



**CITY OF CORVALLIS  
COUNCIL WORK SESSION**

**AGENDA**

**June 18, 2012  
5:00 pm**

**Downtown Fire Station  
400 NW Harrison Boulevard**

**COUNCIL ACTION**

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**I. ROLL CALL**

**II. UNFINISHED BUSINESS**

- A. Planning Division work program status report [information]

**III. ADJOURNMENT**

For the hearing impaired, a sign language interpreter can be provided with 48 hours' notice prior to the meeting. Please call 541-766-6901 or the Oregon Communications Relay Service at 7-1-1 to arrange for TTY services.

**A LARGE PRINT AGENDA CAN BE AVAILABLE BY CALLING 541-766-6901**

*A Community That Honors Diversity*



## MEMORANDUM

**DATE:** June 14, 2012

**TO:** Mayor and City Council

**FROM:** Ken Gibb, Community Development Director   
Kevin Young, Planning Division Manager

**SUBJECT:** **Proposed 2012 Land Development Code Amendment Package**

### I. ISSUE

In April of 2011, the City Council approved a bi-annual work program for the Planning Division after receiving public input and in consultation with the Planning Commission (see **Exhibit C** for a description of the approved work program). At the time the work program was approved, Council Goals had not been established, but it was anticipated that several goals under consideration would result in a major staff role for Community Development, and therefore would impact planning work program priorities. As it turned out, three of the four Council Goals relate directly to work of the Community Development Department. Additionally, there was acknowledgment that several other planning efforts, such as the FEMA-required update to the City's floodplain management program, would need to be completed prior to addressing 2011-2012 work program priorities. Other items, such as consideration of amending Land Development Code Chapter 2.9 to allow Oregon State University to administer the OSU Historic District, have been identified as worthy of exploration by the City Council since the 2011 - 2012 work program was developed and approved. The following status report provides a snapshot of Community Development's progress towards accomplishing these work program items to date:

Activity	Completed	Significant Progress	Initiated	Comments:
<b>Council Goals</b>				
AIP Master Plan Update	✓			County Zone Change is pending, with some associated City staff work.
Econ. Dev. Strategies	✓			Strategy and budget approved, with staffing and implementation next.
Create City/OSU Collaboration	✓			Multi-year work plan has begun - will include a major role for Planning Staff.
Local Food Goal - LDC Changes		✓		Propose to include with 2012 LDC Amendments
<b>Work Program Code Amendments</b>				
List A: Housekeeping Items			✓	Staff assigned - initial work underway
List B: Infill Task Force Proposal			✓	Staff assigned - preliminary concurrence received from Planning Commission
List C: Substantive Issues to Streamline LDC			✓	Staff assigned - preliminary concurrence received from Planning Commission
<b>Other Assignments</b>				
FEMA LDC Changes	✓			Completed Mid-2011
Downtown-Related LDC Changes	✓			Completed Fall- 2011
Food Cart Ordinance	✓			Completed Fall 2011
Consider OSU Managing Historic District		✓		Discussion with HRC, SHPO, and OSU conducted. Pending report back to City Council
Consider On-the-Record Hearing		✓		Discussion with PC conducted. Pending report back to City Council.
Assistance with Downtown EID		✓		Work is in progress, with City Council hearing scheduled for June 18th.

The purpose of this memorandum is to update the City Council regarding fulfillment of the final elements of the Planning Division Work Program, which are proposed to be included in a large package of Land Development Code Amendments that would be considered on a schedule that would allow adoption by the end of the 2012.

## II. DISCUSSION

Planning Division Staff have begun working on the three lists of Land Development Code Amendments (Housekeeping, Infill Task Force, and Staff-Recommended) that were approved as part of the 2011 - 2012 work program (See **Exhibit A**). On June 6<sup>th</sup> and June 13<sup>th</sup>, work sessions were held with the Planning Commission in order to gain preliminary direction and concurrence with the proposed package of code changes. At the Planning Commission work sessions, input was solicited specifically from the Infill Task Force, regarding the recommended Code Amendments from that group. The Planning Commission successfully worked through these items in consultation with staff and the Infill Task Force to arrive at a recommended package of Code Amendments. The Planning Commission also reviewed and concurred with staff recommendations to include a few additional items in the Substantive Issues List. The Planning Commission's recommendation for the three lists of proposed Code Amendments is reflected on **Exhibit A**. One outcome of the Planning Commission discussion was a recommendation that two items recommended by the Infill Task Force be set aside for the time being, perhaps to be revisited in a subsequent Code Amendment process, or to be resolved through other means. Those items are: 1) Improve the Definition of Infill, and 2) Allow Irrevocable Petitions for Infill Development.

In addition to items from the three lists of code changes approved as part of the 2011 - 2012 work program, code changes recommended by staff to facilitate the provision of "local food" in the community are included, consistent with the identified Council Goal. Community Development Staff have developed these recommendations, based on the work of the Benton County health impact assessment project regarding this issue, along with additional staff research and analysis. Staff seek concurrence from the City Council regarding the proposed changes, in concept, to be included as part of this LDC amendment package (see **Exhibit B** regarding local food and agriculture recommendations).

Within the proposed code amendment package you will also notice a placeholder item, "Potential quick action items from City/OSU Collaboration Project, if authorized by the City Council at a future date." This item has been included to allow for the possibility of including potential code changes that are suggested as part of the Collaboration project within the current code amendment package. In order to include such items in the package, work group members, the steering committee, and the City Council will need to act quickly. Because of this, such code amendments would need to be relatively simple items, for which a consensus of support is evident. It is anticipated that other concepts for code changes, which will likely be more complex in nature, will be developed as part of the

City/OSU Collaboration Project, which will likely be included in the next package of LDC Amendments that would be considered. However, such consideration could not occur within the remainder of 2012, because of time and resource constraints. Following is a summary of items to be included in the 2012 Code Amendment Package:

2012 Land Development Code Amendment Package

<b>What is Included in the Code Change Package:</b>	
<ul style="list-style-type: none"> <li>• Items from the 2011 Planning Division Work Program:             <ul style="list-style-type: none"> <li>▶ Infill Task Force Recommendations, as revised per Planning Commission</li> <li>▶ Substantive Issues List, as supplemented by Planning Commission</li> <li>▶ Housekeeping Issues, as supplemented by staff</li> </ul> </li> <li>• Changes recommended by staff to facilitate the provision of "local food" in the community</li> <li>• Potential "quick action items" from City/OSU Collaboration Project, if authorized by the City Council</li> </ul>	

Per the tentative schedule prepared for this effort (see schedule below) staff will immediately begin drafting revised code language for consideration. There are a number of mandatory deadlines that must be met in order for this project to succeed. State law requires that the Department of Land Conservation and Development (DLCD) be provided notice of potential local code changes at least 35 days prior to the first evidentiary hearing. In order to fulfill this requirement on a schedule that will allow adoption by the end of the calendar year, Staff must have draft language prepared for the DLCD notice by August 13, 2012. This will allow Planning Commission consideration of the code changes in September and October, with City Council hearing and adoption to follow in November and December.

<u>Tentative Schedule:</u>	
June 6, 2012	Check-In with Planning Commission (work session)
June 13, 2012	Continued work session with Planning Commission
June 18, 2012	Check-In with City Council (work session)
June - August, 2012	Staff draft code language
August 13, 2012	Post-Acknowledgment Plan Amendment (PAPA) Notice due to the Department of Land Conservation and Development (DLCD)
September 19, 2012	Planning Commission Public Hearing
October 3, 2012	Planning Commission Deliberations
November 5, 2012	City Council Public Hearing
November 19, 2012	City Council Deliberations
December 3, 2012	City Council Adoption of Formal Findings

The process proposed for consideration and adoption of the proposed code amendment package is more streamlined than past efforts to amend the Land Development Code. There are a few reasons for this streamlined process:

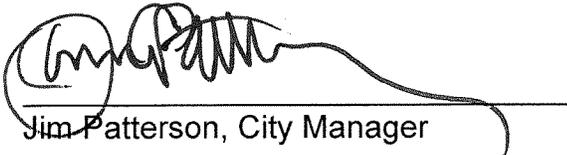
1. The code changes included (with the exception of any potential OSU Collaboration provisions) have already been reviewed and endorsed by the Planning Commission and City Council as part of the 2011 - 2012 work program, or through the Council Goal-setting process.
2. Given the major reductions in Planning Division staffing and planning project funds, this project must be accomplished by existing staff, who have a primary responsibility to process land use applications in a timely manner, consistent with State law, along with numerous other necessary day-to-day duties.
3. To put the code changes in place by the end of 2012, an aggressive schedule will be necessary.

Nonetheless, the proposed schedule will accommodate a full public review of the proposed code changes, to include public hearings with both the Planning Commission and City Council. In summary, this is an ambitious package of code amendments, but staff believe that it will be possible to move the amendments through the adoption process by the end of 2012.

### III. ACTION REQUESTED

Council review is requested and feedback is encouraged, but no official action is necessary at this time.

Review and Concur:



Jim Patterson, City Manager

### EXHIBITS:

- A. Compendium of three lists of proposed Land Development Code Amendments authorized as part of the 2011 - 2012 Planning Division Work Program
- B. Staff Response to Council Goal Regarding Local Food and Agriculture
- C. April 12, 2011, Memorandum from the Community Development Director to the Mayor and City Council, entitled "Unresolved Planning Issues and Planning Division Work Program Review"

# **Staff and Planning Commission Recommended Items to be Included in 2012 Land Development Code Amendment Package**

(Does not Include "Local Food"-Related Code Changes or possible Quick Action Items  
from the City/OSU Collaboration Project)

## **List A: Housekeeping List:**

1. Develop a rule to govern the rounding of fractions in numeric calculations for land use considerations.
2. Clarify "flashing" vs. "variable message signs", consistent with the City Council's decision on the Phones Plus appeal. Also clarify the allowed time/temperature fluctuation for variable message signs.
3. Include land use fees as required application completeness items for all land use applications.
4. Address the Federal Communication Commission's mandatory 90-day review timeline for telecommunication co-locates
5. Expand the required notice area for Major LDOs to 300 feet, consistent with notice requirements for other processes requiring a public hearing. Clarify that LDOs may not be used to vary density standards.
6. Standardize decision effective date vs. approval date for all land use applications (currently there are inconsistencies in the LDC).
7. Clarify in LDC what the Property Line Adjustment process can be used for and what it shouldn't be used for (LDC does not address the difference between the results of the land partition or replat process and the results of a property line adjustment process.)
8. Revert to 1993 Code language regarding how to deal with split-zoned parcels. The current LDC requires that zoning district standards for each district be implemented on the respective portions on which they occur in split-zoned parcels. Practically speaking, this is very difficult to implement. The 1993 Code stated that whatever zone occupied the majority of a split-zoned parcel would determine the development standards for the entire parcel.
9. Clarify in LDC Section 4.4.20.01 (Land Division Standards) that standards may be varied through the LDO process as well as the PD process.
10. Fix the disconnect between LDC 3.4.30.c.3 (RS-9 Development Standards), and other similar citations in the Code, where an "other configuration of building types resulting in two units" is contemplated and the definition and minimum lot size requirements for the single detached building type.
11. Clarify in PODS that for multiple buildings on a single lot with limited street frontage, not all buildings must meet building orientation requirements.

12. Amend LDC Section 2.14.60.e to require filing a Lot Line Adjustment with the County Surveyor, as the County Recorder will not record a Lot Line Adjustment.
13. Allow temporary outdoor markets in the Riverfront Zone
14. Reconcile/eliminate LDC requirement for commercial day care screening in relation to State Law that requires visually open fencing
15. Modify 4.2.20.a.2 consistent with current practice, so that installation or financial security is not required on individual lots in SUBs, MLPs prior to final plat (instead, require installation prior to occupancy).
16. Include reference to 10' separation requirement between single detached dwelling units on the same property within applicable zone development standards.
17. Establish a maximum height for weather protection
18. Remove building separation requirement from definition of building types - residential (single family, duplex, etc.)
19. GI zone - remove duplicate entry for "Major Services & Utilities" from the PCR section, and keep in the permitted outright section
20. Change every reference in LDC for "Lot Line Adjustment" to "Property Line Adjustment"
21. Update Table 2.6-1 (Annexation chapter) - so that Corvallis Vision 2020 headings for missing categories are visible (issue with WordPerfect tables where text is missing...)
22. Update Section 4.11.50.05.c.2 as follows:  
"Landslide Debris Runout Areas, unless allowed by Section 4.14.60."
23. Clarify differences in notice area for residential vs. non-residential subdivisions (100-ft. vs. 300-ft.) - residential subdivisions are intended to be processed administratively, BUT have a 300-ft. notice area (admin cases typically have 100-ft. notice area).
24. CDP Modification Process - clarify notice requirements relative to use of LDO process

### **List B: Recommendations of the Infill Task Force**

**#2 - Improve the Definition of Building Height** - Based on the current LDC definition of building height, gambrel and other types of roofs limit the actual height of a building to a greater extent than do flat roofs or other types of roofing. The proposed definition would not penalize gambrel roofs and other similar roof types in this regard.

**#3 - Improve the Definition of Schools** - This change would create a separate definition and parking requirement for vocational or professional training facilities, separate from the definition of "schools."

**#4 - Clarify Where not to Detain Stormwater** - This change would clarify imprecise language in the LDC regarding areas that are exempt from stormwater detention requirements.

**#5 - Simplify Requirements Based on Project Size** - This change would allow more flexibility for infill development than is allowed for other types of development through the Minor Lot Development Option process (staff-level).

**#6 - Allow More Flexibility for Items with Minimal Impact** - This change would allow arbors, pergolas, and trellises within required front, side, and rear yard setback areas and would also allow garden sheds within side and rear yard setbacks, with certain limitations.

**#7 - Add Franchise Utility Location Flexibility** - This change would allow alternatives to the 7-foot-wide utility easement that is typically required adjacent to public streets.

**#8 - Allow Residential/Commercial Conversions in High Density Zones** - This proposal would alter provisions in the LDC that allow for the conversion of existing residential dwellings into buildings for professional and administrative uses. In addition to applying to structures that are 4,000 square feet in size or larger (as provided in the current code), the proposal would allow consideration of such a conversion for any residential building that meets the locational criteria for a Major or Minor Neighborhood Center. The requirement that such proposals be considered through the Conditional Development process would remain.

**#9 - Allow Both Attached and Detached Multifamily Structures in RS-5 Through RS-12 Districts** - This proposal would alter the definition of “duplex,” “multi-dwelling,” and “triplex, fourplex, fiveplex, sixplex, etc.” in the LDC to allow individual units to be detached from one another, if desired. The Planning Commission determined that the LDC already allows for this. Item 10 from the Housekeeping List will help to clarify implementation of these provisions.

**#10 - Permit Accessory Dwelling Units in RS-12 Through RS-20** - This change would allow the development of accessory dwelling units (ADUs), per the standards in LDC Section 4.9.40, in RS-12, RS-12(U), and RS-20 zones. These are the Medium-High and High Density Residential Zones in the City. ADUs are currently permitted in lower density residential zones in the City (RS-1 through RS-9(U)).

**#11 - Modify Fence Height Limits in Front and Exterior Side Yards, Exterior Side Yards in Small Lots, and Along Paths** - These changes would alter the current limitations on fence and wall heights within required yard areas (setback areas) within the City. Compliance with Vision Clearance Standards would continue to be required.

**#12 - Skinny Lot Garage Placement Option** - The proposed change would create an additional garage placement option within the Pedestrian Oriented Design Standards that apply to detached single family, two unit attached, and duplex residential building types.

**#13 - Fix Skinny Lot Division Standards** - The proposed change would eliminate the provision in current land division standards that states that lot depth shall “generally not exceed 2.5 times the average width.”

**#14 - Fix PODS vs. MUGC Window Standards Conflict** - The proposed change would clarify a conflict within the LDC regarding the provision of windows for development in the MUGC Zone.

**#15 - Refine MADA Calculation for Infill Lots** - The initial Infill Task Force proposal was to apply a different standard for the calculation of the Minimum Assured Development Area (MADA) as applied to infill development. After discussion with the Planning Commission, it was determined that a preferred method to address the issue would be to allow development in setback areas (subject to certain limitations) for small lots that are constrained by natural features to the extent that Minimum Assured Development Area (MADA) provisions would apply.

### **List C: Staff-Recommended, “Substantive Issues” List**

1. Expand the Major LDO process to allow consideration of Major LDOs for commercial, industrial and other types of development.
2. Allow development on 35% or greater slopes on lots legally created either through a land partition or subdivision plat within the City, prior to December 31, 2006, that are ½ acre or less in size.
3. Amend block perimeter standards to allow more flexibility.
4. Develop an urban street standard that allows for the extension of pavement to street curbs and the provision of street trees within tree wells, in certain contexts.
5. Eliminate the usable yard requirements from the zone’s where it is required.
6. Develop clearer thresholds on when required improvements are required with development.
7. A. Exempt some types of buildings from compliance w/PODS; and B. Modify other POD standards (4.10.50.01.a.2 & 4.10.60.01.b).
8. Eliminate “consistent with background and purposes” as decision criteria from all land use decisions.
9. Creating refinements in addition to modifications to Planned Developments.
10. Disallow habitable sleeping areas in Accessory Structures.
11. Amend landslide buffer requirements.
12. Expand the list of commercial uses that are allowed to qualify towards FAR requirements in the MUE zone.

13. Various Minor Policy implications including:
  - a) Clarify where through lot standards should apply. Also clarify where planting screens are appropriate and how building orientation requirements should be applied on through lots.
  - b) Eliminate HVAC screening requirements for heat pumps in low density residential zones.
  - c) Standardize the effective period for land use approvals.
  - d) Reconcile conflicting accessway standards in LDC 4.4.30 and the Off-street Parking and Access Standards.
  - e) Clarify when HPSV preservation tracts are not required.
  - f) Clarify that sidewalks and multi-use paths requiring landscape buffers are for connections in lieu of full street connections or to for connections that provide access to a larger path system, and are not for private sidewalks or internal pathways that serve a development site.
  - g) Allow parallel parking on shopping streets.
  - h) Establish a parking requirement for group residential uses in the CB zone.

Items added with concurrence from the Planning Commission:

14. Alter roof pitch requirement in Multi-family PODS, and consider eliminating for single family PODS.
15. Make Community Recreation – Public Parks Only, an outright permitted use in the AG-OS zone.
16. Amend LDC 4.4.30.04 “10-ft. long” side yard setback requirement
17. Eliminate POD standard requiring refuse facilities being located at least 20 ft. from any building and outside any setback area.
18. Amend 4.1.40.c to include the Riverfront zone as an exemption from the vision clearance requirements.
19. Allow ‘Customer Support Centers,’ or similar term, as a permitted outright use in the PA-O zone. Eliminate the definitions for ‘Technical Support Center’ and ‘Telemarketing Center’ in Chapter 3.0 in favor of a broader definition to include customer support center, data center, technical support center, and telemarketing center.
20. Include the terminology legal nonconforming and illegal nonconforming in LDC Chapter 1.4.
21. Clarify that LDC Section 4.1.20.d & e apply only to commercial, civic and industrial uses, and not residential.

## Memorandum

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**To:** Mayor and City Council  
**From:** Ken Gibb, Community Development Director   
**Date:** June 13, 2012  
**Subject:** Staff Response to Council Goal Regarding Local Food and Agriculture

In 2011, the City Council adopted four goals. One Council Goal states:

*The Council will provide direction on recommendations to strengthen access to, and availability of, locally produced food and community gardens via policy, ordinance and Land Development Code changes.*

This Council Goal is related to the local food system. A food system involves growing, harvesting, processing, packaging, transporting, marketing, consuming and disposing food and food packages. A healthy local food system can be described as health promoting, ecologically sustainable, diverse, and economically balanced (**Exhibit I**). These characteristics correspond with the 2020 Vision Plan Statement Categories, which were used to guide Council Goals. Related Vision Plan Statement Categories include Culture and Recreation, Protecting the Environment, Economic Vitality, and Where we Live.

There are numerous organizations within Corvallis working to strengthen the local food system. These include the Corvallis Sustainability Coalition, the Corvallis Environmental Center, the Corvallis-Albany Farmers Market, the First Alternative Cooperative, the Benton County Public Health Department, and the Corvallis Parks and Recreation Department. The Corvallis Community Development Department has supported the Benton County Public Health Department in performing a Health Impact Assessment of City policies and regulations affecting the food system. The Corvallis Parks and Recreation Department is also partnering with the Benton County Public Health Department to create a community garden master plan

In addition to the work with the Benton County Public Health Department, the Community Development Department is working to achieve the Council goal, primarily by evaluating ordinances within the Land Development Code (LDC) and identifying opportunities to facilitate food and agricultural-related activities appropriate for an urban setting. This memorandum considers aspects of a local food system and makes several preliminary, and broad, recommendations for ways to amend the LDC with the intent of strengthening the local food system.

In developing these recommendations major components of the food system were considered. In many respects, existing City policies and regulations, or lack thereof, facilitate a robust food system. Many residents enjoy vegetable gardening, grow fruit and nut trees, raise poultry and small livestock for eggs, milk and meat, or keep bees for

honey and to support pollination. Unlike many jurisdictions, restrictions on these urban agriculture activities are limited. For example, there are not specific limitations on the number of chickens that can be kept in a backyard. The municipal code regulates these activities to a degree, but mostly to ensure that nuisance conditions aren't created. There are also established formal and informal networks for selling, buying, and trading food and food products. These include the Corvallis-Albany Farmers Market, privately run community gardens, community supported agriculture businesses, and local restaurants and retailers that use food produced by local farmers. These production and exchange networks increase the ability of residents to grow and access locally produced food. As a result of services provided by Allied Waste, Corvallis residents can compost all food waste, creating a valuable by-product that can continue to support agriculture.

Recommendations for LDC changes are organized into three categories: Private Food and Agricultural Production, Commercial Food and Agricultural Production, and Food Processing. A fourth category, Education, provides additional recommendations that do not require LDC changes. The recommendations aim to minimize the creation of new regulations associated with food and urban agricultural activities, and to support changes that would facilitate a stronger local food system, thereby improving access to, and the availability of, locally produced food.

### **Private Food and Agricultural Production**

Food production can be categorized as commercial or non-commercial, and within each category it may occur on many different scales. Common types of commercial and non-commercial activities are listed below, followed by a summary of LDC related issues and recommendations.

#### **Non-Commercial Production Activities**

##### **Private Gardens**

Private gardens such as those used for fruit and vegetable production are not defined in the LDC. They are currently permitted either as an accessory use that is "customarily incidental to the Primary Use", or in residential zones as "Tree, Row, and Field Crops – personal use".

Under current provisions, gardens are not permitted on vacant lots because they are accessory uses. Accessory uses are only allowed where there is a primary use such as a residence.

##### **Recommendations**

- Amend the LDC to define private gardens.
- Amend the LDC to permit private gardens outright in all zones where residential uses are also permitted as a primary use type.
- Limit the size of accessory structures associated with private gardens, when private gardens are the primary use type on a site.

## **Community Gardens**

Community gardens are not defined in the LDC, though several operate through-out the community on private property, in public parks, and on land owned by churches, schools, and non-profit organizations. Community gardens may be used for a variety of purposes including consumption, sale, education, and therapy.

Currently, community gardens can potentially be permitted as an accessory use that is “customarily incidental to the Primary Use” on the same lot. There are at least two issues with permitting community gardens as an incidental accessory use. One is that community gardens are not permitted on vacant lots because they are accessory uses. Accessory uses are only allowed where there is an associated primary use. A second issue is that it could be unclear how a community garden is “customarily incidental” to a primary use. For example, would a community garden be considered customarily incidental to a downtown business that owns an adjacent vacant lot they would like to temporarily convert to a community garden? Is a community garden customarily incidental to a residential use?

### ***Recommendations***

- Amend the LDC to define community gardens.
- Permit community gardens as primary or accessory uses in commercial and residential zones.
- Encourage community gardens in new multi-family developments and residential subdivisions of a certain size by including them as an option for compliance with Pedestrian Oriented Design Standards or other open/common space requirements.
- Apply existing Planned Compatibility Review process to ensure community gardens of a certain size will not negatively impact surrounding uses.

## **Commercial Food and Agricultural Production**

Commercial food production can encompass a range of activities from small market gardens to large scale operations. The following are permitted use types related to food and agricultural production:

- Animal Husbandry
- Aquaculture
- Horticulture
- Row and Field Crops
- Tree Crops

### **Aquaculture**

Currently the LDC permits aquaculture in the OSU and Agriculture – Open Space (Ag-OS) zones. The Corvallis LDC defines aquaculture as, “aquacultural research and specialties”. The City of Seattle’s development code defines aquaculture as “a use in which fish, shellfish and other marine foods, aquatic plants, or aquatic animals are cultured or grown in fresh or salt waters in order to sell them or the products they produce”.

Aquaculture activities can occur in open air or enclosed facilities, such as large warehouses. It is recommended that a more expansive definition of aquaculture be

created, and that aquaculture activities be permitted in certain industrial zones, and within certain commercial zones, subject to restrictions.

### **Horticulture, Row and Field Crops, and Tree Crops**

Horticulture is currently permitted in the Limited Industrial and AG-OS zones, as well as residential zones as an accessory-use for personal use. It seems reasonable to permit the horticulture use type in other industrial zones, and with restrictions, in certain commercial zones. Similarly, Row, Field, and Tree Crops are not permitted in industrial zones, and it seems reasonable to permit these use types in certain industrial zones as an interim use. It is understood that such uses would not always constitute the “highest and best use” of commercial and industrially zoned properties, but allowance for these use types on an interim basis would allow productive use of the land until such properties are more intensively developed.

### **Market Gardens**

Like Horticulture, Row, Field, and Tree Crops, are permitted as accessory uses, but in residential zones, these uses are only for personal use. The term “personal use” could be interpreted to mean that commercial related activities, such as growing food or plants for sale either on or off-site as a small business, are prohibited in residential zones. To permit some level of commercial activity in residential zones related to food and agricultural production, the definition for Home Business could be expanded, or a new definition, such as for Market Gardens, focused on food and agricultural production could be created. In concept, such a definition would permit a food-based home business as long as the outward appearance of the home and property maintained its residential character.

### **Recommendations**

- Create an expanded LDC definition for aquaculture.
- Permit aquaculture in certain industrial zones, and with restrictions, in certain commercial zones.
- Permit horticulture in additional industrial zones, and with restrictions, in certain commercial zones..
- Permit Row and Field Crops, and Tree Crops in certain industrial zones.
- Create home business or Market Garden definition specific to food and agricultural production and processing. Definition would include limited size/duration farm stand on residential lots.

### **Food Processing**

The LDC permits a variety of processing and packaging use classifications that are related to food and agricultural goods, including Limited Manufacturing, General Industrial, and Packing and Processing. Each is briefly described below.

### **General Industrial**

The General Industrial use type permits the “production, processing, assembling, packaging, or treatment of food and non-food products”. This use type is permitted only

in certain industrial zones and is not expected to have nuisance conditions detectable from the boundaries of the subject property.

### **Packing and Processing**

The Packing and Processing use type is defined in the LDC as follows:

- e. **Packing and Processing** - Packing or processing of agricultural crops, animals, and their by-products that entails more than picking, cutting, sorting, and boxing or crating. Excludes the activities of canning, rendering, tanning, or reduction of meat. The following are Packing and Processing Use Types:
  1. Limited - Packing or processing of crops grown on the premises.
  2. General - Packing or processing of crops, animals, or their by-products regardless of where they were grown.

Packing and Processing – Limited is a use type that is limited to packing or processing crops grown on the premises. Currently, crops are not permitted to be grown in the Limited Industrial zone, which is one of two zones where this use type is permitted. The other is in the AG-OS zone.

### **Limited Manufacturing**

Limited Manufacturing uses are limited to establishments that employ 20 or fewer persons per shift. The Limited Manufacturing use-type does not specifically include the processing or packaging of food. However, this use type has been interpreted broadly by staff to include food products. This broad interpretation has allowed businesses such as breweries, to operate downtown in the Central Business zone. Similar small to medium-sized operations may be appropriate for other commercial zones, in addition to industrial zones, where this use type is currently permitted. Examples of similar uses include bakeries, wineries, distilleries, and canning operations. These types of food-based activities would clearly fall within the Limited Manufacturing use type if the use type definition were changed to explicitly include food products. As a result of such a change, the number of zones where food processing activities could occur would increase.

To support Commercial Processing activities, the following modifications to the LDC are recommended:

#### ***Recommendations***

- Modify the Limited Manufacturing use type to reference the processing and packaging of food products.
- Permit Row and Field Crops, and Tree Crops in zones where the Packing and Processing – Limited use type is permitted.

### **Education**

In addition to the above recommendations, the creation of educational brochures regarding City regulations relating to local food could help property owners understand limitations and compatibility considerations associated with urban agriculture. These

materials would encourage responsible practices which would support urban agriculture, particularly at the small-scale residential level, with a minimum of City regulation.

**Conclusions**

The above recommendations are conceptual, and specific definitions and Code language have yet to be crafted. Through the process of developing specific text amendments, additional recommendations would be given. Such recommendations might address, for example, the appropriate zone for a new use type, or the precise limitations on the size and duration of residential farm stands. Those details aside, and as shown in the following table, it is anticipated that the given recommendations would strengthen the local food system by providing increased opportunities to produce, process, and access local foods.

**Table 1: Recommended LDC Changes and Impacts**

Recommended LDC Change	Potential Impact		
	Production	Processing	Access
Amend the LDC to define private gardens	x		x
Amend the LDC to permit private gardens outright in all zones where residential uses are also permitted as a primary use type.	x		x
Limit the size of accessory structures associated with private gardens when private gardens are the primary use type.			
Amend the LDC to define community gardens.	x		x
Permit community gardens as primary or accessory uses in commercial and residential zones.	x		x
Encourage community gardens in new multi-family developments and residential subdivisions of a certain size by including as an option for compliance with Pedestrian Oriented Design Standards or other open/common space requirements.	x		x
Apply the Planned Compatibility Review process to ensure community gardens of a certain size will not negatively impact surrounding uses.	x		x
Create an expanded LDC definition for aquaculture.	x	x	x
Permit aquaculture in certain industrial zones, and with restrictions, in certain commercial zones.	x	x	x

Recommended LDC Change	Potential Impact		
	Production	Processing	Access
Create home business definition specific to food and agricultural production and processing. Definition would include limited size/duration farm stand on residential lots	x	x	x
Permit horticulture in additional industrial zones, and with restrictions, in certain commercial zones.	x		x
Permit Row and Field, and Tree Crops in certain industrial zones.	x		
Modify the Limited Manufacturing use type to reference the processing and packaging of food products.	x		x
Permit Row and Field Crops, and Tree Crops in zones where the Packing and Processing – Limited use type is permitted.	x	x	x

# PRINCIPLES OF A HEALTHY, SUSTAINABLE FOOD SYSTEM

In June 2010, the American Dietetic Association, American Nurses Association, American Planning Association, and American Public Health Association initiated a collaborative process to develop a set of shared food system principles. The following principles are a result of this process and have been collectively endorsed by these organizations.

We support socially, economically, and ecologically sustainable food systems that promote health – the current and future health of individuals, communities, and the natural environment.

A healthy, sustainable food system is:

## HEALTH-PROMOTING

- Supports the physical and mental health of all farmers, workers and eaters
- Accounts for the public health impacts across the entire lifecycle of how food is produced, processed, packaged, labeled, distributed, marketed, consumed and disposed

## SUSTAINABLE

- Conserves, protects, and regenerates natural resources, landscapes and biodiversity
- Meets our current food and nutrition needs without compromising the ability of the system to meet the needs of future generations

## RESILIENT

- Thrives in the face of challenges, such as unpredictable climate, increased pest resistance, and declining, increasingly expensive water and energy supplies

## DIVERSE IN

- Size and scale—includes a diverse range of food production, transformation, distribution, marketing, consumption, and disposal practices, occurring at diverse scales, from local and regional, to national and global
- Geography—considers geographic differences in natural resources, climate, customs, and heritage
- Culture—appreciates and supports a diversity of cultures, socio-demographics, and lifestyles
- Choice—provides a variety of health-promoting food choices for all

## FAIR

- Supports fair and just communities and conditions for all farmers, workers and eaters
- Provides equitable physical access to affordable food that is health promoting and culturally appropriate

## ECONOMICALLY BALANCED

- Provides economic opportunities that are balanced across geographic regions of the country and at different scales of activity, from local to global, for a diverse range of food system stakeholders
- Affords farmers and workers in all sectors of the system a living wage

## TRANSPARENT

- Provides opportunities for farmers, workers and eaters to gain the knowledge necessary to understand how food is produced, transformed, distributed, marketed, consumed and disposed
- Empowers farmers, workers and eaters to actively participate in decision-making in all sectors of the system

A healthy, sustainable food system emphasizes, strengthens, and makes visible the interdependent and inseparable relationships between individual sectors (from production to waste disposal) and characteristics (health-promoting, sustainable, resilient, diverse, fair, economically balanced, and transparent) of the system.



*These principles should not be construed as endorsement by any organization of any specific policy or policies. The collaborative process was led by a Food Systems and Public Health Conference Work Team funded by the W.K. Kellogg Foundation.*

**EXHIBIT B.8**



## MEMORANDUM

**DATE:** April 12, 2011  
**TO:** Mayor and City Council  
**FROM:** Ken Gibb, Community Development Director   
**SUBJECT:** **Unresolved Planning Issues and  
Planning Division Work Program Review**

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### I. ISSUE

Each year the Planning Commission is asked to review the list of Unresolved Planning Issues and to make recommendations to the City Council from that list regarding Planning Division work program priorities for the upcoming year. The Planning Commission conducted that review on March 16, 2011, and has forwarded a recommendation to the City Council regarding the upcoming Planning Division work program. The City Council is asked to consider the Planning Commission's recommendation and to provide direction regarding the Planning Division Work Program.

### II. DISCUSSION

#### Planning Work Program

The March 9, 2011, Staff Report to the Planning Commission (**Exhibit A**) includes Community Development Department Staff's recommendations regarding the Planning Division Work Program, as well as a number of other items, including: the 2010 Unresolved Planning Issues List, the Infill Development Task Force's recommended revisions to the Land Development Code (LDC), written testimony received by the Planning Commission regarding the work program, a copy of the City Council's Prepayment Policy (Policy 99-7.14), and Commissioner Howell's proposed items to be added to Unresolved Planning Issues List. Since the March 16, 2011, Planning Commission meeting, additional testimony has been received regarding the work program. That testimony is included as

**Exhibit B** to this Memorandum.

This year, it is anticipated that available Planning Staff will be occupied with the completion of the FEMA project, the Airport Industrial Park Refinement Plan Update, and the LDC Changes to Downtown Policies through approximately mid-summer of 2011. Because staffing resources will continue to be limited in the foreseeable future, and because submitted testimony about the work program, along with expressed public sentiment, is focused upon making revisions to the Land Development Code, Planning Staff, in consultation with the Community Development Director and representatives of our partner work groups at the City, have developed a recommended package of Land Development Code revisions as the primary discretionary work program item for the Planning Division for the next 20 months (once current work projects are completed).

On March 16, 2011, the Planning Commission reviewed these materials, received public comment, deliberated, and decided to recommend that the City Council adopt the Planning Division Work Program, as proposed in the March 9, 2011, Staff Report, without change. (Draft minutes from that Planning Commission meeting are included as **Exhibit C**) In summary, that proposed work program directs Staff to begin work, as resources become available, on three lists of topics to be addressed through Land Development Code Text Amendments. The three lists are briefly summarized as follows:

- List A (known as the “housekeeping list”) contains corrections and clarifications to obvious errors or omissions within the current LDC. Items on this list are believed to be relatively straightforward, with minor policy implications, if any. Staff have prepared this list as an illustrative list at this point, with the understanding that additional issues that may be identified through this process may be added to the list, if they are believed to be relatively straightforward, with minor, if any, policy implications.
- List B (the Infill Task Force list) contains a complete discussion of all LDC revisions proposed by the Infill Development Task Force (ITF), a group of interested citizens who were authorized through last year’s work program discussion, to develop recommendations for LDC Text Amendments that would facilitate infill development within the community. Many of these items will require significant policy decisions on the part of Decision-Makers.
- List C (known as the Substantive Issues list) contains LDC revisions proposed by Staff. These items are intended to streamline the Land Development Code in a way that will preserve the consistency of the LDC with State requirements, the Comprehensive Plan, the 2020 Vision Statement, and other adopted documents, while removing unnecessary regulatory obstacles and providing needed flexibility within the LDC. All of the issues on this list will require some level of policy decision by Decision-Makers.

Cumulatively, these three lists present a very substantial work effort for the Planning

Division, but one which we believe is achievable over a 20 month period (roughly through the end of current City Council terms). Preliminarily, Staff would like to preserve the ability to tackle all of these changes through one very large work effort. This is because, when we have broken items into packages in the past, not all items have been completed. However, based on available resources and other factors, it may be determined later that dividing the project into packages would be the most expedient approach.

It is important to note that, if adopted as the work program, the LDC Amendment process for any of these code changes will include all necessary due process elements, such as notice, public hearing, and opportunity for public comment and participation. Therefore, although some of the proposed text amendment issues identified on Lists A, B, and C contain specific proposed wording for those text amendments, feedback is not necessary on specific wording at this time. Rather, the City Council is asked to provide direction as to whether the identified issues and topics should be addressed as part of the upcoming Planning Division Work Program.

It is anticipated that if this work program is adopted, Staff will schedule a "check-in" with the Planning Commission for identified issues where there may be a variety of ways the issues can be addressed. At that time, Staff will prepare options and recommendations for each of these items, so that the Planning Commission can provide Staff with direction prior to beginning the development of specific LDC language. A "check-in" (and possibly more than one) will likely be warranted for many of the items on Lists B and C. The "check-in" session, although not a formal decision-making process, will allow for a public comment opportunity. Staff have begun an "interested parties" list, for persons who will be provided notice of "check-in" sessions, beginning with all parties who have testified and/or provided written testimony regarding the work program. Once clear direction has been provided regarding the "check-in" items, Staff will move the LDC Amendments forward through the process required by the LDC, with a Planning Commission public hearing and recommendations to the City Council, followed by a City Council public hearing and decision.

One consideration that has not factored into this analysis thus far is City Council Goals. Development of City Council Goals proceeded along a parallel track with the development of the Planning Division Work Program recommendation, due to the necessary timing for both projects. Two of the Council Goals - local food and OSU impact issues - will require planning staff time over the next 20 months. However, the timing and amount of staff resources is an unknown at this point. Staff suggest that work associated with these goals for the balance of 2011 can be accommodated within existing resources, and that a check of work program status be conducted in early 2012 in order to accommodate the impact of Council Goals on the Planning Work Program.

#### Unresolved Planning Issues List

It also should be noted that the Planning Commission reviewed the Unresolved Planning Issues (UPI) List at their March 16, 2011, meeting and decided to add a number of items

to the list. Maintenance of the UPI List is required by Comprehensive Plan Policies 1.2.6 and 1.2.7, which are as follows:

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

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

Typically, the Planning Division Work Program is developed from the UPI List. There is no requirement that all items on the UPI List be addressed, but the list is used to identify issues or projects that are believed to warrant consideration in the future. The UPI List developed in 2010 is included as Attachment A to the Planning Commission Staff Report (**Exhibit A**). No action by the Council is necessary regarding the UPI List. However, for informational purposes, the items added to the UPI List by the Planning Commission this year are as follows:

- LDC changes to allow selected Agricultural Use types in more zones.
- Add gateway standards to LDC 4.2.70.02 in order to implement Comp Plan policies 8.14.3 and 13.12.18, and the West Corvallis-North Philomath Plan, that identify Philomath Boulevard as a gateway street.
- For development in a wetland, add LDC language to require an approved wetland fill permit from DSL prior to the land use application, rather than as a Condition of Approval.
- Develop a mechanism to include limited Conditions of Approval for Annexation proposals.
- Delete LDC Section 4.11.50.02.c.2, which gives additional MADA credits for “areas of wetland mitigation... when infrastructure must be extended through a wetland.” Also, to consider using SDC credits as an alternative method to compensate for the cost of such mitigation.
- Evaluate whether it is appropriate to allow surface stormwater detention facilities within protected natural resource areas if the soils do not allow significant percolation, or if other factors preclude infiltration in these areas.
- If needed, clarify definitions of “Area, Net” and “Floor Area Ratio” to ensure the intent that the acreage of protected natural resources and hazards is removed before making FAR calculations.
- Consider allowing accessory buildings to remain on a site if the primary structure

has been removed or demolished.

- Consider a reduced width for planter strips along neighborhood collector streets (perhaps 6 feet rather than 12 feet).
- Consider changing housing variety requirements for development of between 5 and 10 acres by reducing the required percentage of alternative housing types or similar changes.
- Reevaluate the West Corvallis Access Strategy in light of access management restrictions, natural features constraints, and trail and park facility requirements in the area.

### III. RECOMMENDATION

Based on the discussion in the March 9, 2011, Staff Report to the Planning Commission; the Planning Commission's consideration of public comment, deliberation, and recommendation to the City Council on March 16, 2011; and on the City Council's consideration of the April 12, 2011, Memorandum from the Community Development Director to the Mayor and City Council, it is recommended that the City Council affirm the upcoming Planning Division Work Program, as reflected in the following motion:

**I move that the City Council approve the development of a package, or packages of, Land Development Code Text Amendments as presented in Lists A, B, and C from the April 12, 2011, memorandum from the Community Development Director to the Mayor and City Council as the Planning Division's work program priorities for the next 20 months.**

Review and Concur:

  
\_\_\_\_\_  
Jon S. Nelson,  
City Manager

**EXHIBITS:**

- A. March 9, 2011, Staff Report to the Planning Commission, entitled "Annual Planning Division Work Program Review"
- B. Testimony received regarding the Planning Division Work Program since the March 16, 2011 Planning Commission Meeting
- C. Draft Minutes of the March 16, 2011, Planning Commission Meeting



## MEMORANDUM

**DATE:** March 9, 2011

**TO:** Planning Commission

**FROM:** Ken Gibb, Community Development Director, and  
Kevin Young, Planning Division Manager

**SUBJECT:** Annual Planning Division Work Program Review

### I. ISSUE

Each year the Planning Commission is asked to review the list of Unresolved Planning Issues and to make recommendations to the City Council from that list regarding Planning Division work program priorities for the upcoming year. Typically, the Planning Commission will consider public comments and the unresolved planning issues list in developing a recommendation to the City Council of the priority items to be included as part of the Planning Division's work program.

Direction for the maintenance of the Unresolved Planning Issues list is provided by Comprehensive Plan Policies 1.2.6 and 1.2.7, which state as follows:

- 1.2.6 The City shall maintain a formal Unresolved Planning Issues list to be used as a guide to planning issues that require further study and investigation by City staff and the Planning Commission.**
- 1.2.7 The Planning Commission shall schedule at least one public meeting each year to take input, receive a staff report on progress, and make decisions about the contents and relative priority of items on the Unresolved Planning Issues list.**

Last year, the Unresolved Planning Issues (UPI) List was organized into six broad categories, which were: General Land Development Code-Related Improvements (41 items), Historic Resource-Related Issues (3 items), Natural Features and Natural Hazard-Related LDC Issues (6 items), Economic Development and Downtown-Related Issues (5 items), Implementation Improvements other than LDC Changes (13 items), and Automobile

Parking Issues (6 items). Altogether, there were 74 items identified on last year's UPI List (**Attachment A**). From that list, the City Council, in consultation with the Planning Commission, identified the following issues as the top priority work items:

1. FEMA floodplain mapping and regulatory update
2. Update Refinement Plan for the Airport Industrial Park
3. Natural Features-related Land Development Code changes
4. Historic Preservation-related Land Development Code changes
5. Land Development Code changes to Downtown policies, per recommendations of the Downtown Commission
6. General Land Development Code changes (Packages 2 and 3 from "Code Tweaks" list, as well as potential new issues)
7. Code changes regarding accessway standards, block perimeter standards, and land use approval expiration timelines
8. Infill Development Task Force (pending more information from Staff)
9. Develop policy to calculate 5-year supply of serviceable land for use with annexation requests

Staff have made significant progress on many of these items. In October of 2010, the City Council adopted revisions to Land Development Code (LDC) Chapter 2.9, and associated sections, thereby accomplishing the historic preservation-related changes called for in item # 4. On December 2, 2010, the City of Corvallis received a Letter of Determination from the Federal Emergency Management Agency (FEMA), which notified the City that new floodplain maps for our region have been adopted and explained that we will have six months (until June 2, 2011) to adopt the new maps and associated regulations if the City wishes to continue to participate in the National Flood Insurance Program. The process of adoption of the associated regulations is currently in progress (Item #1). The Planning Commission completed their review of this item on February 16, 2011, and City Council consideration is scheduled to begin with a public hearing on April 4, 2011, with adoption anticipated before the June 2, 2011, deadline.

Over the past several months work has been ongoing on an Update to the Airport Industrial Park Refinement Plan (Item #2), with an expected completion date of mid-summer 2011. Similarly, consideration of a package of Land Development Code changes to downtown policies is anticipated to be completed by mid-summer 2011. Additionally, the Infill Development Task Force, a group of citizen volunteers, has worked independently to develop a series of recommended LDC revisions designed to resolve frequently recurring issues and facilitate infill development in the community (**Attachment B**). Lastly, Staff had hoped to put together a package of LDC changes that would incorporate, at least in part, Items # 3, 6, and 7. However, in order to address FY 10-11 budget reduction needs, staffing resources planned for that project were eliminated, and the project has been delayed.

This year, it is anticipated that available Planning Staff will be occupied with the completion of the FEMA project, the Airport Industrial Park Refinement Plan Update, and the LDC

Changes to Downtown Policies through approximately mid-summer of 2011. Because staffing resources will continue to be limited in the foreseeable future, and because submitted testimony about the work program (**Attachment C**), along with expressed public sentiment, is focused upon making revisions to the Land Development Code, Planning Staff, in consultation with the Community Development Director and representatives of our partner work groups at the City, have developed a recommended package of Land Development Code revisions as the primary discretionary work program item for the Planning Division in the upcoming year (once current work projects are completed). The Discussion portion of this staff report contains a full analysis of these Staff recommendations.

Initial Planning Commission consideration of the Planning Division Work Program has been scheduled for March 16, 2011. A public notice has been sent to interested parties informing them of a public comment opportunity on the Planning Division Work Program (see comments received thus far in **Attachment C**). Additionally, Commissioner Howell has submitted a list of suggested additions to the Unresolved Planning Issues list (**Attachment E**). If necessary, the Planning Commission's discussion of the work program may be continued to the April 6, 2011, Planning Commission meeting. The Planning Commission is charged with forwarding a recommendation for the Planning Division Work Program to the City Council. A City Council meeting date has been tentatively scheduled for April 18, 2011, to consider the Planning Division Work Program.

## II. DISCUSSION

The package of recommendations was developed based on input from the Infill Development Task Force, as well as from submitted testimony and from City Engineering, Planning, and Development Services Staff. City Staff were asked to identify problem areas where LDC revision would be expected to facilitate development, while preserving the community values imbedded in the LDC. This section of the staff report presents three lists of potential LDC revisions. The first list (**List A**) is characterized as the "Housekeeping List," and contains corrections and clarifications to obvious errors or omissions in the LDC. Items on this list are believed to be relatively straightforward, with minor policy implications, if any. Staff request the flexibility to add to this list if additional items are identified that require correction in the course of the LDC Text Amendment process.

The second list (**List B**) contains a discussion of all LDC revisions proposed by the Infill Task Force (ITF). The complete recommendations from the ITF, along with a cover memorandum from the Task Force, can be found in **Attachment B** to this staff report. Many of these items will require significant policy decisions on the part of Decision-Makers. Due to the complexity and potential ramifications of many of these suggestions, it is likely that there will be differences of opinion regarding how best to proceed. In some instances, Staff recommend different approaches to resolution of identified issues. In addition to Staff recommendations on these items, this portion of the report also includes identification of issues associated with each proposal, as well as assessment of the advantages and

disadvantages of the proposed amendments.

The third list (**List C**), referred to as the “Substantive Changes” list, contains LDC revisions proposed by Staff. In developing the list, Staff have taken into account public input regarding the work program, and have considered the ITF proposals. List C is proposed as additive to the items on the Infill Task Force List (List B) that Staff recommend moving forward with. All of the issues on this list will require some level of policy decision by Decision-Makers. Some are complex and would have significant ramifications in the community. These items are intended to streamline the Land Development Code in a way that will preserve the consistency of the LDC with State requirements, the Comprehensive Plan, and the 2020 Vision, and other adopted documents, while removing unnecessary regulatory obstacles and providing needed flexibility within the LDC. The following discussion of the “Substantive Changes” list also contains discussion of issues associated with each proposed change, as well as consideration of the advantages and disadvantages of each proposal.

**List A: Housekeeping List (illustrative only, may be expanded, as needed)**

No discussion is provided for items on the Housekeeping List, as these items are believed to be self-explanatory. The list provided is illustrative, with the likelihood that additional issues would be added to the Housekeeping List if additional errors and omissions in the Code are identified during the Land Development Code Amendment process.

- A. Develop a rule to govern the rounding of fractions in numeric calculations for land use considerations.
- B. Clarify “flashing” vs. “variable message signs”, consistent with the City Council’s decision on the Phones Plus appeal. Also clarify the allowed time/temperature fluctuation for variable message signs.
- C. Include land use fees as required application completeness items for all land use applications.
- D. Address the Federal Communication Commission’s mandatory 90-day review timeline for telecommunication co-locates
- E. Expand the required notice area for Major LDOs to 300 feet, consistent with notice requirements for other processes requiring a public hearing. Clarify that LDOs may not be used to vary density standards.
- F. Standardize decision effective date vs. approval date for all land use applications (currently there are inconsistencies in the LDC).
- G. Clarify in LDC what the Lot Line Adjustment process can be used for and what it shouldn’t be used for (LDC does not address the difference between the results of the land partition or replat process and the results of a lot line adjustment process.)
- H. Change notice requirements in OSU district from parcel-based to building-based or similar model. The size of OSU parcels and the large number of recent development applications on campus has resulted in a huge public notice

requirement for all campus projects.

- I. Revert to 1993 Code language regarding how to deal with split-zoned parcels. The current LDC requires that zoning district standards for each district be implemented on the respective portions on which they occur in split-zoned parcels. Practically speaking, this is very difficult to implement. The 1993 Code stated that whatever zone occupied the majority of a split-zoned parcel would determine the development standards for the entire parcel.
- J. Clarify in LDC Section 4.4.20.01 (Land Division Standards) that standards may be varied through the LDO process as well as the PD process.
- K. Fix the disconnect between LDC 3.4.30.c.3 (RS-9 Development Standards), and other similar cites in the Code, where an "other configuration of building types resulting in two units" is contemplated and the definition and minimum lot size requirements for the single detached building type.
- L. Clarify in PODS that for multiple buildings on a single lot with limited street frontage, not all buildings must meet building orientation requirements.
- M. Amend LDC Section 2.14.60.e to require filing a Lot Line Adjustment with the County Surveyor, as the County Recorder will not record a Lot Line Adjustment.
- N. Other items, as identified

## **List B: Recommendations of the Infill Task Force**

**#1 - Improve the Definition of Infill** - This change would redefine the term "infill" in the Land Development Code. As a stand-alone item, this measure would have little impact, but the altered definition is proposed to make it possible to create special regulations that would be applied to "infill" development.

Issues - Does it make sense to create a special category of regulation for infill development?

Advantages - Allows regulations to be developed that would only apply to development satisfying the definition of "infill." Regulations applied to infill development could be more lenient, more stringent, or simply different from those that would be applied to other types of development.

Disadvantages - Without careful analysis of where the term "infill development" is currently used in the LDC, could have unintended consequences. For example, should this apply to build-out of a new single family subdivision? How would the definition differentiate between construction on a single vacant lot in a mostly developed context and construction adjacent to two partially developed lots in a new subdivision?

- Decision-Makers may not desire to create special regulations that would pertain only to infill development.

Staff Recommendation - If Decision-Makers are comfortable with creating distinct rules that pertain only to infill development, this revised definition can be developed and integrated into the LDC.

**#2 - Improve the Definition of Building Height** - Based on the current LDC definition of building height, gambrel and other types of roofs limit the actual height of a building to a greater extent than do flat roofs or other types of roofing. The proposed definition would not penalize gambrel roofs and other similar roof types in this regard.

Issues - Is there a need for a revision to the building height definition?

- Has the building height definition significantly hampered infill development?

- What benefits would be anticipated with this change?

Advantages - Revising the definition of building height, as proposed, would facilitate the use of a greater variety of roof styles because some roof styles would not be effectively "penalized."

Disadvantages - Would allow some roof types to be higher than is currently allowed by the LDC.

Staff Recommendation - Staff would support the proposed change, with careful consideration of how the revised definition would apply to stepped buildings on a slope, window gables, etc.

**#3 - Improve the Definition of Schools** - This change would create a separate definition and parking requirement for vocational or professional training facilities, separate from the definition of "schools."

Issues - Is there a need to create a separate use classification for vocational and professional schools?

Advantages - This change would acknowledge that these types of schools have different use characteristics than traditional schools.

- Would facilitate the location of these types of schools in commercial/industrial areas that may be more appropriate.

Disadvantages - Would facilitate the location of these types of schools in commercial and industrial zones where schools have not typically been located.

- Would compete for space with other commercial/industrial uses.

Staff Recommendation - Staff support the proposed change. The proposed change is not anticipated to result in significant changes to development patterns, as there have not been many requests to locate such facilities in Corvallis.

**#4 - Clarify Where not to Detain Stormwater** - This change would clarify imprecise language in the LDC regarding areas that are exempt from stormwater detention requirements.

Issues - None

Advantages - Would clarify where requirements for stormwater detention do or do not apply.

Disadvantages - None

Staff Recommendation - Staff support the proposed change. A map within the code section may also help to make this clear.

**#5 - Simplify Requirements Based on Project Size** - This change would allow more flexibility for infill development than is allowed for other types of development through the Minor Lot Development Option process (staff-level).

Issues - Is it appropriate to allow greater variations to LDC requirements for infill development?

- Embedded in these standards are provisions that would look to development on adjacent lots and allow consideration of variations based on characteristics of neighboring development. Is that an appropriate way to determine the permissible extent of variations that may be requested through a Minor Lot Development Option process?

Advantages - Would promote infill development by providing for more flexibility through a process that does not require a public hearing.

Disadvantages - Could exacerbate compatibility impacts in areas that are already developed in a compact manner.

- These standards would also apply to development on sites less than one acre in size in non-residential districts. Is that desired?

- Would need to limit consideration of neighboring properties to those within the same zoning district, or would have de facto "creeping" zone changes.

Staff Recommendation - Although it may be appropriate to allow more flexibility in the Minor LDO process for infill development, Staff do not support a mechanism that looks to neighboring development to determine the appropriate magnitude of a request to alter an LDC standard. This approach seems arbitrary and makes no distinction between legal and illegal non-conformities, or Planned Development approvals, for example. Staff could support refining or expanding thresholds for variations that may be requested through the Minor LDO process for infill development, but would like those thresholds to be applied uniformly, without reference to neighboring development.

**#6 - Allow More Flexibility for Items with Minimal Impact** - This change would allow arbors, pergolas, and trellises within required front, side, and rear yard setback areas and would also allow garden sheds within side and rear yard setbacks, with certain limitations.

Issues - Current code does not allow arbors, pergolas, or trellises beyond the limitations that apply to fences within setback areas. Accessory structures (such as garden sheds) are allowed within three feet of a side or rear property line if located more than 60 feet from the front property line.

Advantages - Would allow more flexibility in placement of these features in setback areas.

Disadvantages - Could result in compatibility impacts by allowing such structures in close proximity to neighboring properties.

Staff Recommendation - Staff support the provisions regarding arbors, pergolas, and trellises, subject to compliance with vision clearance requirements. Staff do not support the proposal to allow garden sheds within side and rear yard setbacks beyond current allowances. There is no definition or size limitation to a "garden shed," which creates the potential for compatibility conflicts with neighbors. Fire separation requirements would also be an issue.

**#7 - Add Franchise Utility Location Flexibility** - This change would allow alternatives to the 7-foot-wide utility easement that is typically required adjacent to public streets.

Issues - The 7-foot utility easement requirement does not work well in the downtown area, or in other areas where there is a desire or requirement to locate buildings close to the street.

Advantages - Acknowledges the reality that utilities are typically not provided in the portion of private property immediately adjacent to a public street in the downtown area, and in other areas where buildings are constructed up to the front property line.

Disadvantages - Although alleys are a logical alternative location for such utilities, alleys are not always available in redevelopment situations, in which case, other alternative locations would be allowed. Although a provision to not preclude "to and through" access to utilities is included in the proposed language, non-standardized locations for utilities could make it difficult to extend utilities further than "the next lot over."

Staff Recommendation - Staff recognize the need to revise this requirement to address situations where a more urban streetscape is desired. Staff propose incorporating this item into a larger effort (Item D from the Substantive Changes List - List C) that would create an alternative street standard for these areas, which would also eliminate the requirement for a planter strip between the curb and sidewalk, require extra-wide sidewalks, and require street trees within tree wells rather than in planter strip areas.

**#8 - Allow Residential/Commercial Conversions in High Density Zones** - This proposal would alter provisions in the LDC that allow for the conversion of existing residential dwellings into buildings for professional and administrative uses. In addition to applying to structures that are 4,000 square feet in size or larger (as provided in the current code), the proposal would allow consideration of such a conversion for any residential building that meets the locational criteria for a Major or Minor Neighborhood Center. The requirement that such proposals be considered through the Conditional Development process would remain.

Issues - Would significantly expand the eligibility of existing buildings for these types of conversions. Applicable locational criteria for the Neighborhood Center zones consider factors such as whether the location is "at or near" Collector or Arterial street intersections and whether the location is within 1/4 mile of existing or planned transit service.

- These conversion provisions were originally developed in response to the need to find new uses for large residential buildings (fraternities, boarding houses, etc.) that were underutilized or vacant. It is not clear that the same problem exists for all residential buildings along Collector and Arterial streets in the City.

Advantages - Would widen eligibility for this type of conversion for residential properties located along Arterial and Collector streets that are underutilized or vacant.

Disadvantages - Conflict with Comprehensive Plan Policies 8.10.5, 8.12.1, and 8.12.4; which call for limiting the spread of commercial activities outside designated commercial areas and in specific areas. (See also Comprehensive Plan Findings 8.10.h and 8.12.e)

- Results in a "de facto" zone change that would erode the supply of residential land and available dwelling units in the City, to a limited extent.

Staff Recommendation - The requirement for approval through the Conditional Development process would not make these conversions "automatic." However, Staff would support reducing the building size threshold in the LDC to 3,000 square feet rather than this proposed change, which would make this type of conversion a possibility for a large number of residential properties in the City. This could lead to a number of applications for conversions that would not be successful. Based on the policy direction expressed in the Comprehensive Plan sections cited above, this type of expansion of commercial uses into residential zones should be strictly limited.

**#9 - Allow Both Attached and Detached Multifamily Structures in RS-5 Through RS-12 Districts** - This proposal would alter the definition of "duplex," "multi-dwelling," and "triplex, fourplex, fiveplex, sixplex, etc." in the LDC to allow individual units to be detached from one another, if desired.

Issues - Traditionally, the LDC has not allowed multiple detached dwelling units on a single lot, which has eliminated the possibility of approving "cottage-style" development on a single lot without approval through the Planned Development process. However, in 2009 the LDC was amended to allow for this. The definition and associated illustrations for the "single detached" residential building type (Building Types - b. Residential, 1. Single Detached) in Chapter 1.6 allow multiple single detached dwelling units on a single lot. Similarly, the definition of "multi-dwelling" also allows for multiple buildings on a single parcel. This flexibility is allowed in every zone where single detached and multi-family development is a permitted use.

Advantages - Allows for more flexibility in design for residential development.

Disadvantages - Allows for more intensive development on an individual lot than would otherwise be allowed (however, setback, density, minimum lot size, and other requirements must all be met for these developments).

Staff Recommendation - The flexibility requested by the ITF is already available in the Land Development Code. Staff have identified a complication in implementing these standards and recommend an LDC revision to address the issue (See Item K on Housekeeping List). Staff do not believe further LDC revisions are necessary at this time.

**#10 - Permit Accessory Dwelling Units in RS-12 Through RS-20** - This change would allow the development of accessory dwelling units (ADUs), per the standards in LDC Section 4.9.40, in RS-12, RS-12(U), and RS-20 zones. These are the Medium-High and High Density Residential Zones in the City. ADUs are currently permitted in lower density residential zones in the City (RS-1 through RS-9(U)).

Issues - The practical result of this change would be to allow for a more incremental increase in density in these areas. Currently, with redevelopment of a property, development is required to meet minimum density requirements, which can result in significant intensification on a site. Under this proposal, if a subject development qualifies, per the standards in LDC 4.9.40, one additional dwelling unit could be developed without triggering more significant requirements for improvements, such as on-site parking, parking lot improvements, etc. Certain design and scale requirements apply to ADUs which serve to minimize compatibility conflicts created by this type of development. There is also a requirement that the owner of the lot must occupy either a primary residence or the ADU.

Advantages - Would allow for incremental increases in density that would limit the intensification of redevelopment on sites where this option is desired. Design and scale limitations on ADUs would serve to enhance the compatibility of this type of development.

Disadvantages - Allowing this type of incremental intensification may serve to limit attainment of the City's density goals, as expressed in Comprehensive Plan Policies 3.2.1 and 14.3.1. These Comprehensive Plan policies call for a compact urban form and the efficient use of land within the Urban Growth Boundary. By allowing existing development to add a single dwelling unit, without the need to meet the minimum density requirement for the site, future redevelopment of the site to minimum density would likely be delayed due to the capital investment of the property owner in the ADU.

- Allowance for ADUs in some contexts without associated provision of on-site parking (as is allowed for ADUs) could worsen on-street parking congestion in some areas.

Staff Recommendation - This is a clear policy decision for Decision-Makers: Is it in the public interest to allow for a more incremental mechanism to increase density in all

residential neighborhoods (from low to high density), recognizing that such an allowance may serve to inhibit short term progress towards meeting the City's density goals? Staff are comfortable with either direction.

- Another option might be to direct Staff to develop other mechanisms (e.g. a policy or standards regarding "urban conversion plans", etc.) that would allow for more incremental attainment of minimum densities with redevelopment.

**#11 - Modify Fence Height Limits in Front and Exterior Side Yards, Exterior Side Yards in Small Lots, and Along Paths** - These changes would alter the current limitations on fence and wall heights within required yard areas (setback areas) within the City. The proposal would raise the allowed height of fencing within front and exterior side yard setback areas from three feet to four feet. It would allow fencing along sidewalks or multi-use paths that are not adjacent to streets to increase in height from four feet to six feet if located more than five feet from the walkways. The proposed changes would limit the potential height of rear and interior side yard fences to six feet (possible unintended consequence), and would allow exterior side yard fences on lots less than 6,500 square feet in size to be up to six feet in height if located at least 12 feet from the nearest street curb face or abutting the edge of the sidewalk, whichever distance is greater. The changes would allow exterior side yard fences up to six feet in height on other lots within the City to be located within up to 50% of the applicable exterior side yard setback in the zone, if the fence includes off-sets to reduce visual monotony. Compliance with Vision Clearance Standards would continue to be required.

Issues - LDC limitations on fence height, particularly in exterior side yard areas (street side of a corner lot) have been a subject of concern in recent years. A number of Lot Development Option applications have sought to vary from these standards. Most such requests have been approved.

- Fence height limitations within the LDC were developed, in part, to ensure that there are "eyes on the street," which helps to enhance public safety on public streets and sidewalks. For example, Comprehensive Plan Policy 9.2.5(l) states that an important neighborhood characteristic is that, "Neighborhoods have public areas that are designed to encourage the attention and presence of people at all hours of the day and night. Security is enhanced with a mix of uses and building openings and windows that overlook public areas."

Advantages - The proposed changes would make it easier for citizens to enclose private open space areas on private property, particularly in exterior side yard areas on corner lots. Exterior side yard setbacks (for corner lots) in residential zones in the City vary from a 20-foot setback in the RS-1 and RS-3.5 Zones, to a 10-foot setback in the RS-20 Zone. Under current LDC provisions, fencing within these setback areas is limited to three feet in height.

- This change would be anticipated to reduce the number of Lot Development Option requests to vary from these standards and to reduce the amount of time spent by the Land Development Hearings Board and the City Council in considering Major Lot Development Option applications and appeals relating to these provisions.

Disadvantages - Approval of the proposal would reduce the opportunity to keep “eyes on the street” from within private properties.

- Although fencing “off-sets” would help to reduce the visual monotony of exterior side yard fencing, allowing taller fencing along public streets and sidewalks would be anticipated to reduce the visual interest of these areas, as viewed from the street.

Staff Recommendation - Given that the majority of recent LDO requests to vary these standards have been approved, Staff support the suggested fence height changes.

If Decision-Makers would like to preserve some ability for “eyes on the street,” the proposed regulations could be augmented to require an “open lattice-type” of construction for the portion of fences within setback areas that are over five feet in height.

**#12 - Skinny Lot Garage Placement Option** - The proposed change would create an additional garage placement option within the Pedestrian Oriented Design Standards that apply to detached single family, two unit attached, and duplex residential building types. This option would require the garage portion of a house on a skinny lot to be recessed at least two feet from other portions of the street-facing facade of the house (including porches, balconies, and enclosed rooms), and would require the garage to occupy no more than 50% of the total area of street-facing facade elements.

Issues - The proposal would allow another option for compliance with the garage and carport placement requirements for single family, two unit attached, and duplex residential building types. Option 4.10.50.02.b.2 currently allows a similar option, but requires the garage portion of the facade to be recessed four feet from the remainder of the facade and would not allow porches or balconies to qualify as a portion of the building facade for the purposes of the calculation. The proposed skinny lot option would reduce the required garage “setback” from the rest of the front facade to two feet and would allow unenclosed porches and balconies to qualify as a portion of the home’s front facade.

Advantages - Would allow more flexibility in the development of skinny lots, which typically contain less land area to accommodate building areas, setbacks, and required open space areas.

Disadvantages - Would allow garages to be located closer to the front facade of a house and would allow the enclosed portion of a home to be setback behind the garage facade, with the addition of porches and balconies on the front facade. Unlike LDC option 4.10.50.02.b.7, no minimum dimensions are required for qualifying porches or balconies,

so resultant features may be more ornamental and less functional (minimum dimensional requirements for these areas could be added, if desired).

Staff Recommendation - Staff support the proposed change as an option that would provide more flexibility in the development of "skinny lots."

**#13 - Fix Skinny Lot Division Standards** - The proposed change would eliminate the provision in current land division standards (LDC 4.4.20.03.a) that states that lot depth shall "generally not exceed 2.5 times the average width."

Issues - Although as written, this code provision is not a mandatory standard (the term "generally" does not require adherence in all circumstances and there is no clear threshold in the code that clarifies when this standard should be applied), past interpretation has striven to meet this standard. However, recent experience in implementing the 2006 revisions to the Land Development Code suggests that this standard is not practical for some lots, which can be as narrow as 25 feet under current Code standards. For example, in the RS-6 zone, a lot that is 25 feet wide and no more than 2.5 times that dimension in depth (62.5 feet) would be 1,562.5 square feet in size, which is well below the minimum lot size required for a single attached lot (2,500 square feet). For single attached "rowhouse-style" development, it is anticipated that most lots would have a depth exceeding 2.5 times their width.

Advantages - Clarifies that the prior "standard" no longer applies.

- Allows flexibility in lot configuration to address new development patterns.

Disadvantages - Could allow for approval of oddly configured lots (although the current code provision is not currently a mandatory standard). However, provisions in LDC Section 4.4.20 will continue to require that, "Lot size, width, shape, and orientation shall be appropriate for the location of the Subdivision and for the Use Type contemplated" and the requirement that, "All lots shall be buildable..." shall continue to apply.

Staff Recommendation - Staff support elimination of this "standard" from the LDC.

**#14 - Fix PODS vs. MUGC Window Standards Conflict** - The proposed change would clarify a conflict within the LDC regarding the provision of windows for development in the MUGC Zone.

Issues - There is an apparent error/conflict in the LDC that should be resolved.

Advantages - Provides clarity where LDC direction is currently unclear.

Disadvantages - none

Staff Recommendation - Staff support the proposed LDC revision.

**#15 - Refine MADA Calculation for Infill Lots** - The proposed change would apply a different standard for the calculation of the Minimum Assured Development Area (MADA) as applied to infill development. In calculation of a site's MADA, the unconstrained area of a lot is first determined by subtracting out all portions of the site that contain protected natural features areas. If the remaining unconstrained area is in excess of the MADA allowed per acre within the site's zoning district, then no encroachment into resource areas would be allowed. The proposed regulations would allow for unconstrained, but undevelopable setback areas to be included in the calculation of "constrained" areas on infill lots. The practical result would be that some of the infill lots that would not have qualified for MADA allowances based on protected natural feature areas alone, would qualify for MADA allowances, and development on the lots would be allowed to encroach into resource areas, when unbuildable setback areas are included in the constrained area calculation.

Issues - Are small, infill lots disproportionately penalized by MADA provisions because setback areas occupy a much larger percentage of the total site area for smaller lots?

- Is it appropriate to relax MADA provisions for infill lots?

Advantages - Allows for more flexibility in the development of infill sites that are encumbered by natural features protections.

- Acknowledges that some of the land area considered "developable" per the MADA methodology is not actually developable without approval of a variation to setback standards through an LDO or PD process, which are discretionary processes.

Disadvantages - Allows encroachments into natural features areas that would not otherwise be allowed.

- May require an updated ESEE (Economic, Social, Environmental, Energy) Analysis and approval from the Department of Land Conservation and Development (DLCD) for an alteration to our "Goal 5" protection program (Natural Features Program). This could be a fairly complex process.

Staff Recommendation - If there is support from Decision-Makers for exploring this option, Staff would like to further explore ESEE ramifications for this work item and would report back to the City Council with the pertinent information prior to embarking upon this LDC revision. If there is a desire to move forward with this work item, and a revised ESEE analysis is required, it may be most efficient to move this item forward in conjunction with other changes that may be desired to the City's Natural Features Program as part of future work program discussions.

**#16 - Allow Irrevocable Petitions for Infill Development** - The proposed change would allow for submittal of an irrevocable petition for public street improvements in lieu of pre-payment for required street improvements in conjunction with development on an infill lot for which street conditions for a minimum of 100 feet in either direction from the property do not meet current development standards. Under current LDC requirements, if development occurs on a site that is not served by a public street improved to full City standards, improvement of the adjacent portion of the public street to the full City standard is required, or a pre-payment can be accepted in lieu of the actual improvement. LDC Section 4.1.40.b.2 enumerates conditions under which an irrevocable petition for public street improvements may be acceptable instead of a requirement for necessary street improvements or pre-payment. However, situations in which irrevocable petitions have been accepted under these criteria are rare.

Issues - City Council Policy (CP) 99-7.14 (**Attachment D**) establishes a policy for accepting pre-payment in some circumstances in lieu of a requirement to complete necessary street improvements. In the past, prior to establishment of the current LDC and CP 99-7.14, irrevocable petitions for improvements were frequently allowed in lieu of street improvements. However, the difficulties of invoking irrevocable petitions were such that they were rarely utilized for street improvement projects. This led to development of the current LDC requirements and CP 99-7.14.

- Although developers sometimes complain that street improvements in infill situations are disproportionate to the scope of a proposed infill project, typically the required street improvements are for local-level streets, which would be a level of street improvement that would typically be required for "greenfield" development of new subdivisions in the City. The SDC credit program is an existing mechanism that allows a developer to be compensated when "extra-capacity" street improvements are required (construction of a street to a standard beyond the level of a local street improvement).

Advantages - Places less of a financial burden on the developer of an infill project of limited scope, thereby making it easier for infill projects to occur.

Disadvantages - Making an allowance for irrevocable petitions may be inconsistent with the policy direction embodied in CP 99-7.14.

- Defers potential street improvements to an uncertain date.

- Transfers financial obligation for street improvements from the initial developer of a project (who consents to the irrevocable petition) to the ultimate owner of the property, who may be less aware of the financial implications of the irrevocable petition.

- Allows intensification of development on a site without providing for City standard improvements to the adjacent street(s) that serve a site, thereby placing a burden on the public system without mitigating the burden by making necessary improvements.

Staff Recommendation - Staff do not support this proposal of the ITF. The City has not had a good experience with implementing the irrevocable petition process for improvements in the past and Staff have no reason to believe that process will work any better in the future.

- Staff concur that the public benefit of requiring an adjacent street to be improved to a full public standard is questionable in some instances related to infill development projects. However, Staff favor a different approach to these circumstances, explained in some detail in Item E from the list of Substantive Issues prepared by Staff. In summary, that approach would look to allowing for a lesser standard for public street improvements for infill development where surrounding properties are mostly developed and served by a street network that does not meet the full City standard.

## **List C: Staff-Recommended, “Substantive Issues” List**

### **A. Expand the Major Lot Development Option process to allow consideration of Major LDOs for commercial, industrial, and other types of development.**

Issues - In 2009, the Lot Development Option process, which is a land use application process by which an applicant may request to vary from an LDC standard (similar to a “variance”), was expanded to allow for a Major Lot Development Option for residential uses on residentially-zoned properties. Unlike Minor LDOs, a Major LDO process may be used to request a variation from nearly any standard in the LDC (excluding natural features protections in Chapters 4.5, 4.11, 4.12, and 4.13). Major LDOs require a public hearing review before the Land Development Hearings Board. Both Minor and Major LDO requests are limited to no more than three discrete variations to LDC standards within a two year period. Major LDOs have provided desired flexibility for residential development but do not currently apply to other types of development, such as commercial and industrial. Because of this, the only process available to request a variation to code standards that is currently available for commercial or industrial development is the Planned Development process, which is significantly more expensive and complicated.

Advantages - Facilitates development of commercial, industrial, and other non-residential development where no more than three discrete variations to LDC standards are necessary.

- Creates a simpler process for development proposals with a limited number of requested variations from standards.

Disadvantages - Creates a process that would facilitate requests for variations to LDC standards for commercial, industrial, and other non-residential development, which may not be desired by Decision-Makers.

- Major LDO requests are considered by the Land Development Hearings Board, a three-member group composed of members of the Planning Commission. This change, as currently proposed, would not allow the full Planning Commission to consider such requests (although the process could be altered to require review by the full Commission).

Staff Recommendation - The new Major LDO process has been a popular option for applicants to request variations to LDC standards. Since July 1, 2009, when the new standards were implemented, the Planning Division has received six Major LDO requests (and twelve Minor LDO requests). Staff believe that there is a need and a desire in the community for a variance-type process that would apply to non-residential development without the cost and complexity of a Planned Development application.

**B. Allow development on 35% or greater slopes on lots legally created either through a land partition or subdivision plat within the City that are ½ acre or less in size.**

Issues - There are a small number of existing platted or legally divided parcels in the City where the combination of Natural Features protections and steep slope issues have made it very difficult to accommodate development in compliance with all regulations, even when the site qualifies for MADA allowances. In many instances, these are vacant lots within largely developed residential areas where prior development on steep slopes has been allowed and has been in place for many years.

- If authorized, Staff propose a requirement that development in any such areas with slopes of 35% or greater should be evaluated with a geotechnical report in compliance with City standards. Further, Staff would require that all recommendations from the approved geotechnical report be followed through the construction process, and that the developer sign a “hold harmless” agreement with the City, ensuring that the City is not held liable for any future slope failure.

Advantages - Allows limited development on lots that were created within the City with an expectation to develop.

- Requirements for geotechnical analysis and compliance with all recommendations from the geotechnical report will help to ensure that public safety is not compromised. The requirement for a “hold harmless” agreement will limit the City’s potential liability.

- Does not impact the package of natural resource protections put in place in 2006 that include protections for significant vegetation, wetlands, and riparian corridors. Because of this, the proposed revision would not require a revised ESEE analysis.

Disadvantages - Despite all measures proposed to minimize the risk, the change would expand the potential for development-related slope failure in the City.

Staff Recommendation - Although Community Development Staff believe it is good practice to restrict future development on “greenfield” sites where slopes exceed 35%, lots that have been legally created through a prior City process should have some expectation of the right to develop. Existing development on slopes in excess of 35% in the City has demonstrated that, with proper construction techniques, such development can be done in a safe manner. With submittal of geotechnical analysis for development on these sites, compliance with all recommendations of the geotechnical reports through the development process, and a “hold harmless” agreement for the City, Staff believe that limited development in these areas should be allowed.

### **C. Amend Block Perimeter Standards to allow for more Flexibility**

Issues - Current block perimeter standards (see LDC 4.0.60.n) are quite proscriptive. Although some flexibility is allowed for sites that are smaller than one acre, or which are impacted by wetlands, slopes, etc., the range of acceptable variation from the standard is very limited. This proposal would expand the flexibility of the current block perimeter requirements, and would allow consideration of such factors as street classification, access management concerns, existing development patterns, natural features, and topography in determining the appropriate block perimeter requirement for a development proposal. The current code requirements do not fit all situations, and in some cases, have necessitated an application to vary the standard through the Planned Development process.

Advantages - Provides a higher level of discretion for Staff to evaluate site-specific factors in making a determination of block perimeter requirements.

- May obviate future requests to vary block perimeter standards where the current requirements are not practical for a particular development site, thereby minimizing required process and reducing the amount of time spent by Staff and Decision-Makers on such matters.

Disadvantages - Block perimeter standards are a necessary element of the City's regulatory toolkit. Policy direction from the City's 2020 Vision Statement ("The streets are an interconnecting network with short blocks to disperse traffic and create convenient and direct routes for cyclists and pedestrians.") as well as Comprehensive Plan Policies such as 9.2.5, call for walkable neighborhoods and an interconnecting street network with small blocks. Approval of the proposed revision would allow for more flexibility from the proscriptive block perimeter standards, which would likely reduce the level of street connectivity in the City in some areas (however, access management considerations already conflict with existing block perimeter standards and result in development that does not meet the proscriptive block perimeter standard).

Staff Recommendation - Block perimeter requirements have been difficult to implement in all cases and the current LDC allows for little flexibility from the standard without need for a variation approved through a PD or Major LDO process. Amending the standard would allow for needed flexibility and reduce the amount of time spent by Staff and Decision-Makers in resolving these issues.

### **D. Develop Urban Street Standards**

Issues - As alluded to in Item #7 from the ITF Recommendations ("Add Franchise Utility Location Flexibility"), some of the current standards for improvements required with development in LDC Chapter 4.0 do not address public improvement needs in our most urban areas. For example, requiring a 7-foot-wide utility easement on private property

adjacent to street right-of-way frontage does not work when there is a desire to locate a building along the front property line. Also, in heavy pedestrian-traffic areas, it does not make sense to require a 6-foot-wide planter strip with street trees between the curb and sidewalk of a street. In areas like this, such as the Downtown area, a typical street improvement would include an extra-wide sidewalk, with paving from the face of the street curb to the front of a building, and street trees located within tree wells. This LDC revision would develop an urban street standard for the City, or alternatively, might enumerate circumstances in which variations to these street standards may be approved without need for a land use decision process. Locations where this urban street standard might be considered would be the downtown area, the portion of Monroe Avenue from 14<sup>th</sup> to 26<sup>th</sup> Street, and a “core portion” of the OSU Campus.

Advantages - Would allow for development of urban-type street improvements in locations where such improvements make sense, without need of a land use process to consider a variation from standard street improvement requirements.

Disadvantages - If written too broadly, could allow for expansion of urban streets into areas where they are not appropriate.

Staff Recommendation - Staff support this Code revision and ask that, if authorized, Decision-Makers provide direction whether the standard should specify a particular urban street standard, with defined areas where it may be used, or would prefer a more flexible approach, that would describe circumstances under which the urban street elements might be allowed.

## **E. Eliminate Usable Yard Requirements**

Issues - Usable yard requirements were put in place with adoption of revisions to the Land Development Code in 2006. These standards apply to residential development in RS-6, RS-9, RS-9(U), RS-12, and RS-12(U) Zones. The standards are designed to require minimum dimensions for a yard area associated with each dwelling unit that must be located to the side or rear of the dwelling. Implementation of these standards has been difficult in many cases. Among other issues, the standard does not appear to contemplate multi-family developments where each dwelling unit (particularly on upper floors) is not associated with a yard area. Additionally, this requirement applies along with other standards, such as setbacks, green area, lot coverage, and public and private outdoor space requirements that also regulate the amount of open space required with residential development.

Advantages - Eliminates a duplicative standard that has significantly impacted the design of some residential developments.

- Open space will continue to be provided in conjunction with residential development through continued application of setback, green area, lot coverage, and public and private

open space requirements.

Disadvantages - The change would eliminate this minimum dimensional requirement for open space areas provided in conjunction with residential development. Other dimensional requirements, such as setbacks and public and private open space requirements (where applicable) would continue to apply.

Staff Recommendation - In the opinion of Staff, this regulation creates more issues than it solves. Potential tenants and purchasers of residential property will select residences based in part on their open space needs. Not all potential tenants or residents have the same open space needs. Elimination of the usable yard area requirements will not result in elimination of open space areas in residential developments because other open space standards will continue to apply. Staff recommend elimination of this requirement.

**F. Establish Clearer Guidance or Thresholds for When Requirements for Improvements are Triggered with Development**

Issues - This item relates to Item # 16 from the ITF list, which proposes allowance for irrevocable petitions for improvement in some circumstances. Although Staff do not support that proposal for the reasons given in that analysis, Staff are aware that the issue of improvements (typically street improvements) associated with development is a significant issue for the development sector. On the public side, public resources for capital improvement projects are limited and it has been standard practice for some time to require infrastructure improvements to City standards in conjunction with new development that creates the need for the new infrastructure.

- Case law regarding “regulatory takings” is a consideration as well, with the understanding that required improvements must be roughly proportional to the anticipated impacts from a development. However, Staff consider a local street frontage improvement for a single family residence to be a proportionate requirement, as that has been the expectation for development throughout the community for some time. The development of a single house in the community necessarily requires a public street to serve the residence, in most instances.

- One scenario in which issues arise is when substantial improvements or new development occur on a property that is not served by a street improved to full City standards. Required City standard street improvements include road paving and design to City standards; provision of curbs, gutters, and other stormwater infrastructure; provision of planter strips with street trees and separated sidewalks; and other improvements to infrastructure, such as water and sanitary sewer lines.

- There may be some instances where it is appropriate, in a mostly developed context, to relax street improvement requirements. For example, is it warranted to require relocation of a curbside sidewalk with development of a vacant residential lot within a neighborhood

of developed homes on a local street with curbside sidewalks? If authorized by Decision-Makers, this code revision would explore scenarios like the one above and draft code language to provide exceptions to some street improvement requirements under certain circumstances. However, it should be understood that this effort will not likely relax standards to the extent that unpaved streets or substandard stormwater, water, or sanitary sewer systems would be allowed to remain.

- If authorized, this work item would also explore establishing a minimum threshold level of development that would trigger a requirement for City standard improvements. That threshold may be based on project valuation as a proportion of total site improvement value or some other type of mechanism.

Advantages - Would allow some flexibility in imposing requirements for street improvements based on the established context of development in an area.

Disadvantages - Depending on the measures ultimately arrived at, allowing for development without requiring infrastructure improvements to full City standards will either significantly delay, or effectively preclude, provision of the City standard improvement in the future.

Staff Recommendation - Staff believe that a balance can be found that would provide some flexibility in requirements for public improvements, while ensuring that public infrastructure will be sufficient to address public needs into the future.

#### **G. Exempt Some Types of Buildings from Compliance with some of the Pedestrian Oriented Design Standards and Modify Certain Other POD Standards**

Issues - Application of Pedestrian Oriented Design Standards (PODS) does not make sense for some types of buildings, such as gas stations, storage buildings, accessory buildings, temporary construction trailers, etc. Some buildings, such as gas stations, are necessarily designed for functions that are not pedestrian oriented, and the application of PODS to such buildings can have a significant impact on the cost and functionality of this type of development. Other buildings, such as accessory buildings and modular buildings, are secondary structures for which there are no clear exemptions in the POD Standards, but application of POD Standards was clearly not intended for accessory sheds, for example.

- The POD Standard at LDC 4.10.60.01.b establishes a percentage of frontage requirement for triplex and multifamily development that requires at least 50 percent of a site's street frontage width to be occupied by buildings within the maximum setback in the zone. In practice, this has proven to be a difficult standard to meet, particularly for lots with a large amount of street frontage but less developable area behind the street.

- The POD Standard at 4.10.50.01.a.2 contains a prior LDC revision to address pedestrian connections for flag (or “panhandle”) lots. These are typically infill-type lots created from a larger lot, which create a new lot behind a lot that has primary street frontage. Although the revised standard allows a modified standard for previously created flag lots, implementation of these standards for newly created panhandle lots continues to be difficult. If the desire on the part of Decision-Makers is to allow for flag lots to help create opportunities for infill development, Staff recommend revising this POD Standard to accommodate pedestrian access in a more flexible way.

This LDC revision would seek to clarify where it is appropriate to modify some of the POD standards to address these issues.

Advantages - Would reduce the number of LDO and PD applications received with requests to vary POD standards for buildings that do not lend themselves to pedestrian orientation or other related standards.

Disadvantages - If exclusions are written too broadly, exemptions could result in diminished pedestrian orientation for buildings that should be pedestrian oriented.

Staff Recommendation - This is an issue that has come up often in the review of development proposals for buildings that wouldn't be expected to host a significant amount of pedestrian traffic, or for which other POD requirements conflict with functional needs of buildings (required windows in warehouses, etc.). Staff support LDC revision in this area.

**H. Eliminate “consistent with background and purposes” as decision criteria from all land use decisions.**

Issues - Most of the City's land use decision types, such as Conditional Developments, Planned Developments, and Zone Changes include “consistency with the background and purposes,” or similar language, as one of the decision criteria. However, in Staff's experience, an application has never been denied based on this criterion, and Staff have never made a finding that an application is not consistent with the background and purposes for an application type. The cited purposes given for land use application types are generally broad enough that any application can arguably be consistent with at least one of the purposes.

Advantages - Elimination of this criterion would result in greater efficiency for applicants, Staff, and Decision-Makers.

Disadvantages - Elimination of this criterion may eliminate an important consideration in the review of a land use application.

Staff Recommendation - Based on Staff's experience with this criterion, Staff recommend elimination of the criterion.

**I. Allow Community Development Director discretion in determination of a “refinement” to an approved Conditional Development or Planned Development, which would not require modification of the approved plan.**

Issues - Quite often an applicant for development will find a need to vary slightly from an approved CD or PD plan. Currently, the LDC sets no minimum threshold for when a modification approval to such a plan is required, and so just about any change to an approved plan could be understood to require a modification process. A modification process requires a fee, application, Staff review, and sometimes Decision-Maker review (if request is for a Major Modification). However, often the proposed changes are quite minor. This proposal would modify LDC language regarding CD and PD approvals and would allow the Community Development Director to make a determination of whether a proposed change to an approved plan would require a modification process. One way this might be accomplished would be to clarify that changes to specific conditions of approval, compensating benefits, or code standards would require a modification review, but that changes that do not relate to conditions of approval, would remain code compliant, and were not called out as compensating benefits, would not require a modification review.

Advantages - Would eliminate review of otherwise insignificant changes to approved plans by Staff and Decision-Makers.

Disadvantages - Would allow some level of changes to approved plans outside a public review process.

Staff Recommendation - Allowing for this level of flexibility would allow Staff and Decision-Makers to focus their efforts on more substantive issues and would likely enhance the perception of the Conditional Development and Planned Development processes as more “user friendly.”

**J. Clarify if LDC Allows Habitable Sleeping Areas in Accessory Structures that are not Considered Separate Dwelling Units.**

Issues - Currently the LDC allows habitable sleeping areas in accessory structures if the structures are not considered “permanent living area.” However, “permanent living area” is not defined by the Code. Consequently, Building Permit, Inspection, and Enforcement Staff have a very difficult time enforcing this somewhat “fuzzy” standard. The Land Development Code includes allowances for Accessory Dwelling Units in many of the residential zones in the City, but these types of units must meet stipulated standards.

Advantages - Clarification of this item would assist renters, homeowners, the development community, and Staff in making clear under what circumstances a habitable sleeping area could be established in the City. Clarification would also likely result in fewer cases of property owners seeking to “push the envelope” regarding what is allowed and would

provide better security for prospective tenants regarding the minimum standards for a habitable sleeping area.

Disadvantages - Would reduce flexibility in locating a habitable sleeping area outside of a dwelling unit.

Staff Recommendation - Staff recommend clarification in this area of the Code.

#### **K. Better Address Landslide Buffer Area Requirements**

Issues - The City's landslide hazard data is based on mapping by the Oregon Department of Geology and Mineral Industries (DOGAMI). That mapping was based largely on aerial photography and was an attempt to identify, on a "broad-brush" level, where potential landslide hazards might exist, based on site topography and other considerations. Community Development Staff have been implementing the City's landslide hazard regulations since they were adopted as part of the Natural Features Project, in 2006. The City's maps show three landslide hazard areas: High Risk and Existing Landslide Areas, Landslide Runout Areas, and a 500-foot buffer around the first two areas. The 500-foot buffer was included because it was known that the DOGAMI mapping information was "broad-brush." It was thought at the time that this measure would provide extra security for affected residents and property owners. However, as the landslide hazard provisions are written, geotechnical analysis is required for any development within the 500-foot buffer zones. These buffer zones cover large areas of some neighborhoods in the City. In most cases, requiring geotechnical analysis for construction within the buffer has not been warranted based on topography and existing development patterns. Additionally, the City's Building Official retains the authority to require a geotechnical analysis prior to issuance of building permits for construction, based on site-specific factors, regardless of the City's landslide hazard provisions. This proposed revision would eliminate the requirement for geotechnical analysis in the 500-foot buffer area, but would require the Building Official to evaluate any proposed development within the 500-foot buffer area and to require geotechnical analysis, if warranted by site conditions and other factors.

Advantages - Provides flexibility, while enabling City Staff to make site-specific determinations regarding the need for geotechnical analysis.

Disadvantages - Would not require analysis of geotechnical conditions for all development within 500-feet of a landslide hazard area.

Staff Recommendation - Staff recommend amending the LDC in this area.

**L. Expand List of Commercial Uses that Could be Allowed to Qualify towards Floor Area Ratio (FAR) Requirements in the Mixed Use Employment Zone.**

Issues - The 0.25 Floor Area Ratio requirement for industrial development in the Mixed Use Employment (MUE) Zone (LDC 3.27.40.01) has been an obstacle to a number of recent proposals for development in the zone. The FAR standard requires that, with initial development, the square footage of qualifying uses (mostly industrial and some commercial uses) equal at least 25% of the total site area. The MUE Zone is the only industrial zone in the City with an FAR requirement, and it may be that the 0.25 FAR requirement is too high for an industrially-oriented zone. One solution would be to lower the FAR standard to a smaller proportion of the total site area. Another approach would be to expand the list of uses that would qualify towards the FAR, perhaps by allowing all conditionally permitted industrial and commercial uses in the zone to qualify towards the FAR calculation. Although the FAR requirement was put in place to help to preserve industrial land for industrial uses, the mechanism is not serving its purpose if it is inhibiting any type of industrial development on the property.

Advantages - Would make it easier for a development proposal to comply with the FAR requirement, thereby facilitating development on MUE-zoned properties.

Disadvantages - Could allow for the use of MUE-zoned sites for uses that may not be the "highest and best" industrial uses for the site, or could allow the development of these sites in a less intensive manner than would otherwise be required.

Staff Recommendation - Staff recommend an adjustment to the FAR requirement for this zone, either through a reduction to the required FAR ratio, or by expanding the list of uses that would qualify for the FAR requirement.

**M. Items with Minor Policy Implications, but which are not Considered "Housekeeping" Items**

Staff have developed a number of ideas that would be anticipated to streamline LDC implementation in some areas, but which have relatively minor policy implications. Following is a list of those ideas. Decision-Makers are asked to identify any or none of the items as worthy of further consideration.

1. Clarify where through-lot standards (LDC 4.4.20.03.c) should apply (typically to residential, but not to commercial, industrial, or other zones). Also, clarify where planting screens are appropriate on through lots and how building orientation requirements should be applied.
2. Eliminate HVAC screening requirements for heat pumps in low density residential zones. Implement a sound-rating requirement for these units instead.

3. Standardize the effective period for land use approvals. Currently, different types of applications have different "effective lives." It would make more sense and facilitate implementation if all administrative decisions were effective for the same period of time (perhaps 2 or 3 years) and if all public hearing decisions had the same effective period (perhaps 3 or 5 years).
4. Reconcile conflicting accessway standards in LDC 4.4.30 and Off Street Parking and Access Standards.
5. Modify LDC 4.12.60.a.2 (HPSV Standards) so a separate tract is not required if the remainder lot would be less than the minimum lot size of the zone.
6. Clarify in the Significant Natural Features chapters that a minimal crossing of a natural feature area is allowed if such crossing is necessary to access the remaining MADA area of a property and no other means of access is available.
7. Clarify in LDC 4.2.30.a.3 that sidewalks and multi-use paths requiring a landscaped buffer are connections required in lieu of full street connections or to connect to a larger path system, not for private sidewalks and pathways that are only internal to a development.
8. Revise Shopping Street standards in LDC 4.0.60.m to allow angled parking or parallel parking along the shopping street.
9. Establish a parking requirement for group residential uses in the Central Business District (currently there is no parking requirement listed for this use in the CB Zone).

### **Items for Future Consideration**

As Staff have reviewed past work program lists, a number of items have come up that would require careful consideration, a high degree of public outreach, and significant public process before they could be implemented. Items a - e were first presented to a joint City Council/Planning Commission work session in August 2010 as part of the Community Development Director's list of significant measures that would facilitate development in the community. A couple of these issues received support for consideration at a future date and one item from the original list (creating a Major LDO process for non-residential development) is included in the Staff-recommended LDC amendment package.

Other items are potential solutions to important issues that have been identified in relation to development within the community in recent years. Because of the extensive process that would be involved for any of these items, and due to the expressed desire

by many members of the community to bring about a larger number of substantive changes in the LDC in the near future, Staff do not recommend beginning these projects at this time. However, they are presented here for future consideration. The items are briefly listed below:

- a. Simplify the annexation process
- b. Remove PD Overlays from all commercial and industrial sites that do not have approved conceptual or detailed development plans.
- c. Simplify the process for nullifying Planned Development approvals for existing and partially developed projects.
- d. Create a Hearings Officer position for quasi-judicial reviews.
- e. Consider appeals to the City Council on-record instead of de novo.
- f. Further changes to the package of protections for Significant Natural Resources (wetlands, riparian corridors, and significant vegetation).
- g. Addressing urban agricultural uses in a comprehensive manner. The Benton County Health Department, in collaboration with City Staff from the Parks and Recreation and Community Development Departments, are currently conducting a Health Impact Assessment (HIA) related to this issue. The HIA will analyze current land use codes, municipal codes, and food handling regulations regarding the production, processing, and selling of food within City limits, and will analyze to what extent current policy supports access to locally produced food. The City Council has established a Council goal related to this project and associated issues. A future work program item might be based on the recommendations of this study.
- h. Increase parking requirements for attached single family dwellings, duplexes, triplexes, or multi-family dwellings that contain more than three bedrooms.
- i. Extend downtown parking requirements to development along Monroe Street, from 14<sup>th</sup> Street to 26<sup>th</sup> Street.
- j. Allowing "cottage-style" development (such as the Coho Cohousing development) to be developed as an outright permitted use that would not require Planned Development approval.

### III. RECOMMENDATIONS

As noted previously, it is not likely Staff resources will be available to work on any significant new work items until approximately mid-summer of 2011, due to on-going commitments to FEMA, Airport Industrial Park, and Downtown projects. Current staffing available for this effort is 1.3 FTE, if no further reductions are made to Long Range Planning staffing. Staff ask for direction in identifying the Planning Division Work Program to begin once these other projects have been completed. Lists A, B, and C contain a complete analysis of potential work items, including those items recommended by the Infill Task Force.

Once the items to be included in future LDC revision efforts have been finalized, Staff will develop a package of LDC amendments to move forward through the process, as resources allow. Decision-Makers should understand that as the project develops, it may be necessary to alter or remove some of the items from the list, where significant obstacles present themselves, in the interest of moving the remaining items forward in a timely manner. Staff will consult with the Planning Commission when, and if, such decisions need to be made. Some of the more complex items with major policy implications may move forward in individual ordinances so that, if one is appealed, all other changes will not be held up with that item. Although it is anticipated that work on these code revisions will begin around mid-summer, it is not expected that they will be completed by the end of the calendar year. More realistically, it is hoped that these items could be addressed over a 20-month period, as staffing resources allow.

#### **Staff Recommendation**

Staff ask that Decision-Makers consider the identified items on Lists A, B, and C to be the priority Planning Division work program project for the next 20 months, with additional items, as appropriate, based on consideration of public input, identified City Council goals, and availability of staff and community resources. Staff request authorization to move forward with LDC Amendments to include the Housekeeping items on List A; Infill Task Force items from List B, as proposed for modification by Staff (and including direction on issues raised by Staff), and Substantive Issues identified on List C.

#### **ATTACHMENTS:**

- A. 2010 Unresolved Planning Issues List
- B. Draft Infill Recommendations for the Corvallis Land Development Code
- C. Written Testimony Received Regarding the Planning Division Work Program (in addition to Attachment B)

- D. City Council Policy 99-7.14 Prepayment for Public Street Improvements
- E. Additions to the Unresolved Planning Issues List proposed by Planning Commissioner Howell

### Unresolved Planning Issues List - 2010

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
<b>General Land Development Code-Related Improvements</b>				
1	2. Identify and remedy unintended conflicts within the Revised Code that are substantive in nature and, therefore, could not be addressed in the consolidation effort that was just completed (raised by staff).	<b>Policy/Clarification/Correction Item</b> - Previously Identified Code Tweak Packages 2 and 3 ( <b>Attachment D</b> ), along with new items identified since the packages were assembled.	<b>Large</b>	<b>11</b> (This item represents a large number of potential LDC changes, which, for the sake of efficiency, should be considered as a package)
2	Review all accessway standards for land partitions, land divisions, and subdivisions. For partitions, Section 4.4.30 of the LDC requires that "accessways must connect to dedicated right-of-way at least 40 feet in width". For properties such as those along Hillview, we have rejected partition requests because of this standard. However, we allow the same situation to occur in subdivisions. Eliminate inconsistencies between land division requirements (Chapter 4.4 of the LDC) for driveway/street improvements and the City's "Off-Street Parking and Access Standards."	<b>Policy/Clarification Item</b>	<b>Medium</b>	<b>10</b> Staff recommend that this item be incorporated into the "Code Tweaks" package considered in Item #1 above.

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
3	Clarify the Maximum Block Perimeter (LDC Section 4.0.60.n does not allow much flexibility in these standards for situations where existing development patterns or access restrictions are significant factors)	Policy/Clarification Item	Small	10  (Could be added to General "Code Tweaks" list in Item 1)
4	Evaluate the merits of making more uniform the expiration time frames for various land use applications.	Policy/Correction Item	Small	9  (Subdivision approvals are valid for a two-year period, while Planned Development approvals expire after five years. Could be added to General "Code Tweaks" list in Item 1)
5	Consider creating an exemption for Conditional Development review of new construction that is exempt from the need to obtain a building permit. Alternatively, adjust Nonconforming Development chapter to address this issue.	Policy/Clarification Item	Small	8  (Staff recommend that if desired, this item should be incorporated into the "Code Tweaks" identified in Item 1 above. If desired, exempting development that does not require a building permit from the land use approval process should be extended both to Conditional Developments and Planned Developments.)

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
6	Consider modifying threshold list relative to architectural changes in PD Chapter so that if someone is proposing an improvement that can be specifically defined in the list, then a Major Modification is not triggered.	Policy/Clarification Item	Medium	8 (This would facilitate design improvements without further process, if written carefully)
7	Clarify whether or not arbors should be subject to the same standards as fences (i.e. subject to 3-foot height limitation in front yard areas, so have been needing to be approved through an LDO process for front yard entryways - consider changes so that applicants wouldn't need an LDO process). Development Services indicates that arbors up to 10' in height are exempt from a building permit/building code review.	Policy/Clarification Item	Small	8  (If desired, the LDC could be easily amended to allow for arbors in front yard areas. If desired, Staff recommend including this item with "Code Tweaks" identified in Item 1 above.)
8	Consider allowing a minor modification option for modest sign code changes in Planned Developments. Right now, any changes to an approved sign plan in a PD must go through the major modification process (see 4.7.90.09(d)).	Policy/Clarification Item	Small	8 (Approved sign plans are relatively rare within PD's; however, this item could be added to General "Code Tweaks" list in Item 1)
9	Complete a thorough review of revised State Statutes and our land divisions standards, there are some inconsistencies (e.g., we allow administrative notes and setbacks to be placed on plats but the State won't accept this anymore).	Correction Item - Mostly completed. Procedurally, Staff have completed the necessary research and are implementing the requirements. LDC language has not been revised to reflect this.	Medium	7 (A lower priority, since current practice has already been revised to correspond to State requirements)

#	ISSUE - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
10	Update the Order of Proceedings requirements in Chapter 2.0 - Public Hearings, to allow more flexibility in terms of order, to more closely match current Order of Proceedings handouts.	Correction Item	Small	6  (Could be added to General "Code Tweaks" list in Item 1)
11	Evaluate merits of changing Section 2.0.50.08 - Voting Eligibility so that decision-makers may read minutes for a missed meeting in order to revive voting eligibility, as opposed to listening to tapes of a missed meeting, which is the current requirement of Section 2.0.50.08.	Policy Item	Small	6 (It may be difficult for Staff to turn around minutes in time to facilitate such a review, and there would typically not be time to allow for review and approval of minutes prior to use. Could be added to General "Code Tweaks" list in Item 1)
12	Water Meter Placement (Clarifying that water meters could be placed within paved areas, such as driveways, in order to minimize conflicts with required vegetation, etc. on small lots.)	Policy/Clarification Item	Small	6  (Could be added to General "Code Tweaks" list in Item 1)
13	Resolve the duplication problem in the General Industrial Zone. The Major Services and Utilities Use Type is listed as both an Outright Permitted Use Type and a Use Type subject to Plan Compatibility Review.	Correction Item	Small	5  (Could be added to General "Code Tweaks" list in Item 1)

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
14	Add a reference to the requirements of Chapter 3.30 - Willamette River Greenway, for those properties falling within it in the Riverfront Zone. Specifically, it looks like the reference is needed in Sections 3.15.30.02 & 3.15.90.	Clarification Item	Small	5  (Could be added to General "Code Tweaks" list in Item 1)
15	New lighting standards (i.e., lighting ordinance) that addresses outdoor lighting. (raised by citizen & CC member)	Policy/Clarification Item - Partially completed during the Code Update. Any larger efforts are on hold, due to size of project, and pending opportunity in future work program.	Large	5  (Staff recommend that the effectiveness of the new lighting provisions be evaluated prior to embarking on any larger efforts)
16	Consider revising wireless antenna regulations because freestanding antennas are allowed to be 75 feet high with only a Plan Compatibility Review approval, while attached antennas are only allowed to be 10 feet higher than a building. Attached antennas taller than 10 feet require a Conditional Development.	Policy/Clarification Item	Medium	5  (Affects relatively few applications)
17	Evaluate potential conflict between Table 4.0-1 - Street Functional Classification System and the text of Chapter 4.0 - Improvements Required with Development. Specifically, Table 4.0-1 states that access control is required on Arterial Streets and the provision limiting access to one point on Arterial Streets was deleted from the text via Phase I of the Code Update. Evaluate whether it needs to be reinstated.	Clarification Item	Small	5  (It may be difficult to write specific requirements for access control that would make sense in all circumstances)

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
18	Franchise Utility Easement Placement - Conflicts between setback standards, etc. and required easements (especially. in downtown).	Clarification Item	Medium	5 (Could be added to General "Code Tweaks" list in Item 1)
19	Consider establishing a separate Application Requirements chapter and removing the requirements from the individual chapters.	Clarification Item	Large	4 (Large work effort for relatively small improvement)
20	Correct the ORS cite in Chapter 2.0 pertaining to M56 requirements to ORS.186, instead of ORS 227.175 .staff).	Correction Item	Small	4 (Could be added to General "Code Tweaks" list in Item 1)
21	Evaluate the merits of establishing standards to prohibit the use of tractor trailers as signage opportunities.	Policy Item	Small	4 (Could be added to "Code Tweaks" as revision to sign code standards)
22	Consider further revisions to the solar energy policies of Comprehensive Plan (Article 12.2) and/or the regulations in LDC Chapter 4.6, to recognize the lack of adherence to, and/or, as some have argued, the lack of necessity for these.	Policy Item - First cut at accomplishing this task done as part of Natural Features Project Code Changes.	Medium or Large	3 (It is recommended that the effectiveness of the new solar access provisions be evaluated prior to embarking on any additional efforts)
23	Construction Sales and Service Use Type description	Policy Item - Split out from Item #2 of 2009 Council Priority List, into a separate project by the City Council. This item was not identified as a priority item in the 2009 review.	Medium	3 (Affects relatively few applications)

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
24	Evaluate the merits of only requiring one sign to be posted on smaller properties (i.e. less than 10,000 sq. ft.). Pertains to sign posting advertising a land use action.	Policy Item	Small	3 (Not a significant time or cost savings for Staff)
25	Establish a Maximum Sign Height standard for the OSU Zone in Section 4.7.90.05, since all the other zones have such a standard.	Policy Item	Small	3
26	Section 4.0.60.k – Evaluate the language pertaining to street locations designed to not preclude adjacent development. Language may not be specific enough to result in good designs all of the time. For example, some sites stub streets at a point which would result in a neighboring property having undevelopable pieces of land.	Clarification Item - Partially completed with Code Update.	Medium	2 (Staff recommend removal from list - this issue is addressed through current review process)
27	Consider/evaluate the merits of requiring some amount of single story dwellings in single family residential developments to address elderly and handicapped housing needs.	Policy Item	Medium	2 (Market factors may have more influence than regulation in this area. ADA addresses handicapped housing requirements)
28	Evaluate the use type classification for assisted living facilities (i.e., assigning large apartment-like facilities for assisted living to the use type of group residential/group care may not adequately assess impacts).	Policy Item	Medium	2

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
29	Planned Development Provisions - Potential response to DLCD direction regarding removing PD Overlays from residential properties ("Needed Housing" Issue).	Policy Item - Included in Package #2	Medium	2 (Since this item is included in Code Tweaks list, it will be considered as part of Item 1)
30	Conversion from Residential to Commercial Uses - Relates to standards for converting large residential structures into commercial uses in some zoning districts (i.e. RS-12).	Policy Item	Large	2
31	Consider creation of LDC language for awarding additional Downtown off-street parking space credits for underground parking spaces.	Policy Item	Medium	2
32	Consider establishing a minimum beds per acre standard for the Group Residential Use Type so that a 6-bed facility isn't developed on a 20-acre site.	Policy Item	Small or Medium	2 (Given typical land costs, this isn't a likely scenario)
33	Mandatory Irrigation - amending LDC to require irrigation system for any required landscaping.	Policy Item	Medium	2

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
34	<p>It has been suggested that we consider future Code adjustments to address deliveries that are made in areas immediately adjacent to residential properties. Potential conditions might be:</p> <ul style="list-style-type: none"> <li>a. Limit large truck deliveries to the hours of 10 am - 2 pm, Monday thru Friday (no weekend deliveries);</li> <li>b. Sound levels resulting from the operation of machinery can't exceed 40 decibels, measures at abutting properties; and</li> <li>c. All trucks (any size) delivering materials must shut off their engines during delivery and pick-ups.</li> </ul>	<b>Policy Item</b> - Awaiting a window of opportunity to review, but it is not likely that modifications on this subject matter would be recommended.	<b>Medium</b>	<b>2</b>
35	Landscaping Plans for SF Homes (Require review and approval of landscape plans for single family homes to demonstrate full compliance with LDC landscaping standards.)	<b>Policy Item</b>	<b>Small</b>	<b>1</b> (not recommended due to increased demand on Staff time)
36	Consider creation of LDC language for regulation of free-standing, temporary car shelters.	<b>Policy Item</b>	<b>Small</b>	<b>1</b>

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
37	Consider reviewing building height definition to: (1) consider whether, for example, reducing absolute height by some number of feet by using a mansard design rather than a sloped design should only merit a difference between the average height of the slope and the deck of the mansard; and (2) discuss the rationale for why the Height of Buildings definition (pg. 1.6-15) uses the average height of the tallest gable rather than the height of the ridge. Also, if the eaves on either side of the gable are at different heights, it is not clear from the wording how to compute the average.	<b>Policy Item</b> - Building height transition requirements for the RS-20 Zone were completed with the Code Update.	<b>Medium</b>	1  (It is recommended that modifications to the building height definition not be pursued at this time, since conflicts with the Building Code may arise. Staff recommend removing this item from the list)
38	Address condominium plats – do we need a process for review and approval of these? (Check with State and County regulations - Public Works would usually have a concern about converting private utilities to public utilities on these).	<b>Policy Item</b> - Awaiting a window of opportunity to review, but it is not likely that a new process would be needed or recommended.	<b>Medium</b>	0
39	Review the definition of "infill" and determine if it should be used only relative to the implementation of Stormwater Master Plan and Comp Plan policies, or whether it should be modified or another definition added to address infill for other analyses.	<b>Policy Item</b>	<b>Small or Medium</b>	0
40	Additional housekeeping changes to Chapter 4.0 - Improvements, as identified by Development Review engineering staff.	<b>Clarification Item</b> - Partially completed with Code Update.	<b>Medium</b>	0 (Handled by Code Tweaks in Item 1 - remove from list)

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
41	Need to address series partitions – the LDC does not do this, especially for determining accessway widths for series partitions where all lots created (over one or two partitions) use the same accessway. The LDC only considers widths to accommodate no more than three lots.	Policy Item	Medium	Redundant Item with Item #2 above. Serial partitions should be addressed with work on accessway standards. Staff recommend removing this item from the list.
<b>Historic Resource-Related Issues</b>				
1	Changes to Land Development Code Chapter 2.9 - Historic Preservation. These are items identified by the Historic Resources Commission and Staff that would result in efficiencies, better customer service, etc. There are generally minor changes to these LDC provisions.	Policy/Clarification Item - On Hold, pending evaluation of the complete Planning Division Work Program in 2010.	Medium	10  <b>Recommended by the Historic Resources Commission. (See Attachment E)</b>
2	Down-zoning in Historic Districts	Policy Item - Awaiting a window of opportunity to evaluate.	Large	1
3	Development Standards in Historic Districts	Policy Item - Awaiting a window of opportunity to evaluate.	Large	1

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
<b>Natural Features and Natural Hazard-Related LDC Issues</b>				
1	FEMA Update - The Federal Emergency Management Administration (FEMA) has recently developed new floodplain maps and new standards for development in these areas. For a community to continue to take advantage of the Federal Flood Insurance Program, these new maps and standards will need to be adopted by the City.	<b>Policy/Clarification Item</b> - Work on this project has already begun. Once the FEMA maps are finalized, the City will have six months to adopt maps and standards in compliance with FEMA requirements.	Large	11
2	Changes to Land Development Code provisions related to Natural Resources, Natural Features, and Natural Hazards. This includes items such as creating a process to adjust mapped significant vegetation areas based on field conditions, exploring modifications to protections for some isolated tree grove areas, clarifying standards for development in steeply sloped areas, modifying standards for development in areas with human-altered topography, and modifying requirements for development within 500 feet of roughly-defined landslide hazard areas.	<b>Policy/Clarification Item</b> - On Hold, pending evaluation of the complete Planning Division Work Program in 2010.	Large - could require revised ESEE Analysis	11

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
3	3. Explore how preservation of Significant Trees and Significant Shrubs not addressed via Phase III can be made more clear and objective, rather than subject to the "preserved to the greatest extent practicable" standard in LDC Chapter 4.2. While the subject was discussed during Phase III of the Code Update, the effort was deferred by Council until adequate time could be allotted. Note: Historically Significant Trees, as defined in Chapter 1.6 - Definitions, were already addressed with the Code Update. (raised by staff)	Policy Item	Large	7
4	Evaluate how to address approved removal of Hazard Trees in terms of mitigation for the removal. Often the Hazard Tree is a tree that was required to be preserved, and mitigation is necessary to achieve the parameters of original land use approvals, etc.	Policy Item	Small	5 (Mitigation requirements for removal of hazard trees in resource areas is addressed in the LDC. However, some older Planned Development approvals do not address mitigation if trees required to be preserved must be removed due to hazard.)
5	Evaluation of ideas outlined in Natural Features project Incentives White Paper	Policy Item	Large	5

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
6	Refine MADA proportions considering how they might apply differently for a large site than for a small site.	Policy Item	Large	3 (This has not proven to be a problem as of yet)
<b>Economic Development and Downtown-Related Issues</b>				
1	Continue work with South Corvallis Site Certification and Refinement Plan for Airport industrial properties	Policy Item - South Corvallis Site Certification is complete. Refinement Plan has not yet begun.	Large	9 (Implements current Council Goal)
2	6. LDC Amendments to Downtown policies (See <b>Attachment F</b> - recommendations by the Downtown Commission)	Policy Item	Small	7 <b>Recommended by the Downtown Commission</b> (Could be added to General "Code Tweaks" list in Item 1)
3	LDC Amendments to Industrial Chapters and Downtown policies NOTE: Re-evaluate ranking of Downtown Policies after Downtown Strategic Plan recommendations, and re-evaluate Industrial Chapter after Refinement Plan is complete)	Policy Item	Large	(Item seems redundant with items 1 and 2. Staff recommend deletion of this item.)
4	13. Consider investigating the possibility of architectural design standards for the Riverfront District - these would be standards that are different from the Pedestrian Oriented Design Standards in Chapter 4.10.	Policy Item	Large	3

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
5	Airport Industrial Zoning	Policy Item - Initiated by Public Works; ongoing	Large	(Redundant with Item 4 above. Recommend removal.)
<b>Implementation Improvements (Other than LDC Changes)</b>				
1	4. Update Buildable Lands Inventory following implementation of the Natural Features Project	Policy/Clarification Item - Consistent with Council direction from 2009 Work Program Review, Staff are beginning process to hire a consultant to begin the necessary land need analyses.	Large	9 (Council confirmed this project as a priority in November, 2009)
2	5. Need to develop a policy for how to calculate the 5-year supply of serviceable land for use in Annexations.	Policy/Clarification Item - Needed to facilitate review of annexation applications. Called for as Council Policy in LDC 2.6.30.07.a	Medium	8
3	Provide resources necessary to complete a case history layer (i.e., a database that provides a geographic reference (GIS) for ArcView), and be able to connect this information to public information resources, such as web access for citizens and staff). The case history layer has a good start, but much work remains in completing the history, and finalizing a usable format for the public and staff. (Raised by staff)	Clarification Item - This project is well underway and mostly operational through Corvallispermits.com. Work will continue as time and resources allow.	Large	8

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
4	<p>1. The following are not specific Code adjustments; they are mechanisms to implement the Code that need to be completed:</p> <ul style="list-style-type: none"> <li>a. Establish a native plants list</li> <li>b. Establish a tree canopy coverage list and standard coverage allowance by species</li> <li>c. Establish a mechanism to keep track of transferred densities</li> <li>d. Establish a mechanism to track easements, mitigation, and vegetation plans</li> <li>e. Mechanism to keep track of modifications and LDO's on a site</li> <li>f. Mechanism to track expiration dates and</li> <li>g. Mechanism to track impervious surface increases in riparian areas</li> </ul>	<p><b>Clarification Item</b></p> <p>Work on many of these items is complete or near complete. Staff anticipate completion in 2010, as time and resources allow.</p>	Large	<p><b>8</b></p> <p>(Staff recommend removal from the list, as most items are complete or near complete.)</p>
5	<p>Establish a vegetation management plan (VMP) guidebook and mechanisms for reviews. Outline clear approval criteria and establish a baseline management VMP that the public can use.</p>	<p><b>Clarification Item</b> - Mostly completed, but still in process of finalizing.</p>	Medium	7

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
6	Finalize written Dolan policies for internal use.	Clarification Item - Mostly complete.	Medium	7 (This item is partially addressed in LDC Sections 4.0.140 and 1.2.120. In conjunction with the draft policy, Staff believe this item is sufficiently addressed at the current time)
7	14. Municipal Code provisions, developed in conjunction with other City Departments, for: <ul style="list-style-type: none"> <li>• Preserving vegetation, especially prior to development; and</li> <li>• Application of pesticides and herbicides.</li> </ul>	Policy/Clarification Item	Medium or Large	6
8	Resolve all Timberhill Mapping Discrepancies.	Correction Item - Needs to be re-evaluated to determine if it is needed. If needed, will include a public hearing to amend Zoning Map, and may include a public hearing to amend Comprehensive Plan Map.	Medium	6
9	Urban Fringe Management Agreement Update	Policy Item	Large	2
10	Creation of a regulatory mechanism for equitably sharing a right-of-way between adjacent property owners in order to facilitate underground parking structures.	Policy/Clarification Item	Medium	2 (The need for such a mechanism is very small at the current time)

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
11	Establish a guidebook/pamphlet for Natural Features Project provisions and do outreach and staff training.	Clarification Item - Mostly completed.	Medium	(Project will be finalized as time allows. Recommend remove from list.)
12	Establish a guidebook/pamphlet for Phase I Code Update provisions and do outreach and staff training.	Clarification Item - Partially completed.	Medium	(Project will be finalized as time allows. Recommend remove from list.)
13	UGB Map correction in North Corvallis for Butterfield Property.	Correction Item	Small	0
<b>Automobile Parking Issues</b>				
1	12. Consider establishing a parking requirement for "Animal Sales/Services - Kennels." Development Services is working with some of the neighbors of Heartland Humane Society. The neighbors are concerned that Heartland employees/volunteers/patrons are parking on the street because the parking lot is often full. Heartland's Director acknowledges that this is happening. The LDC does not appear to require any off-street parking for "Animal Sales/Services - Kennels." As a note, Heartland actually has a parking lot that accommodates 17 vehicles. This amount doesn't appear to be enough. (raised by staff)	Policy Item  Staff note that a change to the required parking for kennels would not likely affect the existing Heartland Humane Society development unless the operation were expanded in the future.	Small or Medium	6

#	Issue - (Numbered items reflect ranking from 2009 Work Program Review)	Status - "Policy" indicates a policy decision; "Clarification" indicates an item will clarify an issue in question; "Correction" indicates a correction of a perceived error in the LDC	Level of Effort	Avg. Score (0 - 12) - based on 0-3 pts. for each category: 1) improves public service; 2) saves time and/or money; 3) facilitates implementation; and 4) improves legal framework
2	8. Investigate parking requirements for multi-family dwellings – have been too low in some situations.	<b>Policy Item</b> - Preliminary surveys of similar jurisdictions were completed and Corvallis requires the highest amount of parking among that group.	<b>Medium</b>	<b>6</b>
3	7. Consider/evaluate the merits of using the new downtown parking requirements (1:1000) for area along Monroe, north of the University, and between approximately 14th and 26th Streets. This issue was recently revisited during the OSU Bookstore Major Modification. (NOTE: Re-evaluate and potentially increase this item's ranking based on findings from Downtown Strategic Plan and OSU Parking Study)	<b>Policy Item</b>	<b>Large</b>	<b>5</b>
4	9. Evaluate parking needs and solutions in the neighborhood west of the Central business Zone	<b>Policy Item</b>	<b>Medium</b>	<b>4</b>
5	11. Review parking standards for multi-family developments containing in excess of 3 bedrooms per unit.	<b>Policy Item</b> - This appears to be redundant with item 8. Staff recommend deletion.	<b>Medium</b>	Redundant with Item 8 - Staff recommend deletion.
6	10. Evaluate the issue of tandem parking, define under what circumstances it is allowed, and create standards to address how it must be designed if it is allowed (raised by staff).	<b>Policy/Clarification Item</b> - Clarification has been developed as part of the revised Off-Street Parking and Access Standards.	<b>Small</b>	<b>2</b> (Staff recommend removal of this item from the list, as revised standards address issue)

TO: The Corvallis Planning Commission  
FROM: The Corvallis Infill Task Force, 02/22/2011  
SUBJECT: Planning Division Work Program Prioritization Process

Dear Planning Commissioners:

Roughly a year ago a group of citizens broached the idea of using an all-volunteer effort to make progress in resolving the large existing backlog of "Unresolved Planning Issues" that have been previously identified in our Land Development Code. The all-volunteer approach was not by preference, but was instead driven by the extremely limited Staff resources both currently available, and projected to be available for the next few years.

As many of you may recall, the idea garnered strong support at a joint City Council/Planning Commission work session, and we were encouraged to "give it a try". As a result the Corvallis Infill Task Force (CITF), was organized to take on the challenge. The CITF has grown to become a diverse group whose current informal membership includes planners, architects, designers, contractors, and lots of former Planning Commissioners and City Councilors. Thus, it is with sincere pleasure (and perhaps a bit of nostalgia), that the CITF submits the results of our 2010 work effort to the Corvallis Planning Commission. Our submittal is in the form of 16 specific proposals designed to help address 23 identified problems in our LDC.

Note that these proposals are **concrete**, each includes the LDC text modifications needed to implement it. Also note, that in addition to the review and debate each proposal received within the CITF, each proposal has also been extensively reviewed by a variety of community groups and individuals with an expressed interest in land use. It has also been reviewed by Planning Staff. We received quite a bit of feedback during the multi-month review process, and we used it to further refine the proposals.

What you have in front of you is as thorough and complete as we can presently make it, and we hereby request that you consider it for formal public review by the Planning Commission in 2011. Note that the CITF is not planning on taking it easy while you do all the hard work! While the 16 proposals we submitted will make a real and immediate difference in the economic, social and environmental climate for development in Corvallis, they only address roughly a third of the infill-related issues we have identified (see the Appendix of our submittal for the complete "raw" list). The CITF intends to spend 2011 working on solutions for another chunk of the issues which we hope to be able to bring forward for possible consideration in 2012.

If you have any questions about the CITF, our process, or our specific proposals, we will have members available during the public testimony phase of the Planning Commission "Work Program Prioritization Review" hearing to address them. We also welcome any feedback you may have about our efforts to date (or suggestions for the future). Plus, if any of you have a hankering to do a bit of extra "volunteer" work to help resolve other LDC-related issues, *have we got a deal for you...*

**Thanks!**

# Draft Infill Recommendations for the Corvallis Land Development Code

December 11, 2010  
The Corvallis Infill Task Force

## Introduction

The Corvallis Infill Task Force (CITF), is a collection of Corvallis civic volunteers with an interest in land use, and more specifically, Urban Infill. Members include planners, architects, designers, plus a double handful of (retired) land use “decision makers” from both Benton County and the City of Corvallis (Councilors and Commissioners).

The CITF was formed early in 2010 with the goal of attempting to address some of the known Infill-specific problems with the current Corvallis Land Development Code (LDC), using an all-volunteer approach. The idea was reviewed with both the Corvallis Planning Commission, and the Corvallis City Council, with the result that the group was encouraged to give it a shot.

## What Happened

CITF began by recruiting volunteers and widely spreading the word that we were interested in getting copies of any Infill-related “LDC trouble reports”. Starting with the official Corvallis “Unresolved Planning Issues” list, and adding in the “trouble reports”, a master list of roughly 220 issues was created.

CITF also created a Google Group to handle an email list and host the various documents that were created (<http://groups.google.com/group/corvallisitf>). In addition, based on advice from the City Attorney that CITF meetings should be treated as “public meetings”, CITF arranged with two local restaurants to host publicly accessible meetings. CITF also submitted formal meeting announcements to the Gazette Times FYI section and recorded brief “action minutes” of each meeting that were subsequently posted to the email list.

The first few meetings concentrated on winnowing down the ~220 issues to ones that the group agreed seemed “Infill-Related”. This resulted in a list with ~115 issues. Additionally, CITF decided to defer working on Infill issues specific to the Downtown and Historic Preservation, based on the ongoing City efforts to revise the LDC in those areas. Finally, after several painful meetings focused on “parking”, the group decided it was a topic for a wider community discussion and decided to defer work on it too. After removing the Parking and Downtown/Historic issues, the resulting list contained ~72 issues.

The CITF group then split up into individuals, and small groups, to work on possible solutions to the identified issues. Group meetings were generally used to review specific proposals. The group agreed to recommend that proposals go forward if there was consensus that they had merit as possible problem solutions, rather than requiring agreement about every element of each proposal. Many proposals were reviewed two or more times before gaining a group consensus to move forward. Some proposals failed to gain consensus and were dropped as possible recommendations.

## Conclusion

The major portion of this report contains the details of the 16 proposals that gained CITF consensus as potential solutions to various LDC Infill-related issues. Since some proposals address more than one item from the list, a total of ~23 issues of the original ~72 possible issues were actually tackled.

Following the descriptions of the 16 proposals, an Appendix is provided that lists all ~115 Infill-related issues that were originally considered. It serves both as a reference for interested parties, and perhaps as the start of a potential "To Do" list for future efforts in this area. Such future efforts include the possibility of a renewed CITF push in 2011 to research and formulate possible solutions for another batch of issues from the ToDo list.

While we don't yet know the ultimate fate of the recommendations presented in this report, we can confirm that after many hours of research and proposal preparation, and more than a dozen lively meetings to debate the results, all the participants are still talking to each other!

## How to Read this Report

- A) Each proposal starts at the top of a page and has both a name and a number (1-16).
- B) Directly following each name is a list of the specific issues from the CITF Infill list that the proposal addresses (complete list included in the Appendix). Items from the list are identified by topic and issue number: "TEXT 3", for example, is the third item in the "Text Edits" section of the CITF Infill list.

*Note: In a number of cases the discussion of the specific identified issue(s) revealed a more general underlying problem. In these situations the proposed solution may be more general in scope than required by the specific issues cited.*

- C) Next up is a brief discussion that elaborates on the issues being addressed, and the general solution being proposed.
- D) Finally, each proposal concludes with specific LDC language changes designed to address the issue(s). Note that dashed lines are used to bracket the beginning and end of specific sections of proposed LDC code changes. Some proposals require changes in more than a single LDC section; in these cases more than one set of bracketed sections is included.

## PROPOSAL #1: Improve the Definition of Infill

### CITF ISSUES ADDRESSED:

- IF 9) *“Review the definition of Infill - Make it produce what we want, not what we have been getting lately.”*
- IF 16) *“Review the definition of “infill” and determine if it should be used only relative to the implementation of Storm-water Master Plan and Comp Plan policies, or whether it should be modified or another definition added to address infill for other analyzes.”*

### DISCUSSION:

There was a lively group discussion about the possibility of creating an Infill-specific section for the LDC, versus the option of simply making specific changes to the existing language to address identified issues. The big advantage to doing an Infill-specific section was seen to be the opportunity to more comprehensively address the issues associated with Infill developments, which frequently have tough compatibility constraints. After much debate, the decision was made to go the route of proposing specific changes to the existing LDC language, recognizing that the full implementation of an Infill section might be more appropriate for the next Periodic Review (or another larger-scale LDC update process).

The maximum size of residential and non-residential projects to be considered “Infill” in the proposed definition was also the subject of debate, with the final consensus being to roughly follow the limits used in the current LDC definition. However, one size change is proposed: The maximum size of residential Infill projects would be made inversely proportional to the maximum unit density permitted by the underlying zone. This means that projects in both low and high density residential zones would involve three or fewer units in order to qualify as “Infill” under this definition.

Although we do not propose any Comprehensive Plan policy changes in this Report, it is worth mentioning that a change to the LDC Infill definition will likely require a corresponding change to the Comprehensive Plan Infill definition. Also worth noting is that this Infill definition is used/assumed by a number of the other CITF proposals. Proposed changes in ~~strike through~~ and ***bold italics***:

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

***Infill - New development of vacant or partially vacant land, or the replacement or remodeling of structures on previously developed property that abuts on 2 or more sides land that is already both at least partially developed and serviced by city water & sewer utilities. Except for the RS-12, RS-12U and RS-20 zones, the maximum combined lot size of any single residential development project under this definition shall be of an area allowing no more than three dwelling units based on the minimum lot size standards for the underlying residential district. The maximum qualifying combined lot size for the RS-12, RS-12U and RS-20 zones is 6,600 sq ft. For non-residential districts the maximum combined lot area to qualify under this definition is 1 acre. Special standards for Infill development are intended to implement Comprehensive Plan policies 3.2.1 and 14.3.1.***

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## PROPOSAL #2: Improve the Definition of Building Height

### CITF ISSUES ADDRESSED:

TEXT 1) "Building height definition needs work for non-simple-gable structures."

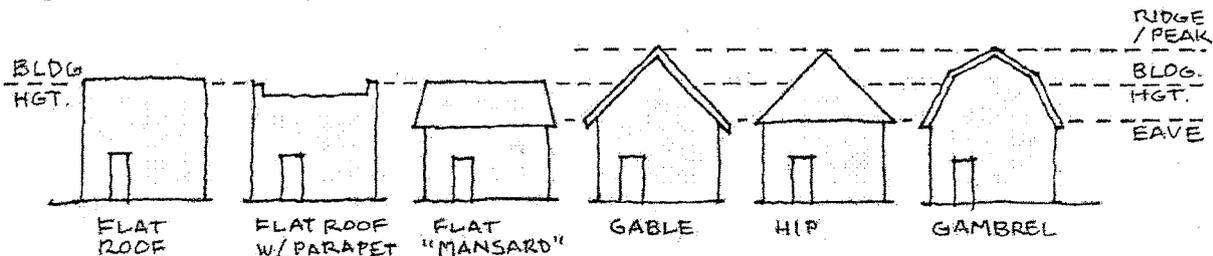
### DISCUSSION:

The person who originally reported this problem was motivated to do so because Gambrel roofs are at a serious disadvantage compared to Gable-type roofs in terms of the way the LDC defines the height of a building. The original CITF testimony to the Planning Commission included a simple graphic that illustrated three example buildings, oriented from apparent tallest to shortest, but which our code treats in the exact opposite fashion (example roofs were an A-frame, a simple Gable, and a Gambrel).

Upon further research into our current definition other problems surfaced. For example, a simple Gable roof is treated as if it is shorter than an otherwise very similar roof formed by sloping the two Gable ends back to form a four-sided Hip roof with no actual Gable. Reducing the "bulk" of the roof, while keeping the same maximum height, results in an increase in the "definitional" height of the roof using the current LDC definition.

The following proposed definition is an attempt to fix the worst of these problems. It is biased towards simplicity rather than mathematical rigor. It also includes a minimum eave height clause that prevents "gaming" the definition by creating a roof structure with an "eave" at ground level to reduce the computed building height. Also included is a graphic created by Bruce Osen to help illustrate the definition. We recommend that this graphic, or something similar, be inserted after the actual definition text to help illustrate how building heights are computed. Proposed changes in ~~strike through~~ and **bold italics**:

**Height of Buildings** - Vertical distance above a reference datum measured to the highest point of any ~~non-gabled roof, or to the average height of the highest gable of a pitched or hipped roof~~ **roof lacking a central "ridge" or "peak", or to the mean height between eaves and the highest ridge/peak for gable, hip, gambrel, or other roof types.** ~~If the eave height is less than 10' above the reference datum then it is assumed to be 10' for the purposes of computing the building height.~~ The height of a stepped or terraced building is the ~~maximum~~ **height of any the highest** segment of the building.



The reference datum shall be selected by either of the following, whichever yields a greater height of building:

## PROPOSAL #3: Improve the Definition of Schools

### CITF ISSUES ADDRESSED:

TEXT 3) *"LDC 1.6 Define "schools" under Civic Use types to be K -12. Commercial vocational training for adults is not a "civic" use. This stems from relocation of Phagan's Beauty College to the Sunset Shopping Center (BLD07-01063), where staff determined that this private business should be prevented from locating on the ground floor because of the word "college" in their business name. This was resolved after expense and time, but the underlying interpretation by staff that this was a civic use remained. The building code distinguishes "educational" uses in a similar manner to what I am suggesting."*

### DISCUSSION:

See the issue description above. Although the illustrated changes provide the required new use classification for "Vocational or Professional Training", and the associated parking requirement, they do not include a list of which zones the new use should be permitted within (and under what additional limitations, if any). See the discussion following the proposed language for some suggestions. Proposed changes in ~~strikethrough~~ and *bold italics*:

-----  
3.0.30.02.f. **Schools** - Public and private educational facilities, *excluding Vocational or Professional Training facilities, as defined in 3.0.30.03.jj*. Refer to Section 4.9.70 for requirements for private schools, such as area per child and buffering requirements.

3.0.30.03.jj. *Vocational or Professional Training – Private businesses providing vocational or technical training services for adult learning that are not part of public or private K-12 educational uses, and are not part of an accredited institution of higher education.*

4.1.30.c.32. *Vocational or Professional Training - One space per 150 sq. ft. of gross floor area.*  
-----

The parking standards in the above proposal are the same as required by either a "Telemarketing Center" or "Technical Support Center"; uses which seem likely to have similar needs. Following the same approach, the zones where "Vocational or Professional Training" is permitted could include those where Telemarketing and Technical Support Centers are currently allowed:

Permitted Outright:	GI, LI-O, MUT, and RTC
Permitted if <= 7500 sq ft:	MUCS
Permitted if <= 20 people:	LI, MUE
Permitted if upper floor:	CB, Major/Minor NC's, RF
Conditional if > 7500 sq ft:	MUCS
Conditional if > 20 people:	LI, MUE

In addition, consideration should be given to allowing the new use in the CBF, MUGC, MUR, and P-AO districts as either a primary or accessory use, possibly with Planned Compatibility/Conditional Development review.

**PROPOSAL #4: Clarify Where Not to Detain Storm-water**

**CITF ISSUES ADDRESSED:**

TEXT 2) *“LDC 4.0 The current wording of the text (as well as the Off - Street Parking & Access Standards) is "Properties east of the Mary's River and south of Highway 20/34 are exempt from detention requirements ". In good faith and with reliance on my English language skills I could determine that any property south of Philomath Blvd is exempt from detention, but that's not what is intended or enforced.”*

**DISCUSSION:**

The Mary’s River flows south to north within the UGB area south of Avery Park, then west to east within the city limits east of Avery Park. There is also a lot of land within the city limits “south of Hwy. 20/34” to which this code section is not intended to apply, which has lead to confusion. Proposed changes in ~~strikethrough~~ and **bold italics**:

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4.0.130.b.3. Exemptions to Storm Water Detention Requirements -

a) Properties east of the Mary’s River and south of Highway 20/34 (*specifically identified in the Storm-water Master Plan as the Mill Race Basin, the Goodnight Basin, properties draining directly into the Mary’s River or Willamette River, and areas subject to the South Corvallis Drainage Master Plan*), are exempt from detention requirements because of their proximity to the Mary’s River *or Willamette River* and the need for quick dispersion of storm water.

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## PROPOSAL #5: Simplify Requirements Based on Project Size

### CITF ISSUES ADDRESSED:

- A 14) *"Allow flexibility for meeting code requirements the smaller the project is."*
- IF 18) *"Minimize application requirements relative to size/scale of development."*
- IF 20) *"Setback reductions. For individual lots, I prefer the old LDO option allowing deviations up to 100% of the standard, provided adjacent property owners can comment. Too many infill projects require a PD to vary from the standards, which seems excessive."*

### DISCUSSION:

This proposal partially implements the CITF consensus that smaller infill projects should have enhanced design flexibility. Providing this flexibility addresses several important community goals:

1) This proposal allows an infill development to request limited additional design flexibility via the Minor Lot Development Option process based on what adjacent development practices have been. It thus allows an infill project to be more compatible with the surrounding neighborhood than it would otherwise be. Infill projects, by definition, are located in already developed areas often constructed under very different development standards in terms of lot sizes, setbacks, etc. Note that this proposal accomplishes this using an approach that should pass "clear & objective" muster.

2) Although infill development is strongly encouraged by our local land use regulations it is generally considered to be more difficult to accomplish than "greenfield development". These proposed changes provide a modest increase in design flexibility to help address the site-specific challenges infill development often struggles with.

One possible objection to this proposal is that it means that different infill projects can request different variances using the minor LDO process. One project might be able to request a smaller setback than another, the second might be able to request a slightly taller structure. While this poses a potential equity concern, if we also desire that new infill development honor the context of the surrounding built environment, it may be a worthwhile tradeoff. Of course, this proposal only modifies what an applicant can request as part of a Minor Lot Development Option, it provides no assurance that the requested variance will be approved. Presumably requests that are undesirable in the larger context of the Land Development Code would be denied just as they are today.

Proposed changes in ~~strike through~~ and ***bold italics***:

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**2.12.30.03.h Minor Lot Development Option Thresholds** -Minor Lot Development Option requests shall involve clearly measurable, numerically quantifiable development standards that shall not exceed the thresholds listed below:

1. Reducing setbacks up to 40 percent for new Residential Use structures on an undeveloped existing lot zoned RS-3.5;

2. Reducing setbacks up to 100 percent for alterations to existing residential primary or accessory structures constructed prior to December 31, 2006.

**3. For Infill lots, reducing the required front, side and rear yard setbacks to no less than the corresponding minimum existing setback on any adjacent lot.**

~~3.4.~~ Except as provided in "1," above, reducing interior side yards on corner lots up to 70 percent for new structures;

~~4.5.~~ For *Infill lots*, or lots with existing residential structures, reducing side and/or rear yard setbacks for accessory structures that are more than 60 ft. from streets (other than alleys) by up to 100 percent.

~~5.6.~~ Increasing the height of a structure by up to 10 percent (*or, for Infill lots, increasing the height of a structure by up to 10 percent OR increasing it to the height of a structure on any adjacent lot, whichever is higher*).

~~6-7.~~ Decreasing the required lot area by up to five percent (*or, for Infill lots, decreasing the lot area by up to 5 percent OR decreasing it to the lot area of any adjacent lot, whichever is smaller*). Applies only to lots created through the Minor Land Partition or Minor Replat process described in Chapter 2.14 - Partitions, Minor Replats, and Property Line Adjustments;

~~7-8.~~ Decreasing required lot width by up to five ft. (*or, for Infill lots, decreasing the lot width by up to five ft. OR decreasing it to the width of any adjacent lot, whichever is smaller*), excluding accessway widths required for flag lots created through the Minor Land Partition or Minor Replat process;

~~8-9.~~ Increasing the total ground area proposed to be covered by structures, parking spaces, or vehicular circulation areas by up to ~~five~~ 5 percent over that which is permitted in the underlying zone (*or, for Infill lots, increasing the total ground area to be covered by structures, parking spaces, or vehicular circulation areas by up to 5 percent OR increasing it to the corresponding coverage on any adjacent lot, whichever is larger*).

~~9-10.~~ Decreasing the area reserved for private outdoor space and/or Green Area by up to 10 percent;

~~10-11.~~ Decreasing the project site amenities such as screening and/or landscaping by up to 10 percent;

~~11-12.~~ Decreasing the required number of parking spaces by up to 50 percent; or increasing the number of compact parking spaces by up to 50 percent for Residential Uses on an undeveloped lot zoned RS-3.5; *or on Infill lots* or a lot containing residential structure(s) constructed prior to December 31, 2006, in any residential zone;

~~12-13.~~ Increasing the *hedge, fence, or wall* height outside of Vision Clearance Areas by up to 33 percent (*or, for Infill lots, increasing the height by up to 33 percent OR increasing it to the height of a hedge, fence, or wall on any adjacent lot, whichever is higher*);

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## PROPOSAL #6: Allow More Flexibility for Items with Minimal Impact

### CITF ISSUES ADDRESSED:

- LA 1) *“Clarify whether or not arbors should be subject to the same standards as fences (i.e. subject to 3-foot height limitation in front yard areas, so have been needing to be approved through an LDO process for front yard entryways - consider changes so that applicants wouldn't need an LDO process). Development Services indicates that arbors up to 10' in height are exempt from a building permit/building code review. (If desired, the LDC could be easily amended to allow for arbors in front yard areas. If desired, Staff recommend including this item with “Code Tweaks” identified in Item 1 above.)”*
- LA 6) *“Fix problem where trellis's and other structures with a "third dimension" (simple lean-to's on back fences, etc etc), can't be in setback locations (like they have since the dawn of Corvallis).”*

### DISCUSSION:

Our current code doesn't allow structures with a third dimension into required setback areas, despite the fact that arbors on front walkways, trellises and pergolas on side and back fences, and simple garden sheds have been fixtures in these locations since the dawn of Corvallis. To address the concern about misusing this provision to create tall opaque “fence-like” structures, any structures using this provision must meet the test of being at least 50% “open” above whatever the maximum fence height would be in the same location. The 50% approach is taken from the discussion in LDC 4.2.50.01 (Height Limit). Proposed changes in ~~strike through~~ and ***bold italics***:

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#### Section 4.3.30 - ACCESSORY DEVELOPMENTS SUBJECT TO CONTROLS

Accessory developments shall be subject to the same requirements as the Primary Uses within each zone, except as otherwise provided below:

- a. Accessory development involving Nonconforming Uses and Nonconforming Structures is subject to the requirements of Chapter 1.4 - Nonconforming Development;
- b. In a residential zone, a side and/or rear yard may be reduced to three ft. for an Accessory Structure erected more than 60 ft. from property lines adjacent to streets other than an alley;
- c. In a residential zone, the rear yard of a corner lot may be reduced to eight ft. for an Accessory Structure and its projections, when the Accessory Structure is erected more than 25 ft. from property lines adjacent to streets;
- d. Fences shall be considered Accessory Structures and are subject to the requirements of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting;
- e. An Accessory Structure shall not exceed a height of 14 ft. nor occupy more than 35 percent

of a required yard; ~~and~~

f. Patios and decks not exceeding 30 in. in height from grade and open to the sky are considered Accessory Structures, but shall require review in accordance with Chapter 2.13 - Plan Compatibility when they are within five ft. of any property line.; **and**

***g. Accessory structures commonly integrated into fencing and garden designs such as Arbors, Pergolas and Trellises, are permitted within required front, side and rear yard setbacks, and may be up to 10' in height, provided the structure is at least 50% open above the height at which an opaque fence in the same location would be permitted in accordance with "Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting." Garden sheds are also permitted within required side and rear yard setbacks as long as they do not extend above the height at which an opaque fence in the same location would be permitted in accordance with "Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting."***

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## PROPOSAL #7: Add Franchise Utility Location Flexibility

### CITF ISSUES ADDRESSED:

- A 28) *“Franchise Utility Easement Placement - Conflicts between setback standards, etc. and required easements (especially, in downtown). (Could be added to General “Code Tweaks” list in Item 1)”*
- IF 4) *“Permit flexibility in provision (or not), of PUE's depending on whether they match reality.”*

### DISCUSSION:

Our current code requires a 7' private franchise utility easement adjacent to all street right-of-way, even if the franchise utilities in the area are all provided from the rear! This situation is fairly common in the older residential areas near the downtown, where residential alleys are used to provide franchise utility access, but it also shows up in some Infill situations where the existing franchise service to the adjacent lots is provided from the rear (or side). The downside to requiring the 7' dedication in these cases is that it may prevent the new construction from following the existing reduced street-side setback pattern of the surrounding structures, and thereby unnecessarily diminish the compatibility of the new construction with the surrounding neighborhood. Proposed solution: Modify the requirement for the utility dedication to only apply where it makes sense (proposed changes in ~~strike through~~ and ***bold italics***):

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#### Section 4.0.100 - LAND FOR PUBLIC PURPOSES

- a. Easements for public sanitary sewer, water, storm drain, streetlight, transit, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside a public right-of-way. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.
- b. Utility easements with a minimum width of seven ft. shall be granted to the public adjacent to all street rights-of-way for franchise utility installations ***unless all franchise utilities are provided via a rear alley (or, for Infill lots, unless the lot is already provided with all franchise utilities from a non-street side). If franchise utilities are to be provided via a private rear alley then a minimum of a seven ft. public access easement shall be granted in the alley adjacent to the served parcel(s), and the applicant must demonstrate that the easement is sufficient in scope to not preclude future “to and through” access to franchise utilities on adjacent parcels.***
-

## PROPOSAL #8: Allow Residential/Commercial Conversions in High Density Zones

### CITF ISSUES ADDRESSED:

- IF 5) *"Allow more flexible conversion back & forth between residential and commercial in RS-12/RS-12U/RS-20 zones."*
- IF 12) *"Conversion from Residential to Commercial Uses - Relates to standards for converting large residential structures into commercial uses in some zoning districts (i.e. RS-12)."*

### DISCUSSION:

The issue here is the extremely limited flexibility our zoning system has for small (and very small!), scale mixed uses in our denser residential areas. Ideally, it would be nice to allow the conversion back and forth between residential and commercial uses in appropriate locations on an individual structure (or even sub-structure!), basis. The Engineer living above his office, or the micro-scale Computer Programming firm operating out of a garage, are examples.

Although the existing LDC "Home Business" exception allows some commercial options, it doesn't allow exterior signs, or more than one employee, etc. The goal of this proposal is to allow some additional flexibility, while still being very conservative and limiting the scope of the proposed use to something that is in keeping with the intensity of the nearby properties. In addition, the proposal restricts such conversions to "suitable locations" only.

Although it would be interesting to consider possible conversions for a wider variety of potential uses, this proposal focuses only on conversions to Professional Office/Administrative Services. The rationale for this is that such uses are likely to be of similar (or lesser) intensity, compared to the nearby higher density residential uses, **and** we already allow this type of conversion in these zones with a Conditional Development Review process.

Although the existing Conditional Development Review criteria for such conversions concentrates on the characteristics of the structure (minimum size, age of construction, historic significance, etc), this proposal takes a different approach and instead focuses more on locational criteria. The rationale behind this is two fold:

- 1) By limiting which structures can be considered for conversion we minimize any impact on our housing supply.
- 2) It makes more sense for the community to allow a residence (or portion thereof), fronting a highway or arterial to be converted to an office, compared to something tucked away on a residential side street.

Fortunately, it wasn't necessary to come up with locational criteria from scratch since our existing Major/Minor Neighborhood Center zones include "offices" as a primary use, and these zones already include good locational tests. In addition, although the locational criteria is critical, it isn't sufficient to judge the desirability of allowing the conversion. For this reason, the proposal also specifies that any conversion using the new option also be judged by the same general review requirements that are used to evaluate a zone change request.

Another effect of this proposal is to make the existing hardship clause (3.4.50.02.a), and the existing

historically significant structures clause (3.4.50.02.b), slightly more flexible since they now would apply to structures of less than 4000 square feet, as long as the structures also meet the new locational criteria.

Although this text uses the language out of the RS-9 chapter, the proposal would include also making similar changes in the RS-9U, RS-12, RS-12U, and RS-20 zones that all have existing Conditional Development Review options for such conversions. Proposed changes in ~~strike through~~ and **bold italics**:

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### **3.4.20.02 - Special Development**

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

- a. Collocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions
- b. Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions
- c. Construction/Roofing Storage and Sales existing prior to December 31, 2006
- d. Conversion of structures, **or portions of structures**, to Professional and Administrative Services Use Type in accordance with Section 3.4.50

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### **Section 3.4.50 - CONVERSION OF A STRUCTURE TO A PROFESSIONAL AND ADMINISTRATIVE SERVICES USE TYPE**

The predominate purpose of the RS-9 Zone is to retain residential unit availability; however, within the zone there are structures that, due primarily to their size, condition, **location** or age, ~~cannot be successfully, economically, and fully utilized for residential use~~ **should not be restricted to residential-only use**. Therefore, the City may allow conversion through a Conditional Development in accordance with Chapter 2.3 - Conditional Development, to the Professional and Administrative Services Use Type, using the review criteria below.

#### **3.4.50.01 - Size/Location Limitation**

- a. Structures must be 4,000 sq. ft. or more and built before December 31, 2006;

**OR**

- b. **Structures must meet all the locational criteria associated with a Major or**

*Minor Neighborhood Center zone outlined in 3.14.20.a, with the exception of 3.14.20.a.4 (no "Shopping Street" frontage is required).*

**3.4.50.02 - Burden of Proof**

The developer shall prove that:

- a. The structure cannot feasibly be used for the uses permitted in Section 3.4.20.01 without creating undue financial hardship for both tenants and owners. This may be proved by meeting both of the following:
  1. Providing factual data and information on the potential costs of using the structure for residential use compared to estimated potential rent or purchase prices for tenants or owners. Factual data and information on the potential costs of using the structure for residential use shall pertain to items such as heating and cooling bills, costs of renovation and repair, continued maintenance, costs for acquisition of additional land, construction for parking, etc.; and
  2. Demonstrating that an earnest effort has been made to retain the structure for residential use through established marketing procedures such as advertising, brochures, telephone contact, contact with real estate and marketing professionals, etc.

**OR**

- b. It is in the best interest of the community to convert the structure to the Professional and Administrative Services Use Type. This may be proved by meeting ~~both~~ **either** of the following:
  1. Showing that the structure is included on the Corvallis Register of Historic Landmarks and Districts; and
  2. **{See Note after end of section}**  
Demonstrating that substantial alterations would be necessary to retain the structure for residential use and that alterations would result in the loss or reduction of Historical Significance or architectural significance.

**OR**

2. ***Showing that the structures, or portions of structures, proposed to be converted meet the locational criteria from 3.4.50.01.b; and***

***Demonstrating that the proposed conversion is consistent with the Zone Change Review Criteria, 2.2.40.05.***

**3.4.50.03 - Development Site Design**

To ensure that the character of the structure and site will be preserved after conversion, the applicant shall be required to submit plans, in addition to the site plan required in Chapter 2.3 - Conditional Development, that indicate the following:

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

**3.4.50.04 - Required Off-Street Parking**

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

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**{Note}: Only the "2:" label is proposed to be deleted from the original wording of clause 3.4.50.02.b.2. The associated text remains and becomes part of the new 3.4.50.02.b.1 clause.**

**PROPOSAL #9: Allow Both Attached and Detached Multifamily Structures in RS-5 Through RS-12 Districts**

**CITF ISSUES ADDRESSED:**

A 24) *“Allow both attached and detached multifamily structures in RS-5, RS-6, RS-9, RS-12, RS-12(U) districts.”*

**DISCUSSION:**

Some older neighborhoods have “cottage-style” residential units, typically with 2-4 small, detached units on one lot, or a small cottage behind the primary residential structure. Currently, these units (because they are detached) are not allowed in zones that otherwise allow duplexes (two attached units on one lot), triplexes, etc. Accessory Dwelling Unit standards are intended to address a different situation, on lots smaller than lots that allow duplexes (for example), and that require the owner to live in on of the units. This proposal redefines “duplex” and “multi-dwelling” as being either attached or detached. Current language already specifies a required distance between units. Proposed changes in ~~strike through~~ and *bold italics*:

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**CHAPTER 1.6  
DEFINITIONS**

**Building Types -**

a. **Nonresidential** - Group of building types comprising the following:

1. Detached - One main building, freestanding and structurally separated from other buildings.

**<SEE LDC FOR ACTUAL GRAPHIC>**

Figure 1.6-3 - Nonresidential Detached

2. Attached - Two or more main buildings placed side by side so that some building walls are in common for a minimum length of five ft. Fences, trellises, etc. attached between buildings do not create Attached structures.

**<SEE LDC FOR ACTUAL GRAPHIC>**

Figure 1.6-4 - Nonresidential Attached

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

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

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

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

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

**<SEE LDC FOR ACTUAL GRAPHIC>**

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

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

**<SEE LDC FOR ACTUAL GRAPHIC>**

Figure 1.6-9 - Residential Attached

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

**<SEE LDC FOR ACTUAL GRAPHIC>**

Figure 1.6-10 - Residential Multi-dwelling

7. Manufactured Dwelling Facility - Facility where four or more manufactured or mobile homes are within 500 ft. of one another on a lot, tract, or parcel of land under the same ownership. The primary purpose of the facility is to rent spaces for manufactured or mobile homes. The applicable Oregon Revised Statutes that pertain to Manufactured Dwellings and facilities are ORS 446.155 through ORS 446.285, and ORS 455.010. The Oregon Administrative Rule pertaining to Manufactured Dwellings is OAR Chapter 918, Division 500-520. The State of Oregon Manufactured Dwelling and Park Specialty Code, which is a min/max code, governs construction requirements for manufactured and mobile homes.

8. Accessory Dwelling Unit - One dwelling unit, either detached or structurally attached, located on the same lot as at least one other dwelling unit. Provisions for Accessory Dwelling Units require that the owner of the lot occupy either the main residence or the Accessory Dwelling Unit. See Section 4.9.40 of Chapter 4.9 - Additional Provisions for additional development standards.

c. The following terms are **not** considered Building Types for purposes of this Code, but some are considered Housing Types for the purposes of meeting Code requirements for Housing Type variations. See Housing Types.

1. Cluster - Dwelling units arranged to retain open space areas equal to or greater than the cumulative total open space areas normally required under the applicable zone; the permitted gross density of a site is maintained.

2. Condominium - Form of ownership where the owner has a deed to a volume of space; governed by the provisions of ORS Chapter 100, as amended.

3. Townhouse - Three or more Attached dwelling units, each on a separate lot, often with two stories and with ground floor access.
  4. Rowhouse - Three or more Attached dwelling units, each on a separate lot.
  5. Triplex, Fourplex, Fiveplex, Sixplex, etc. - Multi-dwelling with three or more Attached *or Detached* dwelling units on the same lot.
  6. Apartment House - Multi-dwelling building or portion thereof designed, built, rented, leased, let, or hired out to be occupied; or the residence of three or more families living independently of one another.
-

## PROPOSAL #10: Permit Accessory Dwelling Units in RS-12 Through RS-20

### CITF ISSUES ADDRESSED:

A 23) "Permit Accessory Dwelling Units in RS-12."

### DISCUSSION:

Accessory Dwelling Units (ADUs) are currently classified as Accessory Uses Permitted Outright in zones RS-1 through RS-9, subject to special standards. ADUs are not allowed in zones RS-12, RS-12(U), and RS-20, even though these zones are expected to accommodate higher densities. This is apparently because it was assumed that these lots would develop with a multi-dwelling housing type. However, existing single-family developed in these higher-density zones could contribute to increased density (without full redevelopment), by being permitted to build an ADU as a supplement to the primary single-family structure. This proposal adds the same language to zones RS-12, 12(U), and 20 as it appears in the standards for low-to-medium density zones. Proposed changes in ~~strike through~~ and ***bold italics***:

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

### Section 3.6.20 - PERMITTED USES

#### 3.6.20.01 - Ministerial Development

##### b. Accessory Uses Permitted Outright

1. Colocated/attached Wireless Telecommunication Facilities on Multi-family residential structures, with three or more stories and that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticultural - personal use
7. Model Dwelling Units

8. Other development customarily incidental to the Primary Uses in accordance with Chapter 4.3 - Accessory Development Regulations
  9. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
  10. Sports and Recreation - personal use
  11. Tree, Row, and Field Crops - personal use
  12. ***Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions***
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## CHAPTER 3.7 MEDIUM-HIGH DENSITY - UNIVERSITY (RS-12(U)) ZONE

### Section 3.7.20 - PERMITTED USES

#### 3.7.20.01 - Ministerial Development

##### b. Accessory Uses Permitted Outright

1. Colocated/attached Wireless Telecommunication Facilities on multifamily residential structures, three or more stories and that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticultural - personal use
7. Model dwelling units
8. Other development customarily incidental to the Primary Uses in accordance with Chapter 4.3 - Accessory Development Regulations

9. Required off-street parking for Uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
  10. Sports and Recreation - personal use
  11. Tree, Row, and Field Crops - personal use
  12. *Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions*
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## CHAPTER 3.8 HIGH DENSITY (RS-20) ZONE

### Section 3.8.20 - PERMITTED USES

#### 3.8.20.01 - Ministerial Development

##### b. Accessory Uses Permitted Outright

1. Colocated/attached Wireless Telecommunication Facilities on multifamily residential structures, three or more stories and that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures by more than 10 ft., subject to the standards in Chapter 4.9 - Additional Provisions
3. Essential Services
4. Day Care, Family, as defined in Chapter 1.6 - Definitions
5. Home Business, as defined in Chapter 1.6 - Definitions
6. Horticulture - personal use
7. Model dwelling units
8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations
9. Required off-street parking for uses permitted in the zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements
10. Sports and Recreation - personal use

11. Tree, Row, and Field Crops - personal use
12. ***Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions***

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**Section 4.9.40 - ACCESSORY DWELLING UNITS IN THE RS-1, RS-3.5, RS-5, RS-6, RS-9, AND ~~RS-9(U)~~ RS-9(U), RS-12, RS-12(U), and RS20 ZONES**

Accessory Dwelling Units (ADUs) constructed between March 14, 1996, and April 30, 1998, in accordance with Code provisions in effect at that time shall be recognized as legal conforming Uses and structures. ADUs constructed after April 30, 1998, shall be recognized as legal conforming Uses and structures if they were constructed in accordance with standards in this Section. To be considered legal conforming Uses and structures, ADUs also shall be constructed with applicable Building Permits and follow established City procedures.

In addition to complying with the specific requirements of the zone, ADUs are subject to special development provisions. The developer can choose to develop the ADU in accordance with the Ministerial Development Option or the General Development Option listed below.

**4.9.40.01 - Ministerial Development Option -**

Accessory Dwelling Units, hereafter called ADUs, under this option shall meet the following standards:

- a. The owner of the lot shall occupy either the primary residence or the ADU;
- b. Provisions made for drainage, water, and sewage waste shall meet City and Building Code standards;
- c. The ADU shall meet all applicable City codes, such as requirements for setback standards for the primary residence, height standards, Building Code provisions, etc;
- d. The lot requirements, such as lot width, lot depth, etc., on which the primary residence and the ADU are located shall be met;
- e. The ADU shall be architecturally integrated with the primary dwelling unit through the use of the following:
  1. Roofs - New roofs shall be similar to those on the primary structure in the pitch of roof, +/- 10 degrees, and width of roof overhang, +/- 20 percent. Roof materials shall be the same as on the primary residence. Where multiple roof pitches are proposed, roof pitch compliance can also be met if the majority of roof area meets

the above standard and the remaining area has a slope of 4:12 or greater;

2. Building Materials for Exterior Walls - New walls shall be constructed of the same materials and in the same pattern as exist on the primary residence;

3. Window Appearance - New windows shall be the same size and type, and with the same window trim, as exist on the majority of all windows on the primary residence. This provision can be waived to accommodate the following:

a) The View Windows criterion listed below; or

b) The window is interior to the lot but its size, type, and trim match any minority window on the primary residence.

4. View Windows - Second-story windows facing the nearest side yard shall use opaque glass or, if clear glass, the bottom of the window shall be five ft. or more above floor elevation. This provision does not apply when the windows face an abutting garage or building wall where no windows exist;

5. Color - ADUs shall have the same color of siding, trim, and roof as exists on the primary structure; and

6. Balconies - Balconies on the second floor or higher are permitted only if outside a setback area and facing the nearest side yard. This provision does not apply when the balcony faces an abutting garage.

f. The ADU shall not exceed either 40 percent of the gross floor area of the primary structure, exclusive of garages, or the gross floor area of a two-car garage which is 480 sq. ft., whichever is greater; but in no case shall the ADU exceed 900 sq. ft.;

g. **Entrance Door** - The primary entrance door to a detached ADU shall be located five ft. or more toward the interior of the lot from the abutting side yard setback lines. The extra five-ft. setback is not required when an existing or created screen is located between the ADU and the property line. The screen needs to be at least 80 percent opaque to a height of at least six ft. with the intent of interrupting a line of sight toward the first-floor windows and toward the yard area on abutting properties;

h. **Walkways** - Walkways to the primary entrance door of an ADU shall maintain at least a five-ft. separation from the side property line. This provision does not apply if an existing or proposed screen is located between the ADU and the property line. The screen shall be at least 80 percent opaque to a height of at least six ft. to interrupt a line of sight toward the first-floor windows and toward the yard area on abutting properties;

- i. If the parking requirement for the primary dwelling unit is met, no additional off-street parking needs to be provided for the ADU. However, should off-street parking be provided, the parking area shall not be located within any required front or side yard;
- j. A garage may be converted to an ADU if the off-street parking requirement for the primary dwelling unit is met and the structure conforms to all required setbacks of the primary residence;
- k. In the RS-1, RS-3.5 and RS-5 Zones, the minimum lot area to establish an ADU shall be 8,000 and 6,000 sq. ft, respectively;
- l. In the RS-6, RS-9, and ~~RS-9(U)~~ *RS-9(U), RS-12, RS-12(U) and RS-20* Zones, the minimum lot area to establish an ADU shall be 3,500 sq ft. for a detached unit and 2,500 sq. ft. for an attached unit;
- m. Prior to issuance of a Building Permit for an ADU, the City shall require that a deed restriction be recorded on the property. The deed restriction shall state that, as a condition for the issuance of the Building Permit for the ADU, the property owner must reside on the premise or the ADU may not be used as a residence; and
- n. Only one ADU shall be allowed on a lot or contiguous lots under one ownership.

**4.9.40.02 - General Development Option -**

Accessory Dwelling Units under this option shall meet the following standards.

- a. **Purpose** - This option is intended to minimize compatibility concerns related to ADUs with respect to architecture, window design, primary entry door location and the related walkway to this door, while facilitating the development of ADUs. The following provisions implement related Comprehensive Plan policies.
- b. **Procedures** - When an ADU development application is filed using the General Development Option, it shall be reviewed in accordance with the procedures specified in Chapter 2.13 - Plan Compatibility Review. However, the criteria for review shall be those specified in "c," below.
- c. **Review Criteria** - In addition to complying with the specific requirements of the zone, ADUs are subject to the following provisions:
  - 1. The owner of the lot must occupy either the primary residence or the ADU;
  - 2. Adequate provisions shall be made for drainage, water, and sewage waste;

3. The ADU shall meet all applicable City codes, such as setback standards for the primary residence, height standards, Building Code provisions, etc.;
4. The lot requirements, such as lot width, lot depth, etc., on which the primary residence and the ADU are located shall be met;
5. The ADU shall be architecturally integrated with the primary dwelling unit through the use of the following:
  - a) Roofs - New roofs shall be similar in pitch, overhang, and materials to that of the primary residence;
  - b) Building Materials for Exterior Walls - New walls shall be constructed of materials and patterns similar in appearance to those on the primary residence;
  - c) Windows - New windows and window trim shall be similar in appearance to those on the primary residence unless variations are needed to protect the privacy of abutting properties; and
  - d) Color - ADUs shall have the similar color of siding, trim, and roof as exists on the primary structure.
6. The ADU shall not exceed either 40 percent of the gross floor area of the primary dwelling unit, exclusive of garages, or the gross floor area of a two-car garage which is 480 sq. ft., whichever is greater; but in no case shall the ADU exceed 900 sq. ft.;
7. The entrance to the ADU shall be oriented or appropriately buffered to protect the privacy of, and otherwise minimize impacts to, adjacent properties;
8. If the parking requirement for the primary dwelling unit is met, no additional off-street parking needs to be provided for the ADU. However, should off-street parking be provided, the parking area shall not be located within any required front or side yard;
9. A garage may be converted to an ADU provided that the off-street parking requirement for the primary dwelling unit is met and the structure conforms to all required setbacks of the primary residence;
10. In the RS-6 Zone, the minimum lot area to establish an ADU shall be 6,500 sq. ft.;

11. In the RS-9 and ~~RS-9(U)~~ *RS-9(U), RS-12, RS-12(U) and RS-20* zones, the minimum lot area to establish an ADU shall be 5,000 sq. ft.;

12. Prior to issuance of a Building Permit for an ADU, the City shall require that a deed restriction be recorded on the property. The deed restriction shall state that, as a condition for the issuance of the Building Permit for the ADU, the property owner must reside on the premise or the ADU may not be used as a residence; and

13. Only one ADU shall be allowed on a lot or contiguous lots under one ownership.

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## PROPOSAL #11: Modify Fence Height Limits in Front and Exterior Side Yards, Exterior Side Yards in Small lots, and Along Paths

### CITF ISSUES ADDRESSED:

- LA 6) *"Fix problem where trellis's and other structures with a "third dimension" (simple lean-to's on back fences, etc etc), can't be in setback locations (like they have since the dawn of Corvallis)."*
- LA 7) *"Fix corner lot fence requirements."*

### DISCUSSION:

Many existing single-family homes deviate from a number of the existing standards in Section 4.2.50, without an apparent impact on safety or livability. Overly restrictive height limits for hedges, fences, and walls can negatively impact privacy, security, flexibility in landscape design, and functional use of the side and rear yard. Small corner lots, especially, are severely limited in their ability to create a usable fenced yard, given current standards for exterior yard setbacks. As a result, owners inadvertently install exterior side yard fences that do not comply with LDC standards. The many examples in Corvallis of these "non-conforming" fences provide a variety of yard designs that generally contribute positively to the street-scape. This proposal attempts to provide a better balance among the goals of safety ("eyes on the street"), privacy, yard security, landscaping variety, and usable back and side yards. Proposed changes in ~~strike through~~ and *bold italics*:

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#### Section 4.2.50 - SCREENING (HEDGES, FENCES, WALLS, AND BERMS)

Screening is required where unsightly views or visual conflicts must be obscured or blocked and/or where privacy and security are desired. Fences and walls used for screening may be constructed of wood, concrete, stone, brick, wrought iron, or other commonly used fencing/wall materials. Acoustically designed fences and walls shall also be used where noise pollution requires mitigation.

Where landscaping is used for required screening, it shall be at least six ft. 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 4.2.40, above.

##### 4.2.50.01 - Height Limit

The height of hedges, fences, walls, and berms shall be measured from the lowest adjoining finished grade, except where screening is required for parking, loading, storage, and similar areas. In these cases, height shall be measured from the finished grade of such improvements. Screening is not permitted within Vision Clearance Areas, as determined by the City Engineer.

a. Hedges, fences, and walls shall not exceed ~~three~~ **four** ft. in height within any required yard adjacent to a street or within the Through Lot easement area of a lot, **except as provided in 4.2.50.01.d.** See Through Lot in Chapter 1.6 - Definitions. See also Chapter 4.4 - Land Division Standards for additional Through Lot requirements. The Director may grant an exception to this provision under the following circumstances:

1. Where required by the Planning Commission to meet screening requirements;
2. Where an applicant wishes to allow portions of a screen to encroach ~~up to two ft.~~ into an exterior side yard, excluding the front yard area, **by up to 50% of the minimum exterior side yard setback required by the zone.** This type of encroachment pertains to a screen that is designed and constructed with off-sets to prevent visual monotony. In this situation, the hedge, fence, or wall shall not exceed ~~five~~ **six** ft. in height and shall maintain Vision Clearance Area standards; or
3. Where an applicant wishes to allow portions of a screen to encroach up to five ft. into a Through Lot easement area. This type of encroachment pertains to a screen that is designed and constructed with off-sets to prevent visual monotony. In this situation, the hedge, fence, or wall shall maintain an average setback of 20 ft. from the rear property line, shall not exceed five ft. in height, and shall maintain Vision Clearance Area standards. Gates are required in rear yard fences on Through Lots, since it remains the property owner's responsibility to maintain the area outside the fence. In Multi-dwelling developments or Planned Developments and Subdivisions, a 20 ft.-wide planting area shall be established between the sidewalk and the fence. The planting area shall be designed to minimize maintenance and to ensure that coniferous trees are planted at least 15 ft. from the sidewalk.

b. Notwithstanding the height restrictions outlined in "a," above, the height of solid fences and walls shall be limited to a maximum of four ft. ~~along the boundaries~~ **when constructed within five feet** of sidewalks and multi-use paths that are not adjacent or parallel to streets, **and up to six feet when constructed greater than five feet from these sidewalks or multi-use paths.** Examples of such situations include sidewalks and multi-use paths adjacent to pedestrian and bicycle connections between Cul-de-sacs or between residential areas and neighborhood centers, etc. The limitation on these solid forms of screening is intended to increase visibility and public safety. Portions of fences above four ft. in height are allowed, when they are designed and constructed of materials that are open a minimum of 50 percent. Fence and wall heights shall be measured from the grade of the sidewalk or multi-use path. Fences and walls along sidewalks and multi-use paths shall be located outside of any associated rights-of-way and/or easement areas.

c. Hedges, fences, and walls may ~~exceed three~~ **be constructed up to six** ft.

in rear and interior side yards, except when these yards abut a sidewalk or multi-use path, in which case provisions in "b," above, apply. Fences and walls over six ft. high require Building Permit approval prior to construction.

***d.*** ***On corner lots of less than 6500 sq. ft. with residential uses, the height limit for hedges, fences, and walls in the exterior side yard shall be six feet, and shall be allowed up to 12 feet from the curb or abutting the interior of the sidewalk, whichever distance is greater.***

***de.*** Earthen berms up to six ft. in height may be used to comply with screening requirements. The slope of a berm may not exceed 3:1. The faces of a berm's slope shall be planted with ground cover, shrubs, and trees.

***ef.*** Long expanses of fences and walls shall be designed to prevent visual monotony through the use of off-sets, changes of materials and textures, or landscaping.

***fg.*** Chainlink fences are prohibited within 100 ft. of the identified Gateway Street within the Limited Industrial-Office Zone, unless they are screened in accordance with landscape screening requirements in this Chapter.

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## PROPOSAL #12: Skinny Lot Garage Placement Option

### CITF ISSUES ADDRESSED:

A 21) *"LDC 4.10.50.02.b. Garage placement menu does not include an option for a "skinny" lot (less than 40ft) facing the street (see BLD07-01306 & 7)."*

### DISCUSSION:

See the issue description above. The proposal adds an additional menu option (#10), to the "Garage Placement Menu" in Chapter 4.10. Proposed changes in ~~strike through~~ and *bold italics*:

-----  
*4.10.50.02.b.10: Narrow Lot (less than 40 ft width) Facing Street – Vehicular entrances face the street and the garage portion width is defined by recessing no less than 2 ft from other surrounding street-facing facade elements (enclosed rooms, porches, balconies, etc.) and the garage portion comprises no more than 50% of the total area of street-facing facade elements.*  
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## PROPOSAL #13: Fix Skinny Lot Division Standards

### CITF ISSUES ADDRESSED:

- IF 17) *"4.04 - Delete Code "suggestion" for specific lot depth to width ratios, since the new Code provisions do not lend themselves to compliance with these old provisions."*
- IF 17A) *"Under Land Division Standards: Revise Lot Dimension Ratio language to remove the word "Generally". Staff has indicated that this means the standard is not enforceable and therefore not required. Either make the standard a requirement and remove the qualifier "Generally" or remove the standard entirely."*

### DISCUSSION:

Dividing a standard 50'w x 100'd in-town residential parcel into 2 lots facing the street yields (2) 25'w x 100'd parcels ("skinny lots") that are fully developable & desirable, and that have a 4:1 ratio and would not be allowed. The current LDC 2.5:1 maximum dimension ratio makes sense on some larger parcels, but not for Infill development. Another likely application for this is the 100'w x 200'd parcels common in South Corvallis where lot division standards currently force the creation of an interior flag lot to meet the ratio. This change would instead allow two 50'w x 200'd lots facing the street, in Infill situations.

Proposed changes in ~~striketrough~~ and *bold italics*:

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#### 4.4.20.03 - Lot Requirements

a. **Size and Shape** - Lot size, width, shape, and orientation shall be appropriate for the location of the Subdivision and for the Use Type contemplated. No lot shall be dimensioned to contain part of an existing or proposed street. All lots shall be buildable, ~~and depth shall generally not exceed 2.5 times the average width.~~ Lot sizes shall not be less than required by this Code for the applicable zone. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for off-street parking and service facilities required by the type of use proposed, *unless off-site parking is approved per Chapter 4.1 - Parking, Loading, and Access Requirements.*

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**PROPOSAL #14: Fix PODS -vs- MUGC Window Standards Conflict**

**CITF ISSUES ADDRESSED:**

A 22) *"LDC 3.20 v. 4.10 (taken directly from a memo dated 29 Oct 09 from Development Services, re: BLD09- 00870):"*

*"LDC Section 3.20.40.10- a -4 -c, a street-facing facade for a new development within the MUGC zone is only required to provide 20 percent of the length and 10 percent of the area with windows and / or glass doors. Meanwhile, the applicability section for expanded development within the MUGC zone references Chapter 4.10, the general PODS standards, which require any new or expanded street - facing facade to contain windows along 60 percent of the length and 25 percent of the area. After reviewing this discrepancy, Planning Division Manager Fred Towne has concluded that it does not make sense to hold the expansion of pre-existing development to a higher standard than new development. Therefore, it is interpreted that the 20 percent length / 10 percent area requirement also applies to existing development."*

**DISCUSSION:**

See the issue description above. The proposal modifies 4.10.70.05.b.6.a to implement the above direction from Staff. Proposed changes in ~~strikethrough~~ and ***bold italics***:

-----  
a) Ground Floor Windows and Doors - Except for the Neighborhood Center (NC) Zone, which is addressed in "c," below, ***and except for the MUGC Zone where other standards are required***, a minimum of 60 percent of the length and 25 percent of the first 12 ft. in height from the adjacent grade of any street-facing facade shall contain windows and/or glass doors. An exception may be granted if the expansion/enlargement is for space neither adjacent to a street nor open to customers or the public. Additional requirements for windows shall include the following:  
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## PROPOSAL #15: Refine MADA Calculation for Infill Lots

### CITF ISSUES ADDRESSED:

IF 15) *“Refine MADA proportions considering how they might apply differently for a large site than for a small site. (This has not proven to be a problem as of yet)”*

### DISCUSSION:

Size does matter. When considering a small (.23 acre) RS-3.5 residential infill lot (as defined above) constrained almost entirely by Natural Features, Planning staff made the interpretation that the developable area allowed by MADA was required to include unconstrained un-developable areas (ie. setbacks) in the MADA calculations. This most-restrictive interpretation is not made explicit in Chapter 4.11 and is contrary to the whole concept of a minimum allowable development area. Under this interpretation, smaller sites are more severely constrained since a greater percentage of their total area is made up of the perimeter setbacks, which are of a uniform depth regardless of lot area or geometry. Proposed changes in ~~strike through~~ and ***bold italics***:

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*4.11.50.04.b: All unconstrained lands shall be used before encroachments can occur, with the exception of areas described in Section 4.11.50.01.b. **For Infill lots, unconstrained but un-developable areas such as portions of a site required for setbacks need not be included in the base calculation.***

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## PROPOSAL #16: Allow Irrevocable Petitions for Infill Development

### CITF ISSUES ADDRESSED:

IF 22) *“LDC 4.0.60.e & 4.1.40.b.2: allow irrevocable petition for public improvements as alternative to pre-payment when smaller scale development.”*

### DISCUSSION:

4.0.60.e should have a reference to 4.1.40.b “Access to Unimproved Streets” or the latter should be relocated to Chapter 4.0, since these are so closely related. 4.1.40.b. allows pre-payment and irrevocable petitions of non-remonstrance, but leaves it up to the City Engineer with vague guidance which has been interpreted very conservatively in some cases. Smaller projects require much higher percentages of total significant costs to be borne by individual parcels for street improvements. Proposed changes in ~~strikethrough~~ and ***bold italics***:

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2. The City Engineer may allow the developer to sign an irrevocable petition for public street improvements in lieu of prepayment if it is determined that:

a) Existing development along a particular street corridor is so extensive that the ability to fund a future street improvement project through the collection of additional prepayment fees is limited; or

b) Future improvement scenarios are uncertain to the extent that an estimate for street improvements cannot be generated with any degree of confidence.; ***or***

c) ***It is an Infill lot for which street conditions for a minimum of 100 ft in either direction from the property do not meet current development standards.***

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# APPENDIX

## INFILL TASK FORCE ISSUES LIST

(As compiled from all comments received as of 16 June 2010)

{**Bold-faced type indicates issue is included in CITF Recommendations**}

### **A) ADMINISTRATIVE:**

A1) Consider creating an exemption for Conditional Development review of new construction that is exempt from the need to obtain a building permit. Alternatively, adjust Nonconforming Development chapter to address this issue (Staff recommend that if desired, this item should be incorporated into the "Code Tweaks" identified in Item 1 above. If desired, exempting development that does not require a building permit from the land use approval process should be extended both to Conditional Developments and Planned Developments.)

A2) Consider modifying threshold list relative to architectural changes in PD Chapter so that if someone is proposing an improvement that can be specifically defined in the list, then a Major Modification is not triggered. (This would facilitate design improvements without further process, if written carefully)

A3) Add a review criteria to all Zone Change requests that requires all the applicable review criteria to be met up front rather than applying a Planned Development Overlay to address special circumstances.

A4) Explore the implications of the State-mandated Planned Development Provisions for residentially zoned properties and identify solutions to address concerns with administratively:

- removing a Planned Development (PD) overlay; and
- nullifying a Conceptual Development Plan approval where no active Detailed Development Plan exists on the site.

A5) Consider further revisions to the solar energy policies of Comprehensive Plan (Article 12.2) and/or the regulations in LDC Chapter 4.6, to recognize the lack of adherence to, and/or, as some have argued, the lack of necessity for these. Policy Item - First cut at accomplishing this task done as part of Natural Features Project Code Changes. (It is recommended that the effectiveness of the new solar access provisions be evaluated prior to embarking on any additional efforts)

A6) Triplex regs too onerous (parking, yard space, setbacks), make more like duplexes.

A7) Current codes work against the "walk to work" model of planning (all industrial land is out on 99...)

A8) Raise fees for developing virgin land to offset incentives and more accurately reflect costs to the city.

A9) Base permit fees on square footage rather than valuation. (More expensive materials, design or green features should not raise permit fees)

A10) Use more building official discretion to facilitate green building. (If a code

is obviously counterproductive to the green goals builder is trying to achieve, make exceptions.)

A11) Make urban farming easier

A12) LDO's are too wimpy, now require PD's with big \$\$\$ associated

A13) Below grade excavation for basements should not be penalized as it has no impact on resulting topo so long as it's dug underground. Basements also help minimize building footprints and impervious cover for structures.

**A14) Allow flexibility for meeting code requirements the smaller the project is.**

A15) Consider/evaluate the merits of requiring some amount of single story dwellings in single family residential developments to address elderly and handicapped housing needs. (Market factors may have more influence than regulation in this area. ADA addresses handicapped housing requirements)

A16) Evaluate the use type classification for assisted living facilities (i.e., assigning large apartment-like facilities for assisted living to the use type of group residential/group care may not adequately assess impacts).

A17) 4.10 - Amend 4.10.7 provisions to require visual compatibility for all facades that front streets.

A18) 3.10 - Consider modifying the Code requirements for air conditioning units and heat pumps to regulate them by sound rating instead of setback and screening.

A19) 4.10 - Evaluate what changes (if any), need to be made to Chapter 4.10 - Pedestrian Oriented Design Standards to clarify that they are not applicable to Accessory Dwelling Units etc.

A20) LDC 4.10: Very ugly and insensitive facades can meet "visual compatibility" requirements while highly appropriate and contextual designs might not. What's the problem that initiated this suggestion?

A21) LDC 4.10.50.02.b. Garage placement menu does not include an option for a "skinny" lot (less than 40ft) facing the street (see BLD07 -01306 & 7)

A22) LDC 3.20 v. 4.10 (taken directly from a memo dated 29 Oct 09 from Development Services, re: BLD09- 00870): "LDC Section 3.20.40.10- a -4 -c, a street-facing facade for a new development within the MUGC zone is only required to provide 20 percent of the length and 10 percent of the area with windows and / or glass doors. Meanwhile, the applicability section for expanded development within the MUGC zone references Chapter 4.10, the general PODS standards, which require any new or expanded street - facing facade to contain windows along 60 percent of the length and 25 percent of the area. After reviewing this discrepancy, Planning Division Manager Fred Towne has concluded that it does not make sense to hold the expansion of pre-existing development to a higher standard than new development. Therefore, it is interpreted that the 20 percent length / 10 percent area requirement also applies to existing development."

A23) Permit accessory dwellings in RS-12

A24) Allow both attached and detached multifamily structure types in RS-5, -6, -9, -12, -12U districts.

A25) Encourage higher density that invites people to live long term by providing: Different floor plans and arrangements, Access to courtyards, garden spaces, etc.

A26) Clarify the Maximum Block Perimeter (LDC Section 4.0.60.n does not allow much flexibility in these standards for situations where existing development patterns or access restrictions are significant factors)

A27) Water Meter Placement (Clarifying that water meters could be placed within paved areas, such as driveways, in order to minimize conflicts with required vegetation, etc. on small lots.)  
(Could be added to General "Code Tweaks" list in Item 1)

A28) Franchise Utility Easement Placement - Conflicts between setback standards, etc. and required easements (especially in downtown).  
(Could be added to General "Code Tweaks" list in Item 1)

A29) 4.02 - Clarify which internal sidewalks are subject to the requirements throughout the Code that ask for 5 ft. of landscaping on either side (both sides).

A30) 4.11 - Clarify Chapter 4.11 - Minimum Assured Development Area (MADA) to indicate that once MADA is used to encroach into a protected area, the encroachment area is considered to be unencumbered thereafter.

A31) Allow water meters to be (immediately), adjacent to concrete sidewalks rather than in them (ped hazard)

A32) Block perimeter standards. This standard has proved to be a real bugger, as folks want to do infill but if they don't construct the entire street across their property and their neighbors, it doesn't comply. This should be changed so that each property owner is required to do the segment of public street on their property, but not on all abutting properties. The ultimate alignment should still comply with the block perimeter standards the City has established, as it's good for connectivity.

A33) Make point that the new USGBC LEEDS-Neighborhood Development Standards strongly favor high density and high street connectivity, to the point where no developments in Corvallis will be eligible except infill developments, given the density dispersion throughout the Comp Plan.

#### **INFILL**

IF 1) Look at ways to make suburbs less car-centric/remove restrictive planning requirements - allow splitting housing into two units and more business/home mixes.

IF 2) In general, relax duplex and triplex regs to encourage more of them.

IF 3) Current codes are too car centric making it hard to do higher density without adding costs for more roads.

IF 4) Permit flexibility in provision (or not), of PUE's depending on whether they match reality.

IF 5) Allow more flexible conversion back & forth between residential and commercial in RS-12/RS-12U/RS-20 zones

IF 6) Offer reduced SDC charges for infill, remodel, and green building. (All these don't use the same level of services as typical new development)

IF 7) Consider an Infill design competition

IF 8) Most commercial/industrial infill projects will start with or will need a minor land partition or if the owner is lucky just a lot line adjustment. Right now for an MLP the applicant must address all of the LDC criteria which is virtually the same as preparing a subdivision application. This is all way too expensive and thus prohibitive to smaller infill projects. Somehow the MLP criteria needs to have some thresholds for small lot partitions, say for 1 acre and smaller, that simplify the application process.

IF 9) Review the definition of Infill - Make it produce what we want, not what we have been getting lately

IF 10) Infill duplex development is way too difficult - Harder than in Seattle

IF 11) Put more weight on infill compatibility with surroundings and less on LDC conformance

IF 12) Conversion from Residential to Commercial Uses - Relates to standards for converting large residential structures into commercial uses in some zoning districts (i.e. RS-12)

IF 13) Review all accessway standards for land partitions, land divisions, and subdivisions. For partitions, Section 4.4.30 of the LDC requires that "accessways must connect to dedicated right-of-way at least 40 feet in width". For properties such as those along Hillview, we have rejected partition requests because of this standard. However, we allow the same situation to occur in subdivisions. Eliminate inconsistencies between land division requirements (Chapter 4.4 of the LDC) for driveway/street improvements and the City's "Off-Street Parking and Access Standards."

Staff recommend that this item be incorporated into the "Code Tweaks" package considered in Item #1 above.

IF 14) Need to address series partitions - the LDC does not do this, especially for determining accessway widths for series partitions where all lots created (over one or two partitions) use the same accessway. The LDC only considers widths to accommodate no more than three lots.

Redundant Item with Item #2 above. Serial partitions should be addressed with work on accessway standards. Staff recommend removing this item from the list.

IF 15) Refine MADA proportions considering how they might apply differently for a large site than for a small site.

(This has not proven to be a problem as of yet)

IF 16) Review the definition of "infill" and determine if it should be used only relative to the implementation of Stormwater Master Plan and Comp Plan policies, or whether it should be modified or another definition added to address infill for other analyses.

IF 17) 4.04 - Delete Code "suggestion" for specific lot depth to width ratios, since the new Code provisions do not lend themselves to compliance with these old provisions.

IF 17A) Under Land Division Standards: Revise Lot Dimension Ratio language to remove the word "Generally". Staff has indicated that this means the standard is not enforceable and therefore not required. Either make the standard a requirement and remove the qualifier "Generally" or remove the standard entirely.

IF 18) Minimize application requirements relative to size/scale of development

IF 19) 4.11: Does your suggested "encroached" areas becoming "unencumbered thereafter" mean that if a portion of the MADA intrudes on a portion of a protected tree canopy + 5ft, the entire area of the tree canopy + 5ft does not need to be included in the MADA calculation? I support a clarification as such.

IF 20) Setback reductions. For individual lots, I prefer the old LDO option allowing deviations up to 100% of the standard, provided adjacent property owners can comment. Too many infill projects require a PD to vary from the standards, which seems excessive.

IF 21) Looking at having a specific section of the code for infill under a certain size, and doing everything possible to make that process as flexible, inexpensive and creative as possible.

IF 22) LDC 4.0.60.e & 4.1.40.b.2: allow irrevocable petition for public improvements as alternative to pre-payment when smaller scale development

## **PARKING**

P1) I will chime in here-actually they need to provide two parking spaces for every bedroom - either garage or driveway!

P2) "Builders need to provide an on-site parking space for every bedroom in the area of campus."

P3) Our visual clearance requirements (no foliage between 2' and 8' height near street corners and driveway entrances) are harsh and are widely ignored; just look around. As a designer I must adhere to them but it limits my creativity and ability to create outdoor living spaces on the street. This is based on the premise that we live on racecar tracks and our front yards are for the service of the cars. Of course I believe in some visual clearance but 25' to 35' from the property line (which is usually 5-10' from the street corner) is a lot of land to dedicate to the fast-going car. Studies have shown that making residential neighborhoods more "unsafe" with curvy roads and limited visibility slows down traffic and fewer collisions are the result. Let's get with it!

P4) Investigate parking requirements for multi-family dwellings - have been too low in some situations. Policy Item - Preliminary surveys of similar jurisdictions were completed and Corvallis requires the highest amount of parking among that group.

P5) Consider/evaluate the merits of using the new downtown parking requirements (1:1000) for area along Monroe, north of the University, and between approximately 14th and 26th Streets. This issue was recently revisited during the OSU Bookstore Major Modification. (NOTE: Re-evaluate and potentially increase this item's ranking based on findings from Downtown Strategic Plan and OSU Parking Study)

P6) Evaluate parking needs and solutions in the neighborhood west of the Central business Zone

P7) 4.01 - Review possible solutions to parking impacts created by dwelling units that have a high number of bedrooms.

P8) Review parking standards for multi-family developments containing in excess of 3 bedrooms per unit. Policy Item - This appears to be redundant with item 8. Staff recommend deletion. Redundant with Item 8 - Staff recommend deletion.

P9) Evaluate the issue of tandem parking, define under what circumstances it is allowed, and create standards to address how it must be designed if it is allowed (raised by staff). Policy/Clarification Item - Clarification has been developed as

part of the revised Off-Street Parking and Access Standards.  
(Staff recommend removal of this item from the list, as revised standards address issue)

P10) Structured Parking Construction Incentive: Proposed Standard - Each structured parking space shall count as two required on-site parking spaces for nonresidential development. Structured parking includes below grade and multi-level parking garages.

P11) Parking Incentive for Curb Cut Removal: Proposed Standard - For each on-street parking space gained as a result of the removal of an unused driveway or other curb cut, two parking spaces may be credited toward the required non-residential parking for the property.

P12) LDC 4.1: I was approached by a developer who wanted to create up to 9 bedroom apartments near OSU in order to take advantage of the present maximum of 2.5 parking spaces per dwelling unit. LDC parking requirements seldom match the reality of the need on a case by case basis. I think the entire issue of parking requirements needs a thorough and public review.

P13) Fix non-functional (triple!) tandem parking setups

P14) Fix parking requirements for units with more than 3 bedrooms

P15) Make sure garages get used for cars, not people

P16) Ideas to Promote Green Building in Corvallis: Eliminate onsite parking requirements. (The market will drive this requirement. If someone can make a business or home work without relying on cars this should be encouraged.)

P17) Allow bike parking requirements to be met in on-street car slots. (Bike racks and structures should be slowly taking over car parking spaces freeing up sidewalks for other uses.)

P18) Parking: I'd at least like to assure that we identify issues and make suggestion, even if some are conflicting. Also, I thought we were going to add something to our text on parking about making the parking district formation process easier and less onerous for residents.

P19) Allow gravel driveway as alternative to impervious paving

#### **DOWNTOWN**

DTN 1) Chapter 4.10 of the LDC requires weather protection (awnings or canopies) along the sidewalks to be provided on all new construction downtown. The Commission proposes to include language that would require weather protection to be provided with significant redevelopment as well. Proposed Standard - When expansion or improvement costs exceed 50% of the Real Market Value of the property according to the Benton County Assessor's office, then structures adjacent to or abutting the public right-of-way shall comply with this standard.

DTN 2) The Commission also proposed exemptions to weather protection standards for structures that are identified as Designated Historic Resources, in order to protect the integrity of structures listed on local or national registries. The proposed language would not prevent the construction of awnings, but would not require them.

Proposed Standard - Where development occurs on a Designated Historic Resource, that Resource shall be exempt from requirements for weather protection; however,

when weather protection such as awnings or canopies is proposed on a Designated Historic Resource, the proposal must comply with provisions in Chapter 2.9. New development abutting a Designated Historic Resource must comply with weather protection standards in Chapter 3.16 and Chapter 4.10. New construction of additional stories on a Designated Historic Resource shall not compel the existing Resource to comply with weather protection standards in Chapter 3.16 and Chapter 4.10.

DTN 3) Building Height: The Commission recommends that building heights be a minimum of 2 stories or 22 feet in the Pedestrian Core Area portion of the CB Zone. The RF Zone currently requires that buildings be a minimum 3 stories, so the proposed language would apply only to the CB Zone.

Proposed Standard - Pedestrian Core Area, new buildings are required to be 2 stories or a minimum of 22 ft floor-ceiling height for a future mezzanine.  
DTN 4) Windows: The Commission noted that extensive redevelopment of a Designated Historic Resource may trigger standards for percentage of walls to be composed of windows. The current standard requires a minimum 60% of the length and 25% of the first 12 ft of all street - facing facades to be windows or glass doors. The Commission felt that this standard, applied to a listed Resource, could compromise the integrity and historic character of that Resource.

Proposed Standard - Where development occurs on a Designated Historic Resource, that resource shall be exempt from the window provisions above. New construction abutting a Designated Historic Resource must comply with the window provisions above. Where new construction of additional stories occurs on a Designated Historic Resource, that new development must comply with the window provisions in "b)", above, if applicable.

DTN 5) Consider investigating the possibility of architectural design standards for the Riverfront District - these would be standards that are different from the Pedestrian Oriented Design Standards in Chapter 4.10.

DTN 6) Consider creation of LDC language for awarding additional Downtown off-street parking space credits for underground parking spaces.

#### TEXT EDITS

TEXT 1) Building height definition needs work for non-simple-gable structures.

TEXT 2) LDC 4.0 The current wording of the text (as well as the Off - Street Parking & Access Standards) is "Properties east of the Mary's River and south of Highway 20/34 are exempt from detention requirements ". In good faith and with reliance on my English language skills I could determine that any property south of Philomath Blvd is exempt from detention, but that's not what is intended or enforced.

TEXT 3) LDC 1.6 Define "schools" under Civic Use types to be K -12. Commercial vocational training for adults is not a "civic" use. This stems from relocation of Phagan's Beauty College to the Sunset Shopping Center (BLD07- 01063), where staff determined that this private business should be prevented from locating on the ground floor because of the word "college" in their business name. This was resolved after expense and time, but the underlying interpretation by staff that this was a civic use remained. The building code distinguishes "educational" uses in a similar manner to what I am suggesting.

TEXT 4) 3.05 - Modify Sections 3.5.90.02.b and 3.7.90.02.b as shown below to offer more architectural options that are contained in Chapter 4.10 - Pedestrian Oriented

Design Standards", and to make more clear that "abutting structures" means structures on "abutting properties." (Editors Note: The staff report has a red-line/strikeout version of proposed changes - see original)

TEXT 5) 1.06 - Define "Usable Yard" to reflect the goal of the term and provide flexibility.

TEXT 6) 1.06 et. al. - Address each zoning chapter of the Code to add the statement clarifying that Green Area pertains to portions of a site not subject to the Significant Natural Features provisions of the Code. Also address the Chapter 1.6 - Definition chapter to definition of Green Area in same manner. Also, modify references to Common Outdoor Open Space (as shown below) to clarify that resources protected by Natural Resource and/or Natural Hazard Overlays are not to be used to meet common Outdoor Space requirements.

(Editors Note: the staff report has a redline/strikeout version of proposed changes - see original)

Text 7) 1.06 - Define "Outdoor Display Area" and "Outdoor Storage" and evaluate the Zoning Chapters to see where these terms may need to be introduced.

## **HRC SPECIFIC**

HRC 1) Allow HRC review more flexibility to vary other stds as appropriate (HRC is design review, allow stuff like setbacks etc to be varied beyond what prescriptive code allows)

HRC 2) This section (????) of the code creates a loophole big enough for a bulldozer to drive through. The disconnect is between a, and c.2.a. If a Designated Historic Resource owner allows a resource to deteriorate and chooses to sell the resource as stipulated in c.2.a, the new owner can assert under a that the Resource's diminished condition was "not a result of action or inaction by the [now new] owner. The net result is that a property owner may sell the resource - quite possibly to him or herself as a different entity - and claim that the diminished condition is not the result of their action or inaction.

HRC 3) Add language that the buyer of a "substantially reduced or diminished" resource also purchases the resource's condition at the time of sale, and may then pursue the alternatives stipulated in this section of the code a through d inclusive.

HRC 4) Additional new language is needed regarding demolitions. In other communities, a developer must demonstrate that they possess the financial ability to replace an approved Resource with a compatible alternate proposal. Otherwise a Resource may be lost to rehabilitation or redevelopment when a demolition applicant cannot fund the proposed construction. This alternative would not preclude demolition, but would delay irreversible loss of a Resource until new construction was likely and imminent.

HRC 5) 2.9.80.a: As this reads, if the City of Corvallis declares a Designated Historic Resource to be a dangerous building, the City itself may demolish a Resource without an HRC-approved permit. Craft new language to correct an inherent conflict-of-interest.

This was discussed during the public workshops, and fell through the cracks. If a Resource was poorly constructed initially, this may provide a consideration in review of alterations by the HRC. Conversely, if the initial construction was outstanding, this too may impact an HRC decision

HRC 6) 2.9.100.04.b.2: Add as a whole: "In general, the proposed Alteration or New Construction as a whole shall either." In the past applications have been parsed out so that aspects of an application satisfy a, and other aspects satisfy b. The language is unequivocal, but its interpretation has previously been vague.

HRC 7) 2.9.100.04.b.2.b: If the Resource or the surrounding District Resources are altered, then compatibility with changing resources renders historic integrity a "moving target." Requiring a Resource to more closely approximate a changed or altered Resource/District erodes the historic integrity of the Resource in question and the District as a whole.

HRC 8) 2.9.100.04.b.3.a: Drop "Main facade." This language appears nowhere else in the code and is not defined in 1.6. Use only "Primary facade."

HRC 9) 2.9.100.04.b.3.a: Define "Primary facade." Any facade facing public or private streets rights-of-way.

HRC 10) 2.9.100.04.b.3.h: Consider adding language: "That respects historic settlement patterns."

HRC 11) 2.9.100.04.b.3.n: Differentiation applies to additions as a whole. It does not apply to materials, or replacement windows, for example.

HRC 12) 2.9.110.03: Additional new language is needed regarding demolitions. In other communities, a developer must demonstrate that they possess the financial ability to replace an approved Resource with a compatible alternate proposal. Otherwise a Resource may be lost to rehabilitation or redevelopment when a demolition applicant cannot fund the proposed construction. This alternative would not preclude demolition, but would delay irreversible loss of a Resource until new construction was likely and imminent.

HRC 13) 2.9.110.03.c.1: This is the only reference to Economically Feasible Rehabilitation. Constitutional protections are provided property owners in the Economic Hardship clause. This language removes the discretionary decision-making of the HRC on the most important consideration in the code - demolition of a historic resource - to a flawed formula based on a valuation outside city government. This is the most egregious flaw in 2.9, since it disenfranchises the HRC from its most serious decision, the continued existence of a Historic Resource.

HRC 14) 2.9.110.03.c.2: This citation does not stipulate how many of the following activities a - g inclusive must be pursued. It is likely that section e may not be accomplished within a time from that respects OR Statutes. Suggestion: at least six alternatives must be pursued for this non-reversible activity.

HRC 15) Certain Alteration or New Construction to Nonhistoric /Noncontributing Resources in a National Register of Historic Places Historic District - An exterior Alteration or New Construction to a property in a National Register of Historic Places Historic District that is classified in its entirety as Nonhistoric/ Noncontributing shall be exempt from review, provided the Alteration or New Construction is not visible from public rights -of -way or private street rights -of -way, except for alleys, from which it may be visible, is 200 sq. ft. or less, and does not exceed 14 ft. in height, exclusive of the existing structures. A structure that is not visible and built on or next to a Nonhistoric / noncontributing resource would not negatively affect the District. Currently, the only structures that meet the above criterion are free standing, detached structures. This change would permit additions on the backs of homes and penthouses on industrial / commercial buildings as long as the additions are not visible.

HRC 16) 2.9.70.0: New, Repair, or Replacement Landscaping and Tree Planting - Installation of new, repair, or replacement landscaping, including tree planting, and related appurtenances, such as irrigation sprinklers. The installation shall not damage any significant external architectural features of the historic resource or damage any Historically Significant Trees or other landscaping on the Designated Historic Resource site, as identified in the official historic inventory or other sources of information listed in Section 2.9.60.c. Code should specify other types of "landscaping features and site furnishings that are exempt Possible exempt features could include: Retaining Walls constructed of pre-approved materials and with maximum height and length dimensions; Benches 1 yard lanip (?) per lot Mounded soil and berms; Up to two free-standing building identification SigNS per building (OSU District); Informational / 'Interpretive signs (pre-approved design); Vintage street lamps (OSU); Blue light security kiosk (OSU); Uncovered bike racks; • Bus shelters; Benches; and Trash Receptacles  
Code silent on issue. Minor changes may require HRC -level permits.

HRC 17) Utility meters and ,pipes that. are , less than ,x sq ft; can be moved or attached' to building elevations if the new or moved meters are not visible from public ROW's, Reason for Revision: Code is silent on this activity. Gas meters, electric meters are sometimes added or moved on buildings. This activity is not specifically identified as exempt or Director - level, so technically would require HRC-level review. Site. Furnishing and Landscaping Features

HRC 18) Section 2.9.70.v - Installation of New or Expanded Pathways 100 Sq. Ft. or Less - Installation of new or expanded pathways, provided the pathways are 100 sq. ft. or less and are either constructed of softscape (e.g. bark mulch, etc.), or constructed of stone steps or flagstone that is installed in a manner that is Reversible. Potential Text: Section 2.9.70.v - Installation of New or Expanded Pathways 100 -5qy Ft. Loco Installation of new or expanded pathways, the or provided pathways not wider than 5 feet, either are constructed of softscape (e.g. bark mulch, etc.), or constructed of stone steps or flagstone that is installed in a manner that is Reversible. Installation of new or expanded walkways within non-residential zones they are 1.000 SF or less and are either constructed of asphalt, concrete. brick.pr pavers and are not part of contributing open space areas. Reason for Revision: Softscape and flagstone paths are reversible and have a very minimal impact on Designated Historic Resources. The OSU campus has many pedestrian and bike paths and new paths outside of the contributing open space areas would have a limited impact on the District. Additionally, nonresidential properties tend to have areas that lend themselves to larger patio, plaza, or public space areas suitable for hardscape features.

#### **LANDSCAPE & ACCESSORY DEVELOPMENT**

LA 1) Clarify whether or not arbors should be subject to the same standards as fences (i.e. subject to 3-foot height limitation in front yard areas, so have been needing to be approved through an LDO process for front yard entryways - consider changes so that applicants wouldn't need an LDO process). Development Services indicates that arbors up to 10' in height are exempt from a building permit/building code review.

(If desired, the LDC could be easily amended to allow for arbors in front yard areas. If desired, Staff recommend including this item with "Code Tweaks" identified in Item 1 above.)

LA 2) Mandatory Irrigation - amending LDC to require irrigation system for any required landscaping.

LA 3) Look at foilage and fencing requirements to encourage more vegetation.

LA 4) Increase alternatives to mandatory irrigation (dryscaping, etc)

LA 5) Unclear if landscaping plan required for single family - Shouldn't be

LA 6) Fix problem where trellis's and other structures with a "third dimension" (simple lean-to's on back fences, etc etc), can't be in setback locations (like they have since the dawn of Corvallis)

LA 7) Fix corner lot fence requirements

LA 8) Regarding fencing height limits? People who live on corner lots are screwed. If the bulk of their land--their backyard--is on the same street as their front door, their fence (or foliage) can only be 3' high! So much for privacy. The basic premise that 6' fencing is bad is wrong. A nice fence, set back a few feet from the sidewalk with interesting, well-kept plants can be much more beautiful than a short fence looking into someone's wreck of a backyard.

LA 9) All Zones: Remove the requirement for usable yards for INTERIOR units on attached dwellings. Including this requirement results in lot (& dwelling width) dimensions that are substantially larger than are typically found in this type of construction, and violates the planning objectives of compact design, efficient use of land, and housing affordability. The private outdoor space requirement should remain intact

LA 10) Under 4.2.30 Required tree plantings: Remove requirement for trees in alleys in all commercial zones and at all residential dwelling units EXCEPT single-family detached.

**Young, Kevin**

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**From:** Jill Schuster [jill@tncrealty.com]  
**Sent:** Friday, February 18, 2011 11:41 AM  
**To:** Young, Kevin  
**Cc:** 'Lecuyer, Greg'; roy.burling@corvallis.k12.or.us; 'Tarzian, Dawn'  
**Subject:** Roosevelt Lots and Planning priorities

Please consider this note as testimony and input for your upcoming Council meeting.

I am working with the Corvallis School District to prepare to sell several lots they own on Roosevelt, behind Hoover School. Two of these lots are now essentially unbuildable due to slopes on part of them which prevent the flatter parts from being used or accessed as building sites. I understand that there may be safe and sound ways to build homes on these lots but these are not allowed to be built due to LDCs that now prevent structures on slopes >35%, regardless of well-engineered foundations or careful geo-tech studies and appropriate soil stability conditions. To get more of these type of properties producing tax revenue for the City, I strongly support Council allocating sufficient resources to Planning to enable them to address the LDCs that prevent these properties from being developed while still maintaining safety considerations.

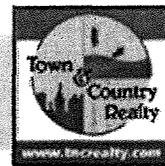
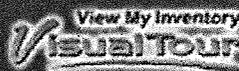
Thank you for the opportunity to provide input at this point in the process.

*Jill*

Jill Schuster, Principal Broker, Realtor, GRI, CRS  
Town & Country Realty  
(541)757-1781 x254 office  
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(541)619-5427 cell  
[www.jillschuster.com](http://www.jillschuster.com)



JILLSCHUSTER.COM





February 18, 2011

**RECEIVED**

Corvallis Planning Commission  
c/o Community Development Planning Division  
City of Corvallis  
P. O. Box 1083  
Corvallis, OR 97339

FEB 22 2011

Community Development  
Planning Division

Re: Planning Projects Priority List and Infill Task Force Project

Dear Planning Commission Members:

This letter is to request that the Infill Task Force Project receive a high priority in the annual work program prioritization process. There are several reasons why Benton Habitat for Humanity believes this is a particularly worthwhile project that will assist in the building of affordable housing, in addition to the many other benefits of urban infill.

First, the availability of infill lots is critical to our mission of providing decent, affordable housing to low-income families. We are close to completing our 26<sup>th</sup> home in Benton County. Over one-half of these homes have been built on infill-type lots within Corvallis city limits. Infill lots are a particularly good fit for Habitat partner families. They are typically close to services, shopping, schools and public transportation. This helps low income families reduce the cost of that transportation to work, schools and other services. Infill lots are typically smaller and are usually a good match for Habitat's smaller homes. Our past projects demonstrate that our partner families are a good fit in established neighborhoods that have greater economic diversity.

Secondly, we have found that developing infill lots has become ever more challenging over the years. This is mostly due to a diminishing supply. In order to keep homes affordable, we often find it necessary to develop on the less marketable properties that have greater constraints. The additional flexibility contained in many of the study's recommendations will make it more feasible to build on this limited supply and, to some extent, make the end product more functional and esthetically pleasing.

To be more specific, we believe that Proposals 5, 7, 9, 13, 15 and 16 could have direct benefit to the building of affordable homes. They would have assisted us on several past projects. We believe that Proposal 5, which includes additional design flexibility via the Minor Lot Development Option process, is an especially promising idea. We recognize the task force's logic in deferring a review of parking regulations at this time. However, we feel that parking is another area

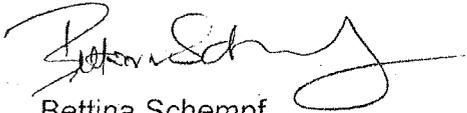
that presents challenges to infill development and would benefit from greater flexibility for small-scale infills.

We believe the Infill Task Force, in conjunction with Planning staff's support, has delivered a truly outstanding list of recommendations. The list of issues shows that many knowledgeable individuals with first-hand experience have contributed to the effort. The recommendations appear to be balanced and practical solutions to clearly defined problems. They demonstrate that considerable thought has gone into them. In summary, we believe the Task Force delivered a high-quality product.

Lastly, we would like to recognize how this was accomplished. As you know, volunteerism and community participation is the foundation of Habitat for Humanity. We would like to say congratulations to the City and all the volunteers for their good work on this project.

We hope the Infill Task Force project will receive favorable consideration in setting Planning's work program priorities for this next year. Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read "Bettina Schempf", with a long, sweeping horizontal line extending to the right.

Bettina Schempf  
Executive Director

Memo To: City of Corvallis Planning Commissioners  
Regarding: Corvallis Infill Task Force (CITF) Recommendations  
From: Carolyn AH Miller – 4474 NW Crocus Place, Corvallis OR  
Date: February 22, 2011

I recently reviewed the CITF recommendations for changes to the Corvallis LDC that relate to infill development. While I do not concur with all the well-considered recommendations, I do believe it is important that they be sent forward through the public review process for the following reasons.

A. Infill development has great value for (1) containing sprawl and the accompanying infrastructure costs and environmental impacts; (2) encouraging improvements and livability in our urban neighborhoods; and (3) supporting economic diversification opportunities. As a result, infill addresses a variety of community issues such as,

- Mixed-uses
- Multiple generation households
- Home-based businesses
- City budget cutbacks
- Preservation of natural areas
- Etc.

B. It is important to keep development processes simple, affordable, and understandable, especially at this time – when City government, residents, and community developers are confronted with significant financial difficulties.

1. For development projects to continue in Corvallis, it is more important than ever that the LDC
  - be clearly understood by staff, residents and developers;
  - be congruent among City Departments and Plans;
  - assist in accomplishing community goals;
  - be flexible when innovation is compatible with community goals;
  - be simple in process and practical in application.

2. Clarifying the LDC benefits dedicated City staff members who are increasingly perceived as obstacles to development, as they dutifully attempt to adhere to and interpret standards that are ambiguous, contradictory, and counter-productive to our City's Vision 2020 and Comprehensive Plan goals and purposes.

Example: LDC densities, street tree requirements, and Pedestrian Oriented Design standards are not compatible with public and franchise utility setbacks and easements.

3. Citizens are frustrated by codes, standards, processes, and fees that are not proportional to the development project they are involved with.

- C. These are practical and immediately implementable recommendations that the public should have the opportunity to comment on without waiting for a multi-year and expensive process.
- D. The City should follow through with the cost effective and citizen-friendly venue established by the volunteer Corvallis Infill Task Force, so it can be fully assessed for ongoing use. To date, it appears that by informally gathering first-hand information and on-the-ground experience from citizens, developers, city staff, and others, the CITF has created a model that brings together and deals with issues from many perspectives and in a timely manner.

#### RELEVANT/APPLICIBLE STANDARDS

##### VISION 2020

"...an involved citizenry that actively participates in public policy and decision making."

"Boards, commissions, and task forces are the primary working groups that evaluate, draft, and recommend plans and legislation to the city council."

"Balance the rights and responsibilities of individual property owners with the interests and needs of the community."

##### LAND DEVELOPMENT CODE

1.0.20.b The development approval process shall not result in the exclusion of needed housing...or result in unreasonable cost or delay.

##### 1.2.80.01 – Background

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

##### 1.2.80.03 – Review of Text Amendments

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

##### 1.2.110.01 – Ministerial Development

.... These standards and provisions include the clear and objective standards and provisions from all acknowledged City-adopted plans....

##### COMPREHENSIVE PLAN OBJECTIVES

Encourage only development that maintains and/or improves the existing quality of life of residents

Encourage flexibility and innovation in development techniques to permit diversity within the community and to slow the increase in development costs.

Reduce the uncertainty of the development process

Facilitate citizen participation in all phases of the planning process.

**OREGON STATEWIDE PLANNING GOALS AND GUIDELINES #1**

“...the opportunity for citizens to be involved in all phases of the planning process.”



**LWV Corvallis**

PO Box 1679, Corvallis, OR 97339-1679  
541-757-2276 • <http://lwv.corvallis.or.us>

Mayor, City Council, and Planning Commission  
Corvallis City Hall  
PO Box 1083  
Corvallis, Oregon 97339-1083

Re: Planning Division Work Program

Dear Mayor Manning, City Councilors, and Planning Commissioners:

The League of Women Voters of Corvallis again recommends that the City make the infill development code a high priority on the Planning Division's Work Program List. This was our highest priority for the staff work program last year. This recommendation is based on our Urbanization position that includes support for concentrating development within urban areas to prevent sprawl while taking into consideration compatibility with surrounding neighborhoods, and assuring citizen participation in all decision-making processes.

The "infill" definition needs to be expanded to encompass a vision that is desirable to both those in the community who will use the definition to develop or redevelop property and those who will live with the consequences of these changes. Since we anticipate that infill will comprise a large portion of future development in Corvallis, it is imperative that infill criteria and standards are easily interpreted by developers, and that these standards have enough flexibility so that the infill development will fit in with that which already exists.

We have reviewed the document produced by a self-selected "ad hoc" Infill Task Force. This Task Force spent many hours and has made recommendations worthy of review by the Planning Commission and the public. While we agree with the City Manager's assessment that use of this type of committee is not the most acceptable way to change code language, we believe, that in this case, the committee has offered some solutions that could save staff time writing new code language, which will benefit both the city and property owners.

The document produced by the Infill Task Force, however, is only a start at adding and changing code language. The infill code should make possible a variety of housing types and prices, serve commercial interests, provide for parks and urban gardens, and encourage multimodal transportation with emphasis on the pedestrian. In addition, infill code needs to assure energy efficiency and address parking problems.

We also think it is imperative for the Planning Division Work Program to include last year's Item 6 "code tweaks" so that code interpretation will be fair for all users. We still have a copy of the original list of work items so that we can suggest what items should be done next year.

Thank you for your consideration of this recommendation. The League looks forward to further participation in the process of updating the Land Development Code.

Sincerely,  
Annette Mills, President

CITY OF CORVALLIS

COUNCIL POLICY MANUAL

POLICY AREA 7 - COMMUNITY IMPROVEMENTS

CP 99-7.14      Prepayment for Public Street Improvements

Adopted September 20, 1999

Affirmed September 4, 2001

Affirmed August 18, 2003

Revised August 20, 2007

7.14.010      Purpose

The Land Development Code requires all new developments to construct, at a minimum, all interior and frontage streets to current City standards. It is not unusual that these street improvements, especially frontage improvements, do not abut existing City standard streets. As a result, improvements to a public street can occur in a fragmented and inefficient manner. The purpose of this policy is to provide a mechanism by which a developer can prepay for public street improvements in lieu of constructing them if it is determined to be in the best interests of the community. For the purposes of this policy, public street improvements will include associated storm collection facilities necessary to serve a City standard street.

7.14.020      Policy

7.14.021      Applicability

This policy applies to all development required to make street improvements according to provisions of the Land Development Code. The Land Development Code provides for the use of prepayment when certain development actions occur as infill on an existing substandard public street. For other development, it is recognized that constructing public street improvements is preferred to payments in lieu of construction. However, in certain instances, it may be in the best interest of the community to accept payments in lieu of construction in order to provide for improvements which are logical and economically efficient extensions of existing City standard streets. The decision to allow payment in lieu of construction will be made

**Council Policy 99-7.14**

by the Planning Commission and/or City Council for development proposals requiring a public hearing, or by the Community Development Director in consultation with the City Engineer for development projects which are permitted uses. Consideration will be given to the safety and welfare of the public, proximity of existing City standard street improvements, as well as the timing of future street improvements which may provide connectivity.

7.14.022 Exceptions

All proposed street improvements contained entirely within the boundaries of the parcel(s) proposed for development will be constructed with development.

Any frontage improvement which could directly connect to a City standard street will be constructed with development.

7.14.023 Determination of Prepayment Fee

If payment in lieu of construction is determined to be in the best interest of the community, the developer will be required to submit a detailed estimate of construction quantities based on a half-street improvement in a format acceptable to the City Engineer, as well as any other information necessary for the development of a cost distribution to the affected property. Estimates of construction quantities will be based on a full street improvements if it is determined that the potential for additional development to complete the street improvement does not exist. The City Engineer will apply unit costs typically experienced by City projects to determine the total prepayment fee for the property. In addition, the prepayment fee will include the following elements applied as a percentage of construction costs:

Engineering and Construction Management:	15%
Contingency:	10%
Administrative:	3%

7.14.024 Fee Collection

The prepayment fee will be collected by the City, prior to the issuance of any public improvements by private contract (PIPC) or building permits.

7.14.025 Accounting

Prepayment fees and all the interest earnings on those fees will be placed in an account specific to that street. These accounts will be co-managed

## Council Policy 99-7.14

between Public Works and the Finance Department. The City will maintain a record of all properties which have met their financial obligation to make street improvements by prepaying for them.

### 7.14.026 Project Implementation

Projects for which prepayments have been made may be implemented either through the City's Capital Improvement Program or by disbursing funds to a developer constructing the improvements. Planning for street capital improvement projects funded by prepayment fees will be initiated at the discretion of the Public Works Director, contingent upon budget approval by the City Council. It should be recognized that in order to provide for a logical and cost effective extension of street improvements, projects funded by prepayment fees may be phased and may construct segments of infrastructure which do not front the parcels from which the fee was collected.

In the event that actual costs incurred are less than collected for a particular project, excess funds will be made available for street scape, traffic calming or transit improvements along the improved section of street. In the absence of street scape improvements, traffic calming or transit needs, excess prepayment fees will be placed into the City's Street Fund, which will then be used to offset some future operating and maintenance costs of the system.

### 7.14.030 Review and Update

This Community Improvement Policy shall be reviewed quadrennially by the Public Works Director.

## Memorandum

To: Kevin Young, Corvallis Planning Division  
From: Tony Howell, Planning Commission  
Date: March 7, 2011  
Subject: Additions to the Unresolved Planning Issues list

As part of our discussion of the 2011 Division work program, I'd also like to update the Unresolved Planning Issues (UPI) list for items that came up this year.

Rather than delete all older items from the UPI list, as was suggested last year, I would like to retain all items still believed by the Planning Commission to be valid issues (e.g., Code problems that still need be corrected), and continue to prioritize the list each year. I also suggest that each year we screen new items before adding them to the list, both those suggested by the public or by Planning Commissioners.

The following are issues that I recall coming up this year. I expect that the Planning Commission will decide whether they should be added to the UPI list. My "nominations" for the UPI list are:

- 1) **LDC changes to allow selected Agricultural Use types in more zones.**  
Currently, Horticulture (flowers, trees, shrubs) and Row & Field Crops are allowed in residential districts "for personal use," but residents would be in violation if they sold flowers or extra apples and tomatoes at the Saturday Market Community Table. I believe the Municipal Code allows some livestock in residential areas (goats, etc.), but the LDC does not. On a larger scale, there are many, largely industrially-zoned properties that will not be developed any time soon, and would benefit from interim agricultural uses (with Bald Hill Farm as only one example). Various food security groups in town would be active stakeholders in developing these revisions.
- 2) **Add gateway standards to LDC 4.2.70.02 in order to implement Comp Plan policies 8.14.3 and 13.12.18, and the West Corvallis-North Philomath Plan, that identify Philomath Blvd as a gateway street.** LDC Section 4.2.70 notes that designated Gateway areas are defined by the Comp Plan, but this section provides only standards for S. Third Street, while reserving a section (4.2.70.02) for future gateway standards for other parts of the city.
- 3) **For development in a wetland, add LDC language to require an approved wetland fill permit from DSL prior to the land use application, rather than as a Condition of Approval.** Guesswork about the likelihood of DSL approval has made deliberations difficult for decision-makers on a long list of development applications over the years. For the most recent, Creekside, the City may have been able to avoid the cost of an appeal to Council and to LUBA if this had been resolved prior to the application.

- 4) **Develop a mechanism to include limited Conditions of Approval for Annexation approvals.** In the recent Boeder Annexation request, ODOT required any land use approval to require installation of a right turn lane at 53<sup>rd</sup> & Philomath Blvd, and the only mechanism was a costly Conceptual & Detailed Development Plan that could include that condition. (If a condition on an Annexation is not allowed by state law, then we should discuss other strategies less involved than a DDP.)
- 5) **Delete LDC Section 4.11.50.02.c.2, which gives additional MADA credits for "areas of Wetland mitigation ... when infrastructure must be extended through a Wetland."** In the Creekside application, MADA credits were earned both for local streets and local bridges going through wetlands, and also for the City-required trail through wetlands. The resulting additional MADA credits result in further encroachments on the remaining natural features, which in all cases have already been determined by the EESE process to have high value. The alternative I propose is: 1) the developer bear the cost of mitigation for any standard development requirements (including local infrastructure), and 2) when the City imposes extra capacity requirements (expanded street widths, required trails), the developer would retain the MADA credits for the acreage taken up by the extra-capacity features (consistent with LDC 4.11.50.02.c.1&4), and then be given additional SDC credits for the cost of mitigation (rather than additional MADA credit acreage). Since the cost of mitigation is not necessarily proportional to the value of developable acreage, SDC credits would be a more equitable compensation, and is traditionally the method for reimbursing the cost of building extra-capacity features.
- 6) **Clarify stormwater detention facility standards in LDC 4.0.130.b to require infiltration, as intended by current language.** Above-ground facilities in areas where a liner is required (as in the Creekside proposal) do not achieve stormwater management objectives and should not be allowed. Underground detention should be required in these areas instead. This allows more compact development, and in some areas reduces impacts on natural features.
- 7) **If needed, clarify definitions of "Area, Net" and "Floor Area Ratio" to ensure the intent that the acreage of protected natural resources and hazards is removed before making FAR calculations.** During Creekside deliberations, we were told that removal of the trail, resulting in the need to reduce the size of two buildings, would create a problem for the applicant in meeting the FAR. However, any reduction in building square-footage should have been matched by the additional area of protected riparian corridor.

**Testimony Received regarding the Planning  
Division Work Program since the March 16, 2011  
Planning Commission Meeting**

EXHIBIT B-1

RECEIVED

3/28/2011

MAR 29 2011

From: Jim Boeder  
To: Kevin Young, Planning Division Manager  
Subject: Annual Planning Division Work Program Review

Community Development  
Planning Division

Kevin,

Please consider the following as testimony for the City Council meeting regarding the Annual Planning Division Work Program Review. References in my comments are to the 3/9/2011 Memorandum from you and Ken Gibb to the Planning Commission.

- The Infill Task Force Project deserves a high priority
- I support item #4 of Tony Howell's 3/7 memo 'Additions to the Unresolved Planning Issues list'<sup>1</sup>, '*Develop a mechanism to include limited Conditions of Approval for annexation approvals*'. The current ODOT requirements for proposed annexations of even modest size are burdensome, expensive, and present a significant barrier that's not addressed in the Code.
- I support a reduction in transportation infrastructure requirements in favor of stormwater management. For example, relaxing block perimeter standards, and emphasizing pedestrian circulation, connections and facilities, over automobile circulation and facilities. The current block perimeter standards require greater road coverage, resulting in a marked increase in impervious surfaces, and exacerbating stormwater management.

Regards,  
Jim Boeder  
2022 SW 45th St.  
Corvallis, OR 97333

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<sup>1</sup> Attachment E-1, Memorandum from Ken Gibb and Kevin Young to the Planning Commission, 3/9/2011.

EXHIBIT B-2



Community Development Planning Division  
 PO Box 1083  
 Corvallis, OR 97339  
 (541) 766-6908 Fax 754-1792

DRAFT  
**CITY OF CORVALLIS**  
**PLANNING COMMISSION MINUTES**  
 March 16, 2011

**DRAFT**

**Present**

Jennifer Gervais, *Chair*  
 James Feldmann  
 Roger Lizut  
 Frank Hann  
 Tony Howell  
 Jim Ridlington  
 Jasmin Woodside  
 Biff Traber, *Council Liaison*

**Staff**

Ken Gibb, Community Development Director  
 Kevin Young, Planning Division Manager  
 Jeff McConnell, Engineering Supervisor  
 Claire Pate, Recorder

**Excused**

Tad Abernathy

**SUMMARY OF DISCUSSION**

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions			
II.	Planning Division Work Program Discussion			Approved with modifications to UPI list
III.	<u>PC Minutes:</u> A. February 2, 2011 B. February 16, 2011			Approved as revised Approved
IV.	Old Business			
V.	New Business A. Planning Manager's Update	X		
VI.	Adjournment	9:05 p.m.		

EXHIBIT C-1

**CONTENT OF DISCUSSION**

The Corvallis Planning Commission was called to order by the Chair at 7:00 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard. Introductions were made. Chair Gervais

explained that the first order of business would be Visitors' Propositions relating to any business or topic that was not on the agenda.

I. VISITOR'S PROPOSITIONS: None

II. PLANNING DIVISION WORK PROGRAM DISCUSSION

Chair Gervais said that they would start with a brief presentation from staff, followed by public comment. There would then be deliberations, with an opportunity for questions of staff.

Staff Presentation

Kevin Young, Planning Division Manager, gave a progress report on the Work Program for 2010, and referred to the staff report for a detailed account. There were nine items on the list, and good progress has been made on them, with some already completed and others underway. They have not hit everything on the list, but feel good about progress made.

He then framed the conversation they would be having tonight. Essentially, there are two tasks they need to accomplish. The Corvallis Comprehensive Plan calls for them to maintain an "Unresolved Planning Issues" (UPI) list and to schedule at least one public meeting each year to take input and make decisions about relative priority. The 2010 UPI list is included as Attachment A of the staff report. Having an item on this list does not mean it is on the Work Program. The UPI list has grown to be a rather daunting list that staff chips away at with each new work program, but placement on the list simply says that it is an issue that should be addressed or, at least, considered at some point in the future. The Work Program list is different from that. It includes items that staff will be addressing in the near future. These items are not necessarily limited to Land Development Code amendments. Staff recommends that Code amendments be the focus of the upcoming Work Program, but other types of items, such as updating the Buildable Land Inventory, or developing policy to calculate a five-year supply of serviceable land, could be included as Work Program items.

The discussion of relative priority given to items on the UPI list has basically evolved into what has typically been an annual review of the Planning Division Work Program. Manager Young emphasized that these items are over and above the handling of current planning applications that staff handles. Additionally, it is important to note that with the current staffing level, and assuming no additional cuts to staffing, Planning has approximately 1.3 FTE to dedicate to these types of issues. With this limitation in resources, staff has tried to put together a Work Program package that will provide the most "bang for the buck." Adjustments might get made to the 1.3 FTE, subject to factors such as permit applications that come in the door or federal and/or state mandates that might take precedence over Work Program items.

Staff recommends that items on Lists A, B & C be recommended as the Planning Division Work Program. This is not just a one-year term Work Program; it would be completed over the next 18-20 months. It is a very ambitious list, but staff believes it is doable within that time frame. Other issues have been and will likely be brought up in testimony. Staff asks that if additions are made to the Work Program, something else should be removed to balance it out. Preliminarily, staff would like to preserve the ability to tackle the Code changes in one very large effort. When things get broken into smaller chunks, they don't always get done. However, future deliberation might indicate a need to break it up, due to staffing or other factors. The overriding focus of the package is to streamline the development review process for applicants, staff and decision-makers. Given the bulk of recent testimony and discussion, this seems to be the highest priority task for the Planning Division at this time, and is reflected, in part, by City Council goals.

Manager Young apologized for the plethora of lists, but said it was a necessary evil to aid in the review. He then summarized the three lists:

- List A is a list of housekeeping items. The list is illustrative and might be supplemented as the year progresses.
- List B reflects the work of the Infill Development Task Force, a group of citizen volunteers who focused their efforts upon identifying Land Development Code text changes that would facilitate infill development within the community. The list identifies their recommendations, and the staff report notes issues, advantages and disadvantages of the proposed measures and includes a staff recommendation. At this meeting, it is important to look at the issues and whether it should be included on the Work Program – not look at specific language of the proposals.
- List C, the “Substantive Issues” list, reflects recommended Code amendments from City staff. This list was developed in consultation with Planning Division, Engineering and Development Services staff. Items identified are thought to provide the most “bang for the buck” in terms of streamlining the development process while remaining true to the community’s vision as embodied in the Vision Statement, Corvallis Comprehensive Plan, and other adopted documents. In some cases, these items discuss alternative methods to address issues raised by the Infill Development Task Force, but most of the items were identified based on staff’s experience in implementing the Land Development Code. Again, the question to consider is whether the identified issues warrant consideration as part of the Work Program.

Any of the Code changes envisioned as part of the Work Program will go through a full-blown public process which will include noticing, public hearings and opportunities for public comment and participation. This is far from the last word on specific language or approaches to address the identified issues.

The process that staff is envisioning from here on out is that work would commence in mid-summer on Code amendments, once projects that are already in process are completed. The first step staff will take is to clarify the approach to each issue, and they will be checking in with the Planning Commission for direction where there might be a variety of ways an issue could be addressed. At that time, staff will prepare options and recommendations for each of these items so that the Planning Commission can provide direction prior to development of specific Land Development Code language. A check-in will likely be warranted for most items on Lists B and C. These check-ins will allow for public comment opportunity, and staff can develop an interested parties list to provide notice of these meetings, beginning with everyone who has submitted written testimony or testifies at this meeting. Once they have clear direction, staff will move the amendments through the process required by the Land Development Code, with a Planning Commission public hearing and recommendation to the City Council.

Manager Young suggested that, due to the complexity of the task tonight, discussion of specific approaches and Code language should be kept to a minimum. Simply put, the questions are: what changes should be made to the UPI list and what items or issues should be included in the Planning Division Work Program.

After a brief discussion, Chair Gervais stated that this was not a legislative hearing; therefore the legal legislative framework for a public hearing does not apply. Public testimony and comment would be taken and then the Planning Commission would be making a recommendation to the City Council. She asked if there were any questions of staff before proceeding, but there were none.

### Public Comment

**Lyle Hutchens** said he would speak with two different hats on, first as Chair of the Blue Ribbon Panel that was formed as part of the “Prosperity That Fits” program. On their behalf, he is requesting that the

Planning Commission make the recommendations of the Corvallis Development Infill Task Force a high priority in this Work Program. Those who have worked on the 2004 Code update process anticipated that one of the reasons for the update was to help with infill development in the City, and ultimately try to reduce some pressure on the Urban Growth Boundary of the City. Often, the interaction of all of the different Code sections at times are in conflict with each other, and make some of the infill efforts difficult. The members of the panel hope that the Planning Commission give the Infill Task Force efforts a high priority.

Switching hats, on a personal basis, he said that the members of the Infill Task Force were extremely capable and motivated individuals. To the extent that it is possible to use those talents and motivation during this time frame when staff is challenged for resources to help move the processes along, it is his recommendation to do so. Finally, as Manager Young mentioned briefly, he supports the concept of packaging the Code changes and working through them as a large package. This would maximize the use of everybody's time in trying to get these issues resolved and changes adopted where appropriate.

In response to a question from Commissioner Howell, Mr. Hutchens said that he did not have illustrations that immediately came to mind on how resolving the issues on Lists B and C would have helped with recent development issues. He did not necessarily like all of the ideas proposed, but that was not why he was here. He believed everything proposed had already gone through a careful thought process and might have been the result of some issues others have had come up. At this time, some movement to correct those in some sort of manner that has consensus would be a good thing.

**Kirk Bailey** spoke on behalf of the Corvallis Infill Task Force (CITF). He was joined by Lori Stephens. He thanked staff for doing a thorough review of their proposal and providing some good ideas. They support the idea of putting it all in one package, and will not address much of the detail tonight. They agree that those discussions should happen later. However, they will address some of the highlights and a few of staff's comments and concerns.

First of all, Mr. Bailey said, they concur with staff that the definition of infill is important. Within three blocks of where he lives near downtown, there are ten unbuilt lots that have strange sizes and configurations presenting challenges for development. To the degree that the City can make development of infill possible, instead of just having lots grow weeds, it will provide for more efficient development and take the pressure off the surrounding agriculture and forest lands. It makes a lot of sense. Given the financial challenges the community will be facing the next few years, that will also put emphasis on doing infill, smaller-scale remodeling kinds of projects, rather than big greenfield projects. The importance of this is high, since it applies to a lot of what we will be doing.

Mr. Bailey addressed a few of the specific proposals. In terms of Proposal #2, relating to the definition of building height, there are some additional resources available to help with this. Bruce Osen, CITF member, has volunteered to do whatever illustrating might be needed to have a visual representation. One of the challenges of the existing definition is that many people did not understand it, and often there are differing interpretations even by officials. Having an illustration will help everybody. Also, Denis White, another member of the group, has done some work on datums and the stepped approach on hill sides.

Proposal #5, which would simplify requirements based on project size, is an area in which the Task Force disagreed with staff a little bit. It is a bit of a value decision, and the Planning Commission will need to weigh in on it. The fundamental question is: should an infill lot be able to relate to its neighbors or should it try to follow as closely as possible the new Land Development Code? This is a value judgment. CITF wants to make the case that diversity is good. Making things that reflect the built environment, at least when the built environment is good, is a good thing to do. Mr. Bailey showed some photographs (**Attachment A**) of existing houses that illustrate this point, in that they do not

necessarily meet the current Land Development Code requirements, such as for front setbacks. Diversity allows people to select areas they like. This proposal only gives one the opportunity to apply to make a change; it would not be a given that one could do so. CITF does agree that this should not apply if one is comparing one's property with neighboring property that is in a different zone.

Proposal #6 relates to accessory structures. Generally, CITF agrees with staff's recommendation. There was some discussion in the staff report about accessory structures. One of the reasons that garden sheds are an issue is that many of the houses in the older neighborhoods do not have garages. He showed pictures of houses that do not have garages. In order to have a place to put a shovel or a wheelbarrow, garden sheds are important. Obviously, this can be done outside of the setback areas, but in some cases the lots are small and having to comply with the setbacks is a major constraint. Reflecting on staff's expressed concern, one of the thoughts CITF has had is that perhaps there would be a size limit for a shed that might be built in a setback area.

Proposal #7 relates to public utility easements. CITF supports the idea of the alternate streetscape approach; however, after reviewing it, they have come to the conclusion that the private utility options to be put somewhere other than in front of the structure is a separate issue from the alternate streetscape.

Proposal #8, relating to Residential to Commercial conversions, also poses a value judgment in that it is a challenge between preserving residential property and allowing small-scale Mixed Use. One of the staff's suggestions was perhaps to change from 4,000 square feet to 3,000 square feet for conversion plans. In general, CITF would support this, but the problem they have is that they actually expect it to be used on a small site, not on a big site. They expect this to be somebody who starts a little business in their garage and wants to have a couple of employees. In a way, they would prefer to see something that says you can have 4,000 square feet, or you can have up to 1,000 square feet. The reason they picked professional office, by the way, in the Medium-High density zone was because of impacts. They believed that the impact would be roughly similar or actually reduced on the adjoining properties with the professional office conversion. CITF as a whole prefers to allow some other uses in Mixed-Use, as opposed to just professional offices. Another approach would be to expand the Home Occupation definition.

Proposal #9 relates to confusion between attached vs. detached. After reviewing it carefully, they concur with staff, but it was a surprise to them that this was allowed. It is not completely obvious, so perhaps there is a need to clarify the Code.

Proposal #10, relating to accessory dwelling units, is also a value judgment, as portrayed by staff. Should there be an organic, incremental level of densification, or do we hold out for the scrap-it-and-start-over sort of approach? In the historic districts, this would be particularly valuable because, hopefully, we are not going to be scrapping and starting over. Being able to add small amounts of dwelling units in various ways seems like a valuable thing. Also, if one looks at having things grow over time, it produces some diversity of housing choices. Finally, if we can incrementally grow rather than put it all in the landfill, from an energy conservation point of view we are miles ahead.

Proposal #11 relates to modifying fence height limits. Staff generally concurs with it with some concerns about the tradeoff between privacy and security vs. eyes on the street. This is particularly an issue in the downtown area, where there are a lot of pedestrians on the street. They have tried to maintain the eyes on the street but also enhance the sense of privacy.

Finally, Proposal #15 relates to the Minimum Assured Development Area (MADA) issue. They concur with staff that probably it makes sense for this to be looked at in the bigger context of the proposed natural resource review that staff has indicated. They wanted to illustrate it in their proposal, because they believe it's a big problem. It's a problem of scale – on a small lot, those setbacks start to become a substantial fraction.

Chair Gervais asked Mr. Bailey to briefly describe the CITF. Mr. Bailey said that there have been from 20-30 people who have contributed to the effort, and about a dozen people who met regularly. The composition is mainly ex-Planning Commissioners, and a couple of ex-City Councilors, an ex-County Commissioner – for the most part, people who have dealt with land use planning. All meetings have been public, with public noticing and minutes kept on line. Land use planning is an acquired taste, and it is hard to get people who do not have that experience to get excited about it. Some of the people who have worked on it also worked on the previous Land Development Code updates. To some degree, a sense of responsibility is carried forward, in that if you have “broken” something you have a responsibility to fix it. They understand that there are budgetary restraints, so they have tried to pick lower hanging fruit: things that would not be super controversial but will make a concrete difference to the community and City staff. Staff has indicated that some of the issues they have seen over and over again in terms of Lot Development Options, they might not see after resolution of the issues on the list.

Commissioner Hann asked Mr. Bailey how members maintained transparency so that ideas were not pushed that were in some one's self-interest or to their benefit, and perhaps not in the interests of the community as a whole. For instance, in the Planning Commission, commissioners will declare any conflict of interest for a particular consideration. Mr. Bailey said that many of the members who were enthused about items were enthused because they had stumbled over the issues themselves. A number of the members are architects, designers or planners, so in many cases they have had personal experience with the issues. But the group as a whole reviewed the individual proposals, and the group decided which had merit. Some of the ideas were dropped when consensus could not be reached, such as with the parking issue. Lots of them probably had conflicts of interest; even if not in a business sense, some might have a conflict of interest simply because they had been involved in the previous Land Development Code update process.

Commissioner Hann then asked if there had been any discussion about the fact that a lot of the spaces available downtown are too large for smaller, incubating businesses, and whether it might be feasible to break up commercial space to make it affordable for smaller businesses. Mr. Bailey said that they had not, though there is some interest in having some flexibility, such as with Mixed Use occupancies.

Chair Gervais thanked the members of CITF for all of their hard work.

**Bettina Schempf**, Executive Director for Habitat for Humanity, said that they had submitted written testimony strongly supporting the Infill Task Force's proposals. As a developer of affordable housing, they see the issues of making smaller lots work. There is a link between having affordable housing and a healthy economic environment. Thoughtful implementation of some of the recommendations will make it easier for affordable housing, and thoughtful increases in density will create more affordable housing opportunities. This remains a critical concern for the community.

#### Questions of Staff

Chair Gervais said that in addition to Lists A, B, and C, they will also need to work on Commissioner Howell's list, included as Attachment E.

Commissioner Howell said that the City Council was considering some goals, and he asked if staff or Councilor Traber could give a summary of those that might have implications for the Planning Division Work Program. Councilor Traber said that there is one that specifically relates to land use, which he read to the Commissioners: *“By December 2011, the Council will provide direction on recommendations to strengthen access to and availability of locally-produced food and community gardens by a policy, ordinance and Land Development Code changes. By December 2012, Council will enact code and policy changes corresponding with that direction.”* There is a second one that deals with OSU which that also has some implications, and that goal is: *“Working with the OSU President*

*and staff, by December 2011, the Council will create a plan to seize opportunities on parking, code enforcement, infill design, rental code, traffic design and other important issues."*

Community Director (CD) Gibb said that there was also a third goal related to Economic Development efforts that CD will be supporting with some staff time. The Economic Development initiatives will evolve over time and will be a factor in the department. Councilor Traber mentioned the two goals that are most linked. The second concept, relating to OSU, will be developed over the next year. Depending on how it moves ahead, there could be a huge and important effort associated with the initiative. In terms of the food issue, CD has grant monies that helped to support staff involvement in the food effort through the County. Certainly, at least one Councilor has some specific expectations coming out of that, which might result in some Code changes that could come Planning Commission's way in the next year-and-a-half.

Councilor Traber said that the first one does have some specificity about implementing some changes within the 20-month horizon that the Planning Division Work Program will be in effect. Director Gibb added that, at this point, no-one knows the scope of it. Manager Young referred Commissioners to page 29, a discussion of items for future consideration, and noted that Item g relates to this issue.

Chair Gervais then tested how the Commissioners would like to proceed, and it was agreed that they would look at Lists A, B, and C, and discuss any items that any Commissioner thought should not move forward.

Commissioner Woodside asked whether they should also be looking at Commissioner Howell's items as they went along to see where they might need to be added. It was eventually decided that Commissioner Howell's items, as he explained it, were related to the Unidentified Planning Issues list and could be discussed in that light.

Commissioner Gervais asked for any comments relating to List A. Manager Young emphasized that this was a list that will likely have items added as they come up, and is not "carved in stone." Chair Gervais wondered if item F was similar to another item. Manager Young said it was similar to an item on List C having to do with standardizing the effective period for land use approvals. Item F relates to a disconnect between a decision's effective date and the approval date, i.e. when does that approval start. It is a minor issue, but staff would like to make it the same for every land use application.

As there were no other comments on List A, Chair Gervais asked for comments on List B. There were several items that staff had some difference of opinion on how to proceed, and the CITF has said they agree with some of the comments but continue to differ on some others. Director Gibb said that staff is not suggesting that anything be taken off the list. They all have merit to move ahead, but there will be further review and analysis of these items at a later date, involving the Planning Commission and all interested parties, before moving ahead on specific amendments.

Commissioner Hann asked if the CITF will have an opportunity to provide additional testimony to City Council when it goes to them for consideration. Director Gibb said that the City Council discussion would be framed similarly to how it was framed for the Planning Commission. These items all make sense to be a part of the package, but it should be determined whether there any additional items that should be added to the list that are key but have not been included.

Commissioner Lizut also complimented the CITF for their dedicated work on these issues. There are some disagreements, and conversations will need to be held, but these should all be moved forward.

There were no further comments on List B, so Chair Gervais asked for comments on List C. Commissioner Ridlington said that in this time of economic downturn, a lot of these items look like they are intended to expedite development at a faster rate. He does not have a problem with that, but at the

same time, he would hate to make the whole development process too easy, and repeat some of the same mistakes we might have made 30 years ago. He's okay with efficiency, but not to do things that might be a mistake. Manager Young said that the list was developed based on experience with implementing the Land Development Code. As staff, they are very much aware of the policy direction in the Corvallis Comprehensive Plan and all the other adopted documents that they work with relating to the community vision for the future of Corvallis. In working through the lists, staff has tried to balance those considerations. There is room for improvement in the Land Development Code, and these items would make a difference. Director Gibb emphasized that they were trying to hit the right mark, but certainly there will be some who believe it does not hit it. Commissioner Ridlington said that it was just a gut feeling, and though he wants to support having these items move forward he cautioned against over-facilitating development.

Chair Gervais said that she had some additional comments on List C items, but would be holding them until they come back for more detailed review at a later date.

Since there were no further comments on List C, Chair Gervais asked first for staff's comments relating to Commissioner Howell's list of items included as Attachment E. Manager Young said that item 1 relating to Land Development Code changes to allow selected Agricultural Uses in more zones is something that has already been discussed. There is a County project underway, and staff is expecting it to take a comprehensive look at this issue. Likely, there will be recommendations for changes coming out of that. It is his understanding that that project will be done this calendar year, and it is staff's preference to wait until that study is concluded.

Manager Young then asked Commissioner Howell for some clarification as to whether these items were strictly to be added to the UPI list, in which case there might not be a need for a lot of detailed discussion, since they were not intended to be part of the Work Program. Commissioner Howell said he had generated the list before he saw the staff report with the List C. His idea is that his items would be part of the UPI list so they would be on the table for selection in a future year. He generated this list before he saw List C.

Some of Commissioner Howell's items, such as Item 1 and the other items that might get blended in with staff's efforts related to protections of Significant Natural Features, could be incorporated. In response to Commissioner Howell's question related to when the work would be done on Natural Features, Manager Young said that this would be after the Work Program they are currently discussing, though there will be work done on some of the hazard issues that might help to address some of the cumulative impacts relating to natural features. Those measures, included in the current Work Program package, could help to relieve some of that pressure. Nonetheless, there will still likely be the need for tweaks down the road to the protections for Significant Natural Features.

Commissioner Howell suggested that staff comment on whether the issues on his list should be put onto the UPI list. Manager Young said that, generally, yes. Item 3, which would require an approved wetland fill permit from the Division of State Lands (DSL) prior to the land use application, would be a difficult item to accomplish, since it is not standard DSL practice. From a process standpoint, it is generally recognized that the local land use decision should be done first. Relating to Item 4, there is some legislation at the state level this year, and changes to administrative rules affecting the Transportation Planning Rule that might be helpful to this issue. Development Engineering Supervisor Jeff McConnell asked Commissioner Howell for clarification on item 6. Commissioner Howell said that, currently, above ground stormwater detention facilities are allowed in the Protected Riparian area as long as it is outside the easement area, so it can still intrude into what normally would be protected. That made sense when they wrote the Code changes, because infiltration was anticipated in the pond. In the Creekside development, the pond had to be lined, which would not allow for infiltration. Supervisor McConnell explained that there might have been some problem with how that was explained in the applicant's report. Commissioner Howell said that his concern is just how to balance

EXHIBIT C-8

intrusion into the Riparian area if it is going to have low infiltration rate. Supervisor McConnell said that staff, in general, would be looking at the open systems as a first priority, based on the Stormwater Master Plan objectives. Staff agreed that Item 6 should remain on the list. Relating to Item 7, Manager Young said that, after talking with staff about Creekside, he believed that because of the mitigation credit there was double counting. When the trail went away, the developable area shrank by more than a one-to-one basis. Addressing Item 5 will likely address item 7.

Commissioners **agreed by consensus** that Commissioner Howell's list of items in Attachment E should be added to the UPI list.

Chair Gervais asked if there were any other items to be added to lists. Commissioner Howell said that Jim Boeder, who had to leave before offering public comment, had mentioned some items. Manager Young said that Mr. Boeder had indicated he would be submitting written testimony. Commissioner Howell said that he would at least propose to have included Mr. Boeder's items, along with an additional item that had been raised by Councilor Hervey.

Councilor's Hervey's issue related to when there is a lot division and a garage or shed gets left on the lot other than the one upon which the main structure remains, current policy requires that the accessory structure be removed from that lot. This requirement might be worth looking at, so that there might be a way of allowing accessory structures to remain as a means of preserving construction resources. Commissioner Howell proposed language for an item that could be added to the UPI list: "Consider allowing accessory buildings on lots to remain when primary use structure no longer exists, either through demolition or land division."

The three that Mr. Boeder mentioned include:

- o Consider the possibility of allowing flexibility for planter strips from 6 to 12 feet in width along Neighborhood Collectors.
- o Consider changes to the housing variety requirements for smaller developments between five and ten acres, such as reducing the percentage of housing variety or increasing the acreage trigger. Commissioner Howell added that Mr. Boeder was not aware of the ability to do two single, detached units on one lot and that actually might help.
- o Review the West Corvallis access strategy and the Master Plan mapping that is applicable to this area, in light of current knowledge of where the Natural Features and expected development patterns are. The original map was created in the 1990's, so it might be worth another look. Manager Young said that staff recognizes that the access strategy from the 90's is dated. Through a review, it is more likely that there will be changes to local street patterns vs. changes to collector and arterial, given access management issues on Philomath Boulevard.

Commissioner Woodside referred to the first of Mr. Boeder's items, related to flexibility for planter strip widths. Since there is already some flexibility in areas where it impacts natural features, she does not see how this is warranted. Commissioner Howell related one instance related to the 49<sup>th</sup> Street Annexation, which Mr. Boeder had proposed. There were no protected natural features, and imposition of the planter strip widths along the proposed collectors would impact how lots are laid out. On some of the collectors, the traffic volumes might not warrant the full planter strip width for protection of pedestrians. Director Gibb said that what is being proposed here is a specific process for specific circumstances, and it would seem more appropriate to look at the standard for neighborhood collector streets and whether it is still appropriate to have the 12-foot planter strip width requirement. Staff said they do hear concerns related to this requirement quite a bit, and would support a general look at it. They are already granting variances to the requirement, and it certainly impacts infill development. Commissioner Howell suggested changing the language for Mr. Boeder's first item to: "Re-evaluate the appropriate width of parking strips along neighborhood collector streets." Commissioner Hann said he would support a more general approach to re-examining the issue of the streetscape. For pedestrian

safety, one way to accomplish this is wider sidewalks, not necessarily setting them back. Developers are being required to build up to the front of lots and create a new urban environment, so the planting strips make it difficult. A lot of these issues came up when the Planning Commission had discussions relating to 9<sup>th</sup> Street. There are also a lot of planting strips around the City that are not maintained and create a shabby looking environment. They need to look at the issue of what is required in terms of the streetscape and setbacks.

Manager Young said that Item D on List C looks at developing urban street standards which would envision wider sidewalks and tree wells, with no planter strips in certain areas of the City. Item F would perhaps get at a situation alluded to by Commissioner Howell, where public improvements for infill projects in established residential neighborhoods could have some flexibility in application. Commissioner Hann said the bigger consideration is to look at whether the requirements make sense in the current environment.

The Planning Commission **by consensus added** the four items proposed by Commissioner Howell, on behalf of Mr. Boeder and Councilor Hervey, to the UPI list.

Commissioner Lizut said that there had been a lot of work associated with the UPI list and he is aware that we are faced with reduced assets in the future to address these items. He handed out a graph (**Attachment B**) showing the distribution of the UPI list that showed an interesting distribution pattern in the prioritization of the projects. What it shows is excellent thought processes that have gone into doing the list.

Manager Young said that if the Commissioners approve the list, it will be brought forward as the UPI list for the next year. Commissioner Hann recalled that they had committed last year to an effort to whittle the list down, and asked whether that had happened. Director Gibb said that that had not happened, but really the effort right now should be to focus on the upcoming Work Program lists. The UPI list can be updated by staff with the new items and brought back for Planning Commission review.

Commissioner Howell pointed out that the process of discussing additions to the list was new. This process of vetting the proposals added to the list might keep the list from growing too long. It is good to register problems, but he understands that we cannot have too long a list. He supports having this screening process.

**MOTION:** Commissioner Howell **moved** to recommend to Council that the identified items on Lists A, B, and C be the priority Planning Division Work Program projects for the next 20 months, with additional items as appropriate based on consideration of public input, identified City Council goals, and availability of staff and community resources. The motion was **seconded** by Commissioner Woodside, and it was unanimously **passed**.

III. PLANNING COMMISSION MINUTES

A. February 2, 2011:

Chair Gervais referred to page 2, in Item c of the Staff Report, and asked that the acronym DFIRM be spelled out, or defined, in its first usage.

**MOTION:** Commissioner Hann moved to approve the minutes, as revised. Commissioner Woodside seconded the motion which **passed** unanimously.

B. February 16, 2011:

DRAFT

**MOTION:** Commissioner Hann moved to approve the minutes as drafted. Commissioner Woodside seconded the motion, which **passed** unanimously.

**IV. OLD BUSINESS:**

- A. Commissioner Ridlington commented on the FEMA changes. He said that, on a personal note, he has a neighbor who had his house changed from non-flood plain to being in the flood plain and it increased his insurance premium significantly to a much larger amount. He now understands why there were so many people interested in the issue.

**V. NEW BUSINESS:**

- A. Planning Manager's Update:

Manager Young said they would be starting the Planning Commission recruitments in May with newspaper ads. The terms that are coming to a close at the end of June include those of Commissioners Ridlington, Hann and Reese. Commissioner Reese needed to resign, and he is hopeful that the other two commissioners will be re-applying. May 27, 2011, is the application deadline.

The City Attorney's presentation on the levy campaign is available as a Power Point handout, and Manager Young will distribute it to the Commissioners. Councilor Traber added that the second slide is important in that it says that if volunteers advocate for the levy, they need to clarify that it is on their own time. Commissioner Howell added that it is important to clarify that you are speaking for yourself.

- B. Budget Update:

Director Gibb said that the City Manager has to bring forward a balanced budget to the Budget Commission which will happen in May. His initial recommendation that Planning Commission has already seen is still the starting point, which means some staff reductions primarily for unfilled positions and within Administrative Services staff. It is still up in the air how much further the City Manager might have to cut to get to a balanced budget.

- VI. ADJOURNMENT:** The meeting was adjourned at 9:05 p.m.

EXHIBIT C-11







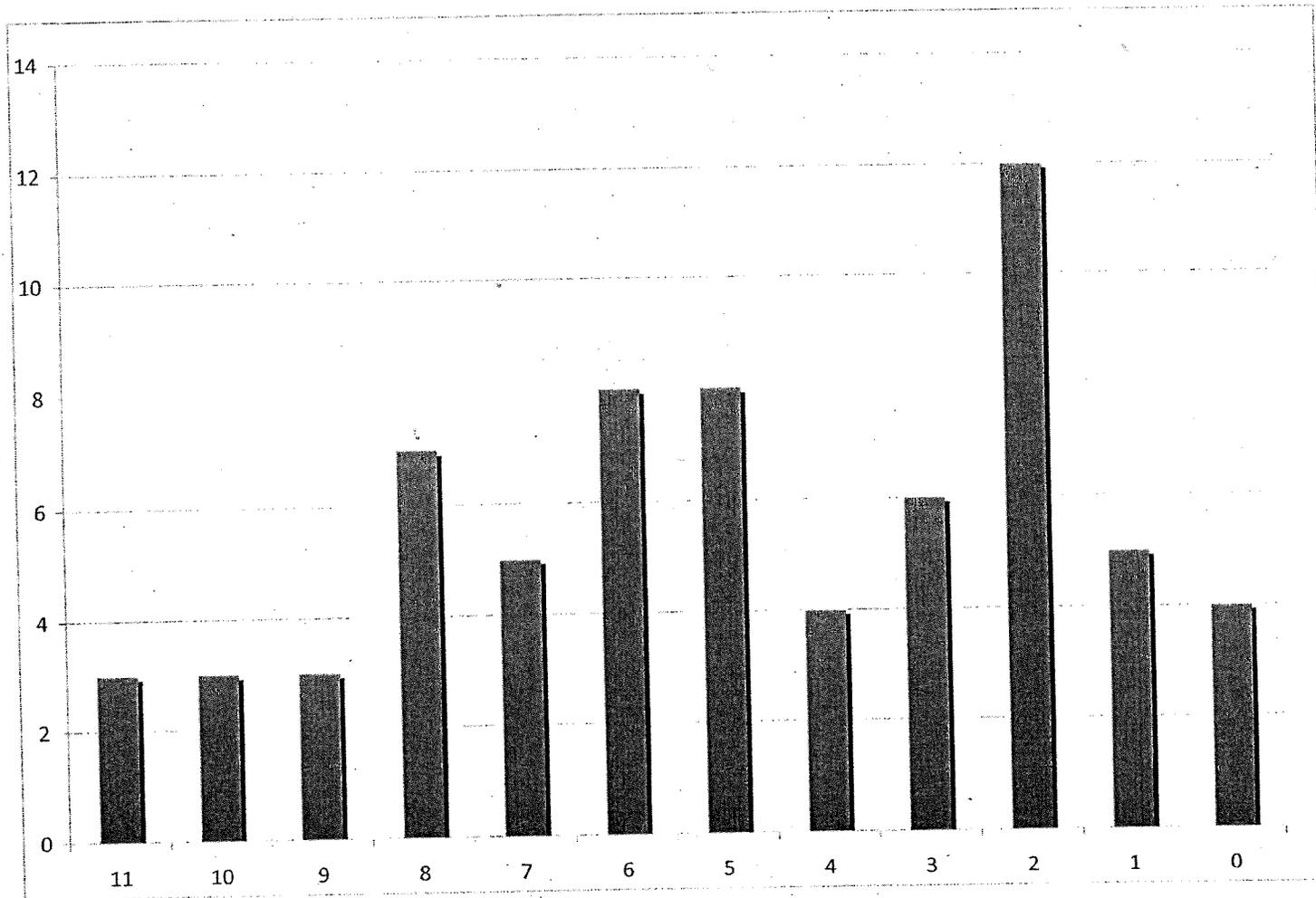
		average	score	count	cumulative
ldc 1	11	4.88235294			
nat 1	11				
nat 2	11	std dev			
hrc 1	10	3.08355974			
ldc 2	10			11	3
ldc 3	10			10	3
ed 1	9			9	3
ii 1	9			8	7
ldc 4	9			7	5
ii 2	8			6	8
ii 3	8			5	8
ii 4	8			4	4
ldc 5	8			3	6
ldc 6	8			2	12
ldc 7	8			1	5
ldc 8	8			0	4
ed 2	7				
ii 5	7				
ii 6	7				
ldc 9	7				
nat 3	7				
ap 1	6				
ap 2	6				
ii 7	6				
ii 8	6				
ldc 10	6				
ldc 11	6				
ldc 12	6				
ldc 13	6				
ap 3	5				
ldc 14	5				
ldc 15	5				

ATTACHMENT B-1

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ldc 22	3
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ldc 24	3
ldc 25	3
nat 6	3
ap 6	2
ii 10	2
ii 9	2
ldc 26	2
ldc 27	2
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ldc 29	2
ldc 30	2
ldc 31	2
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ldc 33	2
ldc 34	2
hrc 2	1
hrc 3	1
ldc 35	1
ldc 36	1
ldc 37	1

ii 13	0
ldc 38	0
ldc 39	0
ldc 40	0

B-3



B-4

**Planning Work Program Update-  
Land Development Code Amendments**

Presentation to City Council  
June 18, 2012

Ken Gibb, Community Development Director  
Evin Young, Planning Division Manager  
Bob Richardson, Associate Planner

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**Introduction & Background**

- ◉ Consistent with approved Work Program
- ◉ Also includes:
  - Council Goal on local food
  - Council Goal for OSU-City Collaboration
  - Staff recommended additions approved by the Planning Commission.
- ◉ Represents the most that can be accomplished during Council term.

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**Introduction and Background**

- ◉ Requested Action:
  - Review and provide feedback to Staff
- ◉ To finalize Text Amendments by Mid-August Staff must then “roll up our sleeves” and get started!

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### **LDC Amendments Package**

- ◉ House-keeping items
- ◉ Infill Development measures
- ◉ Substantive Issues
- ◉ City Council Local Food Goal
- ◉ OSU-City Collaboration Project

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### **House-Keeping Items**

- ◉ Consist of corrections/clarifications to obvious errors or omissions in the LDC.
- ◉ Have minor policy implications, if any.
- ◉ As authorized, additional items have been added to the list since it was reviewed in 2011.
- ◉ Will be reviewed by the Planning Commission and City Council through the public hearing process.

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### **Infill Development Measures**

- ◉ The Infill Task Force is a group of citizen volunteers who developed a list of recommended Land Development Code amendments to address items from the Planning Division's "Unresolved Planning Issues List"
- ◉ In April of 2011, the Infill Task Force recommendations were included as part of the 2011 – 2012 Planning Division Work Program

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**Infill Development (Continued)**

- ⊙ As part of the Planning Commission's recent work sessions on the 2012 Code Amendment Package, the Planning Commission, staff, and Infill Task Force members worked together to identify code amendments that should be included.
- ⊙ Resultant changes include:
  - 14 of 16 proposed items, but setting aside Infill Definition and Irrevocable Petition proposals for the time being;
  - Slight changes to items 2, 5, 6, 7, and 11; and changing the approach to item 15 (MADA)

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**Substantive Issues**

- ⊙ Contains Staff proposed LDC Amendments
- ⊙ Intended to streamline the LDC, and maintain consistency with :
  - State requirements
  - Community's vision
- ⊙ Items 14-21 from Exhibit A-5, included during Planning Commission Work Sessions

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**Council Goal – Local Food**

GOAL	FOOD SYSTEM
<ul style="list-style-type: none"> <li>⊙ <i>The Council will provide direction on recommendations to strengthen access to, and availability of, locally produced food and community gardens via policy, ordinance and Land Development Code changes.</i></li> </ul>	<ul style="list-style-type: none"> <li>⊙ Production</li> <li>⊙ Processing</li> <li>⊙ Sale</li> <li>⊙ Waste / By Products</li> </ul>

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**Local Food Recommendations**

- ◉ Define Private and Community Gardens
- ◉ Create Home Business / Market Garden definition
- ◉ Permit Private Gardens on Vacant Lots
- ◉ Permit Horticulture in other Industrial and Commercial Zones
- ◉ Permit Community Gardens in Commercial and Residential Zones
- ◉ Permit Row and Field, and Tree Crops in Industrial Zones
- ◉ Permit Aquaculture in Industrial and Commercial Zones
- ◉ Incorporate Food Processing and Packaging in Limited Manufacturing Use Type

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**OSU-City Collaboration Project**

- ◉ A place-holder has been reserved for any "Quick Action Items" that may come from the OSU Collaboration Work Groups
- ◉ Code Amendments will need to be relatively simple, with careful consideration given to avoid unintended consequences

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**OSU-City Collaboration Project  
(Continued)**

- ◉ "Quick Action" Code amendments must be supported by the Steering Committee and City Council
- ◉ Work Group recommendation would need to be made by mid-July

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**What's Not Included:**

- ◉ Recommended Code changes from the City/OSU Collaboration Project that are not "quick action items"
- ◉ LDC Chapter 2.9 changes to allow OSU to administer the OSU Historic District
- ◉ Code changes to allow for an "On the Record" Hearing Process

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**What's Not Included (Continued):**

- ◉ Changes to the City's Natural Features protections, not authorized by the 2011 Planning Division Work Program review.
- ◉ Any other code changes that are currently being contemplated
- ◉ Buildable Lands Inventory Update

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**Next Steps**

Date	Action
June - August	Staff Finalizes Amendments Package
August 13, 2012	Notice to DLCD
September 19, 2012	Planning Commission Public Hearing
November 5, 2012	City Council Public Hearing
December 3, 2012	Final City Council Action

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**Streamlined Review Process**

- ⊙ Public Hearings will be the forum for public comment.
- ⊙ Minor Planning Commission and City Council revisions are possible.
- ⊙ Challenging items may need to be removed from package.

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