

Section 201.01 - Purpose

This district is intended to provide low density family residential areas, together with a full range of urban services in order to maintain stable family residential neighborhoods.

Section 201.02 - Permitted Uses

201.02.01 - General Development

a. Primary Uses Permitted Outright

1. (a) Residential Use Types:
 - Family
- (b) Residential Building Type:
 - One single detached dwelling unit
2. Civic Use Types:
 - Community recreation
 - Public safety services

b. Accessory Uses Permitted Outright

1. Sports and Recreation (personal use)
2. Horticulture (personal use)
3. Tree, row, and field crops (personal use)
4. Essential services
5. Required off-street parking for uses permitted in this district in accordance with Section 301.
6. Other development customarily incidental to the primary use in accordance with Section 303.
7. Model dwelling units (to be reviewed and approved at time of project approval).
8. Home occupations, as defined in Section 101.03.
9. Family day care, as defined in Section 101.03.

201.02.02 - Special Development

a. Special Development - Type I: subject to review in accordance with Section 110, Conditional Development, and Section 201.08.

1. Accessory dwelling units in accordance with Section 201.07.
2. Major impact services and utilities

3. Cultural exhibits and library services
4. Religious assembly
5. Funeral and Interment Services (interring, cemeteries only)
6. Sports and Recreation (participant and spectator - general)
7. Lodges, Fraternal and Civil Assembly
8. Planned Developments in accordance with Section 112.

b. Special Development - Type II

1. Minor impact utilities to be reviewed in accordance with Section 108, Plan Compatibility Review, and Section 201.08.

[Section 201.02 amended by Ordinance 90-08, §24, passed February 20, 1990.]

Section 201.03 - Lot Area and Width

The minimum lot area shall be 8,000 square feet. The minimum average width shall be 65 feet.

Section 201.04 - Setback Requirements

- a. Front and rear yards shall have a minimum depth of 25 feet.
- b. Side yards shall have a minimum width of 8 feet except on corner lots, the side yard for all buildings shall be a minimum of 20 feet on the side abutting a street.

Section 201.05 - Height of Structures

No structure shall exceed 30 feet in height nor shall a structure exceed the height of a solar envelope approved under Section 310. [Section 201.05 amended by Ordinance 84-66, §13, passed December 4, 1984.]

Section 201.06 - Off-Street Parking

Off-street parking facilities shall be provided on the site of each use in accordance with the provisions of Section 301.

Section 201.07 - Accessory Dwelling Unit

May exceed Comprehensive Plan permitted densities for the site.

201.07.01

This provision is not intended to permit or encourage the building of new residences that are large enough to contain apartments, nor to allow the construction of detached units to provide an accessory dwelling unit.

Conditional development approval is limited to the applicant. Any person other than the original applicant desiring to continue, expand, or otherwise initiate the use of the approved accessory dwelling units involved is required to submit a new application in accordance with this section.

201.07.02

Conditional development for Accessory Dwelling Units may be granted subject to the following conditions:

- a. The accessory dwelling unit is accessory to the principal residence;
- b. The owner of the lot must occupy either the principal residence or the accessory unit - except for bona fide temporary absences.
- c. Adequate provision must be made for drainage, water, sewage, and waste disposal, and applicable building code requirements for two dwelling units.
- d. The principal residence and accessory structure or area within the principal structure allocated for the accessory unit must have existed on the date of adoption of this Code.
- e. The lot requirements (width, depth, etc.) on which the principal residence and accessory dwelling unit are located shall be met.
- f. There shall be adequate provisions for ingress and egress but separation is not required. Traffic generated by the accessory dwelling unit shall not interfere with the proper functioning of the principal residence.
- g. Adequate off-street parking shall be provided.

Section 201.08 - General Criteria for Special Development

201.08.01 - General Provisions

Those types of special development as stated in Section 201.02.02, subject to the provisions of this section are use types needed to provide services to the community.

Such use types shall be permitted conditionally provided that:

- a. The proposed use, location, and site plan is found to be in conformance with the purposes and objectives of this Code relative to traffic impact, parking needs, setbacks proposed, and the relationship of the development to adjacent structures.
- b. The minimum requirements of Section 201.03 - 201.06 are met; excluding major impact facilities located in a public right-of-way.

- c. The proposed use will not have an adverse impact on area traffic and parking availability.

SECTION 202 - DISTRICT RS-5

Section 202.01 - Purpose

The purpose of this district is to create medium-low density family residential areas together with a full range of urban services in order to maintain stable family residential neighborhoods.

Section 202.02 - Permitted Uses

202.02.01 - General Development

a. Primary Uses Permitted Outright

1. (a) Residential Use Types:
 - Family

 - (b) Residential Building Type:
 - Single detached dwelling unit
 - Single detached zero lot line dwelling unit
 - Duplex (built prior to February 7, 1981)
2. Civic Use Types:
 - Community Recreation
 - Public safety services

b. Accessory Uses Permitted Outright

1. Sports and Recreation (personal use)
2. Horticulture (personal use)
3. Tree, row, and field crops (personal use)
4. Essential services
5. Required off-street parking for uses permitted in the district in accordance with Section 301.
6. Other development customarily incidental to the primary uses in accordance with Section 303.
7. Model dwelling units (to be reviewed and approved at time of project approval).
8. Home occupations, as defined in Section 101.03.
9. Family day care, as defined in Section 101.03.

202.02.02 - Special Development

- a. Special Development - Type I: subject to review in accordance with Section 110, Conditional Development, and Section 202.09.

1. Accessory dwelling units in accordance with Section 202.08
2. Major impact services and utilities
3. Cultural exhibits and library services
4. Religious assembly
5. Funeral and Interment Services (interring and cemeteries only)
6. Sports and Recreation (spectator and participant - general)
7. Lodges, Fraternal and Civic Assembly
8. Planned Developments in accordance with Section 112.

b. Special Development - Type II

1. Minor impact utilities to be reviewed in accordance with Section 108, Plan Compatibility Review, and Section 202.09.

[Section 202.02 amended by Ordinance 90-08, §25, passed February 20, 1990.]

Section 202.03 - Lot Area and Width

a. General Provisions

The minimum lot area shall be 6,500 square feet. The minimum average width shall be 65 feet (not applicable to duplexes built prior to February 7, 1981). [Section 202.03.a amended by Ordinance 82-44, passed May 3, 1982.]

b. Special Provisions

Lot areas less than 6,500 square feet may be created where the following provisions are met:

1. Lots are created through the subdivision process;
2. Gross densities are consistent with the Comprehensive Plan;
3. Minimum average lot widths shall be 50 feet; and
4. No lot shall be less than 5,000 square feet.

Section 202.04 - Open Space Requirements

On lots of less than 6,500 square feet in area a private outdoor open space area of not less than 650 square feet shall be required. It may be in the rear, side, or front of the dwelling unit and shall be directly related to the interior of the dwelling unit by doors and windows (not applicable to duplexes built prior to February 7, 1981). [Section 202.04 amended by Ordinance 82-44, passed May 3, 1982.]

Section 202.05 - Setback Requirements

- a. Front yards shall have a minimum depth of 10 feet.
- b. Rear yards shall have a minimum depth of 10 feet.
- c. Combined front and rear yards shall be not less than 40 feet.
- d. Side yards shall have:
 1. A minimum width of 5 feet on one side of the dwelling unit and 8 feet on the opposite side; or
 2. A minimum width of 8 feet on one side of the dwelling unit with no (0 feet) setback on the opposite side provided the following provision is met:

The developer shall submit prior to building permit approval a recorded easement running with the land (of a minimum 5 feet in width), between the subject property and the abutting lot next to the yard to be eliminated, sufficient to guarantee rights for maintenance purposes of structures and yard.

- e. A minimum of 19 feet in depth shall be provided from the front of a garage or carport to the back of designated sidewalk.
- f. A vision clearance area on exterior side yards (of corner lots) to be provided in accordance with Section 101, Vision Clearance.

Section 202.06 - Height of Structure

No structure shall exceed 30 feet in height nor shall a structure exceed the height of a solar envelope approved under Section 310. [Section 202.06 amended by Ordinance 84-66, §14, passed December 4, 1984.]

Section 202.07 - Off-Street Parking Facilities

Off-street parking facilities shall be provided on the site of each use in accordance with Section 301.

Section 202.08 - Accessory Dwelling Units

202.08.01

This provision is not intended to permit or encourage the building of new residences that are large enough to contain apartments, nor to allow the construction of detached units to provide an accessory dwelling unit.

Conditional development approval is limited to the applicant. Any person other than the original applicant desiring to continue, expand, or otherwise initiate the use of the approved accessory dwelling units involved is required to submit a new application in accordance with this section.

202.08.02

Conditional development for Accessory Dwelling Units may be granted subject to the following conditions:

- a. The accessory dwelling unit is accessory to the principal residence;
- b. The owner of the lot must occupy either the principal residence or the accessory unit - except for bona fide temporary absences.
- c. Adequate provision must be made for drainage disposal of water, sewage waste, and applicable building code requirements for two dwelling units.
- d. The principal residence and accessory structure or area within the principal structure allocated for the accessory unit must have existed on the date of adoption of this Code.
- e. The lot requirements (width, depth, etc.) on which the principal residence and accessory dwelling unit are located shall be met.
- f. There shall be adequate provisions for ingress and egress but separation is not required. Traffic generated by the accessory dwelling unit shall not interfere with the proper functioning of the principal residence.
- g. Adequate off-street parking shall be provided.

Section 202.09 - General Criteria for Special Development

202.09.01 - General Provisions

Those types of special development as stated in Section 202.02.02, subject to the provisions of this section are use types are needed to provide services to the community.

Such use types shall be permitted conditionally provided that:

- a. The proposed use, location, and site plan is found to be in conformance with the purposes and objectives of this ordinance, relative to traffic impact parking needs, setbacks proposed, and the relationship of the development to adjacent structures.
- b. The minimum requirements of Section 202.03 - 202.07 are met; excluding major impact facilities located in a public right-of-way.
- c. The proposed use will not have an adverse impact on area traffic and parking availability.

[Section 202 amended by Ordinance 82-44, passed May 3, 1982.]

SECTION 203 - DISTRICT RS-9

Section 203.01 - Purpose

The purpose of this district is to provide areas within Corvallis where single detached, single attached, duplexes, and townhouses may be constructed under various ownership patterns. The district is intended to provide a higher density and more intensive use of land than the RS-3.5 and RS-5 districts while maintaining the direct relationship of each dwelling unit to its own building site. The district is further intended to achieve efficiencies in the provision of streets and utilities and to encourage the provision of usable open space.

Section 203.02 - Permitted Uses

203.02.01 - General Development

a. Primary Uses Permitted Outright

1. (a) Residential Use Types:
 - Family
- (b) Residential Building Types:
 - Single detached dwelling unit
 - Single detached (zero lot line) dwelling unit
 - Single attached dwelling unit (maximum of 5 units)
 - Duplex/townhouse
 - Manufactured dwelling park (in accordance with Section 309)
2. Civic Use Types:
 - Community Recreation
 - Public safety services

b. Accessory Uses Permitted Outright

1. Sports and Recreation (personal use)
2. Horticulture (personal use)
3. Tree, row, and field crops (personal use)
4. Essential services
5. Required off-street parking for uses permitted in the district in accordance with Section 301.
6. Other development customarily incidental to the primary use in accordance with Section 303.
7. Model dwelling units (to be reviewed and approved at time of project approval).
8. Home occupations, as defined in Section 101.03.

9. Family day care, as defined in Section 101.03.

[Section 203.02.01 amended by Ordinance 90-54, §2, passed December 17, 1990.]

203.02.02 - Special Development

- a. Special Development - Type I: subject to review in accordance with Section 110, Conditional Development, and Section 203.12.

1. Major impact services and utilities
2. Cultural exhibits and library services
3. Religious assembly
4. Funeral and Interment Services (interring and cemeteries only)
5. Sports and Recreation (spectator and participant - general)
6. Lodges, Fraternal and Civic Assembly
7. Planned Developments in accordance with Section 112
8. Conversion of a single detached dwelling unit to a duplex in accordance with Section 203.10
9. Conversion of structure to Professional and Administrative Services use type in accordance with Section 203.11.

- b. Special Development - Type II

1. Minor impact utilities to be reviewed in accordance with Section 108, Plan Compatibility Review, and Section 203.12.

[Section 203.02 amended by Ordinance 90-08, §26, passed February 20, 1990.]

Section 203.03 - Area and Lot Width Requirement

- a. One Dwelling Unit on a Lot

1. Lot area - For a single dwelling unit on an individual lot, the area shall be not less than 3,250 square feet.
2. Lot width - The minimum average lot width shall be 40 feet except where three to five units are to be attached at common property lines and then the minimum lot widths may be reduced to 30 feet subject to the provisions of Subsection 203.05.

- b. Two Dwelling Units on a Lot

1. For a duplex, the minimum lot area shall be 6,500 (or 3,250 square feet per dwelling unit).

2. In subdivisions platted following the adoption date of this Code, lots smaller than 6,500 may be created, provided that: 1) lots are created through the subdivision process; 2) gross densities are consistent with the Comprehensive Plan; 3) building types are designated on the plat; 4) minimum average lot widths are maintained; and 5) no lot shall be less than 5,000 square feet.
3. The minimum average lot width shall be 50 feet.

Section 203.04 - Setback Requirements

- a. Front yards shall have a minimum depth of 15 feet.
- b. Rear yards shall have a minimum depth of 20 feet.
- c. Side yards - none except:
 1. Exterior side yards: 10 feet and a vision clearance area on exterior side yards to be provided in accordance with Section 101, Vision Clearance.
 2. Wherever a side yard is provided on an interior lot, such yard shall be not less than 5 feet;
 3. Where the side yard abuts a more restrictive district such yard shall not be less than 5 feet;
 4. Where the side yard abuts a more restrictive district and a proposed structure is more than one story, such yard shall not be less than 10 feet;
 5. Where more than two units but not more than five units are attached at common property lines; side yards of five feet shall be required for the end units.
- d. Nineteen feet shall be provided from the front of a garage or carport to the back of designated sidewalk.

Section 203.05 - Zero Lot Line Development

Zero lot line development is permitted provided the following standards and requirements are met:

- a. The privacy of nearby residences will not be reduced to an extent which exceeds that which would normally be reduced by conventional single-family dwellings.
- b. Significant views of dramatic land forms, unusual stands of vegetation, and open areas from nearby properties will not be obstructed to an extent which exceeds that which would normally be obstructed by conventional single detached dwellings.
- c. Traffic visibility on adjoining streets will not be adversely affected.

- d. Drainage from proposed buildings and structures will not adversely affect adjoining properties and public rights-of-way.
- e. The architectural features of proposed structures will be integrated harmoniously into the design character of the immediate neighborhood.
- f. The provision of assurances that the rights of the neighboring lots will not be restricted by use of the side yard. Approval of zero lot line development does not waive any applicable provisions of the Building Code.

Section 203.06 - Height of Structures

No structure shall exceed 30 feet in height nor shall a structure exceed the height of a solar envelope approved under Section 310. [Section 203.06 amended by Ordinance 84-66, §15, passed December 4, 1984.]

Section 203.07 - Off-Street Parking Facilities

Off-street parking facilities shall be provided on the site of each use in accordance with Section 301.

Section 203.08 - Separation from Parking Areas, Walks, Drives

Parking areas, walks, and drives running parallel to a building face shall be separated from the building face of the dwelling units by at least 5 feet.

Section 203.09 - Open Space Requirements

- a. A minimum of 40 percent of the gross lot area shall be retained (and developed) as permanent open space which shall be designed and arranged to offer maximum benefits to the occupants of the development.
- b. Within the area retained as permanent open space (40 percent of the gross lot area), an outdoor living area equal to at least 10 percent of the total lot area shall be designed to be directly related to the interior space by doors and windows. The area or portions thereof shall be screened for privacy with sight obscuring landscaping not less than 4 feet in height upon installation and/or a sight obscuring fence or wall not less than 5 feet in height.

Section 203.10 - Conversion from a Single Detached Dwelling Unit to Duplex

The conversion of one detached dwelling unit (or one detached zero lot line dwelling unit) to a duplex may be permitted where the subject lot is less than 6,500 square feet. Conversion may be appropriate where it is shown that the surrounding area in which the subject lot is located has been developed predominately for duplexes. Conditional development may be granted, provided that:

- a. Before and after conversion all requirements of the RS-9 district (Section 203) shall be complied with, for two dwelling units on a lot.
- b. The minimum lot size shall not be less than 5,000 square feet.
- c. Off-street parking for two dwellings shall be required, as per Section 301.
- d. Adequate provision must be made for drainage, water, sewage, and waste disposal access, and applicable building code requirements for two dwelling units.

Section 203.11 - Conversion of Structure to Professional and Administrative Services Use Type

The City of Corvallis recognizes that while the predominate purpose of this district is to retain residential unit availability within the district there are structures which, due primarily to their size, condition, and/or age, cannot be successfully, economically, and fully utilized for residential use.

Therefore, the City will allow conversion through conditional development in the district to the use type Professional and Administrative Services, where the following conditions can be met.

203.11.01 - Size Limitation

Conditional development in accordance with Section 203.11 shall only be permitted in structures of 4,000 square feet or more built on or before the date of adoption of this Code.

203.11.02 - Burden of Proof

It is the burden of the developer to prove that:

- a. The structure cannot feasibly be used for the uses either permitted outright (as specified in Section 203.02.01) or those permitted conditionally (as specified in Section 203.02.02) without creating undue financial hardship for both tenants and owners.

This may be accomplished by:

1. Providing factual data and information on the potential costs of utilizing the structure for residential use (e.g., heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, and construction for parking, etc.) as those costs compare to estimated potential rent or purchase prices for tenants or owners.
2. It must be demonstrated that an earnest effort has been made to retain the structure for residential use through established marketing procedures (e.g., advertising,

brochures, telephone contact, contact with real estate and marketing professionals, etc.).

or

- b. It is in the best interest of the community to allow the structure to be used for professional and administrative services use type.
 1. This may be accomplished by: Identification of the structure on the Historic Structures Map of the Comprehensive Plan; and that
 2. Substantial alterations would be necessary to allow for the retention of the structure for residential use, which would result in the loss or reduction of historical or architectural significance.

203.11.03 - Project Design

In order to assure that the character of the structure and site will be preserved after conversion, the developer will be required to submit plans (in addition to the site plan required in Section 110) with the application, which indicates the following:

- a. Proposed exterior facade treatment;
- b. Interior remodeling plans (showing major structural changes);
- c. Landscaping plan;
- d. Proposed signage;
- e. Positive changes resulting from the conversion which will upgrade the structure and site and aid in the retention of historically or architecturally significant elements of the structure and site;
- f. Any other structural or site changes which would affect its character.

203.11.04 - Required Off Street Parking

The City recognizes that Section 203.11 generally applies to large structures with little or no remaining available property for off-street parking either on or off site. Where the Commission finds that the provisions of Section 203.12 have been met, the following exception to Section 301, Off Street Parking, shall be permitted:

Parking may be permitted in any adjoining blocks where adequate parking can be made available.

Section 203.12 - General Criteria for Special Development

203.12.01 - General Provisions

Those types of special development as stated in Section 203.02.02, subject to the provisions of this section are use types needed to provide services to the community.

Such use types shall be permitted conditionally provided that:

- a. The proposed use, location, and site plan is found to be in conformance with the purposes and objectives of this ordinance relative to the traffic impact, parking needs, setbacks proposed, and the relationship of the development to adjacent structures.
- b. The minimum requirements of Section 203.03 - 203.09 are met; excluding major impact facilities located in a public right--of-way.
- c. The proposed use will not have an adverse impact on area traffic and parking availability.

[Section 203 amended by Ordinance 90-08, §26, passed February 20, 1990.]

SECTION 204 - DISTRICT RS-12

Section 204.01 - Purpose

The purposes of this district are to provide areas for family and group residential uses in various areas within the City; to serve predominantly as transition areas between lower density family residential housing and more intensively developed group residential housing and related uses. Through the following standards this district provides higher density housing designed to provide spacial territory for each unit through the promotion of a) individual entries and transition from public and communal areas to private areas; b) smaller modules of structures than those commonly found in a more intensive district; c) building projections, level changes, etc. to effectively define areas for a variety of outdoor functions as well as privacy; and d) landscaping and open space to serve as extensions of living areas.

Section 204.02 - Permitted Uses

204.02.01 - General Development

a. Primary Uses Permitted Outright

1. Family Residential, Group Residential, Residential Care Facilities and Group Residential-Group Care:

Residential Building Types:

- Single detached dwelling unit
- Single detached zero lot line dwelling unit
- Single attached dwelling unit
- Duplex/townhouse
- Attached
- Multi dwelling
- Manufactured dwelling park (in accordance with Section 309)

2. Civic Use Types:

- Community recreation
- Public safety services
- Religious assembly

[Section 204.02.01.a amended by Ordinance 83-30, §11, passed March 21, 1983.]

b. Accessory Uses Permitted Outright

1. Sports and recreation (personal use)
2. Horticultural (personal use)
3. Tree, row, and field crops (personal use)
4. Essential services

5. Required off-street parking for uses permitted in the district in accordance with Section 301.
6. Other development customarily incidental to the primary uses in accordance with Section 303.
7. Model dwelling units (to be reviewed and approved at time of project approval).
8. Home occupations, as defined in Section 101.03.
9. Family day care, as defined in Section 101.03.

[Section 204.02.01 amended by Ordinance 90-54, §2, passed December 17, 1990 and Ordinance 90-08, §27, passed February 20, 1990.]

204.02.02 - Special Development

- a. Special Development - Type I: Subject to review in accordance with Section 110, Conditional Development, and Section 204.07. [Subsection a of Section 204.02.02 amended by Ordinance 83-80, §3, passed November 21, 1983.]
 1. Major impact services and utilities
 2. Cultural exhibits and library services
 3. Funeral and Interment Services (interring and cemeteries only)
 4. Sports and Recreation (Spectator and Participant - general)
 5. Lodges, Fraternal and Civic Assembly
 6. Planned Development in accordance with Section 112
 7. Conversion of structure to Professional and Administrative Services use type in accordance with Section 204.06.
- b. Special Development - Type II
 1. Minor impact utilities to be reviewed in accordance with Section 108, Plan Compatibility Review, and Section 204.07.

Section 204.03 - General Provisions

A developer has the option of selecting to develop RS-12 property in accordance with either Subsection 204.04, Development Option I, which specifies minimum lot area provisions and minimum site area per dwelling unit, or Subsection 204.05, Development Option II, which does not specify a minimum lot size but relies on quantifiable design criteria which addresses various aspects of housing quality. Section 204.05 (Option II) has been developed as an alternative method of developing property which allows for an increase in density, or

density bonus over that allowed under Option I, provided that the design criteria and site requirements can be met. In addition to the minimum requirements, the developer must achieve a minimum of 450 points out of a total of 1,725 possible points from the list of optional design criteria in order to obtain a building permit.

Section 204.04 - Development Option I

204.04.01 - Minimum Lot Area Per Dwelling Unit

The minimum site area per dwelling unit is 2,500 square feet.

204.04.02 - Lot Width

The minimum lot width shall be a minimum of 25 feet.

204.04.03 - Lot Coverage

The lot coverage occupied by buildings and area used for parking and circulation of the automobile shall not exceed sixty (60) percent of the total site area.

204.04.04 - Setback Requirements

1. Front yards shall have a minimum depth of 10 feet.
2. Rear yards shall have a minimum depth of 20 feet.
3. Side yards - none except:
 - a. Exterior side yards: 10 feet and a vision clearance area on exterior side yards to be provided in accordance with Section 101, Vision Clearance.
 - b. Wherever a side yard is provided on an interior lot, such yard shall be not less than 5 feet;
 - c. Where the side yard abuts a more restrictive district such yard shall not be less than 5 feet;
 - d. Where the side yard abuts a more restrictive district and a proposed structure is more than one story, such yard shall not be less than 10 feet;
 - e. Where more than two units but not more than five units are attached at common property lines; side yards of five feet shall be required for the end units.
4. Twenty feet shall be provided from the front of a garage or carport to the back of the designated sidewalk.

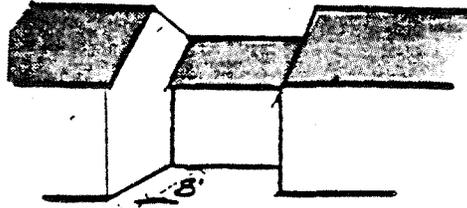
204.04.05 - Exterior Elevations

The exterior elevations of buildings shall incorporate design features such as offsets, balconies, projections, or similar elements to preclude large expanses of uninterrupted building surfaces. In the event of a question of interpretation or application, the Director may refer the proposal to the Land Development Hearings Board.

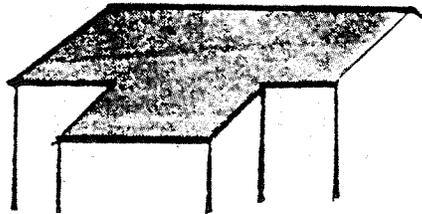
Additionally:

- a. No more than four units shall enter from a common entrance (vestibule, lobby, etc.).
- b. Structures shall not have a continuous horizontal distance to exceed 60 feet.
- c. Along the vertical face of a structure, offsets shall occur at a minimum of every 30 feet by providing any two of the following:

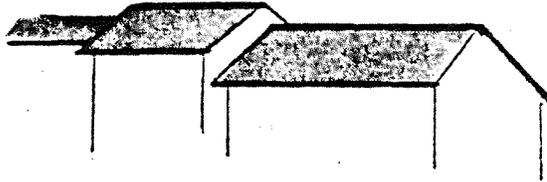
Recesses (decks, patios, entrances, floor area, etc.) of a minimum depth of 8 feet.



Extensions (decks, patios, entrances, floor area, etc.) a minimum depth of 8 feet, a maximum length of an overhang shall be 25 feet.



Offsets or breaks in roof elevation of 3 or more feet in height.



204.04.06 - Height of Structures

No structure shall exceed 35 feet above ground nor shall a structure exceed the height of a solar envelope approved under Section 310. [Section 204.04.06 amended by Ordinance 84-66, §16, passed December 4, 1984.]

204.04.07 - Separation Between Buildings, Parking Areas, Walks, and Drives

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply:

- a. Buildings with windowed walls facing buildings with windowed walls - 25 foot separation.
- b. Buildings with windowed walls facing buildings with a blank wall - 15 foot separation.
- c. Buildings with opposing blank walls - 10 foot separation.
- d. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
- e. Buildings with courtyards to maintain separation of opposing walls as listed in 1, 2, and 3 above for walls in separate buildings.
- f. Where buildings exceed a horizontal dimension of 60 feet or exceed 30 feet in height, the minimum wall separation shall be increased. The rate of increased wall separation shall be 1 foot for each 15 feet of building length over 60 feet and 2 feet for each 10 feet of building height over 30 feet.
- g. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 feet of the ground level.
 1. Driveways and parking lots shall be separated from windowed walls by at least 8 feet; walkways running parallel to the face of the structures shall be separated by at least 5 feet.

2. Driveways and parking lots shall be separated from living room windows by at least 10 feet; walkways running parallel to the face of the structure shall be separated by at least 7 feet.
3. Driveways and uncovered parking spaces shall be separated from doorways by at least 5 feet.

204.04.08 - Open Area, Landscaping, and Screening

- a. A minimum of 40 percent of the gross lot area shall be developed as permanent open area. The minimum open area of all sites shall be landscaped and permanently maintained in accordance with Section 302. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants and with sufficient permanent irrigation installation to properly maintain all vegetation. Decorative design elements such as foundations, pools, benches, sculptures, planters, and similar elements may be placed within the area. In addition to, and/or within the permanent open area, a minimum open area of 0.25 square feet shall be provided for each square foot of residential gross floor area. These provisions shall apply to all new projects and to an addition or remodeling of existing structures that creates new dwelling units. The open area may be allocated as follows:
 1. Private open space designed for the exclusive use of individual dwelling units such as patio areas and balconies of at least sixty (60) square feet with a minimum dimension of six (6) feet may be included as part of the required open space and be given credit for two (2) square feet of open area for each one (1) square foot so provided, not to exceed 200 square feet of total open space credit for any one dwelling unit.
 2. The required open space shall be designed and arranged to offer the maximum benefits to the occupants of the development as well as provide visual appeal and building separation.
 3. Balconies. Balconies that are required for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.
 4. Roofed Structures. Allocated open space shall not include roofed or enclosed structure; except for open unenclosed private patios or balconies.
 5. Driveways and Parking. Said open space shall not include vehicular circulation areas such as driveways, driveway easements, or open parking areas.

- b. Garbage collection areas, and service facilities such as gas meters and air conditioning facilities located outside the building shall be appropriately screened and landscaped in accordance with Section 302.

204.04.09 - Off-Street Parking Facilities

Off-street parking facilities shall be provided on the site of each use as prescribed in Section 301.

Section 204.05 - Development Option II

204.05.01 - Lot Area and Width

None.

204.05.02 - Number of Units Permitted

RS-12 density shall not exceed the Comprehensive Plan density designation of 20 units per acre for each development site.

204.05.03 - Separation Between Buildings/Setback Requirements

To provide privacy, air, and access to the dwelling within the development the following provisions have been established for minimum separation of structures/setbacks from property lines:

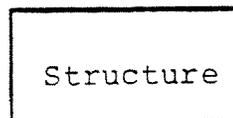
1. Each structure shall have a "Structure Separation Envelope" (SSE) explained as follows:

The structure separation envelope is based on a height distance relationship from one structure to another structure. The SSE equals, in effect, one half the distance needed to adequately separate two buildings in the RS-12 district.

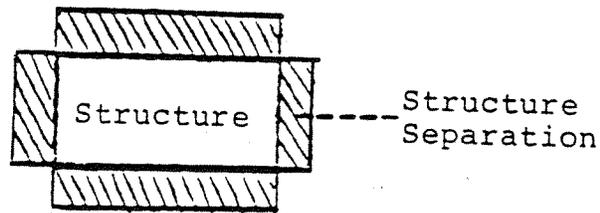
The open area required to adjoin each wall (or face) of a structure which determines the structure separation (SS) of each wall is calculated based on the formula to follow. Following the calculation of the Structure Separation (SS) for each wall, the outer lines of the SS areas are extended to connect points where they intersect.

General example:

Step I:

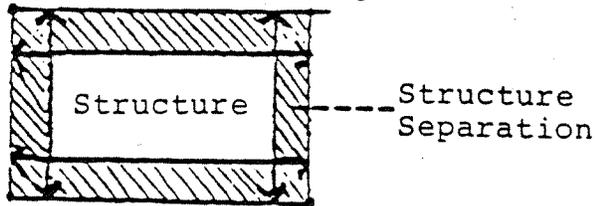


Step II:



Step III:

Structure Separation Envelope



The following formula shall be used to calculate the amount of Structure Separation (SS) required.

Note: Numbers of feet shall be rounded up to nearest 1 digit decimal (i.e., 9.16 feet = 9.2 feet).

Formula:

$$SS = \frac{.55(\text{length of wall face} + \text{height of wall face})}{2}$$

Example: A Structure is 30 feet x 20 feet and 10 feet high.

SS = (structure separation)

SS for:

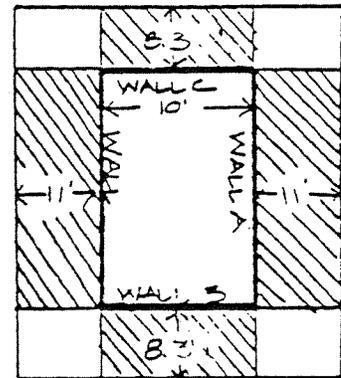
$$\begin{aligned} \text{Wall A: } SS_A &= \frac{.55(30' + 10')}{2} \\ SS_A &= 11 \text{ feet} \end{aligned}$$

$$\begin{aligned} \text{Wall B: } SS_B &= \frac{.55(20' + 10')}{2} \\ SS_B &= 8.3 \text{ feet} \end{aligned}$$

$$\begin{aligned} \text{Wall C: } SS_C &= \frac{.55(30' + 10')}{2} \\ SS_C &= 11 \text{ feet} \end{aligned}$$

$$\begin{aligned} \text{Wall D: } SS_D &= \frac{.55(20' + 10')}{2} \\ SS_D &= 8.3 \text{ feet} \end{aligned}$$

Outer line defines S.S.E.



Lines meet to intersect

2. Where the required SS for one wall of the same building is within the SS of another wall of the same building, then the largest SS shall be used.

Example: A Structure
is 20 feet high.
SS = (structure separation)

SS for:

Wall A is 20 feet in length:

$$SS_A = \frac{.55(20' + 20')}{2}$$

$$SS_A = 11 \text{ feet}$$

Wall B is 20 feet in length:

$$SS_B = \frac{.55(20' + 20')}{2}$$

$$SS_B = 11 \text{ feet}$$

Wall C is 15 feet in length:

$$SS_C = \frac{.55(15' + 20')}{2}$$

$$SS_C = 9.6 \text{ feet}$$

Wall D is 10 feet in length:

$$SS_D = \frac{.55(10' + 20')}{2}$$

$$SS_D = 8.3 \text{ feet}$$

Wall E is 5 feet in length:

$$SS_E = \frac{.55(5' + 20')}{2}$$

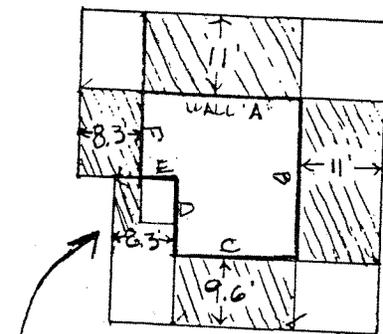
$$SS_E = 6.9 \text{ feet}$$

Wall F is 10 feet in length:

$$SS_F = \frac{.55(10' + 20')}{2}$$

$$SS_F = 8.3 \text{ feet}$$

Outer line defines S.S.E.



The largest distance
of 8.3 is required

3. Where blank walls face blank walls, the blank wall may have a minimum of a 5 foot SS (or 10 feet between blank walls).
4. Where a wall has windows which only serve utility rooms, bathrooms, storage areas/ closets, entries, or any other space not considered as a living area, the wall shall be considered a blank wall for purposes of establishing an SSE (see 3 above).

5. The SSE shall be used to establish setbacks from property lines where no existing structure is located on the adjacent lot. Where there is an existing structure(s) located on an adjacent lot, no designated setback from a property line shall apply, provided that the SSE is calculated and maintained from adjacent structures and the structure does not cross a property line.
6. Any site element (i.e., open space, landscaping, decks, patios, entries, stairs, uncovered parking, etc.) excluding primary and accessory use structures can be located within the structural separation area.

[Section 204.05.03 as amended by Ordinance 81-67, §34, passed July 6, 1981.]

204.05.04 - Transition Areas Between Structures, Streets, Drives, and Walks

When dwelling units are located on or below ground level, a minimum distance of 10 feet shall be maintained between structures (windowed walls), accessways (streets, parking areas, drives, etc.), fences greater than 3 feet in height, and walks.

204.05.05 - Height of Structures

Structures shall not exceed 35 feet above ground.

204.05.06 - Development Criteria and Requirements List

The goals used in developing the following criteria were to make them very specific and quantifiable, and allow for flexibility in design.

The elements of the list are grouped into five categories: Site Design, Structure, Dwelling Unit, Neighborhood Impact, and Energy Efficiency. Each element contains 4 to 31 criteria that are often interdependent or at least show strong causal relationships between each other. Points have been assigned to elements according to their impact on the area, site, structure, and dwelling unit, and the energy efficiencies of development. Criteria will differ in importance, depending on individual circumstances, and the relative importance of selecting one optional criteria over another should be evaluated by the developer.

Recognizing that the stated criteria list to follow is not all inclusive, and that alternative design solutions may be appropriate, the developer may propose to the Director any additional or alternative criteria to be considered for awarded points. Alternative criteria should be submitted for consideration to the Director prior to building permit submittal. The Director may assign points where he finds that the alternative meets the intent and objectives of this Code. Points awarded to the alternative criteria shall be based on those given to the most closely related item or items in the following list.

The applicant shall meet the minimum requirements marked with an asterisk (*) below and must obtain the minimum points where required in each category (for a subtotal of 320 points). In order to obtain a building permit, a total of 450 points out of a total 1,825 possible points must be accrued. The 130 remaining points can be chosen from any category.

204.05.06.01 - Site Design (90 points required)

The site design and landscaping should provide usable outdoor space for the residences and mitigation of negative impacts through the most effective arrangement of windows, stairs, walks, entries, and parking areas.

Additionally, all landscaping required is subject to the requirements of Section 302.

MINIMUM REQUIREMENTS

- * A minimum of 40 percent of the total lot area shall be retained as open space, landscaped with a mixture of vertical (trees, tall shrubs, and hedges) and horizontal (grass, ground cover, etc.) elements; patios, decks, sidewalks, and other features (bike paths, areas for congregation, etc.) can be included in the open space requirement.
- * Street trees required, one every 50 feet minimum. Species may be selected from the list as given in Section 302.
- * Screening with vertical elements from parking areas (of more than four spaces), streets, drives, and walks shall be required and functional at the time of occupancy and shall be predominantly of natural materials in accordance with Section 302.
- * Patios shall be screened where they are located adjacent to parking lots, streets, or common walkways.
- * Trash receptacles shall be screened on all sides in accordance with Section 302.
- * Hard surfaced open space shall not exceed one-third (1/3) of the horizontal open space area.
- * 40 percent or more of the horizontal landscaping treatment in plant materials.

OPTIONAL

60 Underground parking for all units (points directly proportional to the number of spaces provided, 1/2 provided = 1/2 number of points awarded).

Recreational facilities:

35 Indoor pools, saunas, etc.
35 Outdoor pools, tennis, etc.
15 Recreation rooms
35 Children's play areas where the unit size and layout is likely to attract families with children and where complexes contain a minimum of 2 bedroom units. Space must be easily observable by occupants, in a courtyard or usable outdoor space (other than bark dust/mulch and ivy, etc.).

35 Parking arranged in small clusters of not more than 16 spaces in one cluster.

30 Grass or other plant material used as ground cover for a minimum of 50 percent of ground cover area.

30 Covered parking above grade for all of the units (15 points for half of the units and 20 for two-thirds of the units).

30 Balconies or decks screened from the parking lot, street, or windows of nearby units.

30 The structure's living areas oriented to overlook and abutting open space (grass, ground cover, or treed) areas.

25 Shared access with neighboring site: establish reciprocal access agreements.

20 Increase in landscaped area by a minimum of 5 percent.

20 Locating parking areas to accommodate clusters of healthy, mature trees.

20 Preservation of existing healthy mature trees in areas other than parking areas.

20 Parking in the rear or side, with buildings fronting on the street or landscaped courtyard/area.

15 Landscaped area of not less than one-half (1/2) the SSE abutting the building unit.

15 Development whose structure separation exceed the structure separation requirement by over 5 feet.

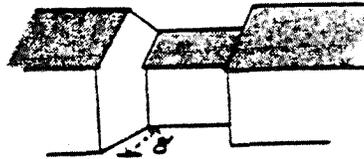
- 10 Covered parking with garage doors.
- 10 Preservation of existing healthy mature trees in parking areas.
- 5 Irrigation systems to support landscaping.

204.05.06.02 - The Structure

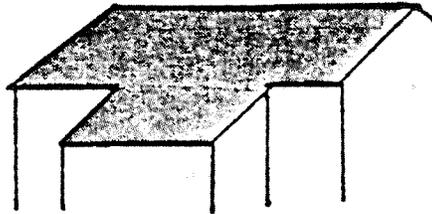
MINIMUM REQUIREMENTS

- * Structures shall not have a continuous horizontal distance to exceed 60 feet.
- * Along the vertical face of a structure, offsets shall occur at a minimum of every 30 feet by providing any two of the following:

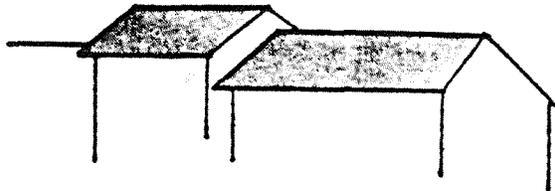
Recesses (decks, patio/entrances, floor area, etc.) of a minimum depth of 8 feet.



Extensions (decks, patios, entrances, floor area, etc.) a minimum depth of 8 feet, a maximum length of an overhang shall be 25 feet.



Offsets or breaks in the roof elevation of 3 or more feet in height.



- * No more than four units entered from a common entrance (vestibule or lobby, etc.).

OPTIONAL

- 50 Pitched roofs used (minimum 4:12 pitch).
- 30 Transitional elements between public areas and private units such as porches, fences, foyers, patios, and gates (50 percent of the points if not all units all supplied).

204.05.06.03 - The Dwelling Unit (90 points required)

OPTIONAL

- 40 Acceptance of equivalent, authorized subsidized rent supplements or other low and moderate income assistance program.
- 40 Units (10 percent of project) designed for handicapped or elderly tenants (ramps, available parking spaces, and units if located on first floor or any floor with elevator provided).
- 30 Individual balcony, deck, or patio - minimum size: 120 square feet
- 30 Storage space or lockers in either unit or basement for at least one half the number of units.
- 30 Provide soundproofing (STC, double wall construction, etc.) for dwelling units.
- 20 Windows located for observing entries and corridors for security reasons.
- 20 Individual yard or garden (screened) - minimum size: 250 square feet
- 20 Inner courtyard or atrium
- 20 Security devices (dead bolts, peepholes in doors, etc.).
- 20 Laundry facilities (on project site).
- 10 Entry or foyer (other than hall) in a unit (a transition area between the front door and primary living area).

204.05.06.04 - Neighborhood Impact (50 points required)

OPTIONAL

- 40 Provision of either dedicated open space or quasi public open space (protected through scenic or view easements, deed restrictions, special setback requirements, and restriction of tree cutting, etc.) of 20 percent greater than that already provided through 25 percent requirement.

- 40 Conversion and renovation of an existing structure to multiple dwellings which conforms to new regulations and options (as opposed to remaining a nonconforming structure).
- 40 Development which visually compliments a lower density neighborhood environment where the project abuts a more restrictive district by using similar architectural style elements (i.e., pitched roofs, vertical windows, trim at windows, porches).
- 40 Replacement of a severely dilapidated house (one which does not provide safe shelter such as dry rot, sagging joists, or combination of intermediate defects which make rehabilitation unfeasible).
- 40 Formation of an area parking assessment district in conformance with Section ____ (reserved).
- 25 Improvement of unimproved alley: from street in closest proximity to the site to the subject property.
- 20 Provide bike paths on projects.
- 15 Dense screening not within a visual clearance area, for units which abut a street.

204.05.06.05 - Energy Efficiency (90 points required)

MINIMUM REQUIREMENTS

- * Appropriate planting materials to provide shade in the summer and protection from weather in the winter.
- * Eaves/canopies/awnings extending the length of south and west facing windows projecting away from wall a distance equal to 1/2 the height from window sill to ceiling. Additional points if canopies and awnings are retractable (adjustable); can be regulated seasonally.

OPTIONAL

- 75 Use of materials within building with heat retention and storage capabilities (water, brick, stone, heavy masonry) in floors and walls predominately; surface area of thermal mass exposed to sunlight, five times the area of the south facing windows.
- 75 Active solar heating system.
- 45 Provide solar easements for adjacent parcels.
- 40 Facing longest side of structure to orient within 20° of true south.

- 35 Provide passive domestic hot water system (e.g., bread box or thermosyphon).
- 35 Appliances with energy savings devices (time setback thermostats, insulation of water heater, dishwasher and refrigerators with energy savers).
- 35 Provide secured covered bike storage areas with lock-up capabilities;
- or
- 30 Provide secured bike storage areas with lock-up capabilities.
- 30 Seal sole plate to subfloor with caulking or fiberglass sill sealer.
- 30 Where streets are created, streets on project oriented east-west.
- 30 Placing of any buildings greater in height to the north portion of the site where there is more than one building on site (either existing or proposed) and providing 1-1/2 times the required SSE along the north side.
- 30 Insulation in excess of R-value required by UBC.
- 25 Thermal windows on units.
- 20 Caulked/insulated electrical outlets.
- 20 1-3/4-inch metal faced exterior doors with polyurethane.
- 20 Placement of water heater within insulated part of the structure.
- 20 Shower head with no more than 3 gpm rating.
- 20 Use of florescent rather than incandescent lighting for kitchens, bathrooms, and utility rooms.
- 20 Distribution and fuse boxes located on interior walls or in garage.
- 15 Combination of storm doors with screen doors (for exterior doors).
- 15 Thermal skylights on south or west facing roofs and/or thermal clerestory windows provided (number of points provided is directly proportional to the number of top floor units with skylights and clerestory windows).
- 15 Provide air locks (double door foyer entry, etc.).

15 Provision of thermal drapes, shutters, or other protective window covers.

15 Maximum of 10 percent of total gross floor area in windows.

204.05.07 - Off Street Parking Facilities

Off-street parking facilities shall be provided on the site of each use as required in Section 301.

Section 204.06 - Conversion of Unit to Professional and Administrative Services Use Types

The City of Corvallis recognizes that while the predominate purpose is to retain residential unit availability within the district there are structures which, due primarily to their size, condition, and/or age, cannot be successfully and fully utilized for residential use.

Therefore, the City will allow conversion through conditional development in the district to the use type Professional and Administrative Services, where the following conditions can be met.

204.06.01 - Size Limitation

Conditional development in accordance with Section 204.06 shall only be permitted in structures built on or before the date of adoption of this ordinance of 4,000 square feet or more.

204.06.02 - Burden of Proof

It is the burden of the developer to prove that:

- a. The structure cannot feasibly be used for the uses either permitted outright (as specified in Section 204.02.01) or those permitted conditionally (as specified in Section 204.02.02) without creating undue financial hardship for both tenants and owners.

This may be accomplished by:

1. Providing factual data and information on the potential costs of utilizing the structure for residential use (e.g., heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, and construction for parking, etc.) as those costs compare to estimated potential rent or purchase prices for tenants or owners.
2. It must be demonstrated that an earnest effort has been made to retain the structure for residential use through established marketing procedures (e.g., advertising, brochures, telephone contact, contact with real estate and marketing professionals, etc.).

or

- b. It is in the best interest of the community to allow the structure to be used for professional and administrative services use type.
 - 1. This may be accomplished by: Identification of the structure on the Historic Structures Map of the Comprehensive Plan; and that
 - 2. Substantial alterations would be necessary to allow for the retention of the structure for residential use, which would result in the loss or reduction of historical or architectural significance.

204.06.03 - Project Design

In order to assure that the residential character of the structure and site will be preserved after conversion, the developer will be required to submit plans (in addition to the site plan required in Section 110) with the application, which indicates the following:

- a. Proposed exterior facade treatment;
- b. Interior remodeling plans (showing major structural changes);
- c. Landscaping plan;
- d. Proposed signage;
- e. Positive changes resulting from the conversion which will upgrade the structure and site and aid in the retention of historically or architecturally significant elements of the structure and site;
- f. Any other structural or site changes which would affect its character.

204.06.04 - Required Off Street Parking

The City recognizes that Section 204.06 generally applies to large structures with little or no remaining available property for off-street parking either on or off site. Where the Commission finds that the provisions of Section 204.07 have been met, the following exception to Section 301, Off Street Parking, may be permitted:

Parking may be permitted in any adjoining blocks where adequate parking can be made available.

Section 204.07 - Conditional Development Criteria, General

204.07.01 - General Provisions

Those types of special development as stated in Section 204.02.02, subject to the provisions of this section and Section 110, are use types needed to provide services to the community.

Such use types shall be permitted conditionally provided that:

- a. The proposed use, location, and site plan is found to be in conformance with the purposes and objectives of this ordinance relative to traffic impact, parking needs, setbacks proposed, and the relationship of the development to adjacent structures.
- b. The minimum requirements of Section 204.04 or 204.05 are met; excluding major impact facilities located in a public right-of-way.
- c. The proposed use will not have an adverse impact on area traffic and parking availability.

[Section 204 amended by Ordinance 90-08, §27, passed February 20, 1990.]

SECTION 205 - DISTRICT RS-20

Section 205.01 - Purpose

The purpose of this district is to provide areas for high density group residential dwelling units and other closely related uses in various areas within the City.

Section 205.02 - Permitted Uses

205.02.01 - General Development

a. Primary Uses Permitted Outright

1. Family Residential, Group Residential, Residential Care Facilities and Group Residential-Group Care:

Residential Building Types:

- Single detached dwelling unit
- Single detached zero lot line dwelling unit
- Single attached dwelling unit
- Duplex/townhouse
- Attached
- Multi-dwelling

2. Civic Use Types:

- Community recreation
- Lodges, fraternal and civic assembly
- Public safety services
- Religious assembly

b. Accessory Uses Permitted Outright

1. Sports and recreation (personal use)
2. Horticulture (personal use)
3. Tree, row, and field crops (personal use)
4. Essential services
5. Required off-street parking for uses permitted in the district in accordance with Section 301
6. Other development customarily incidental to the primary use in accordance with Section 303
7. Model dwelling units (to be reviewed and approved at time of project approval).
8. Home occupations, as defined in Section 101.03.
9. Family day care, as defined in Section 101.03.

205.02.02 - Special Development

- a. Special Development - Type I: subject to review in accordance with Section 110, Conditional Development, and Section 205.07.
 1. Major impact services and utilities
 2. Cultural exhibits and library services
 3. Parking services
 4. Sports and Recreation (spectator and participant - general)
 5. Planned Developments in accordance with Section 112
 6. Conversion of structure to Professional and Administrative Services use type in accordance with Section 205.06.
- b. Special Development - Type II
 1. Minor impact utilities to be reviewed in accordance with Section 108, Plan Compatibility Review, and Section 205.07.

[Section 205.02 amended by Ordinance 90-08, §28, passed February 20, 1990.]

Section 205.03 - General Provisions

A developer has the option of selecting to develop RS-20 property in accordance with either Subsection 205.04, Development Option I, which specifies minimum lot area provisions and minimum site area per dwelling unit, or Subsection 205.05, Development Option II, which does not specify a minimum lot size or minimum site area per dwelling unit, but relies on quantifiable design criteria which address various aspects of housing quality.

Subsection 205.05 (Option II) has been developed as an alternate method of developing property which allows an unlimited number of dwelling units to be placed on the site provided the design criteria and site requirements can be met. In addition to the minimum requirements, the developer must achieve a minimum of 450 points out of a total of 1,725 possible points from the list of optional design criteria in order to obtain a building permit.

Section 205.04 - Development Option I

205.04.01 - Lot Area

The minimum lot area shall be 10,000 square feet and a minimum average width of seventy-five (75) feet.

205.04.02 - Minimum Site Area Per Dwelling Unit

The minimum site area per dwelling unit related to the number of bedrooms in each dwelling unit shall be as prescribed in the following table:

| | <u>Less than Three Stories</u> | <u>Three or More Stories</u> |
|----------------------|------------------------------------|----------------------------------|
| Studio or Efficiency | 625 sq. ft. | 365 sq. ft. |
| 1 Bedroom | 835 sq. ft. | 485 sq. ft. |
| 2 Bedroom | 1,250 sq. ft. | 725 sq. ft. |
| 3 Bedroom | 1,870 sq. ft. | 1,090 sq. ft. |
| 4 Bedroom | 2,080 sq. ft. | 1,210 sq. ft. |

205.04.03 - Lot Coverage

The lot coverage occupied by buildings and areas used for parking and circulation of the automobile shall not exceed seventy-five (75) percent of the total site area.

205.04.04 - Setback Requirements

The front yard, exterior side yard, side yard, and rear yard shall have a minimum depth of ten (10) feet; except portions of the yards may be reduced to five (5) feet provided that:

- a. The five (5) foot setback is applied to fifty (50) percent or less of the building face related to a yard space; and,
- b. An average ten (10) foot setback shall be provided along the building face; and
- c. Where buildings exceed a horizontal dimension of 60 feet or exceed 3 stories, the above yard requirements shall be increased at a rate of 1 foot for each 15 feet of building length over 60 feet and 2 feet for each story over 3 stories.
- d. A vision clearance area on exterior side yards to be provided in accordance with Section 301, Vision Clearance.

[Subsection d of Section 205.04.04 amended by Ordinance 83-80, §4, passed November 21, 1983.]

205.04.05 - Exterior Elevations

The exterior elevations of buildings shall incorporate design features such as off-sets, balconies, projections, or similar elements to preclude large expanses of uninterrupted building surfaces. In the event of a question of interpretation or application, the Director may refer the proposal to the Land Development Hearings Board.

205.04.06 - Height of Structures

- a. Buildings shall not exceed seventy-five (75) feet above grade nor exceed six (6) stories in height.
- b. Where the RS-20 District is adjacent to an RS-3.5, RS-5, or RS-9 District the height of structures shall be limited as provided in the RS-12 District, Section 204.04.06.
- c. No structure shall exceed the height of a solar envelope approved under Section 310.

[Section 205.04.06.c was added by Ordinance 84-66, §17, passed December 4, 1984.]

205.04.07 - Separation Between Buildings, Parking Areas, Walks, and Drives

To provide privacy, light, air, and access to the dwellings within the development, the following minimum standards shall apply:

- a. Buildings with windowed walls facing buildings with windowed walls - 25 foot separation.
- b. Buildings with windowed walls facing buildings with blank wall - 15 foot separation.
- c. Buildings with opposing blank walls - 10 foot separation.
- d. Building separation shall also apply to building projections such as balconies, bay windows, and room projections.
- e. Buildings with courtyards to maintain separation of opposing walls as listed in a, b, and c above for walls in separate buildings.
- f. Where buildings exceed a horizontal dimension of 60 feet or exceed 30 feet in height, the minimum wall separation shall be increased. The rate of increased wall separation shall be one foot for each 15 feet of building length over 60 feet and 2 feet for each 10 feet of building over 30 feet.
- g. Driveways, parking lots, and common or public walkways shall maintain the following separation for dwelling units within 8 feet of the ground level.
 - 1. Driveways and parking lots shall be separated from windowed walls by at least 8 feet; walkways shall be separated by at least 5 feet.
 - 2. Driveways and parking lots shall be separated from living room windows by at least 10 feet; walkways shall be separated by at least 7 feet.

3. Driveways and uncovered parking spaces shall be separated from doorways by at least 5 feet.

205.04.08 - Open Area, Landscaping, and Screening

- a. A minimum of 25 percent of the gross lot area shall be developed as permanent open area. The minimum open area of all sites shall be landscaped and permanently maintained in accordance with Section 302. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants and with sufficient permanent irrigation installation to properly maintain all vegetation. Decorative design elements such as foundations, pools, benches, sculptures, planters, and similar elements may be placed within the area. In addition to, and/or within the permanent open area, a minimum open area of 0.25 square feet shall be provided for each square foot of residential gross floor area. These provisions shall apply to all new projects and to an addition or remodeling of existing structures that creates new dwelling units. The open area may be allocated as follows:
 1. Private open space designed for the exclusive use of individual dwelling units such as patio areas and balconies of at least sixty (60) square feet with a minimum dimension of six (6) feet may be included as part of the required open space and be given credit for two (2) square feet of open area for each one (1) square foot so provided, not to exceed 200 square feet of total open space credit for any one dwelling unit.
 2. The required open space shall be designed and arranged to offer the maximum benefits to the occupants of the development as well as provide visual appeal and building separation.
 3. Balconies. Balconies that are required for entrances or exits shall not be considered as open space except where such exits or entrances are for the sole use of the unit.
 4. Roofed Structures. Allocated open space shall not include roofed or enclosed structure; except for open unenclosed private patios or balconies.
 5. Driveways and Parking. Said open space shall not include vehicular circulation areas such as driveways, driveway easements, or open parking areas.
- b. Garbage collection areas, and service facilities such as gas meters and air conditioning facilities located outside the building shall be appropriately screened and landscaped in accordance with Section 302.

205.04.09 - Off-Street Parking Facilities

Off-street parking facilities shall be provided on the site of each use as required in Section 301.

Section 205.05 - Development Option II

205.05.01 - Lot Area and Width

None.

205.05.02 - Number of Units Permitted

The number of units permitted on a lot shall be unspecified provided the design criteria and site requirements for RS-20 are met.

205.05.03 - Separation Between Buildings/Setback Requirements

To provide privacy, air, and access to the dwelling within the development the following provisions have been established for minimum separation of structures/setbacks from property lines consistent with the applicable provisions of the Uniform Building Code:

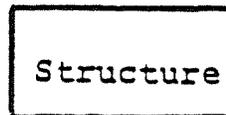
1. Each structure shall have a "Structure Separation Envelope" (SSE) explained as follows:

The structure separation envelope is based on a height distance relationship from one structure to another structure. The SSE equals, in effect, one half the distance needed to adequately separate two buildings in the RS-20 district.

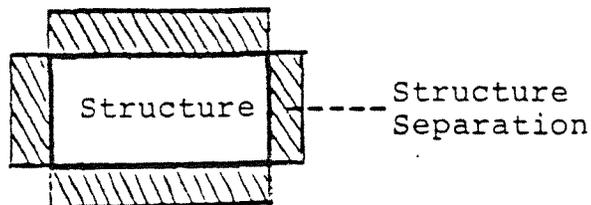
The open area required to adjoin each wall (or face) of a structure which determines the structure separation (SS) of each wall is calculated base don the formula to follow. Following the calculation of the Structural Separation (SS) for each wall, the outer lines of the SS areas are extended to connect points where they intersect.

General example:

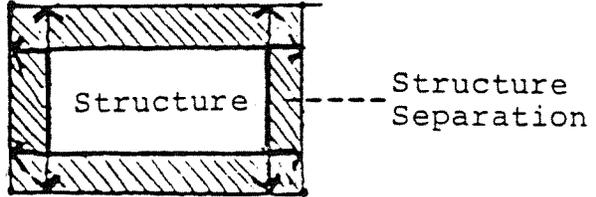
Step I:



Step II:



Step III: Structure Separation Envelope



The following formula shall be used to calculate the amount of Structure Separation (SS) required.

Note: Numbers of feet shall be rounded up to nearest 1 digit decimal (i.e., 9.16 feet = 9.2 feet).

Formula:

$$SS = \frac{.55(\text{length of wall face} + \text{height of wall face})}{3}$$

Example: A Structure is 45 feet x 30 feet and 20 feet high.

SS = (structural separation)

SS for:

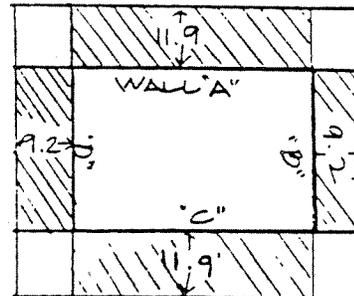
Wall A: $SS_A = \frac{.55(45' + 20')}{3}$
 $SS_A = 11.9$ feet

Wall B: $SS_B = \frac{.55(30' + 20')}{3}$
 $SS_B = 9.2$ feet

Wall C: $SS_C = \frac{.55(45' + 20')}{3}$
 $SS_C = 11.9$ feet

Wall D: $SS_D = \frac{.55(30' + 20')}{3}$
 $SS_D = 9.2$ feet

Outer line defines S.S.E.



Lines meet to intersect

2. Where the required SS for one wall of the same building is within the SS of another wall of the same building, then the largest SS shall be used.

Example: A Structure
is 20 feet high.
SS = (structure separation)

SS for:

Wall A is 20 feet in length:

$$SS_A = \frac{.55(20' + 20')}{3}$$

$$SS_A = 7.3 \text{ feet}$$

Wall B is 20 feet in length:

$$SS_B = \frac{.55(20' + 20')}{3}$$

$$SS_B = 7.3 \text{ feet}$$

Wall C is 15 feet in length:

$$SS_C = \frac{.55(15' + 20')}{3}$$

$$SS_C = 6.4 \text{ feet}$$

Wall D is 10 feet in length:

$$SS_D = \frac{.55(10' + 20')}{3}$$

$$SS_D = 5.5 \text{ feet}$$

Wall E is 5 feet in length:

$$SS_E = \frac{.55(5' + 20')}{3}$$

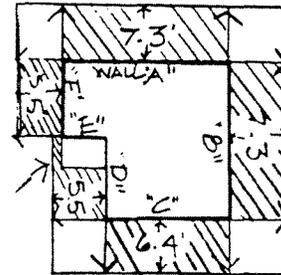
$$SS_E = 4.6 \text{ feet}$$

Wall F is 10 feet in length:

$$SS_F = \frac{.55(10' + 20')}{3}$$

$$SS_F = 5.5 \text{ feet}$$

Outer line defines S.S.E



Lines meet to intersect
Greater distance of 5.5'
is required

3. Where blank walls oppose blank walls, the blank wall may have a minimum of a 5 foot SSE (or 10 feet between blank walls).
4. Where a wall has windows which only serve utility rooms, bathrooms, storage areas/closets, entries, or any other space not considered as a living area, the wall shall be considered a blank wall for purposes of establishing an SSE (see 3 above).

5. SSE requirements are only required for that part of a structure under 45 feet in height. No additional increment is needed for that portion of a structure greater in height than 45 feet.
6. The SSE shall be used to establish setbacks from property lines where no existing structure is located on the adjacent lot; where there is an existing structure(s) located on an adjacent lot, no designated setback from a property line shall apply, provided that the SSE is calculated and maintained from adjacent structures.
7. Any site element (i.e., open space, landscaping, decks, patios, entries, stairs, uncovered parking, etc.) excluding primary and accessory use structures can be located within the structural separation area.

[Section 205.05.03 amended by Ordinance 81-67, §35, passed July 6, 1981.]

205.05.04 - Transition Areas Between Structures, Streets, Drives, Fences, and Walks

When dwelling units are within 8 feet of the ground level, a minimum distance of 10 feet shall be maintained between structures (windowed walls), accessways (streets, drives, etc.), fences greater than 3 feet in height, and walks.

205.05.05 - Height of Structures

- a. Structures shall not exceed seventy-five (75) feet above ground.
- b. Where the site abuts adjacent to an RS-3.5, RS-5, RS-9 District, the height of the structures shall not exceed 45 feet above ground.

205.05.06 - Development Criteria and Requirements List

The goals used in developing the following criteria were to make them very specific and quantifiable, and allow for flexibility in design.

The elements of the list are grouped into five categories: Site Design, Structure, Dwelling Unit, Neighborhood Impact, and Energy Efficiency. Each element contains 4 to 31 criteria that are often interdependent or at least show strong causal relationships between each other. Points have been assigned to elements according to their impact on the area, site, structure, and dwelling unit, and the energy efficiencies of development. Criteria will differ in importance, depending on individual circumstances, and the relative importance of selecting one optional criteria over another should be evaluated by the developer.

Recognizing that the stated criteria list to follow is not all inclusive, and that alternative design solutions may be appropriate, the developer may propose to the Director any additional or alternative criteria to be considered for awarded points.

Alternative criteria should be submitted for consideration to the Director prior to building permit submittal. The Director may assign points where he finds that the alternative meets the intent and objectives of this Code. Points awarded to the alternative criteria shall be based on those given to the most closely related item or items in the following list.

In addition to the minimum requirements marked with an asterisk (*) below, the applicant must obtain the minimum points where required in each category (for a subtotal of 320 points); and in order to obtain a building permit, a total of 450 points out of a total of 1,825 possible points must be accrued. The 130 remaining points can be chosen from any category.

205.05.06.01 - Site Design (90 points required)

The site design and landscaping should provide usable outdoor space for the residences and mitigation of negative impacts through the most effective arrangement of windows, stairs, walks, entries, and parking areas.

All required landscaping elements are subject to the provisions of Section 302.

MINIMUM REQUIREMENTS

- * A minimum of 25 percent of the total lot area shall be retained as open space, landscaped with a mixture of vertical (trees, tall shrubs, and hedges) and horizontal (grass, ground cover, etc.) elements; patios, decks, sidewalks, and other features (bike paths, areas for congregation, etc.) can be included in the open space requirement.
- * Street trees required, one every 50 feet minimum. Species may be selected from the list as given in Section 302.
- * Screening with vertical elements from parking areas, streets, drives, and walks shall be required and functional at the time of occupancy and shall be predominantly of natural materials, in accordance with Section 302.
- * Patios shall be screened where they are located adjacent to parking lots or streets or common walkways.
- * Trash receptacles shall be screened on four sides in accordance with Section 302.
- * Hard surfaced open space shall not exceed one-third (1/3) of the horizontal open space area.
- * 40 percent or more of the landscaping treatment in plant materials.

OPTIONAL

60 Underground parking for all units (points directly proportional to the number of spaces provided, 1/2 provided = 1/2 number of points awarded).

Recreational facilities:

35 Indoor pools, saunas, etc.
35 Outdoor pools, tennis, etc.
15 Recreation rooms
35 Children's play areas where the unit size and layout is likely to attract families with children and where complexes contain a minimum of 2 bedroom units. Space must be easily observable by occupants, in a courtyard or usable outdoor space (other than bark dust/mulch and ivy, etc.).

35 Parking arranged in small clusters of not more than 16 spaces in one cluster.

30 Grass or other plant material used as ground cover for a minimum of 50 percent of ground cover area.

30 Covered parking above grade for all of the units (15 points for half of the units and 20 for two-thirds of the units).

30 Balconies or decks screened from the parking lot, street, or windows of nearby units.

30 The structures living areas oriented to overlook and abutting open space (grass, ground cover, or treed) areas.

25 Shared access with neighboring site: establish reciprocal access agreements.

20 Increase in landscaped area by a minimum of 5 percent.

20 Locating parking areas to accommodate clusters of healthy, mature trees.

20 Preservation of existing healthy mature trees in areas other than parking areas.

20 Parking in the rear or side, with buildings fronting on the street or landscaped courtyard/area.

15 Landscaped area of not less than one-half (1/2) the SSE abutting the building unit.

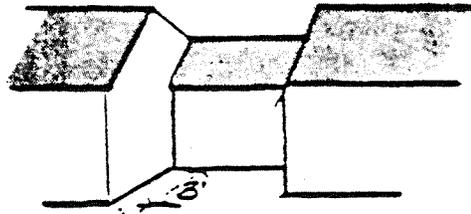
15 Development whose structure separation exceed the structure separation requirement by over 5 feet.

- 10 Covered parking with garage doors.
- 10 Preservation of existing healthy mature trees in parking areas.
- 5 Irrigation systems to support landscaping.

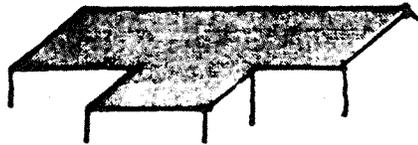
205.05.06.02 - The Structure

* Along the face of a structure, offsets shall occur at a minimum of every 30 feet by providing any two of the following:

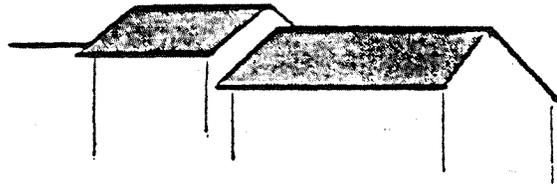
Recesses (decks, patio/entrances, floor area, etc.) of a minimum depth of 8 feet.



Extensions (decks, patios, entrances, floor area, etc.) at a minimum clearance of 8 feet, a minimum depth of 8 feet, and a maximum length of an overhang shall be 25 feet.



Offsets or breaks in the roof elevation of 3 or more feet in height.



OPTIONAL

- 50 Pitched roofs used (minimum 4:12 pitch).
- 30 Transitional elements between public areas and private units such as porches, fences, foyers, patios, and gates (50 percent of the points if not all units all supplies).

205.05.06.03 - The Dwelling Unit (90 points required)

OPTIONAL

- 40 Acceptance of equivalent, authorized subsidized rent supplements or other low and moderate income assistance program.
- 40 Units (10 percent of project) designed for handicapped or elderly tenants (ramps, available parking spaces, and units if located on first floor or any floor with elevator provided).
- 30 Individual balcony, deck, or patio - minimum size: 60 square feet.
- 30 Storage space or lockers in either unit or basement for at least one half the number of units.
- 30 Provide soundproofing (STC, double wall construction, etc.) for dwelling units.
- 20 Windows located for observing entries and corridors for security reasons.
- 20 Individual yard or garden (screened) - minimum size: 150 square feet.
- 20 Inner courtyard or atrium
- 20 Security devices (dead bolts, peepholes in doors, etc.).
- 20 Laundry facilities (on project site).
- 10 Entry or foyer (other than hall) in a unit (a transition area between the front door and primary living area).

205.05.06.04 - Neighborhood Impact (50 points required)

OPTIONAL

- 40 Provision of either dedicated open space or quasi public open space (protected through scenic or view easements, deed restrictions, special setback requirements, and restriction of tree cutting, etc.) of 20 percent greater than that already provided through 25 percent requirement.
- 40 Conversion and renovation of an existing structure to multiple dwellings which conforms to new regulations and options (as opposed to remaining a nonconforming structure).
- 40 Development which visually compliments a lower density neighborhood environment where the project abuts a more restrictive district by using similar architectural style elements (i.e., pitched roofs, vertical windows, trim at windows, porches).
- 40 Replacement of a severely dilapidated house (one which does not provide safe shelter such as dry rot, sagging joists, or combination of intermediate defects which make rehabilitation unfeasible).
- 40 Formation of an area parking assessment district in conformance with Section ____ (reserved).
- 25 Improvement of unimproved alley: from street in closest proximity to the site to the subject property.
- 20 Provide bike paths on projects.
- 15 Dense screening not within a visual clearance area, of units which abut a street.

205.05.06.05 - Energy Efficiency (90 points required)

MINIMUM REQUIREMENTS

- * Appropriate planting materials to provide shade in the summer and protection from weather in the winter.
- * Eaves/canopies/awnings extending the length of south and west facing window projecting away from wall a distance equal to 1/2 the height from window sill to ceiling. Additional points if canopies and awnings are retractable (adjustable); can be regulated seasonally.

OPTIONAL

- 75 Use of materials within building with heat retention and storage capabilities (water, brick, stone, heavy masonry) in floors and walls predominately; surface area of thermal mass exposed to sunlight, five times the area of the south facing windows.
- 75 Active solar heating system.
- 45 Provide solar easements for adjacent parcels.
- 40 Facing longest side of structure to orient within 20° of true south.
- 35 Passive domestic hot water system (e.g., bread box or thermosyphon).
- 35 Appliances with energy savings devices (time setback thermostats, insulation of water heater, dishwasher and refrigerators with energy savers).
- 35 Provide secured covered bike storage areas with lock-up capabilities;
- or
- 30 Provide secured bike storage areas with lock-up capabilities.
- 30 Where streets are created, streets on project oriented east-west.
- 30 Seal sole plate to subfloor with caulking or fiberglass sill sealer.
- 30 Placing of any buildings greater in height to the north portion of the site where there is more than one building on site (either existing or proposed) and providing 1-1/2 times the required SSE along the north side.
- 30 Insulation in excess of R-value required by UBC.
- 25 Thermal windows on units.
- 20 Caulked/insulated electrical outlets.
- 20 1-3/4-inch metal faced exterior doors with polyurethane.
- 20 Placement of water heater within insulated part of the structure.
- 20 Shower head with no more than 3 gpm rating.

- 20 Use of florescent rather than incandescent lighting for kitchens, bathrooms, and utility rooms.
- 20 Locating distribution and fuse boxes on interior walls or in garage.
- 15 Combination of storm doors with screen doors (for exterior doors).
- 15 Thermal skylights on south or west facing roofs and/or thermal clerestory windows provided (number of points provided is directly proportional to the number of top floor units with skylights and clerestory windows).
- 15 Provide air locks (double door foyer entry, etc.).
- 15 Provision of thermal drapes, shutters, or other protective window covers.
- 15 Maximum of 10 percent of total gross floor area in windows.

205.05.07 - Off Street Parking Facilities

Off-street parking facilities shall be provided on the site of each use as required in Section 301.

Section 205.06 - Conversion of Unit to Professional and Administrative Services Use Types

The City of Corvallis recognizes that while the predominate purpose is to retain residential unit availability within the district there are structures which, due primarily to their size, condition, and/or age, cannot be successfully and fully utilized for residential use.

Therefore, the City will allow conversion through conditional development in the district to the use type Professional and Administrative Services, where the following conditions can be met.

205.06.01 - Size Limitation

Conditional development in accordance with Section 205.06 shall only be permitted in structures built on or before the date of adoption of this ordinance of 4,000 square feet or more.

205.06.02 - Burden of Proof

It is the burden of the developer to prove that:

- a. The structure cannot feasibly be used for the uses either permitted outright (as specified in Section 205.02.01) or those permitted conditionally (as specified in Section 205.02.02) without creating undue financial hardship for both tenants and owners.

This may be accomplished by:

1. Providing factual data and information on the potential costs of utilizing the structure for residential use (e.g., heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, and construction for parking, etc.) as those costs compare to estimated potential rent or purchase prices for tenants or owners.
2. It must be demonstrated that an earnest effort has been made to retain the structure for residential use through established marketing procedures (e.g., advertising, brochures, telephone contact, contact with real estate and marketing professionals, etc.).

or

- b. It is in the best interest of the community to allow the structure to be used for professional and administrative services use type.
 1. This may be accomplished by: Identification of the structure on the Historical Structures Map of the Comprehensive Plan; and that
 2. Substantial alterations would be necessary to allow for the retention of the structure for residential use, which would result in the loss or reduction of historical or architectural significance.

205.06.03 - Project Design

In order to assure that the character of the structure and site will be preserved after conversion, the developer will be required to submit plans (in addition to the site plan required in Section 110) with the application, which indicates the following:

- a. Proposed exterior facade treatment;
- b. Interior remodeling plans (showing major structural changes);
- c. Landscaping plan;
- d. Proposed signage;
- e. Positive changes resulting from the conversion which will upgrade the structure and site and aid in the retention of historically or architecturally significant elements of the structure and site;
- f. Any other structural or site changes which would affect its character.

205.06.04 - Required Off Street Parking

The City recognizes that Section 205.06 generally applies to large structures with little or no remaining available property for off-street parking either on or off site. Where the Commission finds that the provisions of Section 205.07 have been met, the following exception to Section 301, Off Street Parking, may be permitted:

Parking may be permitted in any adjoining blocks where adequate parking can be made available.

Section 205.07 - General Criteria for Special Development

205.07.01 - General Provisions

Those types of special development as stated in Section 205.02.02, subject to the provisions of this section are use types commonly needed to provide services to the community.

Such use types shall be permitted conditionally provided that:

- a. The proposed use, location, and site plan is found to be in conformance with the purposes and objectives of this ordinance.
- b. The minimum requirements of Section 205.04 or 205.05 are met; excluding major impact facilities located in a public right-of-way.
- c. The proposed use will not have an adverse impact on area traffic and parking availability.

[Section 205 amended by Ordinance 90-08, §28, passed February 20, 1990.]

SECTION 206 - DISTRICT RD-6

Section 206.01 - Purpose

The purpose of this district is to allow for a variety of single family housing types in newly developing low density residential areas of the City. The district is intended to provide the option for different residential building types on smaller lots than generally allowed in the RS-3.5 and RS-5 districts, as well as to encourage efficiencies in the provision of streets, utilities, and usable open space.

Section 206.02 - Permitted Uses

206.02.01 - General Development

a. Primary Uses Permitted Outright:

1. a. Residential Use Types:
 - Family
- b. Residential Building Types:
 - Single Detached Dwelling Unit
 - Single Detached (Zero Lot Line) Dwelling Unit
 - Single Attached (Zero Lot Line) Dwelling Unit (no more than two units)
 - Duplex
2. Civic Use Types
 - Community Recreation
 - Public Safety Services

b. Accessory Uses Permitted Outright

1. Sports and Recreation (personal use)
2. Horticulture (personal use)
3. Tree, Row, and Field Crops (personal use)
4. Essential Services
5. Other development customarily incidental to the primary uses in accordance with Section 303.
6. Model Dwelling Units (to be reviewed and approved at time of project approval).
7. Home occupations, as defined in Section 101.03.
8. Family day care, as defined in Section 101.03.

206.02.02 - Special Development

- a. Special Development - Type I: Subject to review in accordance with Section 110, Conditional Development.

1. Major impact services and utilities
 2. Cultural Exhibits and Library Services
 3. Religious Assembly
 4. Funeral and Interment Services (interring and cemeteries only)
 5. Sports and Recreation (spectator and participant general)
 6. Lodges, Fraternal and Civic Assembly
 7. Planned Developments in accordance with Section 112.
- b. Special Development - Type II
1. Townhouses or attached dwelling units (maximum of five attached units), not to exceed a gross density of six units per acre, to be reviewed in accordance with Section 108, Plan Compatibility Review.
 2. Minor impact utilities to be reviewed in accordance with Section 108, Plan Compatibility Review.

[Section 206.02 amended by Ordinance 90-08, §29, passed February 20, 1990.]

Section 206.03 - Lot Area and Width Minimum Standards

- a. Single Detached, Single Detached (Zero Lot Line), and Single Attached (Zero Lot Line) Dwelling Units:
1. Lot Area - 5,000 square feet
 2. Minimum Average Lot Width - 50 feet
- b. Duplex:
1. Lot Area - 10,000 square feet
 2. Minimum Average Lot Width - 100 feet

Section 206.04 - Site Coverage

The maximum site coverage for buildings shall be 40 percent of the lot area.

Section 206.05 - Minimum Setback Requirements

- a. Minimum Front Yards - 10 feet. A minimum of 19 feet in depth shall be provided from the front of a garage or carport to the back of a designated sidewalk.

- b. Minimum Average Rear Yards - 15 feet except that the minimum average rear yard may be reduced to 5 feet in cases where the provision and protection of solar access to the proposed building and to buildings and buildable areas on adjacent lots can be assured consistent with Section 310.
- c. Combined Yards - Combined front and rear yards shall be not less than 35 feet except that where the average rear yard is reduced below 15 feet, then combined front and side yards shall be not less than 35 feet.
- d. Side Yards:
 - 1. Single detached dwelling unit - 5 feet for each side yard.
 - 2. Single detached and attached (zero lot line) dwelling units:
 - 8 feet on one side of the dwelling unit with no (0 feet) setback on the opposite side provided the following provision is met:

The developer will submit prior to building permit approval a recorded easement running with the land (of a minimum 5 feet in width), between the subject property and the abutting lot next to the yard to be eliminated, sufficient to guarantee rights for maintenance purposes of structures and yards.
 - 3. Duplex - 10 feet for each side yard.
- e. A vision clearance area on exterior side yards of corner lots to be provided in accordance with Section 101, Vision Clearance.

[Section 206.05 amended by Ordinance 84-66, §18, passed December 4, 1984.]

Section 206.06 - Height of Structures

No structure shall exceed 30 feet in height nor shall a structure exceed the height of a solar envelope approved under Section 310. [Section 206.06 amended by Ordinance 84-66, §19, passed December 4, 1984.]

Section 206.07 - Off-Street Parking Facilities

Off-street parking facilities shall be provided on the site of each use in accordance with Section 301.

[Section 206 amended by Ordinance 83-30, §12, passed March 21, 1983; Ordinance 90-08, §29, passed February 20, 1990.]

SECTION 207 - DISTRICT P-AO (PROFESSIONAL AND ADMINISTRATIVE OFFICE DISTRICT)

Section 207.01 - Purpose

The purposes of the District are to establish suitable urban areas for diversified office uses in concentrated centers and in appropriate isolated locations; to accommodate the location of intermediate uses between residential districts and areas of more intense development; to afford opportunities for employment and for business and professional services in close proximity to residential neighborhoods and transportation facilities; to provide for a range of compatible and supportive uses; to promote user convenience and the conservation of energy; and to establish development standards which assure consistency with the Comprehensive Plan.

Section 207.02 - Permitted Uses

207.02.01 - General Development

a. Primary Uses Permitted Outright

1. Civic Use Types:
 - Administrative services
 - Minor impact utilities
 - Parking services
 - Postal services
 - Public safety services
2. Commercial Use Types:
 - Business support services
 - Finance, insurance, real estate services
 - Medical services
 - Professional and administrative services
 - Research services

b. Accessory Use Types Permitted Outright

1. Residential use types as permitted in the RS-20 district as listed in Subsection 205.02.01.a.1 which shall either be developed simultaneously with or following development of primary and accessory uses permitted outright and; location of residences shall be indicated on the initial site plan required for plan compatibility review. Said residence(s) shall be arranged and located for principal service to the employees or users of one or more primary uses on the same development site or in the immediate vicinity subject to the regulations of Sections 207.03-207.08.
2. Essential services
3. Participant sports and recreation - indoor
4. Required off-street parking in accordance with Section 301.

5. Home occupations (applicable to residential units) as defined in Section 101.03.
6. Other development customarily incidental to the primary uses in accordance with Section 303.
7. Family day care, accessory to a permitted residential use.

207.02.02 - Special Development

- a. Special Development - Type I: subject to review in accordance with Section 110, Conditional Development, and Section 207.09.
 1. Major impact services and utilities
 2. Planned development in accordance with Section 112.

[Section 207.02 amended by Ordinance 90-08, §30, passed February 20, 1990.]

Section 207.03 - Dimensional Requirements

The lot size permitted or authorized in this district shall be adequate to fulfill the applicable minimum lot coverage, development criteria, and parking requirements of the district.

Section 207.04 - Setbacks

Setbacks for lot lines abutting:

- a. Residential Districts: Shall be equal to the most restrictive setback required in the abutting subject yards.

This area shall be established and maintained as a landscaped buffer area in accordance with the applicable standards of Section 302 and Subsection 207.07.

No parking or loading areas or driveways shall occupy the landscaped buffer area.

- b. All Other Districts: None except where the lot abuts a street, then provisions of the following section shall apply.
- c. Streets: The following minimum setbacks for any structure in any yard shall apply:
 1. Arterial Streets - 60 feet
 2. Collector Streets - 40 feet
 3. All Other Streets - 25 feet
- d. There are no requirements for separation between buildings or setbacks from any created interior lot lines other than those specified in the Uniform Building Code.

Section 207.05 - Height of Structures

The maximum height of structures shall not exceed 45 feet (or 3 stories, whichever is less) except that structures abutting a district having a height limit less than 45 feet shall be 2-1/2 stories or 35 feet, whichever is less.

Section 207.06 - Site Coverage

Impervious surfaces (excluding open space/landscape elements) shall not exceed 65 percent of the gross square footage of the site area.

Section 207.07 - Development Criteria and Requirements List

The goals used in developing the following criteria were to make them very specific and quantifiable, and allow for flexibility in design.

The elements of the list are grouped into four categories: Site Design, Structure, Neighborhood Impact, and Energy Efficiency. Each element contains 5 to 22 criteria that are often interdependent or at least show strong causal relationships between each other. Points have been assigned to elements according to their impact on the area, site, structure, and the energy efficiencies of development. Criteria will differ in importance, depending on individual circumstances, and the relative importance of selecting one optional criteria over another should be evaluated by the developer.

Recognizing that the stated criteria list to follow is not all inclusive, and that alternative design solutions may be appropriate, the developer may propose to the Director any additional or alternative criteria to be considered for awarded points. Alternative criteria should be submitted for consideration to the Director prior to building permit submittal. The Director may assign points where he finds that the alternative meets the intent and objectives of this Code. Points awarded to the alternative criteria shall be based on those given to the most closely related item or items in the following list.

In addition to the minimum requirements marked with an asterisk (*) below, the applicant must obtain the specified minimum points where required in each category (for a subtotal of 270 points); and in order to obtain a building permit, a total of 370 points out of a total of 1,300 possible points must be accrued. The 100 remaining points can be chosen from any category.

207.07.01 - Site Design (90 points required)

The site design should mitigate negative impacts through the most effective arrangement of structures, parking areas, walks, entries, and landscaping.

All landscaping elements are subject to the requirements of Section 302.

MINIMUM REQUIREMENTS

- * A minimum of 35 percent of the total lot area shall be retained as open space, landscaped with a mixture of vertical (trees, tall shrubs, and hedges) and horizontal (grass, ground cover, etc.) elements; courtyards, decks, sidewalks, and other features (bike paths, areas of congregation, etc.) can be included in the open space requirement but excludes parking areas and primary use structures.
- * Street trees required, one every 50 feet minimum. Species may be selected from the list as given in Section 302.
- * Screening with vertical elements from parking areas, streets, and drives shall be required and functional at the time of occupancy and shall be predominantly of natural materials, developed in accordance with Section 302.
- * Trash receptacles shall be screened on four sides in accordance with Section 302.
- * Hard surfaced open space shall not exceed one-third (1/3) of the horizontal open space area.
- * No more than 40 percent of the landscaping treatment in bark chips, mulch, dust, etc.
- * Irrigation system to support landscaping.

OPTIONAL

- 60 Underground parking for all the required parking (points directly proportional to the number of spaces provided, 1/2 provided = 1/2 number of points).
- 35 Parking arranged in small clusters of not more than 16 spaces in one cluster.
- 30 Covered parking above grade for all of the required parking (15 points for half of the required number and 20 for two-thirds of the required number of spaces).
- 30 Grass or other plant material used as ground cover.
- 25 Shared access with neighboring site: establish reciprocal access agreements.
- 20 Increase in landscaped area by 10 percent.
- 20 Provision of trees on site greater than 1-1/2-inch caliber at dbh upon installation.
- 20 Provision of shrubs greater than size typically found in gallon containers upon installation.

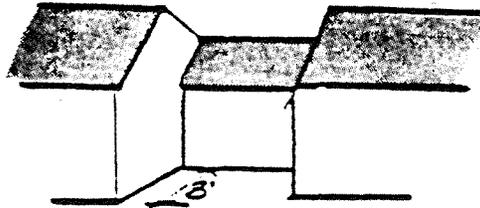
- 20 Preservation of existing healthy mature trees in areas other than parking areas.
- 20 Parking in the rear or side of structures with structures fronting on the street or landscaped courtyard/area.
- 15 Development whose structural separation exceeds the setback requirement by over 5 feet.
- 10 Preservation of existing healthy mature trees in parking areas.

207.07.02 - The Structure

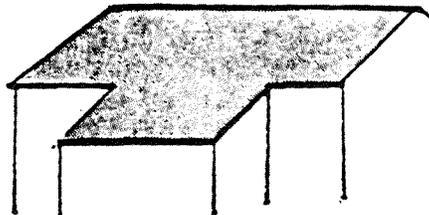
MINIMUM REQUIREMENTS

* Along the vertical face of a structure, offsets shall occur at a minimum of every 30 feet by providing two of the following:

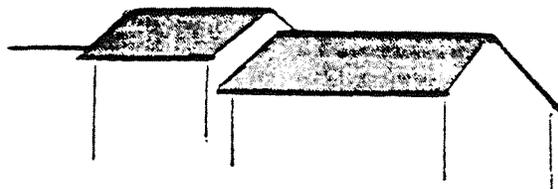
Recesses (entrances, floor area, etc.) of a minimum depth of 8 feet.



Extensions (entrances, floor area, etc.) at a minimum clearance of 8 feet, a minimum depth of 8 feet, and a maximum length of an overhang shall be 25 feet.



Offsets or breaks in roof elevation by a minimum of 3 feet or more in height.



OPTIONAL

- 40 Pitched roofs used (minimum 4:12 pitch).
- 20 Transitional elements between public areas and structures such as landings, fences, foyers, patios, and gates.
- 10 Inner courtyard or atrium.

207.07.03 - Neighborhood Impact (90 points required)

MINIMUM REQUIREMENTS

- * Artificial lighting shall be so arranged and constructed as to not produce direct glare on adjacent residential properties or otherwise interfere with the use and enjoyment of adjacent property.
- * Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.

OPTIONAL

- 60 Development which visually compliments a residential neighborhood environment (and 15 additional points where the project abuts a more restrictive district) by using similar architectural style elements (i.e., pitched roofs, vertical windows, trim at windows, porches.)
- 60 Formation of a block parking assessment district in accordance with Section _____ (reserved).
- 40 Provision of either dedicated open space or quasi public open space (protected through scenic or view easements, deed restrictions, special setback requirements, and restriction of tree cutting, etc.) of 20 percent greater than that already provided through 35 percent requirement.
- 35 Conversion and renovation of an existing structure which conforms to new regulations and options (as opposed to remaining a nonconforming structure).
- 35 Conversion and renovation of an existing structure which conforms to new regulations and options (as opposed to new construction).
- 30 Use of wood siding and/or brick for exterior facade treatment.
- 20 Provide bike paths on projects.

207.07.04 - Energy Efficiency (90 points required)

MINIMUM REQUIREMENTS

- * Appropriate planting materials to provide shade in the summer and protection from weather in the winter.
- * Eaves/canopies/awnings extending the length of south and west facing windows, projecting away from wall a distance equal to 1/2 the height from window sill to ceiling. Additional points if canopies and awnings are retractable (adjustable); can be regulated seasonally.

OPTIONAL

- 75 Solar heating system active.
- 75 Use of materials within building with heat retention and storage capabilities (water, brick, stone, heavy masonry) in floors and walls predominately; surface area of thermal mass exposed to sunlight, five times the area of the south facing windows.
- 45 Provide solar easements for adjacent parcels.
- 40 Facing longest side of structure to orient within 20° of true south.
- 35 Appliances with energy savings devices (time setback thermostats, insulation of water heater, etc.).
- 35 Provide secured, covered storage areas with lock-up capabilities.
- or
- 30 Provide secured bike storage areas with lock-up capabilities.
- 30 Placing of any buildings greater in height to the north portion of the site where there is more than one building on site (either existing or proposed) and providing 1-1/2 times the required SSE along the north side.
- 30 Insulation in excess of R value required by UBC.
- 30 Where streets are created streets on project oriented east-west.
- 30 Seal sole plate to subfloor with caulking or fiberglass sill sealer.
- 25 Thermal windows provided.

- 25 Placement of water heater within insulated part of structure.
- 20 Caulked/insulated electrical outlets on exterior walls.
- 20 1-3/4-inch metal faced exterior doors with polyurethane.
- 20 Use of florescent rather than incandescent lighting for bathrooms and utility rooms.
- 20 Distribution and fuse boxes located on interior walls.
- 15 Provide air locks (double door foyer entry, etc.).
- 15 Provision of thermal drapes, shutters, or other insulating window covers.
- 15 Maximum of 10 percent of total gross floor area in windows.
- 15 Thermal skylights on south or west facing roofs and thermal clerestory windows provided (number of points provided is directly proportional to the number of top floor units with skylights and clerestory windows).

Section 207.08 - Off Street Parking Facilities

Off-street parking facilities shall be provided on the site of each use as presented in Section 301.

Section 207.09 - General Criteria for Special Development

207.09.01 - General Provisions

Those types of special development as stated in Section 207.02.02, subject to the provisions of this section are use types needed to provide services to the community. Such use types shall be permitted conditionally provided that:

- a. The proposed use, location, and site plan is found to be in conformance with the purposes and objectives of this ordinance.
- b. The minimum requirements of Section 207.03 - 207.08 are met; excluding major impact facilities located in a public right-of-way.
- c. The proposed use will not have an adverse impact on area traffic and parking availability.

Section 207.10 - Plan Compatibility Review

Development of this district shall be subject to Plan Compatibility Review in accordance with Section 108 and Section 207.09.

SECTION 208 - DISTRICT SA (SHOPPING AREA)

Section 208.01 - Purpose

The purposes of the Shopping Area District are to provide for concentrations of small retail businesses and commercial and personal service activities and related uses necessary to satisfy the daily shopping and related needs of nearby residents, to locate a range of businesses for user convenience, to assure commercial development at a scale compatible with nearby residences and to preserve residential privacy, to minimize hazards, noise, traffic congestion, and other related effects of commercial concentrations.

Section 208.02 - Permitted Uses

208.02.01 - General Development

a. Primary Uses Permitted Outright

1. Civic Use Types:

- Administrative services
- Cultural exhibits and library services
- Minor impact utilities
- Lodge, fraternal, and civic assembly
- Postal services
- Public safety services

2. Commercial Use Types:

- Business equipment sales and services
- Communications services - service centers only
- Convenience sales and personal services
- Financial, insurance, and real estate services
- Food and beverage retail sales
- Personal services - general
- Repair services - consumer

b. Accessory Uses Permitted Outright

1. Essential services
2. Required off-street parking in accordance with Section 301.
3. Other development customarily incidental to the primary use in accordance with Section 303.

208.02.02 - Special Development

a. Special Development - Type I: subject to review in accordance with Section 110, Conditional Development, and Section 208.09.

1. Eating and drinking establishments, sit-down
2. Fast order food establishments
3. Fuel sales

4. Parking services
5. Planned development in accordance with Section 112.
6. Major impact services and utilities

Section 208.03 - Dimensional Requirements

- a. The site size permitted in this district shall be adequate to fulfill the applicable minimum lot coverage, development criteria, and parking requirements of the district.

Section 208.04 - Separation Between Structures

Setbacks for lot lines abutting:

- a. Residential Districts: Shall be equal to the most restrictive setback required in the abutting subject yards.

This area shall be established and maintained as a landscaped buffer area in accordance with the applicable standards of Section 302 and Subsection 208.07.

No parking or loading areas or driveways shall occupy the landscaped buffer area.

- b. All Other Districts: None except where the lot abuts a street, then provisions of the following section shall apply.

- c. Streets: The following minimum setbacks for any structure in any yard shall apply:

1. Arterial Streets - 60 feet
2. Collector Streets - 40 feet
3. All Other Streets - 25 feet

- d. There are no requirements for separation between buildings or setbacks from any created interior lot lines other than those specified in the Uniform Building Code.

Section 208.05 - Height of Structures

The maximum height of structures shall not exceed 30 feet in height.

Section 208.06 - Site Coverage

The maximum site coverage by impervious surfaces (excluding open space/landscape elements) shall not exceed 65 percent.

Section 208.07 - Development Criteria and Requirements List

The goals used in developing the following criteria were to make them very specific and quantifiable, and allow for flexibility in design.

The elements of the list are grouped into four categories: Site Design, Structure, Neighborhood Impact, and Energy Efficiency. Each element contains 5 to 22 criteria that are often interdependent or at least show strong causal relationships between each other. Points have been assigned to elements according to their impact on the area, site, structure, and the energy efficiencies of development. Criteria will differ in importance, depending on individual circumstances, and the relative importance of selecting one optional criteria over another should be evaluated by the developer.

Recognizing that the stated criteria list to follow is not all inclusive, and that alternative design solutions may be appropriate, the developer may propose to the Director any additional or alternative criteria to be considered for awarded points. Alternative criteria should be submitted for consideration to the Director prior to building permit submittal. The Director may assign points where he finds that the alternative meets the intent and objectives of this Code. Points awarded to the alternative criteria shall be based on those given to the most closely related item or items in the following list.

In addition to the minimum requirements marked with an asterisk (*) below, the applicant must obtain the minimum points where required in each category (for a subtotal of 270 points); and in order to obtain a building permit, a total of 370 points out of a total of 1,280 possible points must be accrued. The remaining 100 points can be chosen from any category.

208.07.01 - Site Design (90 points required)

The site design should mitigate negative impacts through the most effective arrangement of structures, parking areas, walks, entries, and landscaping.

All landscaping elements are subject to the requirements of Section 302.

MINIMUM REQUIREMENTS

- * A minimum of 35 percent of the total lot area shall be retained as open space, landscaped with a mixture of vertical (trees, tall shrubs, and hedges) and horizontal (grass, ground cover, etc.) elements; courtyards, sidewalks, and other features (bike paths, areas of congregation, etc.) can be included in the open space requirement but excludes parking areas and primary use structures.
- * 40 percent or more of the landscaping treatment in plant materials.

- * Hard surfaced open space shall not exceed one-third (1/3) of the horizontal open space area.
- * Street trees required, one every 50 feet minimum. Species may be selected from the list as given in Section 302.
- * Screening with vertical elements from parking areas, streets, drives, and walks shall be required and functional at the time of occupancy and shall be predominantly of natural materials in accordance with Section 302.
- * Trash receptacles shall be screened on four sides in accordance with Section 302.
- * Irrigation systems to support landscaping.

OPTIONAL

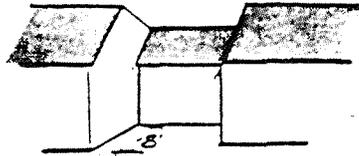
- 60 Underground parking for all the required parking (points directly proportional to the number of spaces provided, 1/2 provided = 1/2 number of points).
- 35 Parking arranged in small clusters of not more than 16 spaces in one cluster.
- 30 Covered parking above grade for all of the required parking (15 points for half of the required number and 20 for two-thirds of the required number of spaces).
- 30 Grass or other plant material used as ground cover.
- 25 Shared access with neighboring site: establish reciprocal access agreements.
- 20 Increase in landscaped area by 10 percent.
- 20 Provision of trees on site greater than 1-1/2-inch caliber at dbh upon installation.
- 20 Provision of shrubs greater than size typically found in gallon containers upon installation.
- 20 Preservation of existing healthy mature trees in areas other than parking areas.
- 20 Parking in the rear or side of structures with structures fronting on the street or landscaped courtyard/area.
- 15 Development whose structure separation exceeds the setback requirement by over 5 feet.
- 10 Preservation of existing healthy mature trees in parking areas.

208.07.02 - The Structure

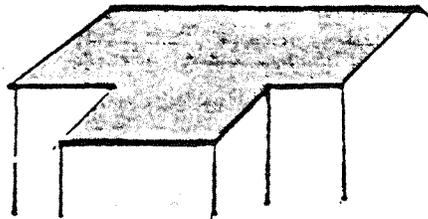
MINIMUM REQUIREMENTS

- * Along the vertical face of a structure, offsets shall occur at a minimum of every 30 feet by providing two of the following:

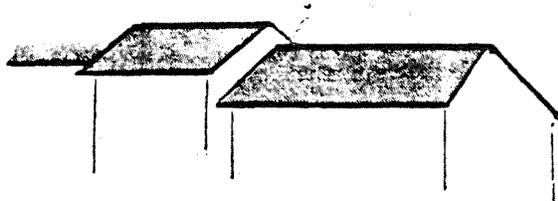
Recesses (entrances, floor area, etc.) of a minimum depth of 8 feet.



Extensions (entrances, floor area, etc.) at a minimum clearance of 8 feet, a minimum depth of 8 feet, and a maximum length of an overhang shall be 25 feet.



Offsets or breaks in roof elevation by a minimum of 3 feet or more in height.



OPTIONAL

- 40 Pitched roofs used (minimum 4:12 pitch).
- 10 Inner courtyard or atrium.

208.07.03 - Neighborhood Impact (90 points required)

MINIMUM REQUIREMENTS

- * Artificial lighting shall be so arranged and constructed as to not produce direct glare on adjacent residential properties or otherwise interfere with the use and enjoyment of adjacent property.
- * Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.
- * Service corridors/areas will be sited and screened to reduce the adverse effects of noise, odors, and visual clutter from any adjacent residential properties.

OPTIONAL

- 60 Development which visually compliments a residential neighborhood environment (and 15 additional points where the project abuts a more restrictive district) by using similar architectural style elements (i.e., pitched roofs, vertical windows, trim at windows, porches.)
- 60 Formation of a block parking assessment district in accordance with Section _____ (reserved).
- 40 Provision of either dedicated open space or quasi public open space (protected through scenic or view easements, deed restrictions, special setback requirements, and restriction of tree cutting, etc.) of 20 percent greater than that already provided through 35 percent requirement.
- 35 Conversion and renovation of an existing structure which conforms to new regulations and options (as opposed to remaining a nonconforming structure).
- 35 Conversion and renovation of an existing structure which conforms to new regulations and options (as opposed to new construction).
- 30 Use of wood siding and/or brick for exterior facade treatment.
- 20 Provide bike paths on projects.

208.07.04 - Energy Efficiency (90 points required)

MINIMUM REQUIREMENTS

- * Appropriate planting materials to provide shade in the summer and protection from weather in the winter.

- * Eaves/canopies/awnings extending the length of south and west facing windows, projecting away from wall a distance equal to 1/2 the height from window sill to ceiling. Additional points if canopies and awnings are retractable (adjustable); can be regulated seasonally.

OPTIONAL

- 75 Solar heating system active.
- 75 Use of materials within building with heat retention and storage capabilities (water, brick, stone, heavy masonry) in floors and walls predominately; surface area of thermal mass exposed to sunlight, five times the area of the south facing windows.
- 45 Provide solar easements for adjacent parcels.
- 40 Facing longest side of structure to orient within 20° of true south.
- 35 Appliances with energy savings devices (time setback thermostats, insulation of water heater, etc.).
- 35 Provide secured, covered storage areas with lock-up capabilities.

or
- 30 Provide secured bike storage areas with lock-up capabilities.
- 30 Placing of any buildings greater in height to the north portion of the site where there is more than one building on site (either existing or proposed) and providing 1-1/2 times the required SSE along the north side.
- 30 Insulation in excess of R value required by UBC.
- 30 Where streets are created streets on project oriented east-west.
- 30 Seal sole plate to subfloor with caulking or fiberglass sill sealer.
- 25 Thermal break windows on units (nonconductive layers sandwiched between the inside and outside facing of surface of the frame.
- 25 Placement of water heater within insulated part of the structure.
- 20 Caulked/insulated electrical outlets.
- 20 1-3/4-inch metal faced exterior doors with polyurethane.

- 20 Use of florescent rather than incandescent lighting for bathrooms and utility rooms.
- 20 Distribution and fuse boxes located on interior walls.
- 15 Provide air locks (double door foyer entry, etc.).
- 15 Provision of thermal drapes.
- 15 Maximum of 10 percent of total gross floor area in windows.
- 15 Thermal skylights on south or west facing roofs and thermal clerestory windows provided (number of points provided is directly proportional to the number of top floor units with skylights and clerestory windows).

Section 208.08 - Off Street Parking Facilities

Off-street parking facilities shall be provided on the site of each use as presented in Section 301.

Section 208.09 - General Criteria for Special Development

208.09.01 - General Provisions

Those types of special development as stated in Section 208.02.02, subject to the provisions of this section, are use types needed to provide services to the community.

Such use types shall be permitted conditionally provided that:

- a. The proposed use, location, and site plan is found to be in conformance with the purposes and objectives of this ordinance.
- b. The minimum requirements of Section 208.03 - 208.08 are met; excluding major impact facilities located in a public right-of-way.
- c. The proposed use will not have an adverse impact on area traffic and parking availability.

Section 208.10 - Plan Compatibility Review

Development in this district shall be subject to Plan Compatibility Review in accordance with Section 108 and Section 208.09.

SECTION 208.50 - DISTRICT SA (U) (SHOPPING AREA - UNIVERSITY)

Section 208.50.01 - Purpose

The purpose of this district is to provide for concentrations of small retail businesses, commercial, and personal service activities in areas that are adjacent to Oregon State University and which have a large concentration of pedestrian activity. The intent is to promote efficient commercial development of these areas by emphasizing their unique orientation to the pedestrian rather than to the automobile. Development shall reflect the predominant existing development pattern in the district and be compatible with nearby residential areas. [Section 208.50.01 amended by Ordinance 88-36, §2, passed July 18, 1988.]

Section 208.50.02 - Permitted Uses

208.50.02.01 - General Development

a. Primary Uses Permitted Outright:

1. Civic Use Types:

- Administrative services
- Cultural exhibits and library services
- Minor impact utilities
- Lodge, fraternal, and civic assembly
- Parking services
- Postal services
- Public safety services

2. Commercial Use Types: (Intended to provide convenience shopping needs for the neighboring residential area as well as the more general retail and service needs of the university population):

- Business equipment sales and services
- Communications services - service centers only
- Convenience sales and personal services
- Eating and drinking establishments, sit-down
- Fast order food establishments
- Financial, insurance, and real estate services
- Food and beverage retail sales
- Fuel sales
- Personal services - general
- Repair services - consumer
- Retail sales - university

[Section 208.50.02.01(a)(2) amended by Ordinance 88-36, §2, passed July 18, 1988.]

b. Accessory Uses Permitted Outright:

1. Essential services.

2. Other development customarily incidental to the primary use in accordance with Section 303.

3. a. Residential Use Types:
 - Family residential
 - Group residential/group care
- b. Residential Building Type:
 - Multi-dwelling

208.50.02.02 - Special Development

- a. Special Development - Type I: Subject to review in accordance with Section 110, Conditional Development, and Section 208.09:
 1. Major impact services and utilities.
 2. Religious assembly.
 3. Spectator sports and entertainment, limited.

Section 208.50.03 - Dimensional Requirements

The site size permitted in this district shall be adequate to fulfill the applicable environmental standards and other development standards.

[Section 208.50.03 amended by Ordinance 88-36, §2, passed July 18, 1988.]

Section 208.50.04 - Height of Structures

The maximum height of structures shall not exceed 30 feet.

Section 208.50.05 - Environmental Standards

- a. Noise created by venting and air-conditioning shall be directed away from any adjacent residential district.
- b. Fumes and odors shall be directed away from any adjacent residential district.
- c. Artificial lighting shall be arranged and constructed as to not produce direct glare towards adjacent residential properties or streets.

Section 208.50.06 - Setback Requirements

- a. There is no minimum setback (other than those required by the Uniform Building Code or vision clearance triangles) for any commercial structure that abuts a public right-of-way or a commercial district.
- b. The following setbacks shall apply when a commercial structure abuts a residential district:
 1. If both structures have windows facing each other there shall be a minimum separation of 25 feet.
 2. If either structure has windows facing a blank wall there shall be a minimum separation of 15 feet.

3. If both structures have opposing blank walls there shall be a minimum separation of 10 feet.

[Section 208.50.06 amended by Ordinance 88-36, §2, passed July 18, 1988.]

Section 208.50.07 - Landscaping, Screening and Weather Protection

- a. Landscaping and screening shall be required, in accordance with Section 302. In addition, parking areas that abut residential uses shall be screened from such uses by a wall that effectively reduces or eliminates the adverse impacts of visual and noise pollution.
- b. Structures which abut a public right-of-way shall incorporate eaves, canopies or awnings of adequate width to provide weather protection into their design.

[Section 208.50.07 added by Ordinance 88-36, §2, passed July 18, 1988.]

Section 208.50.08 - Off Street Parking

Parking, loading, and access shall meet the requirements in Section 301 except as modified by the following standards:

- a. All parking shall be located in the rear portion of the development site.
- b. The number of required parking spaces may be reduced by up to 33% of that specified in Section 301.03 where all of the following criteria can be demonstrably met:
 1. Customers would primarily walk or rely on bicycles; and
 2. The anticipated times of parking demand would not conflict with other parking demands in the area; and
 3. Employee and delivery truck parking is available; and
 4. A partial waiver from on-site parking requirements would not adversely affect parking in the surrounding areas.
- c. One bicycle parking space shall be provided for each 200 square feet of gross floor area.

[Section 208.50 added by Ordinance 84-49, §1, passed July 16, 1984 and Section 208.50.08 added by Ordinance 88-36, §2, passed July 18, 1988.]

SECTION 209 - DISTRICT CS (COMMUNITY SHOPPING)

Section 209.01 - Purpose

The purpose of the Community Shopping District is to provide for a wide range of commercial activities in a community scale shopping center.

Section 209.02 - Permitted Uses

209.02.01 - General Development

a. Primary Uses Permitted Outright

1. Civic Use Types:
 - Administrative services
 - Cultural exhibits and library services
 - Lodge, fraternal, and civic assembly
 - Minor impact utilities
 - Postal services
 - Public safety services

2. Commercial Use Types:
 - Animal sales and services:
 - Grooming
 - Kennels
 - Veterinary (small animals)
 - Automotive and Equipment:
 - Cleaning
 - Repairing, Light Equipment
 - Sales/Rental: Light Equipment
 - Building maintenance services
 - Business equipment sales and services
 - Business support services
 - Communication services
 - Construction sales and service
 - Convenience sales and personal services
 - Financial, insurance, and real estate services
 - Food and beverage sales
 - Fuel sales
 - Funeral and interment services:
 - Undertaking
 - Laundry services
 - Medical services
 - Personal services - general
 - Professional and administrative services
 - Repair services - consumer
 - Retail sales - general
 - Swap meets
 - Transient habitation - lodging

b. Accessory Uses Permitted Outright

1. Essential services
2. Required off-street parking in accordance with Section 301
3. Other development customarily incidental to the primary use in accordance with Section 303

209.02.02 - Special Development

a. Special Development - Type I: The following uses may be permitted subject to review in accordance with Section 110, Conditional Development:

1. Major impact services and utilities;
2. Planned development in accordance with Section 112.

b. Special Development - Type II: The following uses may be permitted subject to review in accordance with Section 108, Plan Compatibility Review:

1. Drive-in facilities (financial institutions, eating establishments, etc.);
2. Eating and drinking establishments - all use types;
3. Participant sports and recreation - indoor and outdoor;
4. Spectator sports - entertainment, limited;
5. Family residential in conjunction with a civic or commercial use type:

Residential building type:
- Multi-dwelling

Section 209.03 - Dimensional Requirements

209.03.01 - Lot Area

The minimum lot area shall be 43,560 square feet.

209.03.02 - Setbacks

- a. Front and exterior side yards - front and exterior side yard on arterial streets shall have a minimum depth of 60 feet. Front and exterior side yards on all other streets shall have a minimum depth of 40 feet.

- b. No side or rear yard shall be required, except where the side or rear yard lot line abuts a residential district where the minimum setback shall be 15 feet.

Section 209.04 - Building Height

No structure shall exceed 35 feet in height.

Section 209.05 - Landscaping and Screening

- a. Boundary area - a boundary landscaping area on any abutting streets or abutting residential district is required and shall be developed subject to the provisions of this subsection and Section 302. Those portions of property lines where driveways, accessways, and walks are provided are exempted from the provisions of this section.
 - 1. The minimum average width of a boundary area shall be 15 feet;
 - 2. Landscaping shall consist of an effective combination of ground cover, shrubbery, and trees to serve as a screen or buffer area between different types of uses, parking areas, and the street;
 - 3. An irrigation system shall be provided.
- b. On-site landscaping shall be established to provide a visual break along the face of buildings. In large parking lots, landscaped areas shall be landscaped to control traffic, facilitate pedestrian movement, screen headlights, and lessen the visual impacts of parking lots in accordance with Section 302.
- c. Storage and Refuse Collection Areas: All outdoor storage areas and refuse collection areas shall be screened on four sides so that materials stored within these areas shall not be visible from accessways and adjacent properties. Such areas shall not be permitted within boundary landscaping areas.
- d. Artificial lighting shall be so arranged and constructed as to not produce direct glare on adjacent residential properties or streets.
- e. Service corridors/areas will be sited and screened to reduce the adverse effects of noise, odors, and visual clutter from any adjacent residential properties.

Section 209.06 - Parking, Loading, and Access Requirements

Parking, loading, and access requirements shall be provided in accordance with Section 301.

[Section 209 added by Ordinance 82-35, §1, passed April 5, 1982.]

[Former Sections 209, 210, 211, 212, 213, 214, and 215, renumbered Sections 210, 211, 212, 213, 214, 215, and 216, respectively, by Ordinance 82-35, §1, passed April 5, 1982.]

SECTION 210 - DISTRICT LC (LINEAR COMMERCIAL)

Section 210.01 - Purpose

This district is primarily intended to provide areas for those commercial uses and related businesses which require large land areas for structures and parking facilities and direct automobile access; and other related services and businesses.

Section 210.02 - Permitted Uses

210.02.01 - General Development

a. Primary Uses Permitted Outright

1. Civic Use Types:

- Administrative services
- Clinic services
- Cultural exhibits and library services
- Lodges, fraternal, and civic assembly
- Parking services
- Postal services
- Public safety services

2. Commercial Use Types:

- Agricultural sales
- Animal sales and services:
 - Grooming
 - Kennels
 - Veterinary (large and small animals)
- Automotive and Equipment:
 - Cleaning
 - Fleet Storage
 - Parking
 - Repairing, Light Equipment
 - Sales/Rental: Farm Equipment
 - Sales/Rental: Heavy Equipment
 - Sales/Rental: Light Equipment
- Building maintenance services
- Business equipment sales and services
- Business support services
- Communication services
- Construction sales and service
- Convenience sales and personal services
- Eating and drinking establishments - all use types
- Financial, insurance, and real estate services
- Food and beverage sales
- Fuel sales
- Funeral and interment services:
 - Undertaking
- Laundry services
- Medical services

- Participant sports and recreation:
indoor and outdoor
- Personal services - general
- Professional and administrative services
- Repair services - consumer
- Retail sales - general
- Spectator sports - entertainment, limited
- Swap meets
- Transient habitation - lodging
- Wholesaling, storage and distribution:
Mini-warehouses
Light

3. Industrial Use Type:
 - Limited manufacturing

b. Accessory Uses Permitted Outright

1. Essential services
2. Required off-street parking in accordance with Section 301
3. Other development customarily incidental to the primary use in accordance with Section 303

210.02.02 - Special Development

- a. Special Development - Type I: subject to review in accordance with Section 110, Conditional Development, and Section 210.07.

1. Major impact services and utilities
2. Planned development in accordance with Section 112.

b. Special Development - Type II

1. Minor impact utilities to be reviewed in accordance with Section 108, Plan Compatibility Review, and Section 210.07
2. Any use which provides for drive-in facilities (financial institutions, eating establishments, etc.) shall be reviewed in accordance with Section 108, Plan Compatibility Review, and Section 210.07.

Section 210.03 - Dimensional Requirements

210.03.01 - Lot Area

The minimum lot area shall be 15,000 square feet with a minimum average width of 100 feet and a minimum depth of 150 feet except:

- a. Smaller lots may be created through the subdivision process; or
- b. Through the minor or major land partitioning process subject to the requirements of Section 108, Plan Compatibility Review.

210.03.02 - Setbacks

- a. Front and exterior side yards - front and/or exterior side yard on arterial or collector streets shall have a minimum depth of 60 feet. Front and/or exterior side yards on all other streets shall have a minimum depth of 40 feet.
- b. Rear yard shall have a minimum depth of 15 feet.
- c. Side yards shall have a minimum depth of 10 feet except if the subject site(s) is adjacent to: a commercial or industrial district, no side yard setback shall be required herein, subject to the requirements of the Uniform Building Code.
- d. In all cases, no commercial structure shall be located closer to an adjacent parcel in a residential district, than a distance equal to the height of the commercial structure, where said distance is greater than the established setbacks.

Section 210.04 - Building Height

No structure shall exceed 35 feet in height.

Section 210.05 - Landscaping and Screening

- a. Boundary area - a boundary landscaping area on any abutting streets is required and shall be developed subject to the provisions of this subsection and Section 302. Those portions of property lines where driveways, accessways, and walks are provided are exempted from the provisions of this section.
 1. The minimum width of a boundary area shall be 10 feet;
 2. Landscaping in the area shall consist of an effective combination of ground cover, shrubbery, with a minimum of bark mulch encouraged to serve as a screen or buffer area between parking areas and the street;
 3. An irrigation system shall be provided.
- b. Driveways and parking areas - screening with vertical elements from parking areas, streets, and drives shall be required and functional at the time of occupancy, shall be predominately natural materials, and in accordance with Section 302.
- c. Storage and Refuse Collection Areas: All outdoor storage areas and refuse collection areas shall be screened on four sides so that materials stored within these areas shall not be visible from accessways and adjacent properties. Such areas shall not be permitted within boundary landscaping areas.

Section 210.06 - Off-Street Parking Facilities

Off-street parking shall be provided in accordance with Section 301.

Section 210.07 - General Criteria for Special Development

210.07.01 - General Provisions

Those types of special development as stated in Section 210.02.02, subject to the provisions of this section, are use types needed to provide services to the community.

Such use types shall be permitted conditionally provided that:

- a. The proposed use, location, and site plan is found to be in conformance with the purposes and objectives of this ordinance.
- b. The minimum requirements of Section 210.03 - 210.06 are met; excluding major impact facilities located in a public right-of-way.
- c. The proposed use will not have an adverse impact on area traffic and parking availability.

SECTION 211 - DISTRICT CB (CENTRAL BUSINESS DISTRICT)

Section 211.01 - Purpose

The purposes of the district are to provide commercial uses as well as civic and residential uses and to provide all basic services and amenities required to keep Downtown the vital center of our community.

[Section 211.01 amended by Ordinance 83-19, §4, passed March 8, 1983; amended by Ordinance 89-03, §10, passed February 6, 1989.]

Section 211.02 - Permitted Uses

211.02.01 - General Development

a. Primary Uses Permitted Outright:

1. Family Residential, Group Residential, Residential Care Facilities and Group Residential/Group Care:
 - (a) Residential Building Type:
 - Single detached dwelling unit
 - Single detached zero lot line dwelling unit
 - Single attached dwelling unit
 - Duplex/townhouse
 - Attached
 - Multi-dwelling
2. Civic Use Types:
 - Administrative services
 - Clinic Services
 - Community recreation
 - Cultural exhibits and library services
 - Lodges, fraternal and civic assembly
 - Parking services
 - Postal services
 - Public safety services
 - Religious assembly
3. Commercial Use Types:
 - Agricultural sales
 - Animal sales and services:
 - Grooming
 - Kennels
 - Veterinary (large and small animals)
 - Automotive and Equipment:
 - Cleaning
 - Fleet Storage
 - Parking
 - Repairing, Light Equipment
 - Sales/Rental: Farm Equipment
 - Sales/Rental: Heavy Equipment
 - Sales/Rental: Light Equipment
 - Building maintenance services
 - Business equipment sales and services

- Business support services
- Communication services
- Construction sales and service
- Convenience sales and personal services
- Eating and drinking establishments
- Financial, insurance, and real estate services
- Food and beverage sales
- Fuel sales
- Funeral and interment services:
 - Undertaking
- Laundry services
- Medical services
- Participant sports and recreation:
 - indoor and outdoor
- Personal services - general
- Professional and administrative services
- Repair services - consumer
- Research services
- Retail sales - general
- Spectator sports -entertainment, limited
- Transient habitation - lodging
- Wholesaling, storage and distribution:
 - Mini-warehouses
 - Light

4. Industrial Use Type:
 - Limited manufacturing

b. Accessory Uses Permitted Outright:

1. Essential services
2. Required off-street parking in accordance with Section 301.
3. Other development customarily incidental to the primary use in accordance with Section 303.
4. Home occupations, when conducted in conjunction with a permitted residential use.
5. Family day care, accessory to a permitted residential use.

211.02.02 - Special Development

- a. Special Development - Type I: subject to review in accordance with Section 110, Conditional Development, and Section 211.07.

1. Major impact services and utilities
2. Planned development in accordance with Section 112.

b. Special Development - Type II

1. Minor impact utilities to be reviewed in accordance with Section 108, Plan Compatibility Review, and Section 211.07.

2. Any use which provides for drive-in facilities (e.g., financial institutions, eating establishments, etc.) shall be reviewed in accordance with Section 108, Plan Compatibility Review, and Section 211.07.

[Section 211.02 amended by Ordinance 90-08, §31, passed February 20, 1990.]

Section 211.03 - Dimensional Requirements

211.03.01 - Lot Area and Setback Requirements

- a. There is no minimum lot area or setbacks (other than those required by the Uniform Building Code) for any civic, commercial, or industrial use type structure.
- b. The requirements for residential structures containing in part and/or all residential use shall be constructed in accordance with Section 205, RS-20 standards.

Section 211.04 - Building Height

No structure shall exceed 75 feet in height.

Section 211.05 - Landscaping and Screening

Landscaping and screening shall be required, in accordance with Section 302, except street trees shall be provided in accordance with the Downtown Tree Management Program. [Section 211.05 amended by Ordinance 89-03, §11, passed February 6, 1989.]

Section 211.06 - Off-Street Parking

Off-street parking shall be provided in accordance with Section 301.

Section 211.07 - General Criteria for Special Development

211.07.01 - General Provisions

Those types of special development as stated in Section 211.02.02, subject to the provisions of this section, are use types needed to provide services to the community.

Such use types shall be permitted conditionally provided that:

- a. The proposed use, location, and site plan is found to be in conformance with the purposes and objectives of this ordinance.
- b. The minimum requirements of Section 211.03 - 211.06 are met; excluding major impact facilities located in a public right-of-way.
- c. The proposed use will not have an adverse impact on area traffic and parking availability.

SECTION 212 - DISTRICT LI (LIMITED INDUSTRIAL)

Section 212.01 - Purpose

The purpose of the LI district is to create and preserve areas where small scale, on-site, limited manufacturing and related uses which evidence few, if any, nuisance characteristics may locate. Accessory residential development not ordinarily permitted in other industrial districts is also allowed. Accessory nonindustrial uses which support the activity and are compatible with such uses are permitted within the district - specifically administrative, sales, and service uses.

Section 212.02 - Permitted Uses

212.02.01 - General Development

a. Primary Uses Permitted Outright

1. Commercial Use Types:
 - Animal sales and services -
Kennels
Veterinary
 - Automobiles and equipment -
repairs (heavy, light, and farm equipment)
 - Wholesaling, storage, and distribution -
light
2. Industrial Use Types:
 - Limited manufacturing
3. Agricultural Use Types:
 - Horticulture -
Cultivation
Storage
 - Packing and processing -
Limited

b. Accessory Uses Permitted Outright

1. One residence shall be permitted per development site and shall be developed simultaneously with or following development of primary and accessory uses permitted outright. The location of the residence shall be located on the site plan submitted with a building permit. Said residence shall be arranged and related to the principal use and located for principal services to the employees or users of one or more of the primary uses on the same development site.
2. Essential services
3. Required off-street parking for uses permitted in the district in accordance with Section 301.

4. Other development customarily incidental to the primary use in accordance with Section 303.

212.02.02 - Special Development

- a. Special Development - Type I: subject to review in accordance with Section 110, Conditional Development, and Section 212.08.

Planned development to be reviewed in accordance with Section 112.

- b. Special Development - Type II

1. Minor impact utilities to be reviewed in accordance with Section 108, Plan Compatibility Review, and Section 212.08.
2. Any lot with more than one accessway 24 feet or greater in width to be reviewed in accordance with Section 108, Plan Compatibility Review.

Section 212.03 - Dimensional Requirements

212.03.01 - Lot Area

The lot size permitted in this district shall be adequate to fulfill the applicable setback, landscaping, and screening and parking requirements.

212.03.02 - Setbacks

- a. Boundary Area - A setback of not less than 25 feet in depth shall be provided along each LI district boundary line where the line abuts a residential, agriculture/open space, or special district. Off-street parking and loading shall be permitted in this area except for the 10 feet of such yard nearest the district boundary line, which shall not be used for any permitted use, activity, or structure (other than fences or walls) and shall be improved and maintained in accordance with Section 212.04.

Those portions of property lines where driveways, accessways, and walks are provided are exempt from the provisions of this section.

The westerly district boundary line south from Avery Avenue to the City limits is exempt from the provisions of this section.

- b. Along Streets - Along streets, the following minimum setbacks for any structure in any yard shall apply:
 1. Arterial Streets - 35 feet
 2. Collector Streets - 40 feet
 3. All Other Streets - 25 feet

Where a yard abuts both a street and a district boundary line the 10 feet of such yard nearest the district boundary line shall not be used for any permitted use, activity, or structure (other than fences or walls) and shall be improved and maintained in accordance with Section 212.04.

The boundary area as required in Section 212.03.02.a may be counted in the calculation of required setbacks along streets.

212.03.03 - Separation Between Structures/Setback Requirements

To provide privacy, air, and access to the dwelling within the development the following provisions have been established for minimum separation of structures/setbacks from property lines consistent with the applicable provisions of the Uniform Building Code:

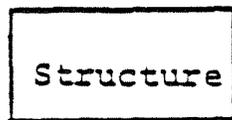
1. Each structure shall have a "Structure Separation Envelope" (SSE) explained as follows:

The structure separation envelope is based on a height distance relationship from one structure to another structure. The SSE equals, in effect, one half the distance needed to adequately separate two buildings in the LI district.

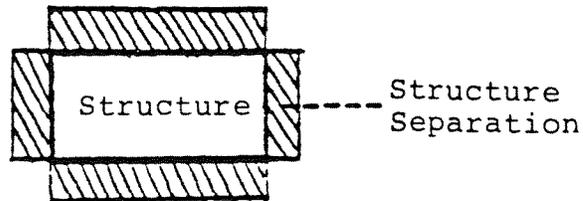
The open area required to adjoin each wall (or face) of a structure which determines the structure separation (SS) of each wall is calculated based on the formula to follow. Following the calculation of the Structure Separation (SS) for each wall, the outer lines of the SS areas are extended to connect points where they intersect.

General example:

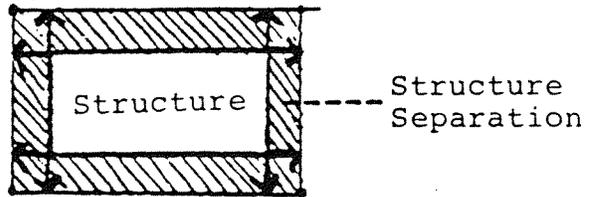
Step I:



Step II:



Step III: Structure Separation Envelope



The following formula shall be used to calculate the amount of Structure Separation (SS) required.

Note: Numbers of feet shall be rounded up to nearest 1 digit decimal (i.e., 9.16 feet = 9.2 feet).

Formula:

$$SS = \frac{.55(\text{length of wall face} + \text{height of wall face})}{3}$$

Example: A Structure is 45 feet x 30 feet and 20 feet high.

SS = (structural separation)

SS for:

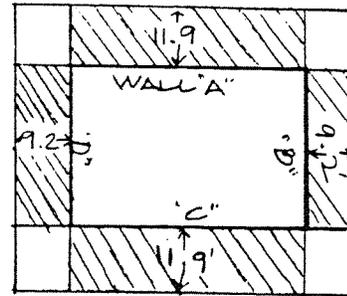
Wall A: $SS_A = \frac{.55(45' + 20')}{3}$
 $SS_A = 11.9$ feet

Wall B: $SS_B = \frac{.55(30' + 20')}{3}$
 $SS_B = 9.16$ feet

Wall C: $SS_C = \frac{.55(45' + 20')}{3}$
 $SS_C = 11.9$ feet

Wall D: $SS_D = \frac{.55(30' + 20')}{3}$
 $SS_D = 9.16$ feet

Outer line defines S.S.E



Lines meet to intersect

- Where the required SS for one wall of the same building is within the SS of another wall of the same building, then the largest SS shall be used.

Example: A Structure is 20 feet high.

SS = (structure separation)

SS for:

Wall A is 20 feet in length:
 $SS_A = \frac{.55(20' + 20')}{3}$
 $SS_A = 7.3$ feet

Wall B is 20 feet in length:
 $SS_B = \frac{.55(20' + 20')}{3}$
 $SS_B = 7.3$ feet

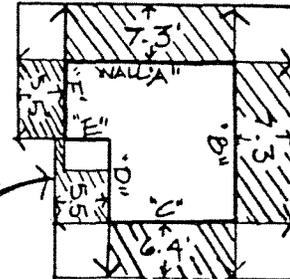
Wall C is 15 feet in length:
 $SS_C = \frac{.55(15' + 20')}{3}$
 $SS_C = 6.4$ feet

Wall D is 10 feet in length:
 $SS_D = \frac{.55(10' + 20')}{3}$
 $SS_D = 5.5$ feet

Wall E is 5 feet in length:
 $SS_E = \frac{.55(5' + 20')}{3}$
 $SS_E = 4.6$ feet

Wall F is 10 feet in length:
 $SS_F = \frac{.55(10' + 20')}{3}$
 $SS_F = 5.5$ feet

Outer line defines S.S.E.



Lines meet to intersect
 Greater distance of 5.5'
 is required

3. Where blank walls oppose blank walls, the blank wall may have a minimum of a 5 foot SSE (or 10 feet between blank walls).
4. Where a wall has windows which only serve utility rooms, bathrooms, storage areas/closets, entries, or any other space not considered as a living area, the wall shall be considered a blank wall for purposes of establishing an SSE (see c. above).
5. The SSE shall be used to establish setbacks from property lines where no existing structure is located on the adjacent lot; where there is an existing structure(s) located on an adjacent lot, no designated setback from a property line shall apply, provided that the SSE is calculated and maintained from adjacent structures.
6. Any site element (i.e., open space, landscaping, decks, patios, entries, stairs, uncovered parking, etc.) excluding primary and accessory use structures can be located within the structural separation area.

[Section 212.03.03 amended by Ordinance 81-67, §36, passed July 6, 1981.]

Section 212.04 - Landscaping and Screening

- a. Street trees shall be required, in accordance with Section 302.
- b. Landscaping and screening as required in Section 212.03.02 and shall consist of an effective combination of ground cover, shrubbery and trees, and fences and walls to serve as screening (buffer area) between the site and abutting districts. Further, when a site abuts a residential district, said landscaping shall be at least 6 feet in height and be at least 80 percent opaque as viewed from any point along the lot boundary within 18 months following the establishment of the primary use type.
- c. An irrigation system shall be provided.
- d. Storage and refuse areas shall be screened so that materials stored within those areas shall not be visible from accessways and adjacent properties.
- e. Landscaping shall be provided within a parking area in accordance with Section 302.

Section 212.05 - Height of Structures

No structure shall exceed 45 feet in height.

Section 212.06 - Performance Standards

Each use, activity, or operation within this district shall comply with the applicable local, state, and Federal standards and shall not create a nuisance because of odor, noise, dust, smoke, or gas.

Section 212.07 - Off-Street Parking Facilities

Off-street parking shall be provided in accordance with Section 301.

Section 212.08 - General Criteria for Special Development

212.08.01 - General Provisions

Those types of special development as stated in Section 212.02.02, subject to the provisions of this section, are use types needed to provide services to the community.

Such use types shall be permitted conditionally, provided that:

- a. The proposed use, location, and site plan is found to be in conformance with the purposes and objectives of this ordinance.

- b. The minimum requirements of Section 212.03.02 - 212.07 are met, excluding major impact facilities located in public right-of-way.
- c. The proposed use will not have an adverse impact on area traffic and parking availability.

SECTION 213 - DISTRICT GI (GENERAL INDUSTRIAL)

Section 213.01 - Purpose

The purpose of this district is to provide appropriate locations for general industrial uses including manufacturing and related activities with few, if any, nuisance characteristics. The GI district is intended to permit manufacturing, processing, assembling, packaging, or treatment of products from previously prepared materials. It is also intended to prohibit residential uses, and limit intensive retail uses as being incompatible with the primary industrial and related uses permitted.

Section 213.02 - Permitted Uses

213.02.01 - General Development

a. Primary Uses Permitted Outright

1. Civic Use Types:
 - Parking services
 - Public safety services
2. Commercial Use Types:
 - Agricultural sales
 - Agricultural services
 - Animal sales and services -
 - Kennels
 - Grooming (in conjunction with veterinary)
 - Auctioning
 - Automotive and equipment -
 - Fleet storage
 - Repairs - heavy equipment
 - Sales/rentals of farm equipment and heavy equipment
 - Repairs - light equipment - on sites designated for Automotive Equipment: Sales/Rentals, Light Equipment and on any site abutting a site so designated
 - Storage
 - Building maintenance services
 - Construction sales and services
 - Laundry services
 - Research services
 - Scrap operations
 - Wholesaling, storage, and distribution
 - Mini warehouses
 - Light
3. Industrial Use Types:
 - General industrial

[Section 213.02.01(a) amended by Ordinance 83-80, §5, passed November 21, 1983; amended by Ordinance 88-51, §1, passed November 7, 1988.]

b. Accessory Uses Permitted Outright

1. Essential services
2. Required off-street parking for uses permitted in the district in accordance with Section 301
3. Other development customarily incidental to the primary use in accordance with Section 303.

213.02.02 - Special Development

a. Special Development - Type I

1. Planned development to be reviewed in accordance with Section 112.
2. Automotive and Equipment - Sales/Rentals, Light Equipment
To be reviewed in accordance with Section 108, Plan Compatibility Review, and Section 213.08.02.

[Section 213.02.02(a) amended by Ordinance 88-51, §1, passed November 7, 1988.]

b. Special Development - Type II

1. Major and minor impact services and utilities to be reviewed in accordance with Section 108, Plan Compatibility Review, and Section 213.08.
2. Explosive storage to be reviewed in accordance with Section 108, Plan Compatibility Review.

[Section 213.02.02 amended by Ordinance 83-80, §6, passed November 21, 1983.]

Section 213.03 - Dimensional Requirements

213.03.01 - Lot Area

The site size permitted in this district shall be adequate to fulfill the applicable setback, landscape, and screening and parking requirements.

213.03.02 - Setbacks

- a. Boundary Area - A setback of not less than 100 feet in depth shall be provided along each GI district boundary line, where the line abuts a residential, agriculture/open space, or special district. Off-street parking and loading shall be permitted in

this area except for the 35 feet of such yard nearest the district boundary line, which shall not be used for any permitted use, activity, or structure (other than fences or walls) and shall be maintained and improved in accordance with Section 213.04.

Those portions of property lines where driveways, accessways, and walks are provided are exempt from the provisions of this section.

The westerly district boundary line south from Avery Avenue to the City limits is exempt from the provisions of this section.

- b. Along Streets - Along streets, the following minimum setback for any structure in any yard shall apply:
1. Arterial Streets - 50 feet
 2. Collector Streets - 40 feet
 3. All Other Streets - 25 feet

Where a yard abuts both a street and a district boundary line, the 35 feet of such yard shall not be used for any permitted use, activity, or structure (other than fences or walls) and shall be maintained and improved in accordance with Section 213.04.

The boundary area as required in Section 213.03.02.a may be counted in the calculation of required setbacks along streets.

- c. Except for those required in this section and by the Uniform Building Code, no additional yards/setbacks are required.

Section 213.04 - Landscaping and Screening

- a. Landscaping and screening as required in Section 213.03.02 shall be provided in accordance with Section 302, and shall consist of an effective combination of street trees, ground cover, shrubbery and trees, fences and walls, and to serve as screening (buffer area) between the site and abutting districts. Further, when a site abuts a residential district, said landscaping shall be at least 6 feet in height and be at least 80 percent opaque as viewed from any point along the lot boundary within 18 months following the establishment of the primary use type.
- b. Storage and refuse areas shall be screened in accordance with Section 302 so that materials stored within those areas shall not be visible from accessways and adjacent residential and open space properties within a special district.

Section 213.05 - Height of Structure

No structure shall exceed 75 feet in height.

Section 213.06 - Performance Standards

Each use, activity, or operation within this district shall comply with the applicable local, state, and Federal standards and shall not create a nuisance because of odor, noise, dust, smoke, or gas.

Section 213.07 - Off-Street Parking Facilities

Off-street parking shall be provided in accordance with Section 301.

Section 213.08 - General Criteria for Special Development

213.08.01 - General Provisions

Those types of special development as stated in Section 213.02.02, subject to the provisions of this section, are use types needed to provide services to the community.

Such use types shall be permitted conditionally, provided that:

- a. The proposed use, location, and site plan is found to be in conformance with the purposes and objectives of this ordinance.
- b. The minimum requirements of Section 213.03-213.06 are met, excluding major impact facilities located in public right-of-way.
- c. The proposed use will not have an adverse impact on area traffic and parking availability.

213.08.02 - Special Provisions for Automotive and Equipment: Sales/Rentals, Light Equipment

The purpose of review of Automotive and Equipment: Sales/Rentals, Light Equipment as a conditional use is to determine the appropriateness of the use at a specific site based on the following criteria:

- a. The proposed site is needed due to a shortage of alternative sites that can accommodate this use.
- b. Permitting the use will not significantly reduce the overall supply and diversity of industrial land or negatively impact the developability of the balance of adjacent industrial land. Approval may not be granted if the property was part of a larger parcel within the last 12 months.
- c. The site is a minimum of 2 acres in size and has frontage on an arterial.

[Section 213.08.02 added by Ordinance 88-51, §2, passed November 7, 1988.]

SECTION 214 - DISTRICT II (INTENSIVE INDUSTRIAL)

Section 214.01 - Purpose

The purpose of this district is to provide appropriate locations for intensive manufacturing activities which are characterized by their potential for conflicts with residential land uses.

Section 214.02 - Permitted Uses

214.02.01 - General Development

a. Primary Uses Permitted Outright

1. Civic Use Types:
 - Parking services
 - Public safety services
 - Minor impact utilities
 - Major impact services and utilities

2. Commercial Use Types:
 - Agricultural sales
 - Agricultural services
 - Animal sales and services -
 - Kennels
 - Grooming (in conjunction with veterinary)
 - Auctioning
 - Automotive and equipment -
 - Fleet storage
 - Repairs - heavy equipment
 - Sales/rentals of farm equipment and heavy equipment
 - Storage
 - Building maintenance services
 - Construction sales and services
 - Laundry services
 - Research services
 - Scrap operations
 - Wholesaling, storage, and distribution
 - Mini warehouses
 - Light
 - Heavy

3. Industrial Use Type:
 - Intensive industrial
 - General industrial

4. Agricultural Use Type:
 - Animal waste processing

[Section 214.02.01(a) amended by Ordinance 83-80, §7, passed November 21, 1983.]

b. Accessory Uses Permitted Outright

1. Essential services
2. Required off-street parking for uses permitted in the district in accordance with Section 301
3. Other development customarily incidental to the primary use in accordance with Section 303.

214.02.02 - Special Development

a. Special Development - Type I

Planned development to be reviewed in accordance with Section 112.

b. Special Development - Type II

Explosive storage to be reviewed in accordance with Section 108, Plan Compatibility Review.

[Section 214.02.02 amended by Ordinance 83-80, §8, passed November 21, 1983.]

Section 214.03 - Dimensional Requirements

214.03.01 - Lot Area

The site size permitted in this district shall be adequate to fulfill the applicable setback, landscape, and screening and parking requirements.

214.03.02 - Setbacks

- a. Boundary Area - A setback of not less than 100 feet in depth shall be provided along each II district boundary line, where the line abuts a residential, agriculture/open space, or special district. Off-street parking and loading shall be permitted in this area except for the 35 feet of such yard nearest the district boundary line, which shall not be used for any permitted use, activity, or structure (other than fences or walls) and shall be maintained and improved in accordance with Section 214.04.

Those portions of property lines where driveways, accessways, or walks are provided are exempt from the provisions of this section.

The westerly district boundary line south from Avery Avenue to the City limits is exempt from the provisions of this section.

b. Along Streets - Along streets, the following minimum setback for any structure in any yard shall apply:

1. Arterial Streets - 75 feet
2. Collector Streets - 40 feet
3. All Other Streets - 25 feet

Where a yard abuts both a street and a district boundary line, the 35 feet of such yard shall not be used for any permitted use, activity, or structure (other than fences or walls) and shall be maintained and improved in accordance with Section 214.04.

The boundary area as required in Section 214.03.02.a may be counted in the calculation of required setbacks along streets.

c. Except for those required in this section and by the Uniform Building Code, no additional yards/setbacks are required.

Section 214.04 - Landscaping and Screening

- a. Landscaping and screening as required in Section 214.03.02 shall be provided in accordance with Section 302, and shall consist of an effective combination of street trees, ground cover, shrubbery and trees, fences and walls, and to serve as screening (buffer area) between the site and abutting districts. Further, when a site abuts a residential district, said landscaping shall be at least 6 feet in height and be at least 80 percent opaque as viewed from any point along the lot boundary within 18 months following the establishment of the primary use type.
- b. Storage and refuse areas shall be screened in accordance with Section 302 so that materials stored within those areas shall not be visible from accessways and adjacent residential and open space properties within a special district.

Section 214.05 - Height of Structure

No structure shall exceed 75 feet in height.

Section 214.06 - Performance Standards

Each use, activity, or operation within this district shall comply with the applicable local, state, and Federal standards and shall not create a nuisance because of odor, noise, dust, smoke, or gas.

Section 214.07 - Off-Street Parking Facilities

Off-street parking shall be provided in accordance with Section 301.

Section 214.08 - General Criteria for Special Development

214.08.01 - General Provisions

Those types of special development as stated in Section 214.02.02, subject to the provisions of this section, are use types needed to provide services to the community.

Such use types shall be permitted conditionally, provided that:

- a. The proposed use, location, and site plan is found to be in conformance with the purposes and objectives of this ordinance.
- b. The minimum requirements of Section 214.03-214.07 are met, excluding major impact facilities located in public right-of-way.
- c. The proposed use will not have an adverse impact on area traffic and parking availability.

SECTION 215 - DISTRICT AG-OS (AGRICULTURE/OPEN SPACE)

Section 215.01 - Purpose

The purposes of this district is to recognize areas within the City suitable for agricultural research use and for uses compatible with agricultural and horticultural research use types. The characteristics of such use types typically result in the preservation of large open space areas. Residential uses in this district are intended to be accessory to the primary uses.

Section 215.02 - Permitted Uses

215.02.01 - General Development

a. Primary Uses Permitted Outright

1. Civic Use Types:
 - Minor impact utilities
2. Agriculture Use Types:
 - Animal Husbandry
 - Aquaculture
 - Horticulture, cultivation, and storage
 - Research facilities and services related to the above use types
 - Row field crops
 - Tree crops

b. Accessory Uses Permitted Outright

1. Animal Sales, Services: Veterinary
2. Animal Waste Processing
3. Packing and Processing: Limited
4. Essential Services
5. Required off-street parking for uses permitted in this district in accordance with Section 301
6. Other development customarily incidental to the primary use in accordance with Section 303.

215.02.02 - Special Development

a. Special Development - Type I: subject to review in accordance with Section 110, Conditional Development, and Section 215.05.

1. Commercial Use Types:
 - Animal Sales and Services:
 - Horse stables
 - Kennels

Stockyards
Veterinary

2. Agriculture Use Types:
 - Packing and Processing:
General
3. Planned development to be reviewed in accordance with Section 112.

b. Special Development - Type II

Major impact utilities to be reviewed in accordance with Section 108, Plan Compatibility Review, and Section 215.05.

Section 215.03 - Performance Standards

Each use, activity, or operation within this district shall comply with the applicable local (Nuisance/Animal Control) ordinances, State and Federal standards.

Section 215.04 - Setbacks

Structures to be located in the OS-AG District shall be located a minimum of:

- a. 100 feet from an arterial street
70 feet from a collector street
50 feet from any other street
- b. In addition, every attempt shall be made to buffer and/or locate uses that have potential animal control, pesticide application, or nuisance (smell) problems, such that conflicts between adjacent land uses are mitigated. This is to be accomplished through the use of additional setbacks, dense screening, fences, etc.

When residential development is proposed next to AG-OS land, where conflicts would arise, a continuous plant or plant/berm buffer is required along lot lines where dwellings are proposed within 100 feet of AG-OS land lot lines. The responsibility of providing such a buffer shall be that of the applicant of proposed new development, whether residential or agriculture uses.

Section 215.05 - General Criteria for Special Development

215.05.01 - General Provisions

Those types of special development as stated in Section 215.02.02, subject to the provisions of this section are use types needed to provide services to the community.

Such use types shall be permitted conditionally provided that:

- a. The proposed use, location, and site plan is found to be in conformance with the purposes and objectives of this ordinance

relative to the traffic impact, parking needs, setbacks proposed, and the relationship of the development to adjacent structures.

- b. The minimum requirements of Section 215.03 and 215.04 are met; excluding major impact facilities located in a public right-of-way.
- c. The proposed use will not have an adverse impact on area traffic and parking availability.

SECTION 216 - SPECIAL DISTRICTS

Section 216.01 - WRG, Willamette River Greenway

The Willamette River Greenway district is an overlay district which coincides with the adopted Greenway Boundary and is applied to all development permitted by the underlying districts.

216.01.01 - Purposes

The purposes of the Willamette River Greenway (WRG) District are to:

- Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River;
- Implement the goals and policies of the State of Oregon's Willamette River Greenway Program;
- Implement the policies of the City of Corvallis Comprehensive Plan;
- Establish standards and requirements for the use of lands within the Willamette River Greenway in the City of Corvallis; and
- Provide for the review of any intensification of use, change of use, or development within the Willamette River Greenway of the City of Corvallis.

216.01.02 - Conditional Development - Type I

Development within this district, regardless of its classification in the underlying district, is classified as special development and requires conditional development approval in accordance with the provisions of Section 110. In addition to the notification requirements of Section 105.03.01 of this ordinance, written notice of all applications for Greenway Conditional Development shall be mailed to the Oregon Department of Transportation (ODOT). A Notice of Disposition for all applications for Greenway Conditional Development shall be mailed to ODOT following the decision of the hearing authority. "Development" as used in this section includes change of use or intensification of land or water uses except for those activities listed in Section 215.01.03. [Section 216.01.02 amended by Ordinance 82-104, §7, passed December 20, 1982.]

216.01.03 - Exemptions

The following development activities do not require conditional development approval:

- a. Customary dredging and channel maintenance conducted under permit from the State of Oregon;
- b. Seasonal increases in gravel operations under permit from the State of Oregon;

- c. Erosion control operations not requiring a permit from the Oregon Division of State Lands which constitute a reasonable emergency necessary for safety or the protection of property. [Section 216.01.03.c amended by Ordinance 82-104, §8, passed December 20, 1982.]
- d. Scenic easements acquired under ORS 390.332 and their maintenance as authorized by that statute and ORS 390.368.
- e. Addition or modification by public utilities for existing utility lines, wires, fixtures, equipment, circuits, appliances, and conductors.
- f. Flood emergency procedures and the maintenance and repair of existing flood control facilities.
- g. Signs, markers, aids, etc., placed by a public agency to serve the public.
- h. Residential accessory development (excluding structures) such as lawns, gardens, and play areas.
- i. Storage of equipment or material associated with uses permitted, providing that the said storage complies with applicable provisions of this Code.
- j. Minor repairs or alterations to an existing structure for which no building permit is required.
- k. A change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated.
- l. The completion of a structure for which a valid permit has been issued as of the effective date of this Code.
- m. Landscaping.
- n. Construction of driveways.
- o. Maintenance and repair, usual and necessary for the continuance of an existing use.
- p. Reasonable emergency procedures necessary for the safety or protection of property.

216.01.04 - Review Criteria

Conditional development within the Willamette Greenway District may only be approved where the Planning Commission finds that:

- a. Public access to and along the river shall be provided to the maximum extend possible.
- b. Significant fish and wildlife habitats shall be protected.

- c. Significant natural and scenic areas, viewpoints, and vistas shall be preserved.
- d. The quality of the air, water, and land resources in and adjacent to the Greenway shall be preserved in the development, change of use, or intensification of use.
- e. Areas of annual flooding, flood plains, and wetlands shall be preserved in their natural state to the maximum possible extent.
- f. The natural vegetative fringe along the river shall be maintained and enhanced to the maximum extent that is practical to assure scenic quality, protection of wildlife, protection from erosion, and screening of uses from the river.
- g. Any public recreational use or facility shall not substantially interfere with the established uses on adjoining property.
- h. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.
- i. Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety, and to guarantee necessary reclamation.
- j. Development, change or intensification of use shall provide the maximum possible landscaped area, open space, or vegetation between the activity and the river.

216.01.05 - Development Standards

Proposed development within the Willamette Greenway District shall comply with the following standards:

a. Site Modifications:

- 1. Except as provided under the Exception in this Subsection, existing predominant topographical features of the bank line and escarpment shall be preserved and maintained.

Exception: Disturbance necessary for the construction or establishment of a water related or water dependent use and measures necessary to reduce existing or potential bank and escarpment erosion, landslides, or flood hazard conditions.

- 2. Stability of the development, intensification or change of use shall be assured considering the stress imposed on the bank and land area between the low water mark of the river and the top of the bank.

3. The hydraulic and flood carrying capacity of the river, and the hydraulic effect of the river on the bank shall be considered in the design of the proposed intensification, development, or change of use, and steps taken to insure minimal adverse effect by and upon the proposal.
 4. The applicant shall establish to the satisfaction of the commission that steps have been taken to minimize the impact of the proposal on the riparian environment (areas between the top of the bank and the low water mark of the river including lower terrace, beach, and river edge). The Planning Commission may require the applicant to submit a further study to determine whether such impact is acceptable.
 5. If applicable, the applicant shall submit the certification of a registered professional engineer that the standards specified in Subsections 2 and 3 of this section have been met. Where necessary to properly evaluate a proposal the Commission may require the applicant to furnish further studies such as a soils survey and analysis, a foundation study, or a hydrologic study performed by competent professionals.
- b. Riparian Vegetation. Vegetative ground cover and trees upon the site shall be preserved, conserved, and maintained according to the following provisions:
1. Riparian vegetation removed during development shall be replaced with indigenous vegetation which shall be compatible with and enhance the riparian environment.
 2. Trees of 8-inch or greater caliper measured at a height of 4 feet shall not be removed between the top of a bank and the river's edge except as follows:
 - a) Where necessary as approved by the Planning Commission to accommodate a water-related or water dependent use; or
 - b) Where the tree is determined by the Park and Recreation Services Manager to be hazardous.
 3. Plans for removal and replacement of riparian vegetation shall be submitted to and approved by the Director prior to any excavation, grading, or construction.
- c. Landscaping. In addition to any landscaping requirements in the underlying district, the following provisions shall apply:
1. All areas of the site within the WRG District shall be landscaped except the following:
 - a) Areas covered by a structure, parking, and driveways or other permitted use;

- b) Areas subject to 216.01.05.a.2, requiring stabilization methods other than landscaping.
- 2. Required landscaped areas shall be continuously maintained, irrigated with permanent facilities sufficient to maintain the plant material, and covered by living plant material capable of attaining 90 percent ground coverage within 3 years.
- 3. The living plant materials shall be compatible with and enhance the riparian environment.
- d. Structures. All buildings and structures, including supporting members, and all exterior mechanical equipment shall be screened, colored, or surfaced so as to blend with the riparian environment. Colors shall be natural earth or leaf tones. Surfaces shall be nonreflective.
- e. Signs and Graphics. In addition to compliance with all other applicable ordinance provisions relating to signs and graphics, no sign or graphic display inconsistent with the purposes of the Greenway shall have a display surface oriented toward or visible from the Willamette River.
- f. Lighting.
 - 1. Lighting on the site of an intensification, development, or change of use shall not be focused or oriented onto the surface of the river.
 - 2. Notwithstanding the preceding provision of this section, lighting provided for public or private walkways shall be that necessary for safety.
- g. Parking and Unenclosed Storage Areas.
 - 1. Parking, loading, and unenclosed storage areas located within the WRG District shall be screened from the river in accordance with Section 301 and 302.
 - 2. Parking, loading, and unenclosed storage areas located outside of but adjacent to the WRG District shall be screened from such district.
- h. Greenway Setback.

Minimum building setback distances from ordinary high water line of the Willamette River as are follows:

- Lands in the WRG from the northern City limits to the southern edge of 777 N.E. Second Street (Assessor Map No. 11-5-35AD, Tax Lot 3000) - 20 feet westerly from top of bank

- Lands in the WRG from the southern edge of 777 N.E. Second Street (Assessor Map No. 11-5-35AD, Tax Lot 3000) to Harrison Street - 50 feet
- Lands in the WRG between Harrison Street and "B" Street: the top of the river bank including the existing bikepath. A landscaping strip sufficient to separate the bikepath is required.
- Lands in the WRG south of "B" Street to the southerly City limits: 100 feet

Setback distances do not apply to water-dependent uses which require a river bank location or water-related uses which require direct access to the river.

Section 216.02 - CBF, Central Business Fringe

216.02.01 - Purpose

The purpose of the Central Business Fringe District is to allow commercial activity which is necessary to support the regional shopping facilities located in the Central Business

District. Because of its unique location, site development in this area should contribute to a visually attractive entrance to the downtown area.

216.02.02 - Permitted Uses

The uses permitted in the CBF district shall be the same as those permitted in the CB district, Section 210.02.

216.02.03 - Dimensional Requirements

- a. Lot Area - There is no minimum lot area for any civic, commercial, or industrial use type structure.

The requirements for residential structures shall be constructed in accordance with Section 205, RS-20.

- b. Setbacks - The minimum setback for any civic, commercial, or industrial use type shall be 10 feet in any front or exterior side yard.

The requirements for residential structures shall be constructed in accordance with Section 205, RS-20.

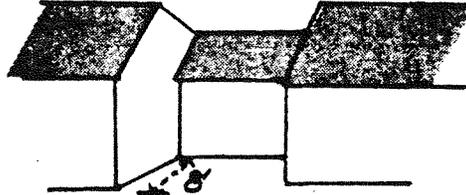
216.02.04 - Building Height

No structure shall exceed 35 feet in height.

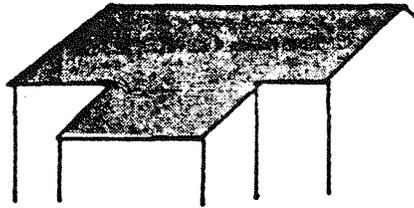
216.02.05 - The Structure

a. Along the vertical face of a structure offsets shall occur at a minimum of every 30 feet by providing any two of the following minimum standards:

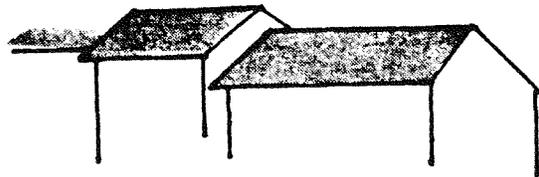
1. Recesses (entrances, floor area, etc.) of a minimum depth of 8 feet.



2. Extensions (entrances, floor area, etc.) at a minimum clearance of 8 feet, a minimum depth of 8 feet, and a maximum length of an overhang shall be 25 feet.



3. Offsets of "breaks" in the roof elevation of 3 or more feet in height.



b. Pitched roofs (minimum 4:12 pitch) shall be used to retain the residential character of the area, where there is a predominance of pitched roofs on 90 percent or more of the structures on the same block or adjacent 1/2 blocks.

216.02.06 - Landscaping and Screening

- a. Landscaping and screening shall be required, in accordance with Section 302.
- b. Existing vegetation associated with the site shall be preserved or protected.

- c. A minimum of 25 percent of the gross lot area shall be retained and developed as permanent open space (excluding parking and maneuvering areas). The area shall be landscaped with a mixture of vertical (trees, tall shrubs, and hedges) and horizontal (grass, ground cover, etc.) elements. Patios, decks, sidewalks, areas for congregation, and other like features may be included in the landscaped open space requirement.

216.02.07 - Off-Street Parking

- a. Off-street parking shall be provided in accordance with Section 301.
- b. Where there is an existing alley, access to parking areas from an adjacent alley shall be used to limit the use of any yard abutting a street for parking facilities.
- c. Shared access with neighboring sites (and the establishment of reciprocal access agreements) shall be used where practical.

216.02.08 - Plan Compatibility Review

Development in this district requires Plan Compatibility Review in accordance with Section 108.

Section 216.03 - OSU, Oregon State University District

This district implements Comprehensive Plan policies which encourage coordination between the University and the City in planning and review of campus development. Due to the physical size of the University and its related impact on City facilities and services, coordination of campus development with the City is essential. This District provides a process for timely review of such mutual concerns as parking, access to campus, location and size of buildings, availability of campus-oriented housing, and public utilities.

216.03.01 - Purposes

The purposes of this district are:

- To facilitate University development;
- To ensure compatibility of OSU development with surrounding areas;
- To ensure the adequacy of public utilities and transportation facilities;
- To expedite the development review process.

216.03.02 - General Provisions

In conjunction with this district, a physical development plan for campus development shall be submitted for review and approval in accordance with Section 112.04 - Conceptual

Development Plan Review. The physical development plan shall be consistent with Comprehensive Plan policies and responsive to the unique requirements of the proposed use and its relationship with and impacts on the surrounding community. The conceptual development plan process facilitates a comprehensive approach, rather than a project-by-project review, of possible benefits and impacts of university development.

The physical development plan shall be initially reviewed and approved by the Planning Commission. Any major change in the physical development plan as defined in Section 112.05.03.02 - Major Modification(s) will require a public hearing before the Planning Commission. Minor changes may be approved conditionally, approved, or denied by the Director.

Plan Compatibility Review is required for all development prior to issuance of a permit. This process is intended to ensure that development is consistent with the approved Physical Development Plan.

216.03.03 - Permitted Uses

216.03.03.01 - General Development

a. Primary Uses Permitted in Accordance with Plan Compatibility Review Section 108

1. Family Residential, Group Residential, Residential Care Facilities and Group Residential-Group Care:

Residential Building Types:

- Single detached dwelling unit
- Single detached zero lot line dwelling unit
- Single attached dwelling unit
- Duplex/townhouse
- Attached
- Multi-dwelling

2. Civic Use Types:

- Administrative services
- Community recreation
- Cultural exhibits and library services
- Lodge, fraternal, and civic assembly
- Parking services
- Public safety services
- Religious assembly
- University services and facilities

3. Commercial Use Types:

- Communication services
- Professional/administrative services
- Research services

b. Accessory Uses Permitted Outright

1. Essential services
2. Major and minor impact services and utilities
3. Other development customarily incidental to the primary use in accordance with Section 303.
4. Home occupations, when conducted in conjunction with a permitted residential use.
5. Family day care, accessory to a permitted residential use.

216.03.03.02 - Special Development - Type I

- a. Uses which require a state or federal air quality discharge permit (except for parking) shall be reviewed in accordance with Section 110, Conditional Development.
- b. The traffic and/or parking impacts of any proposed development shall be reviewed at a public hearing conducted by the Planning Commission. The proposed development itself shall not be the subject of the public hearing if it is consistent with the Physical Development Plan and it complies with the standards of the OSU District. Following the close of the public hearing and based on whether the University has adequately addressed traffic and parking impacts, the Commission shall approve, conditionally approve or deny the proposed traffic and parking aspects of the development. Satisfactory resolution of any denial through additional public hearing process(es) shall be accomplished prior to occupancy of the development.

Notice of the public hearing shall be provided in accordance with the provisions of Section 105 for conditional development and to the members of neighborhood committees on record with the Community Development Department.

The decision of the Planning Commission may be appealed in accordance with the provisions of Section 118.

Filing fees shall be the same as for nonresidential, conditional development.

[Section 216.03.03 amended by Ordinance 90-08, §32, passed February 20, 1990.]

216.03.04 - Residential Use Standards

Residential building types shall be developed in accordance with standards in Section 204 - District RS-20.

216.03.05 - Civic and Commercial Use Standards

- a. Setback for structures:
 1. Private streets - The minimum setback shall be 50 feet from the centerline;
 2. Along public streets the average minimum setback from the property line shall be 60 feet with a minimum setback of 40 feet;
 3. Structures within 400 feet of the district boundary shall have a minimum setback from the property line twice the height of the structure, except when abutting a public street.
- b. The maximum building height for structures within 400 feet of the district boundary shall be 60 feet. Other structures within the main campus shall be limited to a maximum height of 112 feet.
- c. Each use, activity, or operation within this district shall comply with the applicable state and federal standards and shall not create a nuisance because of odor, noise, dust, smoke, or gas.
- d. Artificial lighting shall be so arranged and constructed as to not produce direct glare on adjacent residential properties or otherwise interfere with the use and enjoyment of adjacent properties.
- e. Street trees shall be provided in accordance with Section 302.
- f. Mechanical equipment, outdoor storage areas, trash receptacles, and parking lots shall be screened from view from public places and neighboring properties through the use of features such as berms, fences, false facades, and dense landscaping in accordance with Section 302.
- g. Long expanses of fence along public streets shall include offsets, landscaping, and change in materials to prevent visual monotony.
- h. Off-street parking, loading, and access requirements shall be provided in accordance with Section 301; except where modified by the Physical Development Plan.

[Section 216.03 amended by Ordinance 90-08, §32, passed February 20, 1990.]

Section 216.04 - Historic Preservation Overlay (HPO)

The Historic Preservation Overlay (HPO) applies to all structures and sites listed on the Corvallis Register of Historic Landmarks and Districts.

216.04.01 - Purposes

The purposes of the HPO are to:

- Implement the historic and cultural resource policies of the Comprehensive Plan.
- Encourage the preservation, rehabilitation, and adaptive use of sites and structures that are indicative of Corvallis' history and architectural and cultural heritage.
- Provide a process for the review of any change proposed for any site or structure listed on the Corvallis Register of Historic Landmarks and Districts, incorporated by reference into the Corvallis Comprehensive Plan.
- Provide a process for adding significant historic sites, structures, features or objects to the Corvallis Register of Historic Landmarks and Districts.

216.04.02 - Permitted Uses

The uses permitted in the HPO shall be the same as the uses permitted in the underlying district.

216.04.03 - Historic Landmark and District Designation

The Historic Preservation Overlay designation may be requested for a site, structure, landmark or district. The establishment of this overlay requires an application, review by the Historic Preservation Advisory Board, and approval by the Land Development Hearings Board. At the time this overlay is designated, the property is added to the Corvallis Register of Historic Landmarks and Districts.

The application for the Historic Preservation Overlay designation may be initiated by the Historic Preservation Advisory Board, the Planning Commission, the City Council, the property owner, or by any interested person who submits a complete application for designation.

216.04.03.01 - Application Requirements

- a) Applications shall be made on forms provided by the Planning Director and shall be submitted to the Planning Director.
- b) The following information shall be required in the application:
 - 1) The applicant's name and address;

- 2) The owner's name and address, if different from the applicant's;
- 3) The address of the proposed landmark or site, or a written description of the boundaries of the proposed district including tax assessor map and tax lot numbers;
- 4) A map illustrating the boundaries of the proposed district or the location of the proposed landmark;
- 5) A statement explaining the following:
 - a) The reason(s) why the proposed district or landmark should be designated;
 - b) The reason(s) why the boundaries of the proposed district are appropriate for designation;
 - c) The potential positive and negative impacts, if any, which designation of the proposed district or landmark would have on the residents and property owners in the area.
- 6) A black and white photograph of the proposed landmark or of each property within the proposed district (5 x 7 or 8 x 10 glossy);
- 7) Color slide transparencies showing front and side views of the proposed landmark, or sufficient slides to illustrate the properties and significant features within the proposed district;
- 8) Any other information deemed necessary by the Planning Director.

216.04.03.02 - Historic Designation Review Procedures

- a) Upon receipt of an application, the Planning Director shall refer the request to the Fire Marshal, Building Official, and appropriate City agencies.
- b) The Planning Director shall schedule a public meeting to be held by the Historic Preservation Advisory Board upon the acceptance of a complete application for an historic landmark or district designation. Notice of such meeting shall be published in a newspaper of general circulation at least five (5) calendar days in advance of the meeting. The applicant, property owner, and any other interested parties shall have the opportunity to be present at this meeting and shall have the opportunity to present information pertaining to the historic designation request. At this meeting the Historic Preservation Advisory Board shall complete its review, unless the applicant agrees to continue the proceedings to the next scheduled meeting of

the Advisory Board, and shall make a written recommendation that the application be approved, approved subject to conditions, disapproved or postponed pending additional specific information.

- c) The Advisory Board's written recommendation shall specify the findings and criteria relied upon in reaching the decision and shall be forwarded to the Planning Director, the Building Official, the Fire Marshal, and the Land Development Hearings Board within seven (7) working days of the Advisory Board's meeting.
- d) The Land Development Hearings Board shall hold a public hearing on the application upon receipt of the Advisory Board's recommendation. The quasi-judicial procedures set forth in Section 105.03 of this Code shall apply, with notice mailed to the owners and occupants of properties within 100 feet of the subject property.
- e) Based on applicable criteria, staff comments, the property owner's comments, and public testimony, the Land Development Hearings Board shall approve, approve subject to conditions or modifications, or deny the Historic Preservation Overlay designation or remand the matter back to the Advisory Board for consideration of additional specific information.

[Section 216.04.03.02 amended by Ordinance 90-08, §33, passed February 20, 1990.]

216.04.03.03 - Review Criteria for Historic Designation

The structure, site, landscape feature or district shall be designated historic if the proposed landmark has integrity of setting, location, materials or workmanship; the proposed landmark or district has historic significance or contributes to the historical and cultural resources of the community; and the value of preserving the historic resource outweighs the value of a conflicting use of the resource.

- a) The proposed landmark or district must retain its basic integrity in order to be designated. To establish that the proposed historic landmark has integrity of location, design, setting, materials or workmanship, the applicant must demonstrate that the resource partially fulfills all of the following criteria, or totally fulfills two or more of the criteria:
 - 1. The property is in its original setting and remains essentially as originally constructed or fabricated;
 - 2. Sufficient original workmanship and material remain to show the construction technique and stylistic character of a given period;

3. The immediate setting of the property retains the land uses or landscaping consistent with the relevant historic period;
 4. The property contributes materially to the architectural continuity or scheme of the street or neighborhood.
 5. The site contains artifacts related to the pre-history or early history of the community.
- b) To establish the historic significance of the proposed historic landmark or district, the applicant must show that at least one of the following applies to the proposed historic resource:
1. It is associated with events that have made a significant contribution to the broad patterns of political, economic, cultural or industrial history of the city, county, state or nation;
 2. It is associated with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state or nation in the past;
 3. It embodies the distinctive characteristics of a type, period or method of construction that was used in the past. The property may be a prime example of an architectural style or design or may represent a type that was once common and is now one of few remaining examples;
 4. It represents the work of a master, i.e. is a noteworthy example of the work of a craftsman, builder, architect or engineer significant in city, county, state, or national history;
 5. It possesses high artistic values in its workmanship or materials;
 6. It yields, or is likely to yield, information important in prehistory or history;
 7. It is a visual landmark;
 8. It contributes to the continuity or historic character of the street, neighborhood, and/or community; or contributes to the integrity of the historic period represented;
 9. It is 50 years old or older in conjunction with the other criteria listed above;

10. It is listed on the National Register of Historic Places.

- c) In determining whether the value of preserving the historic resource outweighs the value of other uses permitted in the district, the Board shall consider the economic, social, environmental, and energy consequences of the proposed and conflicting uses as defined by OAR 660-16-000.

216.04.04 - Alteration of an Historic Resource

216.04.04.01 - Permit Required for Alteration

A permit is required for the alteration of the exterior appearance of any structure listed on the Corvallis Register of Historic Landmarks and Districts.

Exterior appearance as governed by this section includes any alteration of a facade, texture, design, material, fixtures, or other such treatment.

Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this section that does not involve a change in design, material, or external appearance thereof. Nor does this section prevent the construction, reconstruction, alteration, or restoration of any such feature when the City Engineer, Building Official or Fire Marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, the chairperson of the Historic Preservation Advisory Board shall be notified. [Section 216.04.04.01 amended by Ordinance 90-08, §33, passed February 20, 1990.]

216.04.04.02 - Alteration Permit Process

The following process shall be followed for permits required under Section 216.04.04.01:

- a) Application for such permits shall be made to the Building Official. The application shall be made on such forms and in such detail as prescribed by the Building Official.
- b) Upon receipt of an application the Building Official shall refer the request to the Planning Director who shall facilitate the review by the Fire Marshal, other appropriate City agencies and the Historic Preservation Advisory Board.

When the site or structure is listed on the National Register of Historic Places and the owner receives tax benefits under the provision of ORS 358.475, the Planning Director shall also refer such applications to the State Historic Preservation Office for review.

- c) The Historic Preservation Advisory Board shall hold a public meeting to review the permit request upon receipt of an application by the Building Official. Notice of such meeting shall be published in a newspaper of general circulation at least five (5) calendar days in advance of the meeting. The applicant and any other interested parties shall have the opportunity to be present at this meeting and shall have the opportunity to present information pertaining to the permit request. At this meeting the Historic Preservation Advisory Board shall complete its review, unless the applicant agrees to continue the proceedings to the next scheduled meeting of the Advisory Board, and recommend approval or denial of the request to the Building Official.
- d) The recommendation of the Historic Preservation Advisory Board shall be transmitted to the Building Official within three (3) working days of the meeting pertaining to the permit request. The recommendation shall be made in writing and shall specify the reasons relied upon in rendering the recommendation. The Planning Director shall transmit the Advisory Board's recommendation, as well as the comments of the Fire Marshal and other City agencies, to the Community Development Director.
- e) After receiving a recommendation from the Historic Preservation Advisory Board, the Community Development Director shall provide written notice to the owners and occupants of all properties within 100 feet of the subject property, advising them that they have fourteen (14) days to comment on the application. At the conclusion of the fourteen (14) day period the Director shall render a decision approving, approving with conditions, or denying the permit request. The Director's decision shall be based on applicable criteria, the recommendation of the Advisory Board, and comments from agencies or individuals. Approval or approval with conditions shall only be made when the Building Official and Fire Marshal have determined that the request is consistent with applicable building, fire, health, and safety codes. If for any reason the Building Official or Fire Marshal determine the request to be inconsistent with applicable codes and recommends denial, such recommendations shall be made in writing and specify the reasons relied upon in rendering the recommendation.
- f. A notice of disposition shall be mailed to those parties who received the original notice of the application, advising them that the Director's decision shall become effective in ten (10) days if not appealed.

[Section 216.04.04.02 amended by Ordinance 90-08, §33, passed February 20, 1990.]

216.04.04.03 - Criteria for Alteration Permit Review

Recommendations by the Historic Preservation Advisory Board and decisions by the Community Development Director to approve, approve with conditions, or deny an application request required under Section 216.04.04.01 shall be based upon the following criteria:

- a. Consistency with the Corvallis Comprehensive Plan.
- b. The purpose statement of this section as set forth in Section 216.04.01.
- c. The Secretary of the Interior's "Standards for the Historic Preservation with Guidelines for Applying the Standards" (U.S. Department of the Interior), Heritage Conservation and Recreation Service Publication No. 7).
- d. The Building Code, as adopted and amended by the State of Oregon, with particular reference to Section 104(f) - Historic Buildings.
- e. Other applicable State and local codes and ordinances related to building, fire, health, and safety.
- f. An evaluation of the economic, social, environmental, and energy consequences, as defined by Oregon Administrative Rule 660-16-000, of the permit request.

216.04.05 - Removing an Historic Designation

The removal of this Historic Preservation Overlay designation requires an application, review by the Historic Preservation Advisory Board, and approval by the Land Development Hearings Board. At the time this overlay is removed, the property is taken off the Corvallis Register of Historic Landmarks and Districts.

The application to remove an historic designation may be initiated by the Historic Preservation Advisory Board, Planning Commission, City Council, or by any interested person who submits a complete application to the Planning Director.

The application for removal or amendment of the historic preservation overlay designation shall follow the application requirements, review procedures, and adoption of findings outlined in Section 216.04.03.02. In addition, the Department of Land Conservation and Development and the State Historic Preservation Office shall receive notice of the application at least 45 days prior to the public hearing of the Land Development Hearings Board to review the application.

216.04.05.01 - Criteria for Removing an Historic Designation

The Historic Preservation Advisory Board shall evaluate the request for removal of a landmark or historic district

designation based on an analysis of the economic, social, environmental, and energy consequences of the proposed and existing uses as defined by OAR 660-16-000 and upon finding that removal of the historic designation will not adversely impact properties in the surrounding area or the integrity of the historic district. Also, in order to approve an application it must be found that at least one of the following has occurred since the site was listed as an historic resource:

- a) The significance of the resource or district has been substantially reduced or diminished;
- b) The integrity of the resource or district has been substantially reduced or diminished;
- c) The value of a proposed conflicting use outweighs the value of preserving the historic nature of the resource or district;

[Section 216.04.05.01 amended by Ordinance 90-08, §33, passed February 20, 1990.]

216.04.06 - Demolition of or Moving an Historic Resource

A permit is required to move, demolish or cause to be demolished any structure listed on the Corvallis Register of Historic Landmarks and Districts. Such a permit must be reviewed by the Historic Preservation Advisory Board and approved by the Land Development Hearings Board.

The application may be initiated by the Historic Preservation Advisory Board, Planning Commission, City Council, property owner, or by any interested person.

Nothing in this section shall prevent the demolition or removal of an historic resource when the City Engineer, Building Official or Fire Marshal determines that such an emergency action is required for the public safety due to an unsafe or dangerous condition. Prior to such emergency action, the chairperson of the Historic Preservation Advisory Board shall be notified.

[Section 216.04.06 amended by Ordinance 90-08, §33, passed February 20, 1990.]

216.04.06.01 - Demolition or Moving Permit Application Requirements

The following application process shall be followed for permits required under Section 216.04.06:

- a) Applications for a permit to demolish or move an historic resource shall be made to the Building Official on forms and in such detail as prescribed by the Building Official.

- b) The demolition or moving application shall include the following:
- 1) Plans, drawings, and photographs of the historic resource;
 - 2) A description of the physical condition of the resource;
 - 3) A statement addressing the economic, social, environmental, and energy consequences of demolishing or moving the resource compared to preserving it, or preserving it in it's existing location;
 - 4) If within an historic district, the resource's contribution to the district and the subsequent integrity of the district if the resource is demolished or removed;
 - 5) Whether denial of the request will involve substantial hardship to the applicant;

216.04.06.02 - Review Process for Demolition and Moving Permits

The review process and public notice requirements for a demolition application are the same as those for establishing historic designation, set forth in Section 216.04.03.02, with the following exceptions:

- a) The Department of Land Conservation and Development and the State Historic Preservation Office will receive notice of the application at least 45 days prior to the public hearing of the Land Development Hearings Board to review the application.
- b) The Historic Preservation Advisory Board may recommend and the Land Development Hearings Board may order that action on the demolition or moving request be deferred for a period not to exceed 150 days. During this period, the Historic Preservation Advisory Board shall attempt to determine if public or private acquisition and preservation is feasible, or other alternatives are possible which could be carried out to prevent demolition or removal of the site or structure.
- c) The Historic Preservation Advisory Board may recommend and the Land Development Hearings Board may require the following actions to be taken during that period:
 1. Post a "For Sale" sign and a public notice on the historic property which shall read: HISTORIC BUILDING TO BE MOVED OR DEMOLISHED--FOR SALE. Lettering on the sign shall be at least five (5) inches in height and posted in a prominent and conspicuous place on the property for at least 90 continuous days.

2. List the property for sale in newspapers of local and state circulation for a minimum of five (5) days over a five (5) week period.
 3. List the property in at least two preservation newspapers or magazines at least 30 days prior to issuance of the demolition or moving permit.
 4. Issue a press release to newspapers of local and state circulation which describes the significance of the resource, the physical dimensions of the property, and the reasons for the proposed demolition or move.
- d) The Historic Preservation Advisory Board may recommend and the Land Development Hearings Board may require the owner to produce one or more of the following:
1. Documentation of the building using the Historic American Buildings Survey guidelines (includes architectural drawings, photographs, and historical narrative);
 2. Historic and contemporary photographs of the historic building and site;
 3. Salvage of significant architectural or historic artifacts from the structure or site.

The documentation materials shall be the property of the City or its designee. The Historic Preservation Advisory Board shall determine where the documentation is to be deposited and where any artifacts, architectural features, materials, or equipment saved from the building are to be stored.

216.04.06.03 - Review Criteria for Demolition or Moving Permits

- a) In determining whether demolishing or moving the historic resource is appropriate, the Advisory Board shall consider the economic, social, environmental, and energy consequences, as defined by OAR 660-16-000, and the following criteria. The Land Development Hearings Board shall recommend approval of the permit if they find that the request satisfies the OAR 660-16-000 criteria, that issuance of the permit would not act to the substantial detriment of the public welfare or be contrary to the purpose and scope of the historic preservation policies of the Comprehensive Plan, and that at least one of the following criteria apply:
1. The physical condition of the historic resource is deteriorated beyond economically feasible rehabilitation;

2. It is not economically feasible to relocate the historic resource;
3. If within an historic district, that demolition or removal of the resource will not adversely impact the integrity of the district; or
4. Denial of the request will involve substantial hardship to the applicant.

b) Status of a Relocated Historic Resource. The historic status of a structure is automatically retained when it is relocated to a new location unless the Land Development Hearings Board, using the review process for removal of the historic designation, determines that the historic designation is no longer appropriate.

[Section 126.04.06.03 amended by Ordinance 90-08, §33, passed February 20, 1990.]

216.04.07 - Appeals

Appeals of the decision of the Land Development Hearings Board or Community Development Director may be made in the manner prescribed by Section 118 of this ordinance.

216.04.08 - Notice of Disposition

Immediately following a decision of the Director on an application to alter a designated historic structure, or a decision of the Land Development Hearings Board on an application to demolish a historic structure or establish or remove an HPO designation, a notice of disposition shall be sent to all parties in the case. Notice of a decision of the Director shall be mailed to all persons who were mailed the original notice of the application as well as those persons who submitted written comments regarding the application.

Notice of a decision of the Land Development Hearings Board shall be mailed to all persons who provided oral or written testimony at the public hearing. [Section 216.04.08 added by Ordinance 90-08, §33, passed February 20, 1990.]

216.04.09 - Fees

Applications for district designation, alteration of historic resources, removing historic designations, and demolition of historic resources shall be accompanied by fees as may be specified in Section 120. [Section 216.04.09 added by Ordinance 90-08, §33, passed February 20, 1990.]

[Section 216.04 added by Ordinance 82-101, §2, passed December 20, 1982; repealed by Ordinance 89-30, §1, passed July 24, 1989; replaced by Section 216.04, Ordinance 89-30, §2, passed July 24, 1989; amended by Ordinance 90-08, §33, passed February 20, 1990.]

Section 216.05 - District RTC (Research Technology Center)

216.05.01 - Purpose

The purposes of this district are to provide locations for research and technology uses which desire a campus-like setting and to establish standards that address the compatibility of the center with the surrounding uses.

216.05.02 - General Provisions

This district may be requested where identified on the Comprehensive Plan Map. The establishment of this district requires a public hearing by the Planning Commission in conjunction with a Conceptual Development Plan (Section 112.04). At the time this district is designated, the Planning Commission shall also designate the underlying district in conformance with the Comprehensive Plan. The developer has three (3) years from the date of approval for the district change and Conceptual Development Plan to complete a Development Plan and be issued a building permit for a primary use. In the event that the developer has not been issued a building permit prior to the expiration date, the district change and Conceptual Development Plan are null and void. The Director shall then amend the District Map to remove the RTC district.

216.05.02.01 - Time Extension

a. Applications

Owners or agents of property within the RTC designation may apply to have that designation left in place beyond the three year limit, provided that the application is properly filed before the expiration of the designation. Such applications shall be filed on forms provided by the Director. The Director shall mail notice to the owners and occupants of all properties within 100 feet of the subject property, advising them that comments on the application must be received by the Planning Division within fourteen (14) calendar days of the date that the notice was mailed. Upon completion of the fourteen (14) day notification period the Director shall grant a one year extension of the expiration date upon the findings that:

1. Unforeseen circumstances or conditions have caused the delay;
2. The applicant has demonstrated reasonable diligence in attempting to meet the time limits imposed; and
3. Facts upon which the approval was based have not changed to an extent sufficient to warrant refileing.

b. Notice of Disposition

The Director shall mail a notice of disposition concerning the time extension application to all parties who were mailed the original notice of the application and to those persons who provided written comments on the application. The Director's decision will become final upon termination of the appeal period specified in Section 118, unless an appeal has been filed.

c. Appeals

Appeals of the Director's decision concerning a time extension shall be filed in conformance with Section 118.

d. Fees

Applications for time extensions shall be accompanied by fees as required by Section 120.

[Section 216.05.02.01 amended by Ordinance 90-08, §34, passed February 20, 1990.]

216.05.03 - Permitted Uses

216.05.03.01 - General Development

a. Primary Uses Permitted Outright

1. Civic Use Type:
 - University Services and Facilities
2. Commercial Use Types:
 - Research Services
 - Professional and Administrative Services
 - Communications Services
 - Eating and Drinking Establishments - Sitdown (1 per development site)
3. Industrial Use Type:
 - Technological Production

b. Accessory Uses Permitted Outright

1. Essential Services
2. Other development customarily incidental to the primary use in accordance with Section 303.

216.05.03.02 - Special Development

a. Special Development - Type I

Planned development to be reviewed in accordance with Section 112.

b. Special Development - Type II

1. Major and minor impact services and utilities to be reviewed in accordance with Section 108, Plan Compatibility Review.
2. A Development Plan approval is required for all development prior to building permit. The Development Plan shall be submitted and reviewed in accordance with Section 108, Plan Compatibility Review.

[Section 216.05.03.02 amended by Ordinance 90-08, §35, passed February 20, 1990.]

216.05.04 - Dimensional Requirements

216.05.04.01 - Lot Area

The minimum parcel area for a development site shall be 50 acres. Individual lot sizes shall be adequate to fulfill the applicable minimum standards in this district.

216.05.04.02 - Setbacks

- a. Boundary Area - The setback for the perimeter of the development site shall average 50 feet along the building face for structures 30 feet or less in building height. The minimum setback shall not be less than 30 feet. For a structure over 30 feet in height an additional setback of 2.5 feet for every foot of height over 30 feet shall be added to the average 50 foot setback.
- b. Streets - The setback from streets along the perimeter of the development site shall average 60 feet with a minimum of 40 feet.
- c. Interior Lot Lines - There are no requirements for separation between buildings or setbacks from any created interior lot lines other than those specified in the Uniform Building Code.

216.05.04.03 - Height of Structure

No structure shall exceed 75 feet in height.

216.05.04.04 - Site Coverage

Building coverage shall not exceed 40 percent, while the total impervious surface (excluding open space/landscape elements) shall not exceed 60 percent of the entire Development Plan.

216.05.05 - Performance Standards

Each use, activity, or operation within this district shall comply with the applicable state and federal standards and shall not create a nuisance because of odor, noise, dust, smoke, or gas.

216.05.06 - Site Development Standards

- a. Mechanical equipment, outdoor storage areas, trash receptacles, and parking lots shall be screened from view from public places and neighboring properties, through the use of features such as berms, fences, false facades, and dense landscaping is required in accordance with Section 302.
- b. There shall be a 30-foot wide landscaped area in the boundary area containing trees and shrubs with a fence or a berm. Within the street setback area a 40-foot wide landscaped area shall be provided.
- c. Landscaped areas shall be irrigated with permanent facilities sufficient to maintain the plant materials and covered by living plant material capable of attaining 90 percent ground coverage within three (3) years.
- d. Street trees required in accordance with Section 302.
- e. Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use of offsets, landscaping, and change in materials.
- f. Chain-link fence shall be painted or coated with a muted color.
- g. To reduce building scale along the perimeter of the development site, earth sculpturing and other techniques shall be used.
- h. Where structures are set back less than 60 feet along a perimeter street, the building arrangement shall provide for open space linkages in such a way that the required open space extends from the street into the interior of the site.
- i. Parking, loading, and access requirements in accordance with Section 301.
- j. Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.
- k. Metal siding and roof surfaces shall be covered and maintained with a nonreflective paint.
- l. Artificial lighting shall be so arranged and constructed as to not produce direct glare on adjacent residential properties or otherwise interfere with the use and enjoyment of any property.

[Section 216.05 added by Ordinance 82-92, §1, passed December 6, 1982 and amended by Ordinance 90-08, §34 and 35, passed February 20, 1990.]

Section 216.06 - District RSC (Regional Shopping Center)

216.06.01 - Purpose

The purpose of this district is to provide a location for regional shopping center uses, which are planned and developed as an integrated unit.

216.06.02 - General Provisions

This district may be requested where identified on the Comprehensive Plan Map. The establishment of this district requires a public hearing by the Planning Commission in conjunction with a Conceptual Development Plan (Section 112.04). At the time this district is designated, the Planning Commission shall also designate the underlying district in conformance with the Comprehensive Plan.

The developer has two (2) years from the date of approval for the district change and Conceptual Development Plan to complete a Plan Compatibility Review and be issued a building permit for the primary use. In the event that the developer has not been issued a building permit prior to the expiration date, the district change and Conceptual Development Plan are null and void. The Director shall then amend the District Map to remove the RSC district and apply the underlying district.

216.06.02.01 - Time Extension

a. Applications

Owners or agents of property within the RSC designation may apply to have that designation left in place beyond the two year limit, provided that the application is properly filed before the expiration of the designation. Such applications shall be filed on forms provided by the Director. The Director shall mail notice to the owners and occupants of all properties within 100 feet of the subject property, advising them that comments on the application must be received by the Planning Division within fourteen (14) calendar days of the date that the notice was mailed. Upon completion of the fourteen (14) day notification period the Director shall grant a one year extension of the expiration date upon the findings that:

1. Unforeseen circumstances or conditions have caused the delay;
2. The applicant has demonstrated reasonable diligence in attempting to meet the time limits imposed; and
3. Facts upon which the approval was based have not changed to an extent sufficient to warrant refileing.

b. Notice of Disposition

The Director shall mail a notice of Disposition concerning the time extension application to all parties who were mailed the original notice of the application and to all persons who provided written comments on the application. The Director's decision will become final upon termination of the appeal period specified in Section 118, unless an appeal has been filed.

c. Appeals

Appeals of the Director's decision concerning a time extension shall be filed in conformance with Section 118.

d. Fees

Applications for time extensions shall be accompanied by fees as required by Section 120.

[Section 216.06.02 amended by Ordinance 90-08, §36, passed February 20, 1990.]

216.06.03 - Permitted Uses

a. Primary Use Permitted, in accordance with Section 108, Plan Compatibility Review

1. Regional Shopping Center

b. Accessory Uses Permitted in Freestanding Buildings, in accordance with Section 108, Plan Compatibility Review, for those sites which have already been approved on the Conceptual Development Plan

1. Automotive and equipment: repairing, light equipment

2. Eating and drinking establishments - sit-down

3. Financial, insurance, and real estate services

4. Food and beverage sales

5. Fuel sales

6. Participant sports and recreation - indoor

7. Retail sales - general

8. Spectator sports and entertainment: limited and other

c. Accessory Uses Permitted Outright

1. Essential services and minor impact services and utilities

2. Other development customarily incidental to the primary use in accordance with Section 303

216.06.04 - Dimensional Requirements

- a. Lot Area - The minimum parcel area for a regional shopping center shall be 30 acres. Individual lot sizes shall be adequate to fulfill the applicable minimum standards in this district.
- b. Setbacks - Front and exterior side yards - on arterial streets shall have a minimum depth of 60 feet. Front and exterior side yards on all other streets shall have a minimum depth of 40 feet.
- c. Building Height - No structure shall exceed 75 feet in height.

216.06.05 - Site Development Standards

- a. Mechanical equipment, outdoor storage areas, trash receptacles, and parking lots shall be screened from view from public places and neighboring properties through the use of features such as berms, fences, false facades, and landscaping as required by Section 302.
- b. Parking, loading, and access requirements shall be provided in accordance with Section 301.
- c. Access shall be designed to cause minimum interference with traffic movement on abutting streets. Where necessary, additional right-of-way and street improvements shall be required to maintain adequate traffic circulation.
- d. Street trees shall be planted as required by Section 302.

[Section 216.06 amended by Ordinance 90-08, §36, passed February 20, 1990.]

Section 216.07 - DISTRICT SSD (SPECIAL SHOPPING DISTRICT)

Section 216.07.01 - General Purpose

The purpose of this district is to provide for the development of integrated shopping areas containing related, complementary retail and wholesale activities serving a regional market. By allowing for and encouraging the clustering of such interrelated activities, at discrete locations readily accessible to the regional market, the commercial viability of these areas will be enhanced. Particular applications of this district will necessitate clearly identifying a concept and developing an appropriate list of permitted uses to implement the concept. At the time the official Development District Map is amended to place this designation on the map, the list of specific uses and a well functioning center, and address site and locational characteristics shall be drafted and incorporated into this Land Development Code.

Section 216.07.02 - District SSD - Home and Garden

Section 216.07.02.01 - Specific Purpose

The Home and Garden special shopping district recognizes specific and related permitted uses just east of the intersection of Philomath Boulevard and Country Club Drive. As a centralized "home improvement center", this district will provide for those sales and services which support construction, improvement, furnishing and/or landscaping activities related to residential dwellings and yards. The intent is to encourage a harmonious relationship with the surrounding residential area and reverse the undesirable trend of creating and perpetuating commercial stripping in residential districts. Development shall occur in a manner which enhances the Philomath Boulevard area as it develops primarily as a residential area and the western gateway corridor into Corvallis. Numerous independent accesses along Philomath Boulevard are inappropriate and steps shall be taken to consolidate and reduce their number as development occurs. Buffering and street tree plantings shall contribute to an attractive boulevard appearance.

Section 216.07.02.02 - Permitted Uses

216.07.02.02.01 - General Development

a. Primary Uses Permitted Outright

Commercial Use Types:

- Agricultural sales and services (limited to the following):
- Landscape, nursery, florist and garden supply sales
- Lawnmower sales
- Construction sales and services (limited to the following):
- Floorcovering sales

- Hearing, wood stove, air conditioning and/or plumbing supply sales
- Lighting or electrical supply sales
- Lumber and building supply sales
- Masonry supply sales
- Paint and wallcovering sales
- Spa and hot tub sales
- Window and glass supply sales
- Retail Sales, General (limited to the following household furnishing sales and services):
- Antique furniture sales
- Curtain and drapery sales
- Furniture sales - household
- Hardware and household appliance sales
- Other uses which the director shall determine to be similar to and of no greater impact than permitted uses.

b. Accessory Uses Permitted Outright

1. Essential services
2. Required off-street parking in accordance with Section 301.
3. Other uses the Director shall deem customarily incidental to the primary use in accordance with Section 303.

216.07.02.02.02 - Special Development

- a. Special Development - Type I: subject to review in accordance with Section 108 - Plan Compatibility Review, and Section 216.07.02.08.

1. Any permitted use or expansion of an existing use which involves outdoor storage and/or display of items for sale.

Section 216.07.02.03 - Dimensional Requirements

216.07.02.03.01 - Lot Area

- a. The lot size permitted in this district shall be adequate to fulfill the applicable Code requirements including lot coverage, landscaping and buffering, on-site circulation, parking requirements, and other development standards.
- b. Any land division shall be preceded by a Planned Development approval pursuant to Section 112 to ensure that parcels are created which contribute to the coordinated functioning of the shopping area.

216.07.02.03.02 - Setbacks

Setbacks for lot lines abutting:

- a. Residential Districts: The minimum setback for any structure abutting a residential property or properties shall be 25 feet.

This area shall be established and maintained as a landscaped buffer area in accordance with the applicable standards of Section 216.07.02.07 and SECTION 302.

- b. Streets: The following minimum setbacks (from the future right-of-way for a street constructed to City standards for any structure in any yard shall apply:
 1. Arterial Streets - 60 feet
 2. Collector Streets - 40 feet
 3. All Other Streets - 25 feet

Section 216.07.02.04 - Height of Structures

No structure shall exceed 30 feet in height.

Section 216.07.02.05 - Site Coverage

The maximum site coverage by impervious surfaces (excluding open space/landscape elements) shall not exceed 65 percent.

Section 216.07.02.06 - Off-Street Parking Facilities

Off-street parking and circulation facilities shall be provided on the site of each use in accordance with Section 301.

Section 216.07.02.07 - Landscaping and Screening

Philomath Boulevard is recognized as a major and significant gateway to Corvallis. Development along this corridor should enhance rather than detract from its potential as an attractive boulevard and entryway that contributes to the impression and image of the community.

- a. Planting, irrigation and street tree plans for the site shall be submitted at the time new development or expansion of a permitted existing use is proposed. These plans shall comply with the standards in Section 302. The tree species, location, alignment and installation of street trees along Philomath Boulevard shall contribute to the creation of the desirable boulevard affect.
- b. A landscaped boundary area on any abutting street is required, shall be a minimum width of 10 feet, shall be reviewed in conjunction with the planting and irrigation

plan, and shall be developed in accordance with Section 302.

- c. A fence or wall at least 5 feet in height shall be erected along property lines which abut residential development and shall comply with the standards in Section 302.04.

Section 216.07.02.08 - Development Criteria

- a. No outdoor storage or display is permitted in any landscaped, sidewalk or parking areas.
- b. Screening shall be provided for all outdoor storage permitted under Section 216.07.02.02.02 - Special Development and reviewed under the Plan Compatibility Review process. Outdoor storage of materials other than landscaping, nursery and garden supplies shall be screened on four sides from view along the public right-of-way, driveways, accessways, and adjoining residential properties by a fence. Fences which screen materials from public view must be impervious to sight, must be landscaped, and the stored materials may not exceed the height of the screening fence.
- c. With any expansion of permitted uses, the following nonconforming conditions of the site shall be brought into conformance with all applicable development standards: parking, landscaping, buffering, access and on-site circulation.
- d. Multiple accesses to a site shall be consolidated at the time of new development or the expansion of existing development. Groups of adjacent properties are encouraged to utilize joint accesses in order to reduce the total number of direct access points onto Philomath Boulevard.

Section 216.07.02.09 - Nonconforming Uses

Uses or development legally established prior to the establishment of this district shall be allowed to continue in conformance with Section 111.

Uses not legally established prior to the time of annexation shall be discontinued within 6 months of the date that annexation becomes final.

Article III

**DEVELOPMENT
STANDARDS**

ARTICLE III: DEVELOPMENT STANDARDS

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SECTION 300 - IMPROVEMENT REQUIRED WITH DEVELOPMENT

All public and private improvements associated with new development and/or with the intensification of existing development in the City of Corvallis shall be constructed to City standards at the time of development unless otherwise specified and approved by the City.

SECTION 301 - PARKING, LOADING, AND ACCESS REQUIREMENTS

Section 301.01 - Purpose

These regulations are established in order to provide on-site parking and loading areas and access to such areas of adequate capacity, and appropriate location and design. The parking requirements are intended to provide sufficient parking in close proximity to the various uses for residents, customers, and/or employees; and to maintain the traffic carrying capacity of nearby streets.

Section 301.02 - General Provisions

- a. Provision and Maintenance. The provision of required off-street parking and loading facilities is a continuing obligation of the property owner. Building or other permits will only be issued after receipt of site plans drawn to a suitable scale, showing the location of permanent parking and loading facilities.
- b. Unspecified Requirements. Parking requirements for uses which are not specified in this section shall be determined by the Director based upon the requirements of similar uses.
- c. New Structures. When a structure is constructed, on-site parking and loading spaces shall be provided in accordance with Section 301.03.
- d. Alteration of Existing Structures. When an existing structure is altered to the extent that the existing use is intensified, parking shall be provided in the amount required for such intensification.

When the increased intensity requires no more than two spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative; and when the net effect of one or more changes generates a need for more than two spaces, they shall be provided. The requirement to provide additional spaces shall not be made retroactive on the existing use.

- e. Change in Use. When an existing structure is changed in use from one use type to another use type as listed in Section 301.03 and the parking requirements for each use type are the same, no additional parking shall be required. However, where a change in use results in an intensification of use in terms of the number of parking spaces required then additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and the number of spaces required for the more intensive use.
- f. Inoperative Motor Vehicles. In any residential district, all motor vehicles incapable of movement under their own power shall be stored in a completely screened space, garage, or carport, except in an emergency.

- g. Mixed Uses. When several uses occupy a single structure or lot, the total required parking shall be the sum of the requirements of the individual uses.
- h. Choice of Parking Requirements. When a building or use is planned or constructed in such a manner that a choice of parking requirements could be made, the use which requires the greater number of parking spaces shall govern.
- i. Availability of Parking Spaces. Required parking spaces shall be unobstructed, available for parking of vehicles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use and shall not be used for sale, repair, or servicing of any vehicle.
- j. Location of Required Parking. Parking required for residential uses in accordance with RS-3.5, RS-5, RS-9, and RS-12 district provisions shall be provided on the development site of the primary structure. Except where permitted by Section 301.05.02, required parking for all other use types in all other districts as well as residential uses developed in accordance with RS-20 provisions shall be provided in the same site as the use or upon abutting property. Street right-of-way shall be excepted when determining contiguity.
- k. Shared Parking in Residential Districts. Multi-dwelling units with more than 10 required parking spaces shall provide shared parking. The shared parking shall consist of 15 percent of the total required parking spaces, to be located such that they are available for shared use by all occupants within the development.
- l. Bedroom Size Determination. Multi-dwelling units having a bedroom in excess of 160 square feet shall provide added parking of 0.5 parking spaces for each oversized bedroom.
- m. Fractions. When the sum of the required parking spaces is a fraction of a space (0.5 of a space) a full space shall be required.
- n. Assessment District Exemption. Sites and structures located in a municipal parking assessment district shall not be subject to off-street parking facility requirements.

Section 301.03 - Off-Street Parking Requirements

- a. RESIDENTIAL USES Per Building Type:
 - 1. Single Detached and Single Attached (Zero Lot Line), Attached and Mobile Homes: Two spaces for each dwelling unit, one of which may be located in a driveway occupying a front or exterior side yard. [Section 301.03.a.1 amended by Ordinance 82-67, §9, passed August 2, 1982.]

2. Duplex and Multi-Dwelling:

Studio or Efficiency Unit.....1 space per unit
1 Bedroom Unit.....1 space per unit
2 Bedroom Unit.....1.5 spaces per unit
3 Bedroom Unit.....2.5 spaces per unit

3. Group Residential:

- Fraternities, sororities, cooperatives, and boarding houses: three spaces for each five occupants at capacity (capacity to be based on criteria set forth in the Oregon Structural Specialty Code).
- Retirement homes, intermediate care facilities, and halfway houses: one space for each three persons for which sleeping facilities are provided to be based on the maximum number of people to be accommodated.

[Section 301.03.a.3 amended by Ordinance 89-06, §1, passed February 22, 1989.]

4. Group Care:

One space per 1,000 square feet of gross floor area.

b. CIVIC USE TYPES:

1. Administrative Services - one space per 400 square feet of gross floor area.
2. Community recreation - exempt
3. Cultural Exhibits and Library Services - one space per 200 square feet.
4. Day Care/Small Schools - two spaces for each classroom.
5. Hospitals - one space per 1,000 square feet of gross floor area.
6. Lodge, Fraternal, and Civic Assembly - For that area without eating or drinking facilities - one space for each four fixed seats (18 lineal inches of bench). For that area with eating or drinking facilities - one space per four fixed seats or stools and one space for each 50 square feet of dining or drinking area where there are no fixed seats.
7. Public Safety Services - 2 spaces per bed (sleeping accommodations) or as per administrative service requirements.
8. Religious Assembly - one space for each four fixed seats (18 lineal inches of bench shall be considered one seat) and one space for each fifty (50) square feet of public assembly area where there are no fixed seats.

9. Schools:

- Preschool/Kindergarten - two spaces per teacher.
- Elementary - two spaces per classroom.
- Middle School/Junior High - three spaces per classroom.
- Senior High, Commercial, or University - six spaces per classroom.

c. COMMERCIAL USE TYPES (for accompanying office and indoor service areas):

1. Administrative and Professional Services - one space per 400 square feet.

2. Agricultural Sales - one space per 400 square feet of gross floor area for accompanying office and indoor service area.

3. Agricultural Services - one space per 400 square feet of gross floor area.

4. Animal Sales and Services:

- Auctioning - one space per 50 square feet of gross floor area
- Grooming - one space per 400 square feet of gross floor area
- Horse Stables - exempt
- Kennels - exempt
- Stockyards - one space per 5,000 square feet of gross floor area
- Veterinary - one space per 400 square feet of gross floor area

5. Automotive and Equipment:

- Cleaning - one space per 400 square feet of gross floor area
- Fleet Storage - one space per 400 square feet of storage area
- Repairs/Heavy Equipment - one space per 800 square feet of gross floor area
- Repairs/Light Equipment - one space per 400 square feet of gross floor area
- Sales/Rentals, Farm Equipment - one space per 500 square feet of gross floor area

- Sales/Rentals, Heavy Equipment - one space per 800 square feet of gross floor area
 - Sales/Rentals, Light Equipment - one space per 400 square feet of gross floor area
 - Storage, Nonoperating Vehicles - one space per 400 square feet of gross floor area
 - Storage, Recreational Vehicles and Boats - one space per 400 square feet of gross floor area
6. Building, Maintenance and Services - one space per 400 square feet of gross floor area
 7. Business Equipment Sales and Services - one space per 400 square feet of gross floor area
 8. Business Support Services - one space per 400 square feet of gross floor area
 9. Communication Services - one space per 400 square feet of gross floor area
 10. Construction Sales and Service - one space per 400 square feet of gross floor area
 11. Convenience Sales and Personal Services - one space per 400 square feet of gross floor area
 12. Eating or Drinking Establishments - one space per four fixed seats or stools (18 lineal inches of bench shall be considered one seat) and one space for each 50 square feet of dining or drinking area where there are no fixed seats.
 13. Explosive Storage - one space for each 5,000 square feet of gross floor area
 14. Financial, Insurance, and Real Estate Services - one space per 400 square feet of gross floor area
 15. Food and Beverage Retail Sales - one space per 400 square feet of gross floor area
 16. Funerals and Interment Services:
 - Crematory and Undertaking - one space for each four fixed seats (18 lineal inches of bench shall be considered one seat) and one space for each 50 square feet of public assembly area where there are no fixed seats.
 - Interring and Cemeteries - exempt
 17. Fuel Sales - one space per 400 square feet of gross floor area

18. Laundry Service - one space per 400 square feet of gross floor area

19. Medical Services - one space per 200 square feet of gross floor area

20. Participant Sports or Recreation:

Indoor:

Bowling areas - six spaces per alley and five spaces as required for eating and drinking area

All other - one space per 50 square feet of gross floor area

Outdoor:

One space per four fixed seats (18 lineal inches of bench shall be considered one seat) for visitor seating and one space per four participants based on projected participant capacity.

21. Personal Services, General - one space per 400 square feet of gross floor area

22. Regional Shopping Center - one space per 300 square feet of gross floor area

23. Repair Services, Consumer - one space per 400 square feet of gross floor area

24. Research Services - one space per 300 square feet of gross floor area

25. Retail Sales, General - one space per 400 square feet of gross floor area

26. Retail Sales, Bulky Merchandise (i.e., Furniture or Motor Vehicles) - one space per 800 square feet of gross floor area

27. Scrap Operations - one space per 400 square feet of gross floor area

28. Spectator Sports and Entertainment:

Limited - one space per four fixed seats (18 inches of bench shall be considered one seat) and one space upon each 50 square feet where there are no fixed seats

29. Swap meets:

Limited - one space per four fixed seats (18 inches of bench shall be considered one seat) and one space upon each 50 square feet where there are no fixed seats

30. Transient Habitation:

- Campground - one space per designated camping space
- Lodging - one space for each guest room or suite

31. Wholesaling, Storage, and Distribution:

One space per each 5,000 square feet of gross floor area

[Section 301.03.c amended by Ordinance 83-19, §6, passed March 8, 1983.]

d. INDUSTRIAL USE TYPES:

1. Limited Manufacturing - one space per each 400 square feet of gross floor area or one space per employee on the largest shift, whichever is greater.
2. Technological Production/General Industrial/Intensive Industrial - one space per each 1,000 square feet of gross floor area or one space per employee on the largest shift, whichever is greater.

[Section 301.03.d amended by Ordinance 82-92, §5, passed December 6, 1982.]

e. AGRICULTURAL USE TYPES: exempt

f. EXTRACTIVE USE TYPES: exempt

Section 301.04 - Standards for Off-Street Parking and Access

All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the specification standards set forth in this section. Additionally, these facilities shall be designed, arranged, paved, and constructed in accordance with the minimum specifications set by Utility and Transportation Services. A permit from Utility and Transportation Services shall be required to construct parking, loading, and access facilities, except for single detached, duplexes, single attached, attached, and mobile homes.

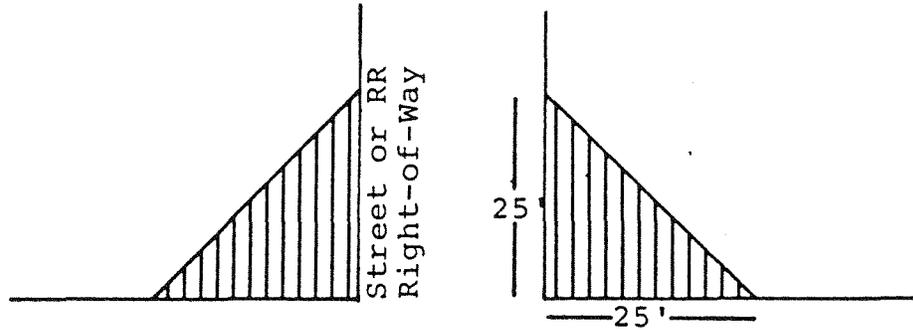
a. Access to Arterial and Collector Streets

1. All off-street facilities shall be designed and constructed with turnaround areas to prevent back up movement onto arterial streets.
2. Driveway locations within 150 feet of the intersection of the rights-of-way of two arterial streets or of an arterial street

and a collector street (as designated on the adopted Transportation Element of the Comprehensive Plan) or of two major streets (as shown on the Comprehensive Plan Land Use Map) may be approved by the City Engineer with respect to impacts upon safety and capacity of the public street, associated walkways, and/or bikepaths.

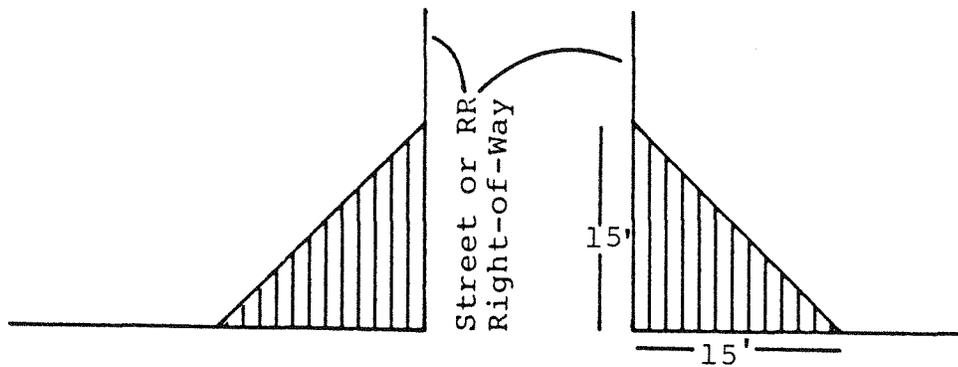
3. Location, design, and construction of related improvements for all accesses to and/or from arterial, collector, and major streets as defined in Section 301.04.01.a.2 above shall be subject to approval of the City Engineer with respect to impacts upon safety and capacity of the public street, associated walkways, and/or bikepaths.
 4. No development site shall be allowed more than one access point to any arterial, collector, or major street as designated on the adopted Transportation Element of the Comprehensive Plan or of a major street (as shown on the Comprehensive Plan Land Use Map) or to any combination of such streets except as approved by the City Engineer.
 5. A supplemental vision clearance area for every street and every driveway serving more than 15 dwelling units or more than 30 parking spaces accessing an arterial, collector, or major street (as defined in Section 301.04.01.a.2) shall be required, except in the Central Business District. This vision clearance shall consist of the area bounded by the intersection of the street rights-of-way or the street right-of-way and the driveway and a line drawn from a point on the arterial, major, or collector street right-of-way 100 feet from said intersection to a point on the intersecting street right-of-way or on the edge of the intersecting driveway 10 feet from said intersection. No obstacle or barrier to sight shall be permitted in this area between an elevation 2 feet above the adjacent curb height and 8 feet above said height except that trees are permitted within that portion of the vision clearance triangle located at least 25 feet away from the street right-of-way or driveway edge measured parallel to the arterial collector or major street, provided they are trimmed of branches between the above described heights. Traffic control devices, lights, or utility installations meeting the approval of the City Engineer are exempted from the requirements of this provision.
- b. Access to Unimproved Streets or Alleys - Unless approved as part of a Land Division, access to or from any development site shall be to a street or alley improved to City Standards. Access to streets or alleys not improved to City Standards may be approved or conditionally approved by the City Engineer where it is demonstrated that potential negative impacts upon safety, traffic, pedestrian movement, and neighboring properties will be adequately mitigated.
- c. General Vision Clearance (Applies in all areas except CBD) Traffic control devices, street lights, and utility installations located within public rights-of-way and easements, meeting the approval of the City Engineer, are exempt from the following:

1. A vision clearance triangular area shall be maintained at street intersections or street and railroad crossings between the elevations of 2 feet and 8 feet above the adjacent curb height. This area shall be bounded by the rights-of-way and a line connecting a point on each right-of-way, said points being each 25 feet from the intersection of said rights-of-way.



Street Right-of-Way

2. The vision triangle above shall also apply to all driveways (the edge of the driveway takes the place of the right-of-way) serving more than 30 parking spaces.
3. A vision clearance triangular area shall be maintained between the elevations of 2 feet and 8 feet above the adjacent curb height for all driveways serving less than 30 parking spaces. The vision clearance triangle shall be bounded by the street right-of-way and the edge of the driveway. A line shall connect this point located on the right-of-way and the point on the edge of the driveway. Each point shall be at least 15 feet from the intersection of the edge of the driveway and the right-of-way.



Street Right-of-Way

- d. Developments required to provide more than three parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street other than an alley except as approved by the City Engineer.
- e. Screening - Screening of all parking areas containing four or more spaces and all parking areas in conjunction with an off street loading facility shall be required in accordance with district requirements and Section 302.04. Where unspecified by district requirement, screening along a public right-of-way shall include a minimum 5-foot depth of planting area adjacent to the right-of-way.
- f. Lighting - Any lights provided to illuminate a parking facility shall be arranged so as to radiate and reflect light away from adjacent properties.
- g. Setbacks - In the RS-12 and RS-20 districts, required parking shall be permitted to extend into the front and exterior side yards to within 5 feet of the property line. For two dwelling units on site, one required parking space for each dwelling unit may be located in the driveway occupying a front or exterior side yard.

Where no sidewalk location has been established, a 19-foot setback from the right-of-way line shall be used. All off-street parking shall be such that a minimum of 19 feet of length from the sidewalk or future walk locations is required where there is backing room onto the public right-of-way. Where no sidewalk location has been established, 19 feet from the right-of-way line shall be the minimum setback.

Nothing in this section shall imply or permit a lesser setback than that required by any other section of this Code.

- h. Sidewalks shall be required adjacent to lots with 25 or more parking spaces and/or adjacent to driveways longer than 100 feet, servicing more than 8 dwelling units. These adjacent sidewalks shall connect to existing or proposed sidewalks.

[Section 301.04 amended by Ordinance 82-67, §10, passed August 2, 1982.]

Section 301.05 - Modification to Parking Requirements

The provisions of this section as to number of spaces may be modified by the Director as follows:

301.05.01 - Compact Car Spaces

Up to twenty-five (25) percent of the required parking spaces may be reduced in size for the accommodation of compact cars, in parking facilities providing not less than twenty (20) spaces. Compact car spaces shall generally be located near the entrance to any lot or aisle.

[Section 301.05.01 amended by Ordinance 88-27, passed June 20, 1988.]

301.05.02 - Group Care Facilities

The number of spaces required may be modified for uses such as group care facilities where it can be demonstrated that automobile use or ownership is significantly lower than for other dwelling or lodging facilities.

Section 301.06 - Standards for Off-Street Loading Facilities

For every use or premise mentioned in Section 301.03(c) and (d) in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or more, at least one off-street loading space shall be provided on site. One additional space shall be provided for each additional 20,000 square feet or major fraction thereof.

Off-street loading facilities shall conform with the following standards:

- a. Each loading berth shall be not less than 35 feet in length and 10 feet in width and shall have a minimum height clearance of 14 feet.
- b. Sufficient space for turning and maneuvering of vehicles shall be provided on the site in accordance with the standard specifications established by the City Engineer.
- c. Entrances and exits shall be provided at locations approved in accordance with applicable ordinances and statutes.
- d. No off-street loading facilities shall be required where buildings abut a public alley in such a manner that loading operations can be conducted from said alley in accordance with applicable traffic and parking ordinances.
- e. Screening for off-street loading is required and shall be the same as screening for parking lots in accordance with Section 301.04.

[Section 301 amended by Ordinance 81-72, passed August 17, 1981.]

SECTION 302 - LANDSCAPING, BUFFERING, SCREENING

Section 302.01 - Purpose

Corvallis 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 section prescribes standards for landscaping, buffering, and screening. While this section provides standards for frequently encountered development situations, detailed planting plans and irrigation system designs when required, shall be reviewed by the City with this purpose clause as the guiding principle.

Section 302.02 - General Provisions

- a. Where landscaping is required by this Code, detailed planting plans and irrigation plans shall be submitted for review with development permit application. Development permits shall not be issued until the City has determined the plans comply with the purpose clause and specific standards of the Section. Required landscaping for Planned Developments is reviewed and approved by the Planning Commission, and in no case shall said landscaping be less than that required by this Section. All required landscaping and related improvements shall be completed or financially guaranteed prior to the issuance of a Certificate of Occupancy, and provide a minimum 90% ground coverage within 3 years.
- b. Appropriate care and maintenance of on-site landscaping and landscaping in the adjacent right-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. A City permit is required to plant, remove, or significantly prune any trees in a public right-of-way.

Landscaping, buffering, and screening required by the Code shall be maintained. If street trees or other plant materials do not survive or are removed, the materials shall be replaced in kind.

- c. Significant plant and tree specimens should be preserved and integrated into the design of a development. Plants to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees may be utilized in complying with this section if no cutting or filling of the soil takes place within the dripline of the tree and the tree is protected from damage during construction.
- d. Planters and boundary areas used for required plantings shall have a minimum radius of 2.5' or a width of 5'. Where the curb or the edge of these areas are used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of 7.5'.

- e. An irrigation system is required in RS-12, RS-20, PA-O, SA, CS, LC, RTC, and LI Districts unless waived by the Director. An irrigation system is recommended for planting areas in all other districts to assure survival of plant materials. Where required, a detailed irrigation system plan shall be submitted with building permit application. The plan shall indicate source of water, pipe location and size, and specifications of backflow device. The irrigation system shall utilize 100% head to head coverage or sufficient coverage to assure 90% coverage of plant materials in three years.
- f. In no case, shall landscaping, buffer plantings, or 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.

Section 302.03 - Required Tree Plantings

Tree plantings in accordance with the following standards are required for all parking lots for four or more cars, public street frontages, and along private drives more than 150' long. Trees shall be planted outside the street right-of-way except where there is a designated planting strip or City adopted street tree plan.

Selection of species may be made from the list at the end of Section 302. Alternate selections must be approved by the Planning Director following written request. Frequency of trees in planting shall be determined by the type of tree used and roadway classification or use. Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief. (See recommended tree list for examples in each category):

Street Trees

Medium canopy trees - Maximum 30' on center spacing.
Large canopy trees - Maximum 50' on center spacing.

Parking Lot Trees

Medium canopy trees - Minimum 1 tree per 8 cars.
Large canopy trees - Minimum 1 tree per 12 cars.

Trees may not be planted:

- * Closer than five feet from permanent hard surface paving or walkways, unless using special planting techniques and specifications approved by the Director.
- * Unless approved otherwise by the City Engineer:
 - Within 10' of fire hydrants and utility poles;
 - Within 20' of street light standards;
 - Within 5' from an existing curb face;
 - Within 10' of a public sanitary sewer, storm drainage or water line.

- * Where the Director determines that the trees will be a hazard to the public interest and welfare.
- * Trees shall be pruned to provide a minimum clearance of 8 feet above sidewalks and 12 feet above street and roadway surfaces.

Section 302.04 - Buffer Plantings

Buffer plantings are used to reduce building scale, provide transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften, rather than block, viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect.

Section 302.04.01 - Parking, Loading, and Vehicle Maneuvering Areas

Buffering is required for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. A balance of low-lying groundcover and shrubs, and vertical shrubs and trees shall be used to buffer the view of these facilities. Decorative walls and fences may be used in conjunction with plantings, but may not be used by themselves to comply with buffering requirements.

[Section 302.04.02 amended by Ord. No. 81-67, Sec. 37, passed July 6, 1981; Ord. No. 82-35, Sec. 2, passed April 5, 1982; Ord. No. 82-67, Sec. 11, passed August 2, 1982; Ord. No. 82-92, Sec. 6, passed December 6, 1982; Ord. No. 83-19, Sec. 7, passed March 8, 1983; Ord. No. 83-30, Sec. 13, passed March 21, 1983; deleted by Ord. No. 88-27, §3, passed June 20, 1989.]

Section 302.05 - Screening (Hedges, Fences, Walls, Berms)

Screening is used where unsightly views or visual conflicts must be obscured or blocked and where privacy and security are desired. Fences and walls used for screening may be constructed of wood, concrete, stone, brick, and wrought iron, or other commonly used fencing/wall materials. Acoustically designed fences and walls are also used where noise pollution requires mitigation.

Where landscaping is used for required screening, said landscaping shall be at least 6' in height and be at least 80 percent opaque as seen from a perpendicular line of sight, within 18 months following establishment of the primary use of the site.

A chain link fence with slats shall qualify for screening only if a landscape buffer is provided in compliance with Section 302.04.

Section 302.05.01 - Height Limit

The height of hedges, fences, walls, and berm shall be measured from the lowest adjoining finished grade, except where used to comply with

screening requirements for parking, loading, storage, and similar areas. In these cases, the height shall be measured from the finished grade of such improvements. Screening is not permitted within the vision clearance area.

- a. Height of hedges, fences, and walls may not exceed three feet in height within a required front yard or exterior side yard (except where required by the Code or the Planning Commission to meet screening requirements or as permitted in b).
- b. Hedges, fences, and walls may be as tall as 5' in an exterior side yard (excluding the front yard area) or rear frontage on a through lot where designed and constructed to prevent visual monotony through use of offsets (minimum 2'), change in materials, or landscape buffers which comply with the buffering requirements in Section 302.04.
- c. Hedges, fences, and walls may exceed three feet in rear and side (except exterior) yards. Fences and walls over six feet high require Building Permit approval prior to construction.
- d. Earthen berm up to six feet in height may be used to comply with screening requirements. Slope of the berm may not exceed 2:1 and the faces of the slope shall be planted with groundcover, shrubs, and trees.
- e. Long expanses of fences and walls shall be designed to prevent visual monotony through use of offsets, changes of materials and textures, or landscaping.

Section 302.05.02 - Service Facilities

Trash dumpsters, gas meters, ground level air conditioning units, and other service facilities shall be appropriately screened with a fence/wall or plantings.

Section 302.05.03 - Swimming Pools

Swimming pools must be surrounded and screened with a minimum 4 foot high fence or wall when more than 18" deep. Access to the secured area must have a self-latching gate in accordance with City Ordinance 82-37 Section 7B as amended.

Section 302.06 - Recommended Street Trees

The following species are appropriate trees for street tree and parking lot planting situations. Other varieties may be suggested, but must be approved by the Director.

Medium canopy trees:

Acer platanoides "Almira": Almira Norway Maple

Acer platanoides var.: Norway Maple

Acer rubrum "Armstrong": Armstrong Red Maple*

Acer rubrum "Deric": Deric Red Maple

Acer rubrum "Scalon": Scalon Red Maple
Carpinus betulus purpurea: Purple European Hornbeam
Cercidiphyllum japonicum: Katsura Tree
Carpinus caroliniana: American Hornbeam
Cladrastic lutea: American Yellow Wood
Fagus sylvatica "Heterophylla": European Beech*
Fraxinus oxycarpa "Flame": Flame Ash
Fraxinus holotricha "Morain": Morain Ash

Fraxinus pennsylvanica lanceolata: Marshall's Seedless Ash
Phellodendron amurense: Amur Cork Tree
Prunus blieriana "Newport" or "Thundercloud": Flowering Plums
Prunus campanulata: Taiwan Flowering Cherry
Prunus serrulata "Kwansan": Kwansan Flowering Cherry
Prunus subhirtilla "Autumnalis": Autumn Flowering Cherry
Pyrus calleryana "Bradford": Bradford Pear*
Quercus phellos: Willow Oak*
Saphora japonica: Japanese Pagoda Tree
Styrax japonica: Fragrant Snowbell
Tilia cordata: Little Leaf Linden*

Large canopy trees:

Acer rubum spec.: Red Maple*
Acer saccharum: Sugar Maple*
Ginko biloba: Ginko*
Gleditsia triacanthos var.: Moraine Thornless Honey Locust*
Liriodendron tulipifera: Tulip Tree*
Paulownia tormentosa: Empress Tree*
Platanus acerifolia: Sycamore (should have a 12' wide planting area)*
Quercus coccinea: Scarlet Oak*
Quercus robur: White Oak*
Quercus rubra: Red Oak*

- * Because of their strong central trunk growth pattern or large mature size, these trees should not be planted beneath overhead utilities.

[Section 302 amended by Ordinance 88-27, §3, passed June 20, 1988.]

SECTION 303 - ACCESSORY DEVELOPMENT REGULATIONS

Section 303.01 - Purpose

The provision of Section 303.01 through 303.05, inclusive, shall be known as the Accessory Development Regulations. The purpose of these provisions is to establish the relationship among the principal and accessory developments and the criteria for regulating accessory developments.

Section 303.02 - Accessory Uses Encompassed by Principal Uses

In addition to the uses expressly included in the Development Districts (primary, conditional, and accessory uses permitted), each district shall be deemed to include such accessory developments which is specifically identified by these Development Standards. When a proposed use is not specified in these regulations, it shall be the responsibility of the Director to determine if a proposed accessory development is necessarily and customarily associated with, and is appropriate, incidental, and subordinate to the principal development. The Director shall base his decision on the similarity of the proposed accessory development to those developments specifically identified as accessory to the principal developments, and the relationship between the proposed accessory development and the principal development. Such determinations which are made by the Director shall be subject to the procedures for Requests for Interpretation specified in Section 123. [Section 303.02 amended by Ordinance 90-08, §37, passed February 20, 1990.]

Section 303.03 - Accessory Developments Subject to Controls

Accessory developments shall be controlled in the same manner as the principal uses within each district, except as otherwise provided by these regulations:

- a. Accessory development involving nonconforming structures and fences are not subject to the requirements of Section 111, Nonconforming Development, where an alteration, extension, reconstruction, or alteration is requested. In these instances where an alteration, extension, or reconstruction is requested, the applicant shall apply for a Lot Development Option in accordance with Section 109.
- b. Accessory development involving nonconforming uses are subject to the requirements of Section 111, Nonconforming Development.
- c. In a residential district a side and/or rear yard may be reduced to 1 foot for an accessory structure and its projections be erected more than 60 feet from streets other than an alley, except in the case of Wind Generation Energy Devices (WGED) where the minimum setback from any property line shall be greater than or equal to the height of the structure. Additionally, any WGED shall not cause interference to television or radio reception on adjacent properties and the City reserves the right to suspend the building permit if interference becomes evident.

- d. Wind Energy Conservation Devices shall not exceed 45 feet in height, shall require a surrounding 6-foot fence with locking portal, and shall ensure that climbing apparatus stops 12 feet short of the ground.
- e. In a residential district, the rear yard of a corner lot may be reduced to 8 feet for an accessory structure and its projections erected more than 25 feet from streets.
- f. Fences shall be considered as accessory structures and are subject to the requirements of Section 302.04.
- g. An accessory structure in a side and/or rear yard shall not exceed a height of 14 feet nor occupy more than 35 percent of a required yard.

Section 303.04 - Residential Use Types

303.04.01

Accessory structures shall be detached from the primary residence and shall not be construed to become additional permanent living area (as in the case of attached porches and decks).

Subject to the restrictions and limitations specified, the following types of accessory structures shall be permitted in districts where Residential Use Types are permitted:

- a. Private Garages
- b. Children's Playhouses
- c. Radio and Television Receiving Antennas (personal use)
- d. Sheds
- e. Shops (nonbusiness purposes)
- f. Barns
- g. Kennels for Dog and Cat Keeping. The keeping of dogs and cats (domestic use) and their kennels.
- h. Gazebos
- i. Solar Energy Systems. Includes solar collectors, storage facilities, distribution components, and wind generation devices.
- j. Other Necessary and Customary Developments. Accessory developments and structures, in addition to those identified above, which are necessarily and customarily associated with, and are appropriate, incidental, and subordinate to a principal use, as determined by the Director.

303.04.02 - Special Provisions

- a. Patios not exceeding 30 inches in height from grade and open to the sky shall be considered accessory development, yet will require Plan Compatibility Review (in accordance with Section 108) when located closer than 5 feet from any property line.

Section 303.05 - Civic, Commercial, Industrial, Agriculture, or
Extractive Use Types

Accessory necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal civic, commercial, industrial, or extractive uses shall be permitted where these use types are permitted.

303.05.01 - Industrial and Agriculture/Open Space Districts

- a. A single dwelling unit or a single mobile home shall be permitted as follows in industrial and agricultural/open space districts provided that the uses are for and in accordance with the following:
 1. Caretaker or Superintendent. On a lot or building site with a permitted industrial use, and occupied exclusively by a caretaker or superintendent of such industrial use and his family; or
 2. Farm Owner or Operator. On a lot or building site having a net area of at least 5 acres which is being farmed, and occupied exclusively by the owner or operator thereof; or
 3. Kennel Owner or Operator. On a lot or building site with a kennel, and occupied exclusively by the owner or operator thereof and his family.
 4. In an LI district only residential development in accordance with Section 212.02.01.b.1.
- b. Retail outlets and offices accessory to the primary use, developed in conjunction with (simultaneously) or following development of the primary use.

[Section 303 amended by Ordinance 90-08, §37, passed February 20, 1990.]

SECTION 304 - LAND DIVISION STANDARDS

[Title changed by Ordinance 90-08, §38, passed February 20, 1990.]

Section 304.01 - Purposes

The purpose of the Land Division standards are to preserve, protect, and promote the public health, safety, convenience, and general welfare. More specifically, this section is created to fulfill the land division objectives as stated in Section 113.02.

Section 304.02 - Applicability

Pursuant to the provision of Chapter 92 of the Oregon Revised Statutes, referred to herein as the Plats and Subdivision Statute, and in addition to any other regulations provided by law, the regulations hereinafter in this Code contained shall apply to all land divisions hereafter made entirely or partially within the limits of the City of Corvallis.

Section 304.03 - General Provisions

304.03.01

All land divisions shall be in conformance with the requirements of the applicable district and Section 304, and shall be appropriate for the location of the land division and for the type of use contemplated. Additionally, all land divisions shall meet the following requirements relating to the creation of lots and functional standards for public facilities except in the case of planned developments where:

- a. The standards for rights-of-way, street improvement, and subdivision design may vary from those prescribed for design and improvement requirements in this section, provided that the subdivider can demonstrate by his design proposal and such additional evidence as may be submitted that the purposes of this section and the objectives of this ordinance will be achieved.
- b. The minimum area, width, depth, and frontage of lots may be less than those prescribed by the Land Development Code, provided that the overall gross density of development created does not exceed that which would be created by strict adherence to the minimum standards thereof.

Section 304.04 - Blocks

- a. General. The length, width, and shape of blocks shall take into account the need for adequate lot size and street width and circulation, recognizing the limitations of the topography.
- b. Size. No block shall be more than twelve hundred (1,200) feet in length between corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception. The recommended minimum length of blocks along an arterial street is eighteen hundred (1,800) feet.

Section 304.05 - Lots, General Requirements

- a. Size and Shape. Lot size, width, shape, and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, and the depth shall not generally exceed two and one-half (2-1/2) times the average width. Lot sizes shall not be less than the size required by the Land Development Code. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street parking and service facilities required by the type of use proposed.
- b. Access. Each lot shall abut upon a street other than an alley for a width of at least twenty-five (25) feet unless the lot is created through a Land Partition or minor replat in which case Section 304.06.03 shall apply. [Section 304.05.a. amended by Ordinance 90-08, §39, passed February 20, 1990.]
- c. Through Lots. Through lots shall be avoided except where they are essential to provide separation of residential development from major traffic arteries or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least ten (10) feet wide and across to which there shall be no rights of access may be required along the line of lots abutting such a traffic artery or other incompatible use. All through lots having frontage on parallel or approximately parallel streets shall provide the required front yard on each street.
- d. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.
- e. Lot Grading. Lot grading shall conform to UBC requirements and City Ordinance 77-60 (Excavation and Fill).
- f. Building Lines. Building setback lines may be established in the subdivision and shown on the final plat or included in the covenants recorded as a part of the plat.
- g. Large Lots. In dividing tracts into large lots which at some future time are likely to be subdivided, the Planning Commission or authorized agent may require that the blocks shall be of such size and shape, be so divided into lots and contain such building site restrictions and such other provisions as will provide for extension and opening of streets at intervals which will permit a subsequent division of any parcel into lots of smaller size. The land division may be denied if the proposed lot size does not provide for the efficient future division of said large lots and extension of public facilities.

Section 304.06 - Special Provisions for Lots Created Through Land Partitions or Minor Replats

[Section 304.06 title changed by Ordinance 90-08, §40, passed February 20, 1990.]

304.06.01 - Purposes

Within the City of Corvallis, there are parcels of land which are of such size that they exceed the minimum lot area requirements for development. Since most of these parcels have City facilities and services available, it is the intent of this Section to establish standards and procedures necessary to insure that partitioned lots are properly developed.

Additionally, the standards and procedures established herein are required for the following purposes:

- a. To promote and insure the efficient utilization of land within the City of Corvallis.
- b. To provide residential building sites of sufficient size and appropriate arrangement.
- c. To minimize destruction of the natural environment and to incorporate natural features into the proposed development where practicable.
- d. Ensure efficient development of adjacent property and to protect the residents of partitioned and adjoining properties from the potential adverse effects of intensified development in established residential areas.

304.06.02 - General Provisions

The partitioning of a parcel of land in accordance with the provisions of the Land Division Requirements (Section 304) shall also be subject to the following standards and procedures.

304.06.03 - Accessway

The lot access requirements of Section 304.05.b may be reduced and combined, for residential lots, to provide access right-of-way from a dedicated right-of-way in accordance with the following list.

- a. Accessway to a single lot and one dwelling unit.....17 feet
- b. Accessway to a single lot and two dwelling units or combined access to two lots and two dwelling units.....23 feet
- c. Accessway to a single lot with more than two dwelling units.....28 feet

- d. Combined accessway to two or three lots and three dwelling units with a common drive.....28 feet
- e. Combined accessway to two or three lots and four dwelling units with a common drive.....28 feet
- f. Combined accessway to two or three lots and five or more dwelling units with a common drive.....34 feet

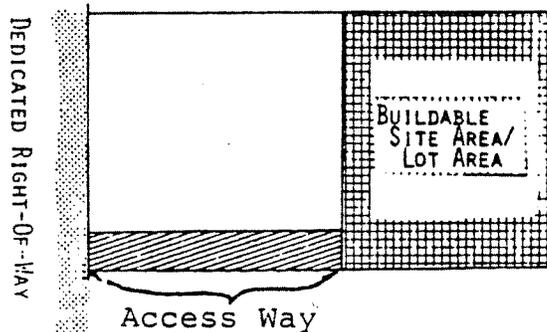
Access must be to a dedicated right-of-way at least 40 feet in width, which is paved to City standards, except access may be permitted to a street paved to a minimum of 20 feet in width (on the date of adoption of this Ordinance), provided the right-of-way is at least 40 feet in width, the access is to a single lot and not more than two dwelling units, a deed restriction is recorded prohibiting remonstrance against a future local improvement district for said streets, and grade is such that foundation drainage waters may be carried by gravity (without pumping) to a public storm drain or other drainage facility approved by the City Engineer.

304.06.04 - Lot Width

The minimum width of the building site area shall meet the lot width requirement of the applicable district.

304.06.05 - Lot Area

The lot area shall be as required by the applicable district and it shall be provided entirely within the building site area exclusive of any accessway (see figure below).



Where more than 50 percent, by number, of the lots of record within 300 feet of the parcel to be partitioned are fully developed, the partitioned lot shall have a minimum building site area of at least 90 percent of the average lot area of the developed lots.

For purposes of this section, "fully developed" shall mean that a lot cannot be further partitioned due to insufficient area or the location of existing dwelling units.

Where a portion of a lot is located within 300 feet of the parcel to be partitioned, the entire lot shall be considered in the determination of required building site area. Lots located in a more restrictive district, however, shall not be considered.

The following districts are exempted from Section 304.06.05: Commercial, Professional and Administrative Offices, and Industrial Districts. This section applies to residential districts only and only properties located in a residential district shall be included in the calculation.

304.06.06 - Setbacks

Setbacks shall be as required by the applicable district, except that where a partitioned lot abuts a lot in a more restrictive district, the setback requirements of the more restrictive district shall apply for those yards which have common property lines.

304.06.07 - Front Yard Determination

When the partitioned lot is a flag lot, the developer may determine the location of the front yard, provided that no side yard is less than ten (10) feet. Structures shall generally be located so as to maximize separation from existing structures.

304.06.08 - Site Improvements

- a. Driveways - Driveways to partitioned lots shall be of uniform width for their entire length and shall be surfaced as required by current City standards or as approved by the City Engineer. No driveway shall traverse an average slope in excess of 15 percent unless specifically approved by the City Engineer. The drive shall be located in that portion of the accessway which will minimize the adverse effects of automobile traffic on abutting properties and no portion of the driveway located in the accessway may be used for required parking.
- b. Screening - A screen shall be provided along the property line of a lot of record where the paved drive in and accessway is located within 10 feet of the lot in accordance with Section 302. Screening may also be required to maintain privacy for abutting lots and to provide usable outdoor recreation areas for proposed development.
- c. Fire Protection - The Fire Chief may require the installation of a fire hydrant where the length of an accessway would have a detrimental effect on fire fighting capabilities.
- d. All other site improvements shall be made in accordance with current City standards and policies.

304.06.09 - Existing Vegetation

Significant beneficial vegetation including trees and shrubbery shall be preserved wherever possible.

304.06.10 - Reciprocal Easements

Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will insure access rights shall be recorded with the approved partition map.

304.06.11 - Site Plan Review

Prior to the issuance of a building permit for development on any partitioned lot, a site plan must be submitted for approval by the Planning Department to insure compliance with the provisions of this section and other applicable City standards and policies.

Section 304.07 - Easements

- a. Utility Lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated whenever necessary. The easements will vary according to the need of various utilities. When possible, the easement shall be located on one side of a lot line. Public utility easements 7 feet wide shall be dedicated and shown on the plat or map adjacent to street right-of-way for all lots adjacent to street rights-of-way of less than 60 feet in width. Public utility easements except those parallel to and adjacent to public rights-of-way shall be a minimum of 15 feet wide.
- b. Water Courses. If a subdivision is traversed by a water course such as a drainageway, channel, or stream, there shall be provided a public drainageway right-of-way or drainage improvements and easements in accordance with Section 305.
- c. Pedestrianways. When desirable for public convenience, pedestrianways not less than ten (10) feet wide may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.

Section 304.08 - Leftover Land

Islands, strips, or parcels of property unsuited for division and not accepted by the City for public use shall be included within the land division.

Section 304.09 - Land for Public Purposes

If the City has an interest in acquiring any portion of the proposed division of land for a public purpose, other than rights-of-way, dedications, or easements, or if the City has been advised of such interest by a school district or other public agency, and there is a reasonable assurance that steps will be taken to acquire the land, then the Planning Commission or their authorized agent with Planning Commission approval may require that those portions of the land be reserved for public acquisition for a period not to exceed two (2) years.

Section 304.10 - Ponding Areas and Flood Hazards

Areas which are subject to the ponding of surface water or flooding shall not be divided until necessary measures have been taken or are required to be taken as a condition of approval of the division. The City Engineer shall make an investigation and report to the Planning Commission on the adequacy of measures taken or proposed to be taken by the subdivider. The existence of a flood hazard may be cause for the disapproval of a proposed subdivision.

Section 304.11 - Mail Delivery Facilities

The locations of sidewalks, bikepaths, intersections, potential or existing driveways, potential or existing utilities, the width of rights-of-way and street improvements, and traffic and pedestrian loadings and type shall be considered when establishing the location of mail delivery facilities. Mail delivery facilities shall conform to standard specifications of design and construction adopted by the City. Proposed mail facility locations shall be shown with the preliminary plat or map. The final location of mail facilities shall meet the approval of the City Engineer and the Post Office prior to final plat approval. Installation of mail facilities is the obligation of the subdivider and they shall be installed with the street improvements. A minimum of 10 feet of right-of-way width or right-of-way and walkway easement shall be provided behind the curb at mailbox locations.

Section 304.12 - Physical Improvements Required

304.12.01 - Improvement Procedures

In addition to other requirements, physical improvements shall conform to the requirements in Section 304.12.02 and construction standards or specifications adopted by the City. Improvements shall be installed in accordance with the following procedures.

- a. Work shall not be commenced until plans have been reviewed for adequacy and approved by the City Engineer and a permit for such work has been issued by the City.
- b. Work shall not be commenced until the City Engineer has been notified in advance; and if work has been discontinued for any reason, it shall not be resumed until the City Engineer has been notified.
- c. Required improvements shall be inspected by and constructed to the satisfaction of the City Engineer. The City Engineer may require changes in typical sections and details if unusual conditions arising during construction warrant such change in the public interest.
- d. Underground utilities, sanitary sewers, and storm drains installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed

to lengths that will avoid the need to disturb improvements when service connections are made.

- e. The creation of all streets shall be in conformance with the requirements for subdivision except the City Council may approve the creation of a street to be established by deed without full compliance with the regulations applicable to subdivisions provided the following condition exists:

The establishment of the street is initiated by the City Council and is declared essential for the purpose of general traffic circulation, and the partitioning of land is an incidental effect rather than the primary objective of the street.

- f. The Planning Commission may require as a condition of approval any of the design standards adopted and/or on file with the City Engineer that are applicable when creating rights-of-way to divide land.
- g. Upon the recommendation of the City Engineer, the Planning Commission may require the developer to provide for the extension of streets, walks, and/or utilities to other undeveloped or underdeveloped properties, such facilities shall be extended to the limits of the subdivision in order to provide for the efficient development of said properties and to avoid future disruption of existing facilities, improvements, landscaping, and platted properties.
- h. To provide for the mitigation of negative impacts due, in part, to the land division, to meet the intent or purpose of this ordinance, or when necessary to adequately serve the subject property, the improvement and/or extension of streets, drainageways, walkways, and utilities located within or without of existing rights-of-way or easements outside the subject property may be required when necessary to adequately serve the (land division) subject property. Where existing rights-of-way and/or easements are nonexistent or insufficient, dedications may be required.

304.12.02 - Specifications and Improvements Required

Improvements for sewers, storm sewers, drainageways, water systems, streets, pedestrian ways, and other public facilities required, and private facilities that serve two or more lots, shall be constructed in accordance with City policies, standards, and ordinances, and in a manner meeting the approval of the Public Works Director.

- a. **Underground Utility Distribution Facilities.** The provisions of this section are intended to promote and provide for underground utility distribution facilities in new subdivisions that will benefit both the residents of such subdivisions and the public, in general, through enhanced views and scenic attributes, the improvement of the general living environment, and through the prolonged economic life of said subdivisions.

1. All utility distribution facilities supplying electric, communication, or similar or associated service, installed in and for the purpose of supplying such service to any residential subdivision shall be placed underground; provided, however, that the word "facilities" as used herein shall not include standards used for street lighting, traffic signals, pedestals for police and fire system communications and alarms, pad-mounted transformers, pedestals, pedestal-mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than thirty-five thousand (35,000) volts.
 2. The installation of street lights shall be the responsibility of the subdivider. The street lights shall be on City-approved standard poles (placed as to location), and provide the illumination as approved by the City Engineer in accordance with the policies of the City Council. The subdivider shall make the necessary arrangements with the serving electric utility for the installation of a (underground serving) utility-owned and operated street lighting system to be served at the lowest applicable rate available to the City.
 3. The subdivider is responsible for complying with all the requirements of this Section and shall make the necessary arrangements with the utility companies involved for the installation of the facilities required by this section.
 4. Overhead utility distribution lines may be permitted upon approval of the City Engineer when terrain, soil, or other conditions make underground installation infeasible or impractical. Location of such overhead utilities shall be along rear or side lot lines wherever feasible.
- b. Streets. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to the public convenience and safety, and to the proposed use of the land to be served by the streets. Where location is not shown in a Comprehensive Plan, the arrangement of streets in a subdivision shall either:
1. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or
 2. Conform to a plan for the neighborhood as approved by the Planning Commission to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.
 - a) Alignment. As far as practical, streets other than minor streets shall be in alignment with existing streets by continuations of the center lines thereof. Staggered street alignment resulting in "T" intersections shall, wherever practical, leave a

minimum distance of two hundred (200) feet between the center lines of streets having approximately the same direction and otherwise shall not be less than one hundred twenty-five (125) feet. Specific alignments may be required to provide for the general welfare and safety where necessitated by development characteristics, anticipated traffic considerations, safety, grade, and alignment.

- b) Alleys. Alleys shall be provided in commercial and industrial districts to serve abutting properties unless other permanent provisions for access to off-street parking and loading facilities are approved by the Planning Commission.
- c) Cul-De-Sacs. A cul-de-sac, in general, shall not exceed six hundred (600) feet in length, and serve no more than eighteen (18) family dwellings. All cul-de-sacs shall terminate with a turn-around with a radius of forty-two (42) feet or greater.
- d) Existing Streets. Whenever existing streets adjacent to or within a subdivision are of inadequate width, additional right-of-way shall be provided at the time of subdivision.
- e) Frontage Roads and Reversed Frontage Lots. Where a residential subdivision abuts or contains an existing or proposed arterial street or railroad right-of-way, the Planning Commission may require frontage roads or reversed frontage lots. The lots shall be designed with adequate depth for screen plantings and fencing, and may where desirable or necessary, include reservations restricting access to the arterial street plus other requirements found necessary to adequately protect residential properties and to afford separation of through and local traffic.
- f) Future Extension of Streets. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead end streets may be approved without a turn-around. Reserve strips may be required to preserve the objectives of street extensions.
- g) Grades and Curves. Public street alignment, grade, width, and design shall meet the approval of the City Engineer. In general, grades shall not exceed six (6) percent on arterials and major streets, ten (10) percent on collector streets, or fifteen (15) percent on any other street. Centerline radii of curves shall not be less than 500 feet on arterial and major streets, 300 feet on collector streets, and 100 feet on other streets. Where topographical conditions or

accessing streets or driveways present special circumstances, increased radius values may be required.

- h) Intersection Angles. Streets shall be laid out to intersect at angles as near to right angles as practical except where topography requires a lesser angle; but in no case less than sixty (60) degrees unless there is a special intersection design. The intersection of arterial or collector streets with other arterial or collector streets shall have at least one hundred (100) feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty (50) feet of tangent adjacent to the intersection unless topography requires a lesser distance. Intersections which are not at right angles shall have a minimum corner radius of twenty (20) feet along the right-of-way lines of the acute angle. Right-of-way lines at intersections with arterial streets shall have a corner radius of not less than twenty (20) feet. All other intersections shall have a minimum right-of-way radius of ten (10) feet at the intersection of the rights-of-way lines.

- i) Minimum Right-of-Way Widths. Unless otherwise indicated on a development plan and approved by the City Engineer, the width of streets in feet shall not be less than the minimum shown in the following table. Alternate widths may be required where topographical or anticipated traffic conditions require such to provide for the public welfare, safety, or traffic, bike, or pedestrian movement.

| TYPE OF STREET | MINIMUM RIGHT-OF-WAY ^a | MINIMUM ROADWAY |
|---|-----------------------------------|---------------------|
| Secondary Arterials | 80 | Varies ^b |
| Collector streets and continuing residential streets | 60 | 40/34 ^c |
| Discontinuous minor streets not extending or expected to exceed over 1,800 feet in length | 50 | 34/28 ^c |
| Minor Cul-De-Sac Street | 40 | 28/24 ^c |
| Radius for turn-around at end of Cul-De-Sac | 42 | 34 |
| Alley | 20 | 20 |

- j) Partial Streets. Partial streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision when (1) in conformity with the other requirements of these regulations, and when (2) the Planning Commission finds it will be practical to require the dedication of the remaining portion at the time the adjoining property is subdivided. Whenever a partial street has been accepted, the abutting property, upon development, shall be required to dedicate the remaining portion of the right-of-way. Reserve strips may be required to preserve the objectives of partial streets.
 - k) Reserve Strips shall be provided in accordance with Section 113.05.04.
 - l) Street Names. Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and shall be subject to the approval of the Planning Commission.
 - m) Utility Easements. Utility easements are required adjacent to right-of-way on both sides of the street for underground power service.
- c. Creation of Ways. Any easement or way providing access to property which is created in order to allow the partitioning of land for the purpose of transfer of ownership or building development, whether immediate or future, shall be created by the approval of a land division pursuant to this Ordinance.
- 1. Any such easement providing access to a parcel of land used for agriculture, horticulture, grazing, or timber growing and where said parcel exceeds five (5) acres in size, shall be approved by the Planning Commission.
 - 2. A private easement or way to be established by deed without full compliance with these regulations may be approved by the Planning Commission provided it is the only reasonable method to provide access to a rear portion of an unusually deep lot large enough to warrant partitioning into two parcels. If the existing lot is large enough so that three (3) or more parcels meeting the lot size minimums of these regulations may be created, and two or more of such parcels would not have frontage on an existing street, this exception will not apply. A copy of the proposed document to create the easement shall be submitted to the Planning Office at least 45 days prior to the Planning Commission meeting at which consideration is desired. The document and such information as may be submitted shall be reviewed by the Planning Commission and

may be approved if assurance of adequate utility access as well as vehicular access is indicated.

3. The City Engineer may require that any private way or driveway over 50 feet in length proposed to serve two or more lots shall be constructed at the same time as the adjacent public street is constructed. This provision includes all required drainage, sewage, and utility facilities.

SECTION 305 - FLOOD CONTROL STANDARDS

Section 305.01 - Purposes

The purpose of these standards is to reduce flood damage or loss of life in those areas subject to periodic flooding. These standards are also intended to protect open, natural drainageways as an integral part of the City environment in order to manage stormwater drainage, improve water quality, and protect riparian plant and animal habitats.

Section 305.02 - Applicability

These standards apply to areas in the flood plain as identified by the Federal Emergency Management Agency or the Corvallis Drainage Master Plan, as well as to all natural drainageways and any properties which adjoin a natural drainage area that collects stormwater.

Section 305.03 - Greater Restrictions

This section of the Code is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

[Section 305.03 amended by Ordinance 88-11, §8, passed May 16, 1988.]

Section 305.04 - Disclaimer of Liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of the City of Corvallis, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

[Section 305.04 amended by Ordinance 88-11, §8, passed May 16, 1988.]

Section 305.05 - Procedures

Compliance of development applications with the standards of this section will be determined through the development review process described in Section 106 of this Code and/or the building permit review process. Applications for a building permit and all other development permits for structures and other development activities located in the flood plain or adjoining a natural drainage area shall be submitted and reviewed to assure sites are reasonably safe from flooding before any permits are issued or improvements, construction or development begins.

[Section 305.05 amended by Ordinance 88-11, §8, passed May 16, 1988.]

Section 305.05.01 - Application

These applications shall contain the following information:

- a. Description of the extent to which any water course will be altered or relocated as a result of proposed development;
- b.
 1. Elevation in relation to the National Geodetic Vertical Datum (NGVD) of the lowest floor (including basement) of all new structures; or
 2. Elevation in relation to the NGVD to which any existing structure has been or is proposed to be floodproofed and certification by a registered professional engineer that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 305.07.03.

All applications will be reviewed to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.

[Section 305.05.01 amended by Ordinance 88-11, §8, passed May 16, 1988.]

Section 305.05.02 - City Responsibility

It shall be the responsibility of the City to:

- a. Notify adjacent communities and the Division of State Lands prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
- b. Require property owners to maintain the altered or relocated portion of said watercourse, if not dedicated to the City, so that the flood carrying capacity is not diminished; and
- c. Record and maintain as a public record elevation and flood proofing information for new construction and substantial improvements and other related information as required for submittal by Section 305 of the Code.

[Section 305.05.02 added by Ordinance 88-11, §8, passed May 16, 1988.]

Section 305.06 - Interpretation of Flood Insurance Rate Map Boundaries

When there appears to be a conflict between a mapped boundary and actual field conditions, the City Engineer shall interpret the exact location of the boundaries of the flood plain. Where FEMA base flood elevation information is unavailable for flood hazard areas, the City Engineer shall utilize other available data as a basis for applying standards in the floodway fringe and floodway.

[Section 305.04 renumbered Section 305.06 and amended by Ordinance 88-11, §8, passed May 16, 1988.]

Section 305.07 - Standards in the Floodway Fringe

Development within the floodway fringe, including residential and nonresidential structures and the public and private facilities serving these structures, shall be constructed so as to minimize damage from flooding. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

In the floodway fringe (Zones A, AH, A1-A30, AE, and AO on the Flood Insurance Rate Map) the following standards are required:

[Section 305.05 renumbered Section 305.07 and amended by Ordinance 88-11, §8, passed May 16, 1988.]

305.07.01 - Anchoring

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All mobile homes shall be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors as approved by the Building Official.

[Section 305.05.01 renumbered Section 305.07.01 and amended by Ordinance 88-11, §8, passed May 16, 1988.]

305.07.02 - Residential Construction

New construction and substantial improvement (as defined in Section 101) of any residential structure, including mobile homes, shall have the lowest floor, including basement, elevated to a minimum of one foot above base flood elevation. Accessory structures and fully enclosed nonhabitable areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall meet standards outlined in Chapter 56 of the Structural Specialty Code and must meet or exceed the following minimum criteria:

- a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; and
- b. The bottom of all openings shall be no higher than one foot above grade; and

- c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

[Section 305.05.02 renumbered Section 305.07.02 and amended by Ordinance 88-11, §8, passed May 16, 1988.]

305.07.03 - Nonresidential Construction

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot above the level of the base flood elevation or:

- a. Be floodproofed so that the structure is watertight 1 foot above the base flood level; and
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications, and plans.

Designs for meeting these requirements shall meet standards outlined in Chapter 56 of the Structural Specialty Code.

Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in 305.07.02.

Applicants proposing to floodproof nonresidential buildings shall be notified that the applicants' flood insurance premiums will be based on rates for structures with a lowest floor that is one foot below the floodproofed level.

[Section 305.05.03 renumbered Section 305.07.03 and amended by Ordinance 88-11, §8, passed May 16, 1988.]

Section 305.08 - Standards in the Floodways

New construction, substantial improvements, and encroachments are prohibited within the floodway. The floodway is the portion of the flood plain where high volumes of moving water flow through stream or drainageways as determined by the most recent data. Nonstructural development, such as parking lots, may be permitted when certification by a registered professional engineer is provided to the satisfaction of the City Engineer that encroachments shall not result in any increase in flood levels and/or flood hazard during the occurrence of the base flood discharge.

[Section 305.06 renumbered Section 305.08 by Ordinance 88-11, §8, passed May 16, 1988.]

Section 305.09 - Drainageway Dedications

When development is proposed on land which adjoins an open, natural drainageway, the City Engineer may require the dedication of sufficient area for the purposes cited in Section 305.01. The following criteria shall be used in determining the area to be dedicated:

1. Capacity to carry base flood flows with full development of the Urban Growth Boundary.
2. Adequate protection from excessive erosion.
3. Flood protection for the proposed development and for existing and potential downstream and upstream development during a base flood event.
4. Adequate access to the drainageway for maintenance purposes. These include channel clearing, debris removal, repair and reconstruction and access during a flooding situation.
5. Additional area where necessary to protect related riparian plant and animal habitat and to provide for open space features such as but not limited to trails and connecting corridors between parks and/or open space.
6. Corvallis Drainage Master Plan.
7. Corvallis Flood Insurance Study.
8. Flood Insurance Rate Maps.
9. Floodway Maps for the Corvallis Urban Growth Boundary (0.2 foot floodway maps).

[Section 305 amended by Ordinance 82-103, §2, passed December 20, 1982; Section 305 amended by Ordinance 84-67, §2, passed December 4, 1984; Section 305.07 renumbered Section 305.09 and amended by Ordinance 88-11, §8, passed May 16, 1988; Section 305.09 amended by Ordinance 88-27, §4 passed June 20, 1988.]

SECTION 306 - SETBACKS ALONG STREET RIGHTS-OF-WAY

In all new developments, setbacks from major arterial shall be positioned to accommodate a placement of berm, landscaping, and noise buffers.

SECTION 307 - EXCEPTIONS

Section 307.01 - General Exceptions to the Building Height Limitations

Projections such as chimneys, spires, domes, elevator shaft housings, towers, aeriels, flagpoles, and other similar objects not used for human occupancy, with a height of seventy-five (75) feet or less, are not subject to the Development District height limits. Such structures exceeding seventy-five (75) feet may be permitted, subject to Section 108, Plan Compatibility Review, upon a finding by the State of Oregon Aeronautics Division that the proposed structure does not pose a hazard to air traffic. [Section 307.01 amended by Ordinance 90-53, §1, passed December 17, 1990.]

Section 307.02 - Projections from Buildings

Architectural features, such as cornices, eaves, canopies, sunshades, gutters, chimneys, fireplaces and flues, shall not project more than three (3) feet into a required yard, except that a minimum thirty (30) inch setback shall be maintained from any property line. However, no architectural features shall be located within the required setback area at intersections of public rights-of-way so described in Section 301.04. Architectural features shall not include any portion of a structure built for the support, conveyance, occupancy, shelter, or enclosure of persons, chattels, or property of any kind. [Section 307.02 amended by Ordinance 84-68, §3, passed December 4, 1984.]

SECTION 308 - MOBILE HOME SUBDIVISION STANDARDS

[Section 308 repealed by Ordinance 90-54, §4, passed December 17, 1990.]

SECTION 309 - MANUFACTURED DWELLING PARK STANDARDS

[Section 309 title amended by Ordinance 90-54, §5, passed December 17, 1990.]

Section 309.01 - Purpose

These provisions are established to ensure a safe and healthful living environment for residents of manufactured dwelling parks and to ensure that a manufactured dwelling park can provide affordable quality housing that is compatible with adjacent land uses. In addition, these provisions are intended to ensure compliance with State regulations governing review of manufactured dwelling park development. [Section 309.01 amended by Ordinance 90-54, §5, passed December 17, 1990.]

Section 309.02 - Area Requirements

- a. Minimum Size for Manufactured Dwelling Parks - 5 acres.
- b. Minimum Size for Manufactured Dwelling Space - 3,000 square feet.

[Section 309.02 amended by Ordinance 90-54, §5, passed December 17, 1990.]

Section 309.03 - Permitted Structures

- a. Manufactured Homes and Mobile Homes.
- b. Accessory Structures - Structures customarily incidental to the primary use in accordance with Section 301.

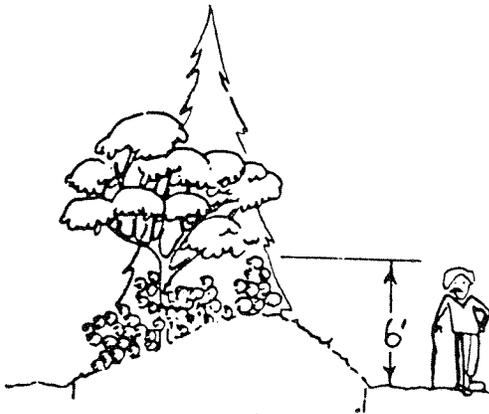
[Section 309.03 amended by Ordinance 90-08, §41, passed February 20, 1990, and Ordinance 90-54, §5, passed December 17, 1990.]

Section 309.04 - Setback and Separation for the Park Perimeter

- a. Setback Between Park Structures and Abutting Properties - Between abutting property and any dwelling or accessory park structure or a park road there shall be a minimum setback equal to the rear yard setback specified by the district of the abutting property.
- b. Setback Between Park Structures and a Public Street Right-of-Way - Between the public right-of-way and any dwelling or accessory structure there shall be an average setback along the public street of 25 feet with a minimum setback equal to the front yard setback of the district.

Section 309.05 - Park Perimeter Treatment

- a. Perimeter Treatment Adjacent to Abutting Properties - A sight-obscuring fence or wall 6 feet in height shall surround each manufactured dwelling park, except as specified below for lands adjacent to public streets. Plantings in the required setback area shall be used to reinforce this buffer.
- b. Perimeter Treatment Adjacent to Public Streets, Option I - On lands adjacent to public streets a 6-foot high sight obscuring screen shall be provided through the use of fencing and vegetation and/or earth sculpting and vegetation.
 1. Fencing - Any fence shall have an average 15-foot setback from the public right-of-way and shall meet vision clearance requirements. Fencing closer than 15 feet to the public right-of-way shall be subject to the district's restrictions on front yard fencing. Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use of offsets, landscaping, and change in materials.
 2. Earth Sculpting - Any earth sculpting shall be used in conjunction with plant materials and when combined the screen will be a height of 6 feet in 2 years. This combination is subject to the following standards:



The earth sculpting, as a minimum, shall include a berm whose form does not have a slope over 40 per- cent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary.

At least one row of deciduous and/or evergreen shrubs spaced not more than 5 feet apart shall be placed on this berm.

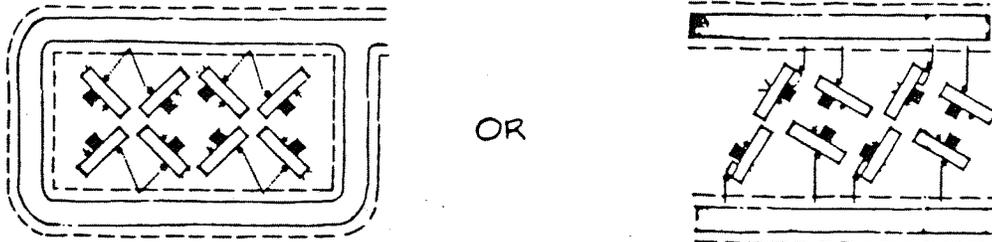
Lawn, low growing evergreen shrubs, and evergreen ground cover shall cover the balance of the setback area.

- c. Perimeter Treatment Adjacent to Public Streets, Option II -
 1. A manufactured dwelling space which abuts the perimeter setback shall be a minimum of 5,000 square feet.

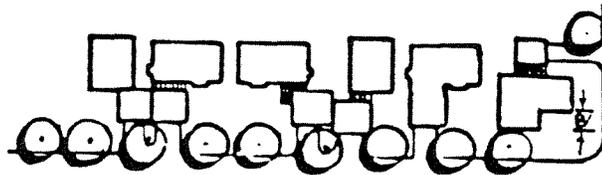
2. Dwellings abutting a public street shall have staggered setbacks and a variety of living unit orientations such as indicated below. The required offsets between adjacent dwellings shall be at least 8 feet as measured perpendicular from the street.



An alternative to the above is to utilize a uniform setback but provide a substantial acute or obtuse angle from the street, such as indicated below.



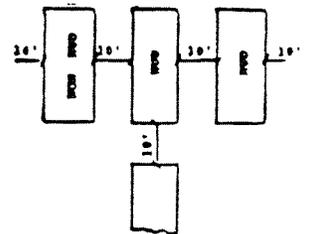
A third alternative is to establish an 8-foot minimum building offset by utilizing attached garages or triple wide expansions such as indicated below.



4. Driveway access on local public streets may occur at the maximum frequency of one access for every two dwellings. Access from individual dwellings shall not be permitted on arterial streets. Access to collector streets shall be subject to review by the City Engineer.

Section 309.06 - Setback and Separation for Structures Within the Park

- a. Between dwellings, there shall be at least a 10-foot separation on all sides.
- b. Dwellings must be placed at least 14 feet apart where a flammable or combustible fuel storage vessel is located on or between units.
- c. Between dwellings and park buildings there shall be a minimum separation of 10 feet.



- d. Between any structure and a park street or between a structure and a sidewalk intended for public use there shall be a minimum distance of 5 feet.
- e. Between accessory structures and between dwellings and accessory structures the following shall apply:
 1. An accessory building shall not be located closer than 6 feet to any dwelling or other accessory building on adjacent space, except that a double carport or garage may be built which serves two adjacent dwellings.
 2. When a double carport or garage is built to serve two adjacent dwellings, a minimum 3-foot separation shall be provided between the double carport and any adjacent structure, dwelling, or dwelling accessory structure. As an alternative, a 1-hour fire separation may be provided through the center of the double carport serving adjacent dwelling.

[Section 309.06 amended by Ordinance 90-54, §5, passed December 17, 1990.]

Section 309.07 - Site Development Standards

a. Parking and Accessways

1. Parking - Off-street parking facilities shall be provided on-site in accordance with Section 301.
2. Street Widths - The minimum width for park streets shall be 20 feet. Streets serving more than 12 dwellings shall be a minimum of 24 feet in width. Streets serving more than 30 units shall be a minimum of 28 feet in width.
3. Street Standards - Streets shall be paved to standards adopted by the City Engineer.
4. Dead End Streets - Cul-de-sacs over 400 feet in length shall have a standard cul-de-sac bulb with a 34-foot curb-side radius or its equivalent. Shorter dead end streets shall have a turn-around approved by the City Engineer.
5. Walks - Paved walks, at least 5 feet wide and accessible to wheelchairs, shall be provided to connect park buildings to a park street or public street. In addition, a street sidewalk (or an equivalent pedestrian walking system) shall be provided to connect areas having more than 25 living units with the public sidewalk system.
6. Lighting - Private park roadways shall be lighted at intersections and pedestrian crossings. Fixtures shall radiate and reflect light away from adjacent properties.

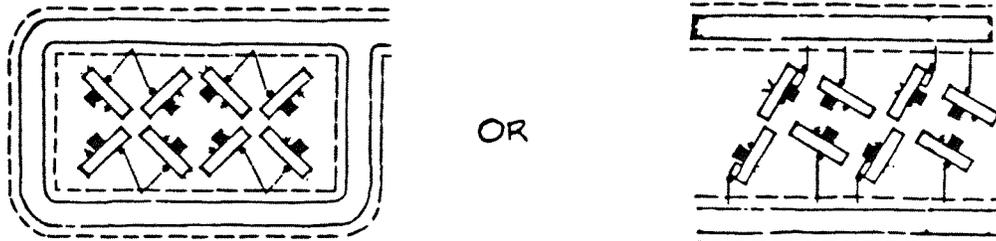
7. Street Signs - Street identification signs shall be provided according to applicable City ordinance if 50 or more manufactured dwelling spaces are provided.
8. Fire Access - Access for fire protection services shall permit fire apparatus to approach within 100 feet of each dwelling. In addition, each manufactured dwelling space shall have direct access to a street to permit emergency escape. This access shall be an unob-structed area not less than 14 feet wide.

b. Siting of Dwellings Within the Park

Dwellings shall have staggered setbacks and a variety of living unit orientations such as indicated below. The required offsets between adjacent dwellings shall be at least 8 feet as measured perpendicular from the street.



An alternative to the above is to utilize a uniform setback but provide a substantial (greater than 30 degrees) acute or obtuse angle from the park street, such as indicated below.



c. Public and Private Facilities

Each manufactured dwelling park shall be adequately served by public facilities such as water supply, sewers, storm drains, and improved streets. In addition, underground facilities for power, telephone, and TV cable shall be provided to each manufactured dwelling space.

d. Play Areas

A separate play area shall be provided in all manufactured dwelling parks that accommodate children under 14 years of age unless each manufactured dwelling space has a minimum size of 4,000 square feet. A required play area shall not be less than 2,500 square feet in area with no dimension less than 30 feet. There shall be at least 100 square feet of play area provided for each manufactured dwelling space occupied by children.

e. Space Coverage

Not more than 60 percent of a manufactured dwelling space may be occupied by a dwelling and any other attached or detached structures used in conjunction with such dwelling.

f. Decks

Each manufactured dwelling stand shall be provided with one or more, at least semi-private, outdoor living area adjacent to the dwelling, constructed of concrete, asphalt, flagstone, wood, or other equivalent surface material which totals at least 120 square feet of area and is not less than 8 feet wide in any dimension.

g. Applications for manufactured dwelling parks which would adjoin an open, natural drainageway or would be located in a floodway fringe shall be reviewed in accordance with Section 305.

[Section 309.07(g) added by Ordinance 88-11, §10, passed May 16, 1988.]

h. Skirting

Each mobile home or manufactured home located in a manufactured dwelling park shall have continuous skirting that, in design, color, and texture, appears to be an integral part of the exterior walls or the foundation of the dwelling.

[Section 309.07(h) added by Ordinance 90-54, §5, passed December 17, 1990.]

Section 309.08 - Landscape Plan

A landscape plan is required prior to issuance of building permits. This plan shall be drawn to scale showing the location of existing trees and vegetation proposed to be removed and to be retained on the site, the location and design of landscaped areas, the varieties and sizes of trees and plant materials to be planted on the site, contour lines indicating any earth sculpting to be used, and other pertinent landscape information.

a. Plant Coverage and Maintenance

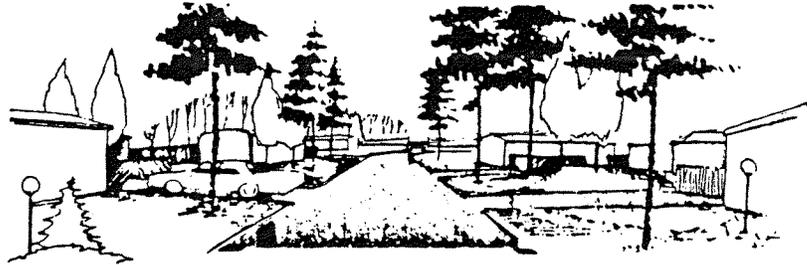
Required landscape areas shall be covered by living plant material capable of attaining 90 percent ground coverage within three (3) years and shall be continuously maintained and irrigated with permanent facilities sufficient to maintain the plant material.

b. Plantings in Perimeter Area

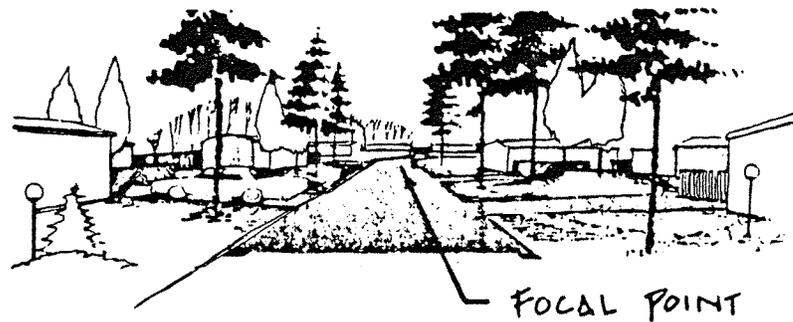
In addition to the requirements specified in perimeter treatments above and in Section 302 (Street Trees), landscaping shall be used to provide screening of decks and storage areas from the public roadway. Plant masses shall also be established between perimeter dwellings in order to reduce the negative visual impacts of roads and vehicle storage areas located within the park.

c. Plantings Along Park Street

1. Street Trees - Street trees shall be provided in accordance with Section 302.
2. Planting Continuity - Similar street trees shall be repeated to provide continuity for street plantings. Repetition of landscape elements such as lighting fixtures, consistent fencing styles, or similar carports can complement this street tree pattern.

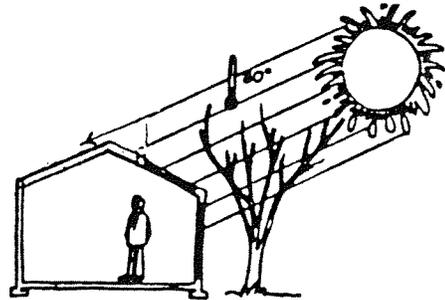
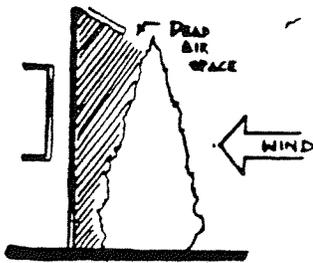


3. Street Focal Points - The real or apparent end of a street provides a focused view which shall be heavily vegetated either with foreground plants or (as below) with background plants.

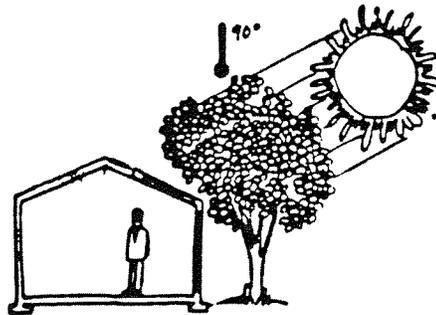
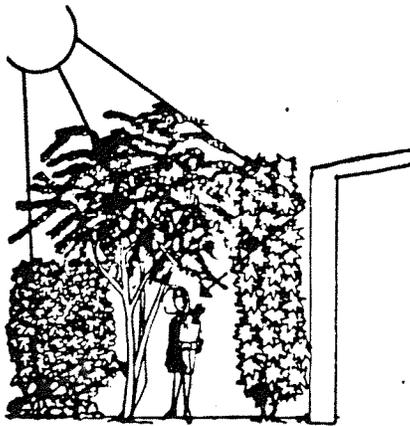


d. Planting for Energy Efficiency - Appropriate plant materials shall be utilized to cool dwellings in the summer and help insulate them in the winter. Possible applications are illustrated below.

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[Section 309 added by Ordinance 83-30, §15, passed March 21, 1983; amended by Ordinance 90-08, §42, passed February 20, 1990; and amended by Ordinance 90-54, §5, passed December 17, 1990.]

SECTION 310 - SOLAR ACCESS

Section 310.01 - Background

Solar energy can make a significant long-term contribution to the City's energy supply. Use of this energy can be encouraged by providing and protecting solar access for the use of property owners.

Section 310.02 - Residential Development

310.02.01 - Purpose

The purpose of this section is to require that opportunities for use of solar energy be protected during the design of new residential subdivisions and residential planned developments.

[Section 310.02.01 amended by Ordinance 87-29, §1, passed November 16, 1987.]

310.02.02 - Design Standard

Residential subdivisions and planned developments on parcels of more than 1 acre shall be designed so that solar access protection is available at ground level to the following:

- a. The south face of existing residential buildings adjacent to the development;
- b. In the case of residential subdivisions, a minimum of 80 percent of lots with sufficient east/west dimension to allow orientation of the long axis of a building to utilize solar energy; and
- c. In the case of planned developments, a minimum of 80 percent of the buildings with sufficient east/ west dimension to allow the long axis of the building to utilize solar energy.

310.02.03 - Waiver of Standard, Subdivisions

A waiver from the requirements of Section 310.02.02 may be granted by the Planning Commission to the minimum extent necessary to:

- a. Preserve existing vegetation;
- b. Reflect physical land development constraints related to the shape or topography of the site;
- c. Accommodate north-facing slopes of 15 percent or more; and

[Section 310.02.03(c) amended by Ordinance 87-29, §1, passed November 16, 1987.]

- d. Meet City design requirements for provision of streets, drainageways, utilities, landscaping, and location of buildings consistent with minimum setbacks.

310.02.04 - Waiver of Standard, Planned Developments

For residential planned developments on parcels of more than one acre, a waiver from the requirements of Section 310.02.02 may be granted by the Planning Commission based on the provisions of Section 310.02.03 or to the minimum extent necessary to:

- a. Provide for housing opportunities consistent with the Comprehensive Plan Map and the following Plan Policies:
 - 8.1.2. TO MEET A BROAD RANGE OF RESIDENTIAL NEEDS WITHIN UNDEVELOPED RESIDENTIAL AREAS, THE CITY WILL ENCOURAGE THE USE OF INNOVATIVE SITE DEVELOPMENT TECHNIQUES AND THE MIX OF DWELLING TYPES.
 - 8.2.2. THE CITY SHALL MEET FUTURE HOUSING NEEDS IN THE PLANNING AREA BY ENCOURAGING THE DEVELOPMENT OF AFFORDABLE DWELLING UNITS WHICH PRODUCE DIVERSE RESIDENTIAL ENVIRONMENTS AND INCREASE HOUSING CHOICE.
- b. A waiver may be granted whenever the present discounted value of the incremental costs attributable to the solar design exceed 30 years of present discounted value resulting from the energy savings of the design; and
- c. A waiver may be granted for buildings that meet energy conservation standards of 2.0 kWh per square foot per year space heating for single-family and 1.2 kWh per square foot per year for multi-family or an equivalent energy use for buildings that use fuels other than electricity for space heating.

Section 310.03 - Solar Access Permits

310.03.01 - Purpose

The purpose of this section is to allow protection of solar access to a solar collector. A Type 1 Solar Access Permit shall limit shading of the solar collector by trees. A Type 2 Solar Access Permit includes protection provided by a Type 1 Solar Access Permit plus additional protection and remedies to prevent shading of the solar collector by structures.

310.03.02 - Limits on Solar Permits

A solar access permit shall not affect:

- a. A lot or portion thereof which is more than 150 feet south of the solar collector location;
- b. A lot located on a slope of 20 percent or more and facing within 45 degrees of true north;
- c. Any lot located in the Central Business (CB) Development District;

- d. Any tree or structure on a neighboring lot existing at the time the solar access permit application is accepted;
- e. New structures resulting in shading of the solar collector unless a Type 2 solar access permit has been 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 would not exceed the shading that would be caused by a flat-roofed structure half the allowed building height at the minimum setbacks; or
- g. Any new tree that is approved in the solar access permit as a "solar access friendly tree" listed by location and species consistent with Section 310.03.07(f).

310.03.03 - Application 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. A scaled drawing of the solar collector, its dimensions, its height above ground level, its orientation, and its slope from the horizontal;
- c. A sunchart for the proposed location as seen from the center of the lower edge of the site of the solar collector and, if applicable, alternative locations for the solar collector. If the solar collector is more than 20 feet in length, a sunchart photograph shall also be provided from each end of the collector;
- d. A site plan showing lot lines and dimensions of the solar user's lot and neighboring lots which will be affected by the solar access permit. The site plan shall indicate topography using 2- or 5-foot contour intervals and the location of the solar collector, structures, and trees. The site plan information shall indicate species of tree;
- e. Documentation that the solar collector would not be shaded between 9 a.m. and 3 p.m. on November 21 by a 6-foot high fence located on the applicant's lot lines;
- f. Documentation that there is no reasonable alternative location for the solar collector that would result in fewer restrictions on a neighboring lot;
- g. Documentation 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 310.03.02.d; and
- i. Proposed solar envelopes for affected properties and, if applicable, proposed "solar access friendly trees" permitted to grow so as to partly obstruct the solar access.

310.03.04 - Application for Type 2 Solar Access Permit

An application for a Type 2 permit shall include information required in Section 310.03.03 and the following:

- a. Evidence that the Land Development Code minimum setbacks and allowable building height does not assure solar access protection; and
- b. Proposed solar envelopes prescribing allowed building heights for affected properties.

310.03.05 - Acceptance of Application

The Director shall review the solar access permit for compliance with the requirements of this Section. If an application is found to be incomplete, the Director shall notify the applicant of the reasons therefor and shall advise the applicant of the requirements for a complete application. [Section 310.03.05 amended by Ordinance 90-08, §43, passed February 20, 1990.]

310.03.06 - Public Notice

Upon receipt of a complete application, the Director shall send notice by certified mail to each property owner proposed to be affected by the solar access permit. Mailed notice shall also be provided to all owners and occupants of property within 100 feet of the subject property. The notice shall state that all comments concerning the proposed solar access permit are to be received within fourteen (14) calendar days from the date of mailing the notice. The public notice shall contain the following information:

- a. Name of the applicant and location of the property;
- b. Identification of the type of solar access permit application and its impact on affected properties;
- c. Site plan as submitted by the applicant;
- d. The standards for and limits on a solar access permit; and
- e. Procedures for objection by any affected property owner including comment deadline.

[Section 310.03.06 amended by Ordinance 90-08, §44, passed February 20, 1990.]

310.03.07 - Review Criteria

Upon completion of the fourteen (14) day notification period the Director shall make a decision to approve, approve with conditions, or deny the permit based on whether or not the application meets the following criteria:

- a. The location of the solar collector has at least four hours per day of unobstructed solar access between 9 a.m. and 3 p.m. during the season of the year for which solar access protection is applied for;
- b. After exempt vegetation has reached a mature height, there will still be sufficient solar access for operation of the solar collector;
- c. The solar collector would not be shaded between 9 a.m. and 3 p.m. on November 21 by a 6-foot high fence located on the applicant's lot lines;
- d. There is no reasonable alternative location for the solar collector that would result in fewer restrictions on neighboring lots;
- e. Removing or trimming vegetation on the applicant's lot will not permit an alternative location that would result in fewer restrictions on a neighboring lot; and
- f. To provide for residential privacy, street trees, or for other energy conservation benefits, the Director may specify as a condition of approval of the solar access permit that "solar access friendly trees" may be planted or allowed to grow so as to partly obstruct solar access. "Solar access friendly trees," if applicable, shall be designated at the time the permit is approved by location, species, and amount of future shading allowed by the tree.

[Section 310.03.07 amended by Ordinance 90-08, §45, passed February 20, 1990.]

310.03.08 - Notice of Disposition

The Director shall send a notice of disposition to the applicant and all property owners who were mailed the original notice of the application. A notice of disposition shall also be mailed to all persons who provided written comments on the application. [Section 310.03.08 amended by Ordinance 90-08, §46, passed February 20, 1990.]

310.03.09 - Effective Date

The decision of the Director shall become effective upon the expiration of the appeal period as provided in Section 117, unless an appeal is filed. [Section 310.03.09 amended by Ordinance 90-08, §47, passed February 20, 1990.]

310.03.10 - Permit Recordation

Within 30 days after a solar access permit and building permit for the solar energy system have been granted, the Director shall file the solar access permit with the Benton County Recorder in such form as required by State law. The permit shall include approved solar envelopes for affected properties, exemptions to or limits on the solar right being created, and the solar collector drawing, sunchart, and site plan.

310.03.11 - Obligation Created by Solar Access Permit

The owner of any lot burdened by a solar access permit shall trim any nonexempt vegetation if subsequent vegetation growth is inconsistent with the solar access permit. The cost of such trimming shall be paid by the owner of the vegetation.

310.03.12 - Replacement of Trees

Nothing in this section shall prevent a property owner from replacing a species of tree that is partly obstructing solar access with a "solar access friendly tree" approved by the Director.

310.03.13 - Fees

Applications for a solar permit shall be accompanied by fees as required by Section 120.

[Section 310 added by Ordinance 84-66, §20, passed December 4, 1984; amended by Ordinance 87-29, passed November 16, 1987. §21 of Ordinance 84-66 repealed by Ordinance 87-29, passed November 16, 1987; Ordinance 90-08, §§ 43, 44, 45, 46, 47, passed February 20, 1990.]

SECTION 311 - MANUFACTURED HOME DWELLING DESIGN STANDARDS

All manufactured homes placed on individual lots shall:

- a. be multi-sectional (double-wide or wider) and enclose a floor area of not less than 1,000 square feet;
- b. have a backfill style foundation or skirting of pressure treated wood, masonry, or continuous concrete footing wall construction, complying with the minimum set-up standards of the adopted Manufactured Dwelling Administrative Rules, Chapter 918;
- c. have a pitched roof with a minimum three feet in height for each twelve feet in width;
- d. not have bare metal siding or roofing;
- e. be certified by the manufacturer to have exterior thermal envelopes meeting the performance standards specified by state law for single-family dwellings constructed under the state one and two family dwelling code;
- f. have a garage or carport with exterior materials the same as the main unit.

[Section 311 added by Ordinance 90-54, §6, passed December 17, 1990.]

SECTION 400 - REPEALING ORDINANCES

Section 1-18 and 20-28 of Ordinance 53-11 as amended, and Ordinances 63-15, 72-28, 73-72, 79-62, and 1786 as amended are hereby repealed.

SECTION 401 - EFFECTIVE DATE

This ordinance shall become effective 45 days from the date it is passed by the Council.

PASSED by the Council this 24th day of December, 1980.

APPROVED by the Mayor this 24th day of December, 1980.

Effective this 7th day of February, 1981.

/S/ Alan B. Berg
Mayor

ATTEST:

/S/ Kenneth M. Thompson
City Recorder